



Oregon

Theodore R. Kulongoski, Governor



OREGON
DEPARTMENT OF
ENERGY

625 Marion St. NE
Salem, OR 97301-3737
Phone: (503) 378-4040
Toll Free: 1-800-221-8035
FAX: (503) 373-7806
www.Oregon.gov/ENERGY

Residential Energy Tax Credit

Date: September 2, 2008

To: Interested Parties

From: Suzanne Dillard, Rules Coordinator

Subject: Notice of proposed rulemaking hearing for the Residential Energy Tax Credit. The Oregon Department of Energy is in the process of amending Oregon Administrative Rules (OARs) 330-070-0010 through 330-070-0097 that apply to the Residential Energy Tax Credit Program. You are invited to participate.

Pursuant to ORS 183.335(1)(c), attached is a copy of the Notice of Proposed Rulemaking Hearing submitted to the Secretary of State's Bulletin for this proceeding.

The Oregon Department of Energy has scheduled the following public meetings and public hearings on these OAR changes:

Tax Credit General Public Workshop – Sept. 25, 2008 at 9:30 a.m.

Purpose of this workshop is to receive comments and input. Summary of issues attached.

Formal Public Hearing – Oct. 7, 2008 at 9:30 a.m.

Draft rules will be available Sept. 2, 2008 on the Oregon Department of Energy Web site at: www.oregon.gov/ENERGY/CONS/RES/docs/oar-retc08draft.pdf or may be requested by phone at 1-800-221-8035 or (503) 378-4040.

End of Public Comment Period – Oct. 14, 2008 at 5:00 p.m.

Comments may be sent to ann.grim@state.or.us or faxed to Ann Grim at (503) 373-7806 or mailed to Ann Grim at the Oregon Department of Energy, 625 Marion St. N.E., Salem, OR 97301-3737.

Rules Effective – Nov. 1, 2008

All meetings will be held at:

Oregon Department of Energy
625 Marion Street NE (corner of Marion and Church)
Salem, OR 97301-3737

If you would like use the teleconference option, please contact Jen Wetherbee at (503) 378-4040 or 1-800-221-8035 or by e-mail at jenifer.wetherbee@state.or.us Auxiliary aids for persons with disabilities are available upon advance request by calling Jen Wetherbee at the numbers listed above.

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

Oregon Department of Energy

OAR 330-070-0010 to OAR 330-070-097

Agency and Division

Administrative Rules Chapter Number

Kathy Stuttaford

625 Marion St., N.E., Salem OR 97301

503-378-4128

Rules Coordinator

Address

Telephone

RULE CAPTION

Amend Residential Energy Tax Credit (RETC) program rules.

NA

Informal Hearing Date

Time

Location

Hearings Officer

October 7, 2008

9:30 a.m.

Oregon Dept. of Energy, 625 Marion St., N.E., Salem OR

Suzanne Dillard

Hearing Date

Time

Location

Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND: OAR 330-070-0010, -0026, -0070, -0073, and -0089.

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth. : ORS 469.160 to ORS 469.180, ORS 469.040(1)(d).

Other Auth.:

Stats. Implemented: ORS 469.160 to ORS 469.180

RULE SUMMARY

The proposed rules would:

- Amend the eligibility of tax credit qualified heat pump and duct systems to be based on the company (not the technicians) participation in annual ODOE training.
- Eliminate the five-year requirement for geothermal technicians to have International Ground Source Heat Pump Association (IGSHPA) training.
- Amend the requirement for downhole heat exchangers (direct use geothermal systems) to state that they must include a summary report from Oregon Institute of Technology or other source approved by the Director which describes the system and indicates that it will deliver sufficient heat and the design meets current good practice guidelines.
- Increase the maximum size requirement for a tax credit qualified refrigerator to 31 cubic feet.
- Add to the requirement for water heaters that they may also be listed with Energy Star or California Energy Commission to qualify.
- Replace the requirement that warm air furnaces must have electronically commutated, permanent magnet variable speed DC (ECPM) motor with the requirement that they must be listed in the Gas Appliance Manufacturers Association (GAMA) Directory of Certified Energy Rating in effect at the time these rules are adopted as "electrically efficient."
- Add the requirement that boilers have a minimum AFUE rating of 0.92 (92 percent) effective January 1, 2009.
- Clarify the requirement for a very efficient biomass combustion device to have one quarter of a million Btu per hour heat output and not input.

- Amend the requirements for solar tax credit certified technicians to maintain their certification each year.
- Amend the date for requiring North American Board of Certified Energy Practitioners (NABCEP) certification for first-time solar technician applicants to May 4, 2009 and for renewing solar technicians to May 4, 2010.
- Amend rules for wind systems to require a five year manufacturer's warranty.
- Make editorial and housekeeping changes to OAR 330-070-0010 to OAR 330-070-0097.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

October 14, 2008

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

Signature

Printed name

Date

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005