

House Bill 3674

Sponsored by COMMITTEE ON SUSTAINABILITY AND ECONOMIC DEVELOPMENT

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 facilities that generate electricity by using biomass or combusting municipal solid waste to comply with renewable portfolio standard under certain conditions. Specifies conditions under which State Department of Energy may certify facilities as eligible for renewable energy certificates.

Authorizes full recovery of costs by public utilities in prudent energy investments related to planning, financing, construction and operation of hydrogen power stations.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to renewable energy sources used to comply with a renewable portfolio standard; creating
3 new provisions; amending ORS 469A.020 and 469A.025; and declaring an emergency.

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

5 **SECTION 1.** ORS 469A.020 is amended to read:

6 469A.020. (1) Except as provided in this section, electricity may be used to comply with a
7 renewable portfolio standard only if the electricity is generated by a facility that becomes opera-
8 tional on or after January 1, 1995.

9 (2) Electricity from a generating facility, other than a hydroelectric facility, that became opera-
10 tional before January 1, 1995, may be used to comply with a renewable portfolio standard if the
11 electricity is attributable to capacity or efficiency upgrades made on or after January 1, 1995.

12 (3) Electricity from a hydroelectric facility that became operational before January 1, 1995, may
13 be used to comply with a renewable portfolio standard if the electricity is attributable to efficiency
14 upgrades made on or after January 1, 1995. If an efficiency upgrade is made to a Bonneville Power
15 Administration facility, only that portion of the electricity generation attributable to Oregon's share
16 of the electricity may be used to comply with a renewable portfolio standard.

17 (4) Subject to the limit imposed by ORS 469A.025 (5), electricity from a hydroelectric facility
18 that is owned by an electric utility and that became operational before January 1, 1995, may be used
19 to comply with a renewable portfolio standard if the facility is certified as a low-impact hydroelec-
20 tric facility on or after January 1, 1995, by a national certification organization recognized by the
21 State Department of Energy by rule.

22 **(5)(a) Electricity from a generating facility located in this state that uses biomass and**
23 **that became operational before January 1, 1995, may be used to comply with a renewable**
24 **portfolio standard if the facility meets the requirements of the federal Public Utility Regu-**
25 **latory Policies Act of 1978 (P.L. 95-617) on the effective date of this 2010 Act, regardless of**
26 **whether the facility qualifies under the requirements of the Public Utility Commission.**

27 **(b) Renewable energy certificates derived from electricity generated by a facility that**
28 **qualifies under paragraph (a) of this subsection may not be used to comply with a renewable**
29 **portfolio standard before January 1, 2026. However, renewable energy certificates issued be-**

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.

1 fore January 1, 2026, may be banked pursuant to ORS 469A.005 to 469A.210 for use on or after
 2 January 1, 2026.

3 (6) A facility located in this state that generates electricity from direct combustion of
 4 municipal solid waste and that became operational before January 1, 1995, may be used to
 5 comply with a renewable portfolio standard for up to 11 average megawatts of electricity
 6 generated per calendar year. Renewable energy certificates derived from electricity gener-
 7 ated by a facility described in this subsection may not be used to comply with a renewable
 8 portfolio standard before January 1, 2026. However, renewable energy certificates issued be-
 9 fore January 1, 2026, may be banked pursuant to ORS 469A.005 to 469A.210 for use on or after
 10 January 1, 2026.

11 **SECTION 2.** To facilitate the creation of hydrogen power stations using anhydrous am-
 12 monia as a fuel source to comply with a renewable portfolio standard under ORS 469A.005
 13 to 469A.210, the Public Utility Commission may allow full recovery of costs by public utilities
 14 in prudent energy investments related to the planning, financing, construction and operation
 15 of hydrogen power stations. These investments may include, but need not be limited to:

16 (1) Systems designed to synthesize anhydrous ammonia fuel using electricity generated
 17 from renewable energy sources listed in ORS 469A.025;

18 (2) Infrastructure designed to store anhydrous ammonia generated from renewable en-
 19 ergy sources as a nonpolluting fuel for electricity generation and any other purpose;

20 (3) Energy systems designed to use anhydrous ammonia generated from renewable en-
 21 ergy sources as a fuel to generate electricity; and

22 (4) Electronic control and management systems designed to effectively integrate hydro-
 23 gen power station processes into the electricity transmission grid.

24 **SECTION 3.** ORS 469A.025 is amended to read:

25 469A.025. (1) Electricity generated utilizing the following types of energy may be used to comply
 26 with a renewable portfolio standard:

27 (a) Wind energy.

28 (b) Solar photovoltaic and solar thermal energy.

29 (c) Wave, tidal and ocean thermal energy.

30 (d) Geothermal energy.

31 (2) Except as provided in subsection (3) of this section, electricity generated from biomass and
 32 biomass by-products may be used to comply with a renewable portfolio standard, including but not
 33 limited to electricity generated from:

34 (a) Organic human or animal waste;

35 (b) Spent pulping liquor;

36 (c) Forest or rangeland woody debris from harvesting or thinning conducted to improve forest
 37 or rangeland ecological health and to reduce uncharacteristic stand replacing wildfire risk;

38 (d) Wood material from hardwood timber grown on land described in ORS 321.267 (3);

39 (e) Agricultural residues;

40 (f) Dedicated energy crops; and

41 (g) Landfill gas or biogas produced from organic matter, wastewater, anaerobic digesters or
 42 municipal solid waste.

43 (3) Electricity generated from the direct combustion of biomass may not be used to comply with
 44 a renewable portfolio standard if any of the biomass combusted to generate the electricity
 45 includes[:]

1 *[(a) Municipal solid waste; or]*

2 *[(b)]* wood that has been treated with chemical preservatives such as creosote,
 3 pentachlorophenol or chromated copper arsenate.

4 (4) Electricity generated by a hydroelectric facility may be used to comply with a renewable
 5 portfolio standard only if:

6 (a) The facility is located outside any protected area designated by the Pacific Northwest Elec-
 7 tric Power and Conservation Planning Council as of July 23, 1999, or any area protected under the
 8 federal Wild and Scenic Rivers Act, *[Public Law]* P.L. 90-542, or the Oregon Scenic Waterways Act,
 9 ORS 390.805 to 390.925; or

10 (b) The electricity is attributable to efficiency upgrades made to the facility on or after January
 11 1, 1995.

12 (5) Up to 50 average megawatts of electricity per year generated by an electric utility from
 13 certified low-impact hydroelectric facilities described in ORS 469A.020 (4) may be used to comply
 14 with a renewable portfolio standard, without regard to the number of certified facilities operated
 15 by the electric utility or the generating capacity of those facilities. A hydroelectric facility described
 16 in this subsection is not subject to the requirements of subsection (4) of this section.

17 **(6)(a) Direct combustion of municipal solid waste in a generating facility located in this**
 18 **state may be used to comply with a renewable portfolio standard. The qualification of a mu-**
 19 **nicipal solid waste facility for use in compliance with a renewable portfolio standard has no**
 20 **effect on the qualification of the facility for a tax credit under ORS 469.185 to 469.225.**

21 **(b) The total amount of electricity generated in this state by direct combustion of mu-**
 22 **nicipal solid waste by generating facilities that became operational in this state on or after**
 23 **January 1, 1995, may not exceed nine average megawatts per year for the purpose of com-**
 24 **plying with a renewable portfolio standard.**

25 *[(6)]* (7) Electricity generated from hydrogen gas, **including electricity generated by hydrogen**
 26 **power stations using anhydrous ammonia as a fuel source,** *[derived from any source of energy*
 27 *described in subsections (1) to (5) of this section]* may be used to comply with a renewable portfolio
 28 standard if:

29 **(a) The electricity is derived from:**

30 **(A) Any source of energy described in subsection (1) or (2) of this section; or**

31 **(B) A hydroelectric facility that complies with subsection (4) of this section and that is**
 32 **certified as a low-impact hydroelectric facility as described in ORS 469A.020 (4); and**

33 **(b) The output of the original source of energy is not also used to comply with a**
 34 **renewable portfolio standard.**

35 *[(7)]* (8) If electricity generation employs multiple energy sources, that portion of the electricity
 36 generated that is attributable to energy sources described in *[subsections (1) to (6) of]* this section
 37 may be used to comply with a renewable portfolio standard.

38 *[(8)]* (9) The State Department of Energy by rule may approve energy sources other than those
 39 described in this section that may be used to comply with a renewable portfolio standard. The de-
 40 partment may not approve petroleum, natural gas, coal or nuclear fission as an energy source that
 41 may be used to comply with a renewable portfolio standard.

42 **SECTION 4. The State Department of Energy may certify as eligible for renewable energy**
 43 **certificates a facility that qualifies under ORS 469A.020 (5) and (6) and 469A.025 (6) and (7)**
 44 **only for electricity generated on or after January 1, 2011.**

45 **SECTION 5. To be eligible for renewable energy certificates, the owner or operator of a**

1 **generating facility that qualifies under ORS 469A.020 (5) and (6) and 469A.025 (6) and (7) must**
2 **register the generating facility with the Western Renewable Energy Generation Information**
3 **System or other regional system or trading program designated by the State Department of**
4 **Energy before January 1, 2011.**

5 **SECTION 6. If any provision of this 2010 Act is declared unconstitutional, it is the intent**
6 **of the Legislative Assembly that all sections amended or repealed by this 2010 Act shall re-**
7 **main in effect the same as if this 2010 Act had not been enacted.**

8 **SECTION 7. This 2010 Act being necessary for the immediate preservation of the public**
9 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**
10 **on its passage.**

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