

House Bill 3376

Sponsored by Representatives D EDWARDS, WHISNANT; Representatives GILLIAM, WINGARD, Senators STARR, TELFER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows authorized state agencies to use fuel cell power systems for emergency backup power applications and for critical power applications. Requires State Department of Energy to adopt rules establishing criteria to compare fuel cell power systems with other equipment options.

Modifies certain provisions related to diesel engines.

A BILL FOR AN ACT

1
2 Relating to emissions; creating new provisions; amending ORS 468A.793 and 468A.795; and repealing
3 sections 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 and 58, chapter 843, Oregon
4 Laws 2007.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS 276.900 to**
7 **276.915.**

8 **SECTION 2. (1) Before constructing or renovating a facility, an authorized state agency**
9 **shall, after comparing various equipment options and to the greatest extent practicable, use**
10 **fuel cell power systems for emergency backup power applications and for critical power ap-**
11 **plications in lieu of other equipment options.**

12 **(2)(a) The State Department of Energy shall, in consultation with the Oregon Department**
13 **of Administrative Services, adopt rules establishing criteria for the comparison of fuel cell**
14 **power systems and other equipment options required by subsection (1) of this section.**

15 **(b) Criteria to be established under this subsection must address:**

16 **(A) The impact of emissions, including but not limited to nitrous oxide, sulfur oxide,**
17 **carbon monoxide, carbon dioxide and particulates, from various equipment options, on the**
18 **environment, regardless of whether the equipment is installed indoors or installed outdoors;**

19 **(B) Life cycle costs, including but not limited to acquisition costs, installation and com-**
20 **missioning costs, siting and permitting costs, maintenance costs and fueling and decommis-**
21 **sioning costs; and**

22 **(C) The complexity of equipment options and any ancillary equipment.**

23 **SECTION 3. ORS 468A.793 is amended to read:**

24 468A.793. The Environmental Quality Commission shall establish a goal to reduce excess lifetime
25 risk of cancer due to exposure to diesel engine **and diesel backup generator** emissions to no more
26 than one case per million individuals by 2017. In setting the goal, the commission shall include a
27 target to substantially reduce the risk to school children from diesel engine emissions produced by
28 Oregon school buses, **by other motor vehicles and by diesel backup generators** by the end of
29 2013. The Department of Environmental Quality is directed to track and report to the Legislative
30 Assembly on the progress in meeting this goal.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

SECTION 4. ORS 468A.795 is amended to read:

468A.795. As used in ORS 468A.795 to 468A.803 and sections 11 to 16, chapter 855, Oregon Laws 2007:

(1) “Combined weight” has the meaning given that term in ORS 825.005.

(2) “Cost-effectiveness threshold” means the cost, in dollars, per ton of diesel particulate matter reduced, as established by rule of the Environmental Quality Commission.

(3) “Heavy-duty truck” means a motor vehicle or combination of vehicles operated as a unit that has a combined weight that is greater than 26,000 pounds.

(4) “Incremental cost” means the cost of a qualifying repower or retrofit less a baseline cost that would otherwise be incurred in the normal course of business.

(5) “Medium-duty truck” means a motor vehicle or combination of vehicles operated as a unit that has a combined weight that is greater than 14,000 pounds but less than or equal to 26,000 pounds.

(6) “Motor vehicle” has the meaning given that term in ORS 825.005.

(7) “Nonroad Oregon diesel engine” means any Oregon diesel engine that was not designed primarily to propel a motor vehicle on public highways of this state.

(8) “Oregon diesel engine” means an engine at least 50 percent of the use of which, as measured by miles driven or hours operated, will occur in Oregon for the three years following the repowering or retrofitting of the engine.

(9) “Oregon diesel truck engine” means a diesel engine in a truck at least 50 percent of the use of which, as measured by miles driven or hours operated, has occurred in Oregon for the two years preceding the scrapping of the engine.

(10) “Public highway” has the meaning given that term in ORS 825.005.

(11) “Repower” means to scrap an old diesel engine and replace it with a new engine, a used engine or a remanufactured engine, or with electric motors, **backup generators**, drives or fuel cells, with a minimum useful life of seven years.

(12) “Retrofit” means to equip a diesel engine with new emissions-reducing parts or technology after the manufacture of the original engine. A retrofit must use the greatest degree of emissions reduction available for the particular application of the equipment retrofitted that meets the cost-effectiveness threshold.

(13) “Scrap” means to destroy and render inoperable.

(14) “Truck” means a motor vehicle or combination of vehicles operated as a unit that has a combined weight that is greater than 14,000 pounds.

SECTION 5. ORS 468A.795, as amended by section 6a, chapter 855, Oregon Laws 2007, is amended to read:

468A.795. As used in ORS 468A.795 to 468A.803:

(1) “Combined weight” has the meaning given that term in ORS 825.005.

(2) “Cost-effectiveness threshold” means the cost, in dollars, per ton of diesel particulate matter reduced, as established by rule of the Environmental Quality Commission.

(3) “Heavy-duty truck” means a motor vehicle or combination of vehicles operated as a unit that has a combined weight that is greater than 26,000 pounds.

(4) “Incremental cost” means the cost of a qualifying repower or retrofit less a baseline cost that would otherwise be incurred in the normal course of business.

(5) “Medium-duty truck” means a motor vehicle or combination of vehicles operated as a unit that has a combined weight that is greater than 14,000 pounds but less than or equal to 26,000

1 pounds.

2 (6) "Motor vehicle" has the meaning given that term in ORS 825.005.

3 (7) "Nonroad Oregon diesel engine" means any Oregon diesel engine that was not designed pri-
4 marily to propel a motor vehicle on public highways of this state.

5 (8) "Oregon diesel engine" means an engine at least 50 percent of the use of which, as measured
6 by miles driven or hours operated, will occur in Oregon for the three years following the repowering
7 or retrofitting of the engine.

8 (9) "Oregon diesel truck engine" means a diesel engine in a truck at least 50 percent of the use
9 of which, as measured by miles driven or hours operated, has occurred in Oregon for the two years
10 preceding the scrapping of the engine.

11 (10) "Public highway" has the meaning given that term in ORS 825.005.

12 (11) "Repower" means to scrap an old diesel engine and replace it with a new engine, a used
13 engine or a remanufactured engine, or with electric motors, **backup generators**, drives or fuel cells,
14 with a minimum useful life of seven years.

15 (12) "Retrofit" means to equip a diesel engine with new emissions-reducing parts or technology
16 after the manufacture of the original engine. A retrofit must use the greatest degree of emissions
17 reduction available for the particular application of the equipment retrofitted that meets the cost-
18 effectiveness threshold.

19 (13) "Scrap" means to destroy and render inoperable.

20 (14) "Truck" means a motor vehicle or combination of vehicles operated as a unit that has a
21 combined weight that is greater than 14,000 pounds.

22 **SECTION 6. Sections 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 and 58,**
23 **chapter 843, Oregon Laws 2007, are repealed.**

24