



July 21, 2009

Certification of small wind turbines

Opportunity for public input:

Those who would like to provide public testimony may attend a public hearing on July 21, 2009 at 9:30 a.m. The hearing will be located at the Building Codes Division, Conference Room A. Written comments may also be submitted to the contact below. The last day to submit written comments is 5:00 p.m. July 24, 2009.

Live broadcast via the internet:

To view the public hearing live, click on "[View live meetings](#)"

Purpose of the rule:

This proposed rule establishes a process for certifying small wind turbines with a capacity of 100 kW or less. If adopted, this rule would be valid until January 1, 2011 allowing time for standards to be developed and manufacturers to have the products tested to those standards.

This proposed rule would become effective October 1, 2009.

Citation:

Adopt: OAR 918-311-0080

History:

Manufacturers and distributors of small wind turbines and the Oregon Department of Energy (ODOE) initially requested an exemption from product certification requirements for these small wind turbines from the Electrical and Elevator Board. The board rejected this request and suggested the parties work with the division and bring back a revised proposal at a future meeting.

The parties, after meeting with the division, and after having discussions with testing laboratories, developed this proposed rule. The board, at its May 28, 2009 meeting, considered the proposed rules and approved them to go to public hearing.

Contact:

If you have questions or need further information, please contact Hearing Officer Aeron Teverbaugh at (503) 373-1354, or Aeron.Teverbaugh@state.or.us.



Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

Department of Consumer and Business Services, Building Codes Division 918
Agency and Division Administrative Rules Chapter Number

Shauna M. Parker PO Box 14470, Salem, OR 97309 (503) 373-7438
Rules Coordinator Address Telephone

RULE CAPTION

Establishes an alternate certification process for small wind turbines.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

July 21, 2009 9:30 a.m. 1535 Edgewater Street NW, Salem, OR 97304 Aeron Teverbaugh
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: 918-311-0080

AMEND:

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 479.760

Other Auth.:

Stats. Implemented: ORS 479.760

RULE SUMMARY

The proposed rule establishes a process for certifying small wind turbines. The proposed rule allows for an alternate certification for wind turbines with a capacity of 100 kW or less. To be certified under the proposed rule a manufacturer submits a single turbine for field evaluation and then provides documentation that all other turbines of that particular model are the same as the evaluated one. Existing permitting, licensing, and inspection requirements also apply. The proposed rule would sunset in December 2010.

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.

Friday, July 24, 2009 at 5:00 p.m.

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

Patrick Allen
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

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services, Building Codes Division

918

Agency and Division

Administrative Rules Chapter Number

Establishes an alternate certification process for small wind turbines.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Adopting OAR 918-311-0080

Statutory Authority: ORS 479.760

Other Authority:

Stats. Implemented: ORS 479.760

Need for the Rule(s): Oregon statute requires electrical equipment to be certified before it can be installed in the state. National certification standards for small wind turbines have been established only in the last month, making it difficult and expensive to install them. The proposed rule is necessary to allow for economical installation of small wind turbines until such time as national standards are available and small wind turbine manufacturers can follow the standard process for certification.

Documents Relied Upon, and where they are available: Electrical and Elevator Board meeting minutes from May 28, 2009 and draft rules are available from the division's rules coordinator, located at 1535 Edgewater St NW, Salem, OR 97304 and are available on the division's Web site at www.bcd.oregon.gov.

Fiscal and Economic Impact:

Based on available information the division is unable to estimate the exact fiscal and economic impact. This proposed rule could have a short term positive fiscal impact on owners installing small wind turbines in Oregon. The rule would require only the first model to be evaluated. Subsequent models identical to the evaluated model could be installed without evaluation only if they are built exactly to the standards of the evaluated model. Actual expenses or savings cannot be quantified at this time due to insufficient data.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

Local governments may incur minimal additional costs in reviewing documentation of compliance with the field evaluation standard. However, because certification is already required, the rule merely provides a different path that municipalities must comply with.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: The division estimates that between six and eight small wind turbine manufactures will utilize the rules to install small wind turbines in Oregon.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

The proposed rule may impose some minimal additional reporting, record keeping, or administrative requirements on small businesses. The rule requires small wind turbine manufacturers to submit a model to a field evaluation firm for approval and submit documentation that all additional units of the same model are the same. Currently, prior to installation of a small wind turbine, a manufacturer would be required to submit all units for field evaluation but would not be required to submit documentation. Under current practice manufactures incur a greater cost than under the proposed rule.

c. Equipment, supplies, labor and increased administration required for compliance:

The proposed rule may cause a slight increase in administration for small businesses engaged in the manufacture of small wind turbines because they will be required to develop and maintain program standards to ensure that all units are identical to the model approved through field evaluation. However, these processes will be similar to those that a business would be required to develop for a standard certification. The division believes the costs of compliance are minimal.

How were small businesses involved in the development of this rule? Small businesses were represented on the Electrical and Elevator Board that reviewed and discussed the rules at its May 28, 2009 meeting.

Administrative Rule Advisory Committee consulted?: No

If not, why?: The Electrical and Elevator Board reviewed and approved the proposed rules. The board represents a wide segment of industry.

Signature	Patrick Allen	Date
	Printed name	

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007

**Small Wind Product Certification
Draft Rule: 6-8-09**

918-311-0080

Alternate Certification for Installation of Small Wind Turbines

(1) Wind turbines with a name plate capacity of not more than 100kW that meet the following criteria are considered certified as required by ORS 479.610.

(2) Certification under this rule only applies to small wind turbines where:

(a) The product design is reviewed for compliance with appropriate product safety and functionality standards and stamped by an Oregon-licensed professional electrical engineer; and

(b) The inverter is listed or labeled by a Nationally Recognized Testing Laboratory.

(3)(a) To ensure the safety of the components under this rule:

(i) The manufacturer must submit one of each model of the product to an approved field evaluation firm for evaluation and approval as meeting electrical product safety standards;

(ii) The manufacturer must certify that each additional turbine of the same model meets the approved electrical product safety standards of the evaluated model; and

(iii) The field evaluation firm will provide for random evaluation of additional units as necessary, in accordance with the recommended practices required by OAR 918-306-0010(2)(c).

(b) If the approved model is changed it must be re-evaluated.

(4) Documentation demonstrating compliance with section (3) of this rule must be provided to the inspecting jurisdiction.

(5) Installations performed under this rule are required to comply with all appropriate permit, inspection, and licensing requirements.

(6) The provisions of this rule expire on January 1, 2011.

Stat. Auth.: ORS 479.760

Stat. Implemented: ORS 479.760

Hist.: New