



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A,
 Salem, OR 97301
 (503) 986 – 0900

*Invitation
 to provide* **COMMENT**

NOTICE OF OPEN COMMENT PERIOD AND RULEMAKING HEARING

OAR Chapter 690

SUBJECT The Oregon Water Resources Department (Department) is proposing amended and new rules within OAR Chapter 690, Division 240 designed to clarify and establish requirements for the construction of closed loop ground source heat pump borings.

The Department filed notice of this rulemaking in the *Oregon Bulletin* published by the Secretary of State on November 1, 2011. Under ORS 183.335(2)(b)(G), the Department is also requesting public comment on whether other options should be considered for achieving the rule’s substantive goals while reducing negative economic impact of the rule on business.

The written comment period closes at 5:00 PM, Thursday, December 1, 2011.

HOW TO COMMENT: Send comments or other materials expressing your opinion

by mail to: Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR 97301-1271
 ATTN: Ruben E. Ochoa

by fax to: (503) 986-0903, Attn: Ruben E. Ochoa; or

by e-mail to: Ruben.E.Ochoa@state.or.us; or rule-coordinator@ wrd.state.or.us

Letters need not be typed, but should be legible, as should any other materials you send. In addition, you can speak or submit written comments at the following public hearing:

11/22/2011	2-3 pm	725 Summer St. NE, Salem OR [N. Mall Office Bldg; Conf. Rm. 124]	Tom Paul
Hearing Date	Time	Location	Hearings Officer

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

To find out more about this rulemaking or to obtain a copy of the rules visit http://www.wrd.state.or.us/cgi-bin/notices.pl?oar_notices or contact Ruben E. Ochoa at the Department at (503) 986-0874.

BACKGROUND:

The proposed rules provide guidance and standards for installers to meet when constructing closed loop ground source heat pump borings, cased or uncased, that are greater than 18 feet deep. Although the construction methods required in the proposed rules are not significantly different from the performance standards in existing rule, the proposed rules provide more clarity, consistency and certainty than the existing rules.

Documents relied upon and where they can be reviewed:

International Groundwater Source Heat Pump Association Standards (IGSHPA). The IGSHPA *Closed-Loop/Geothermal Heat Pump Systems: Design and Installation Standards 2010 Edition* can be viewed at: http://www.igshpa.okstate.edu/pdf_files/publications/Standards2010s.pdf

OAR Chapter 690, Division 240 can be viewed at:

http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_240.html

POSSIBLE FISCAL IMPACTS OF THE PROPOSED RULES:

The proposed rules provide guidance and standards for installers to use when constructing closed loop ground source heat pump borings, cased or uncased, that are greater than 18 feet deep. Data from closed loop heat pump borings constructed in 2010 show that installers are generally using some of the grout material in the closed loop heat pump borings that is required in the proposed rules. As noted earlier, the construction methods required in the proposed rules are not significantly different from the performance standards in existing rule. The proposed rules are intended to add clarity, consistency, and certainty to existing rules, and as such, will not change existing general construction methods. The Department does not anticipate that the proposed rules, if adopted, will have a significant fiscal or economic impact. The Department does acknowledge, after input from the Rules Advisory Committee and others in the industry that install closed loop ground source heat pump systems, that the proposed rules may have a minor fiscal impact.

The Oregon Department of Energy offers residential energy tax credits for the installation of high performance ground source heat pump systems. An Oregon resident must have a tax-credit certified geothermal technician install their systems to be eligible for the tax credit. Contact with several certified geothermal technicians provided information which indicates that ground source heat pump systems developed at a depth greater than 18 feet are generally constructed by well constructors licensed by the Water Resources Department. The Oregon Department of Energy reviewed the proposed rules and indicated that they would not impact the amount of credit awarded. The Department does not anticipate a cost of compliance impact on units of local government.

THE REVIEW PROCESS:

Please present your comments by speaking at the public hearing listed above, or by sending your written comments by mail, email, or fax to the Water Resources Department at the address listed above. Written comments must be received no later than 5:00 PM, Thursday, December 1, 2011. It will be your responsibility to verify that faxed or emailed comments are received.

The Water Resources Commission (Commission) is likely to consider these proposed rules at its meeting in January 2012. The Commission may choose to receive additional oral public comment and written testimony on the proposed rules as part of an agenda item at any future Commission meeting. Written testimony presented to the Commission after the public comment period has closed will be limited to specific language suggestions related to changes made by the Department from the public hearing draft rules to the final proposed rules.

For copies of the proposed rules or further information on the public hearings, contact Ruben E. Ochoa at (503) 986-0874. You may also obtain a copy of the existing rules on the Department's web page at <http://www.wrd.state.or.us/>.

Note: The services, programs and activities of the Department are covered by the Americans with Disabilities Act (ADA). The ADA prohibits discrimination against persons with disabilities. The Department intends to comply with the ADA. If you are interested and need special accommodations to participate in the public hearings, please contact the Department at (503) 986-0878, at least 48 hours prior to the hearing.