



Biomass Producer or Collector Tax Credit
Rule Advisory Committee
Meeting Minutes

Oregon Department of Energy
625 Marion Street NE
Salem, Oregon 97301-3737
December 18, 2009

Introductions, rule adoption process, meeting process, and timeline

- Notice of the meeting was made by press release to newspapers throughout the state and mailed/e-mailed to individuals on the rule advisory committee and interested parties mailing list.
- The Oregon Department of Energy (ODOE) provided an overview of the meeting agenda and the objectives for the meeting.

Agenda as follows:

- Introductions
- Discuss proposed concepts and rules.
- Determine next steps

Present: Andrea Simmons, Matt Krumenauer, John Pine, Jack LeRoy, Mark Stanley, Mark Kendall, Thad Roth, Michelle Slater, Bernie Faber, Kathy Hadley, Micheal Bull, Rolf Anderson, Marcus Kauffman, Gavin Carpenter, Levi Chamberlain, Adam P. Morrison, Stephen Lawn, Linc Cannon, Brent Searle, Katie Fast, Rupesh Sansgiri, Ryan Wolfenbager, Leah Wolfenbager, Tomas Endicott.

Review of Meeting Minutes

- The committee reviewed the draft meeting minutes
- The committee suggested revisions and the revisions were incorporated
- The committee unanimously approved the meeting minutes as amended

Discussion on Draft Rules

- ODOE posted a draft of the proposed rules on the department website prior to the meeting.
- The committee discussed the definition of Agricultural Producer and Biomass Collector.
 - The Definition of Agricultural Producer and Biomass Collector should remain focused on the activities these individuals conduct to be eligible for the tax credit rather than the activities the biofuel producer conducts.
 - The Committee suggested the department consider a definition for applicant or eligible applicant.
 - There was a suggestion to look at the current definition provided in statute and determine why it is necessary to re-define these terms in the rule. Redefining the definition may limit the scope that was in the statute.
 - The committee discussed and suggested that ownership of the biomass could be a criterion for determining eligibility for the tax credit.

- The committee discussed the ability for an agriculture producer to claim a credit for the production of oil seeds and how this affects the ability for an oil seed processor to also claim a tax credit.
- The committee discussed the definition of biomass and the additional criteria that ODOE proposed in the draft rules.
 - The committee discussed the eligibility of firewood production for the tax credit and how the definition may be able to reference the use of the biomass as a criterion.
- The committee discussed the definition of biomass collector and how an agent relationship may be interpreted in the context of determining who the biomass collector is for the purpose of this tax credit.
- The committee discussed the Application process.
 - Committee members provided descriptions of how current practices are documented.
 - The committee suggested that the draft as presented requires excessive paperwork requirements.
 - The committee suggested that ODOE determine if a third party certification could be utilized for this tax credit.
 - The committee suggested ODOE could do a sampling of documentation. For example, ODOE could review summary sheets and then conduct a random sampling of weight tickets or other documentation that would be maintained by the applicant.
 - The committee suggested that 30 days may be too little time to complete an application after the end of the year.

Other items:

- ODOE suggested that the committee meet again in January to continue discussing the proposed rules.
- The committee agreed to have another meeting and selected January 13, 2010 as the next meeting.

Meeting adjourned. Discussion of draft rules will continue at the January 13th meeting.

Matt Krumenauer
 Senior Policy Analyst
 Oregon Department of Energy

January 11, 2009