

Senate Bill 80

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber for Department of Environmental Quality)

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 Environmental Quality Commission to establish certain greenhouse gas emissions reporting fees. Limits fees and purposes for which fees may be established.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to greenhouse gas emissions reporting fees; creating new provisions; amending ORS
3 468A.280; and declaring an emergency.

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

5 **SECTION 1.** ORS 468A.280 is amended to read:

6 468A.280. (1) In addition to any registration and reporting that may be required under ORS
7 468A.050, the Environmental Quality Commission by rule may require registration and reporting by:

8 (a) Any person who imports, sells, allocates or distributes for use in this state electricity, the
9 generation of which emits greenhouse gases.

10 (b) Any person who imports, sells or distributes for use in this state fossil fuel that generates
11 greenhouse gases when combusted.

12 (2) Rules adopted by the commission under this section for electricity that is imported, sold, al-
13 located or distributed for use in this state may require reporting of information necessary to deter-
14 mine greenhouse gas emissions from generating facilities used to produce the electricity and related
15 electricity transmission line losses.

16 (3)(a) The commission shall allow consumer-owned utilities, as defined in ORS 757.270, to comply
17 with reporting requirements imposed under this section by the submission of a report prepared by
18 a third party. A report submitted under this paragraph may include information for more than one
19 consumer-owned utility, but must include all information required by the commission for each indi-
20 vidual utility.

21 (b) For the purpose of determining greenhouse gas emissions related to electricity purchased
22 from the Bonneville Power Administration by a consumer-owned utility, as defined in ORS 757.270,
23 the commission may require only that the utility report:

24 (A) The number of megawatt-hours of electricity purchased by the utility from the Bonneville
25 Power Administration, segregated by the types of contracts entered into by the utility with the
26 Bonneville Power Administration; and

27 (B) The percentage of each fuel or energy type used to produce electricity purchased under each
28 type of contract.

29 (4)(a) Rules adopted by the commission pursuant to this section for electricity that is purchased,
30 imported, sold, allocated or distributed for use in this state by an electric company, as defined in

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 ORS 757.600, must be limited to the reporting of:

2 (A) Greenhouse gas emissions emitted from generating facilities owned or operated by the elec-
3 tric company;

4 (B) Greenhouse gas emissions emitted from transmission equipment owned or operated by the
5 electric company;

6 (C) The number of megawatt-hours of electricity purchased by the electric company for use in
7 this state, including information, if known, on:

8 (i) The seller of the electricity to the electric company; and

9 (ii) The original generating facility fuel type or types; and

10 (D) An estimate of the amount of greenhouse gas emissions, using default greenhouse gas emis-
11 sions factors established by the commission by rule, attributable to:

12 (i) Electricity purchases made by a particular seller to the electric company;

13 (ii) Electricity purchases from an unknown origin or from a seller who is unable to identify the
14 original generating facility fuel type or types;

15 (iii) Electricity purchases for which a renewable energy certificate under ORS 469A.130 has
16 been issued but subsequently transferred or sold to a person other than the electric company;

17 (iv) Electricity transmitted for others by the electric company; and

18 (v) Total energy losses from electricity transmission and distribution equipment owned or oper-
19 ated by the electric company.

20 (b) Pursuant to paragraph (a) of this subsection, a multijurisdictional electric company may rely
21 upon a cost allocation methodology approved by the Public Utility Commission for reporting emis-
22 sions allocated in this state.

23 (5) Rules adopted by the commission under this section for fossil fuel that is imported, sold or
24 distributed for use in this state may require reporting of the type and quantity of the fuel and any
25 additional information necessary to determine the carbon content of the fuel. For the purpose of
26 determining greenhouse gas emissions related to liquefied petroleum gas, the commission shall allow
27 reporting using publications or submission of data by the American Petroleum Institute but may
28 require reporting of such other information necessary to achieve the purposes of the rules adopted
29 by the commission under this section.

30 (6) To an extent that is consistent with the purposes of the rules adopted by the commission
31 under this section, the commission shall minimize the burden of the reporting required under this
32 section by:

33 (a) Allowing concurrent reporting of information that is also reported to another state agency;

34 (b) Allowing electronic reporting;

35 (c) Allowing use of good engineering practice calculations in reports, or of emission factors
36 published by the United States Environmental Protection Agency;

37 (d) Establishing thresholds for the amount of specific greenhouse gases that may be emitted or
38 generated without reporting;

39 (e) Requiring reporting by the fewest number of persons in a fuel distribution system that will
40 allow the commission to acquire the information needed by the commission; or

41 (f) Other appropriate means and procedures determined by the commission.

42 **(7)(a) By rule the commission may establish greenhouse gas emissions reporting fees for**
43 **persons required to report pursuant to this section. Fees established pursuant to this sub-**
44 **section may not exceed the amounts set forth in paragraph (b) of this subsection.**

45 **(b)(A) For electric companies, as defined in ORS 757.600, and for other public utilities,**

1 as defined in ORS 757.005, that import, sell or distribute natural gas, the amount of the fee
2 established pursuant to this subsection may not exceed the maximum greenhouse gas emis-
3 sions reporting fee for air contamination sources established by the commission pursuant to
4 ORS 468A.050.

5 (B) For all other persons, fees established pursuant to this subsection may not exceed
6 \$100 per year.

7 [(7)] (8) As used in this section, “greenhouse gas” has the meaning given that term in ORS
8 468A.210.

9 **SECTION 2.** Section 3 of this 2011 Act is added to and made a part of ORS chapter 468A.

10 **SECTION 3.** The Environmental Quality Commission shall limit the fees established un-
11 der ORS 468A.280, and any fees established under ORS 468A.050 for greenhouse gas reporting,
12 to the anticipated cost of developing and implementing greenhouse gas reporting programs.

13 **SECTION 4.** The amendments to ORS 468A.280 by section 1 of this 2011 Act apply to re-
14 porting required on or after the effective date of this 2011 Act.

15 **SECTION 5.** This 2011 Act being necessary for the immediate preservation of the public
16 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
17 on its passage.

18 _____