

**PROPOSED AMENDMENTS TO  
B-ENGROSSED HOUSE BILL 2820**

1 On page 1 of the printed B-engrossed bill, line 2, delete “, 469.320, 469.503  
2 and”.

3 In line 3, delete “469.504”.

4 Delete lines 5 through 28 and delete pages 2 through 15 and insert:

5 **“SECTION 1. ORS 469.300 is amended to read:**

6 “469.300. As used in ORS 469.300 to 469.563, 469.590 to 469.619, 469.930 and  
7 469.992, unless the context requires otherwise:

8 “(1) ‘Applicant’ means any person who makes application for a site cer-  
9 tificate in the manner provided in ORS 469.300 to 469.563, 469.590 to 469.619,  
10 469.930 and 469.992.

11 “(2) ‘Application’ means a request for approval of a particular site or sites  
12 for the construction and operation of an energy facility or the construction  
13 and operation of an additional energy facility upon a site for which a cer-  
14 tificate has already been issued, filed in accordance with the procedures es-  
15 tablished pursuant to ORS 469.300 to 469.563, 469.590 to 469.619, 469.930 and  
16 469.992.

17 “(3) ‘Associated transmission lines’ means new transmission lines con-  
18 structed to connect an energy facility to the first point of junction of such  
19 transmission line or lines with either a power distribution system or an  
20 interconnected primary transmission system or both or to the Northwest  
21 Power Grid.

22 “(4) ‘Average electric generating capacity’ means the peak generating ca-

1 capacity of the facility divided by one of the following factors:

2 “(a) For wind [*or solar energy*] facilities, 3.00;

3 “(b) For geothermal energy facilities, 1.11; or

4 “(c) For all other energy facilities, 1.00.

5 “(5) ‘Combustion turbine power plant’ means a thermal power plant con-  
6 sisting of one or more fuel-fired combustion turbines and any associated  
7 waste heat combined cycle generators.

8 “(6) ‘Construction’ means work performed on a site, excluding surveying,  
9 exploration or other activities to define or characterize the site, the cost of  
10 which exceeds \$250,000.

11 “(7) ‘Council’ means the Energy Facility Siting Council established under  
12 ORS 469.450.

13 “(8) ‘Department’ means the State Department of Energy created under  
14 ORS 469.030.

15 “(9) ‘Director’ means the Director of the State Department of Energy ap-  
16 pointed under ORS 469.040.

17 “(10) ‘Electric utility’ means persons, regulated electrical companies,  
18 people’s utility districts, joint operating agencies, electric cooperatives,  
19 municipalities or any combination thereof, engaged in or authorized to en-  
20 gage in the business of generating, supplying, transmitting or distributing  
21 electric energy.

22 “(11)(a) ‘Energy facility’ means any of the following:

23 “(A) An electric power generating plant with a nominal electric generat-  
24 ing capacity of 25 megawatts or more, including but not limited to:

25 “(i) Thermal power; [*or*]

26 “(ii) Combustion turbine power plant[.]; **or**

27 **“(iii) Solar thermal power plant.**

28 “(B) A nuclear installation as defined in this section.

29 “(C) A high voltage transmission line of more than 10 miles in length  
30 with a capacity of 230,000 volts or more to be constructed in more than one

1 city or county in this state, but excluding:

2 “(i) Lines proposed for construction entirely within 500 feet of an existing  
3 corridor occupied by high voltage transmission lines with a capacity of  
4 230,000 volts or more; and

5 “(ii) Lines of 57,000 volts or more that are rebuilt and upgraded to 230,000  
6 volts along the same right of way.

7 “(D) A solar [*collecting*] **photovoltaic power generation** facility using  
8 more than [*100 acres of land.*]:

9 “(i) **100 acres located on high-value farmland as defined in ORS**  
10 **195.300;**

11 “(ii) **100 acres located on arable land; or**

12 “(iii) **320 acres located on any other land.**

13 “(E) A pipeline that is:

14 “(i) At least six inches in diameter, and five or more miles in length, used  
15 for the transportation of crude petroleum or a derivative thereof, liquefied  
16 natural gas, a geothermal energy form in a liquid state or other fossil energy  
17 resource, excluding a pipeline conveying natural or synthetic gas;

18 “(ii) At least 16 inches in diameter, and five or more miles in length, used  
19 for the transportation of natural or synthetic gas, but excluding:

20 “(I) A pipeline proposed for construction of which less than five miles of  
21 the pipeline is more than 50 feet from a public road, as defined in ORS  
22 368.001; or

23 “(II) A parallel or upgraded pipeline up to 24 inches in diameter that is  
24 constructed within the same right of way as an existing 16-inch or larger  
25 pipeline that has a site certificate, if all studies and necessary mitigation  
26 conducted for the existing site certificate meet or are updated to meet cur-  
27 rent site certificate standards; or

28 “(iii) At least 16 inches in diameter and five or more miles in length used  
29 to carry a geothermal energy form in a gaseous state but excluding a pipeline  
30 used to distribute heat within a geothermal heating district established un-

1 der ORS chapter 523.

2 “(F) A synthetic fuel plant which converts a natural resource including,  
3 but not limited to, coal or oil to a gas, liquid or solid product intended to  
4 be used as a fuel and capable of being burned to produce the equivalent of  
5 two billion Btu of heat a day.

6 “(G) A plant which converts biomass to a gas, liquid or solid product, or  
7 combination of such products, intended to be used as a fuel and if any one  
8 of such products is capable of being burned to produce the equivalent of six  
9 billion Btu of heat a day.

10 “(H) A storage facility for liquefied natural gas constructed after Sep-  
11 tember 29, 1991, that is designed to hold at least 70,000 gallons.

12 “(I) A surface facility related to an underground gas storage reservoir  
13 that, at design injection or withdrawal rates, will receive or deliver more  
14 than 50 million cubic feet of natural or synthetic gas per day, or require  
15 more than 4,000 horsepower of natural gas compression to operate, but ex-  
16 cluding:

17 “(i) The underground storage reservoir;

18 “(ii) The injection, withdrawal or monitoring wells and individual  
19 wellhead equipment; and

20 “(iii) An underground gas storage reservoir into which gas is injected  
21 solely for testing or reservoir maintenance purposes or to facilitate the sec-  
22 ondary recovery of oil or other hydrocarbons.

23 “(J) An electric power generating plant with an average electric gener-  
24 ating capacity of 35 megawatts or more if the power is produced from  
25 geothermal, solar or wind energy at a single energy facility or within a sin-  
26 gle energy generation area.

27 “(b) ‘Energy facility’ does not include a hydroelectric facility **or an en-**  
28 **ergy facility under paragraph (a)(A)(iii) or (D) of this subsection that**  
29 **is established on the site of a decommissioned United States Air Force**  
30 **facility that has adequate transmission capacity to serve the energy**

1 **facility.**

2 “(12) ‘Energy generation area’ means an area within which the effects of  
3 two or more small generating plants may accumulate so the small generating  
4 plants have effects of a magnitude similar to a single generating plant of 35  
5 megawatts average electric generating capacity or more. An ‘energy gener-  
6 ation area’ for facilities using a geothermal resource and covered by a unit  
7 agreement, as provided in ORS 522.405 to 522.545 or by federal law, shall be  
8 defined in that unit agreement. If no such unit agreement exists, an energy  
9 generation area for facilities using a geothermal resource shall be the area  
10 that is within two miles, measured from the electrical generating equipment  
11 of the facility, of an existing or proposed geothermal electric power gener-  
12 ating plant, not including the site of any other such plant not owned or  
13 controlled by the same person.

14 “(13) ‘Extraordinary nuclear occurrence’ means any event causing a dis-  
15 charge or dispersal of source material, special nuclear material or by-product  
16 material as those terms are defined in ORS 453.605, from its intended place  
17 of confinement off-site, or causing radiation levels off-site, that the United  
18 States Nuclear Regulatory Commission or its successor determines to be  
19 substantial and to have resulted in or to be likely to result in substantial  
20 damages to persons or property off-site.

21 “(14) ‘Facility’ means an energy facility together with any related or  
22 supporting facilities.

23 “(15) ‘Geothermal reservoir’ means an aquifer or aquifers containing a  
24 common geothermal fluid.

25 “(16) ‘Local government’ means a city or county.

26 “(17) ‘Nominal electric generating capacity’ means the maximum net  
27 electric power output of an energy facility based on the average temperature,  
28 barometric pressure and relative humidity at the site during the times of the  
29 year when the facility is intended to operate.

30 “(18) ‘Nuclear incident’ means any occurrence, including an extraordinary

1 nuclear occurrence, that results in bodily injury, sickness, disease, death,  
2 loss of or damage to property or loss of use of property due to the radioac-  
3 tive, toxic, explosive or other hazardous properties of source material, special  
4 nuclear material or by-product material as those terms are defined in ORS  
5 453.605.

6 “(19) ‘Nuclear installation’ means any power reactor, nuclear fuel fabri-  
7 cation plant, nuclear fuel reprocessing plant, waste disposal facility for ra-  
8 dioactive waste, and any facility handling that quantity of fissionable  
9 materials sufficient to form a critical mass. ‘Nuclear installation’ does not  
10 include any such facilities that are part of a thermal power plant.

11 “(20) ‘Nuclear power plant’ means an electrical or any other facility using  
12 nuclear energy with a nominal electric generating capacity of 25 megawatts  
13 or more, for generation and distribution of electricity, and associated trans-  
14 mission lines.

15 “(21) ‘Person’ means an individual, partnership, joint venture, private or  
16 public corporation, association, firm, public service company, political sub-  
17 division, municipal corporation, government agency, people’s utility district,  
18 or any other entity, public or private, however organized.

19 “(22) ‘Project order’ means the order, including any amendments, issued  
20 by the State Department of Energy under ORS 469.330.

21 “(23)(a) ‘Radioactive waste’ means all material which is discarded, un-  
22 wanted or has no present lawful economic use, and contains mined or refined  
23 naturally occurring isotopes, accelerator produced isotopes and by-product  
24 material, source material or special nuclear material as those terms are de-  
25 fined in ORS 453.605. The term does not include those radioactive materials  
26 identified in OAR 345-50-020, 345-50-025 and 345-50-035, adopted by the council  
27 on December 12, 1978, and revised periodically for the purpose of adding ad-  
28 ditional isotopes which are not referred to in OAR 345-50 as presenting no  
29 significant danger to the public health and safety.

30 “(b) Notwithstanding paragraph (a) of this subsection, ‘radioactive

1 waste' does not include uranium mine overburden or uranium mill tailings,  
2 mill wastes or mill by-product materials as those terms are defined in Title  
3 42, United States Code, section 2014, on June 25, 1979.

4 “(24) ‘Related or supporting facilities’ means any structure, proposed by  
5 the applicant, to be constructed or substantially modified in connection with  
6 the construction of an energy facility, including associated transmission  
7 lines, reservoirs, storage facilities, intake structures, road and rail access,  
8 pipelines, barge basins, office or public buildings, and commercial and in-  
9 dustrial structures. ‘Related or supporting facilities’ does not include  
10 geothermal or underground gas storage reservoirs, production, injection or  
11 monitoring wells or wellhead equipment or pumps.

12 “(25) ‘Site’ means any proposed location of an energy facility and related  
13 or supporting facilities.

14 “(26) ‘Site certificate’ means the binding agreement between the State of  
15 Oregon and the applicant, authorizing the applicant to construct and operate  
16 a facility on an approved site, incorporating all conditions imposed by the  
17 council on the applicant.

18 “(27) ‘Thermal power plant’ means an electrical facility using any source  
19 of thermal energy with a nominal electric generating capacity of 25 mega-  
20 watts or more, for generation and distribution of electricity, and associated  
21 transmission lines, including but not limited to a nuclear-fueled,  
22 geothermal-fueled or fossil-fueled power plant, but not including a portable  
23 power plant the principal use of which is to supply power in emergencies.  
24 ‘Thermal power plant’ includes a nuclear-fueled thermal power plant that has  
25 ceased to operate.

26 “(28) ‘Transportation’ means the transport within the borders of the State  
27 of Oregon of radioactive material destined for or derived from any location.

28 “(29) ‘Underground gas storage reservoir’ means any subsurface sand,  
29 strata, formation, aquifer, cavern or void, whether natural or artificially  
30 created, suitable for the injection, storage and withdrawal of natural gas or

1 other gaseous substances. ‘Underground gas storage reservoir’ includes a  
2 pool as defined in ORS 520.005.

3 “(30) ‘Utility’ includes:

4 “(a) A person, a regulated electrical company, a people’s utility district,  
5 a joint operating agency, an electric cooperative, municipality or any com-  
6 bination thereof, engaged in or authorized to engage in the business of gen-  
7 erating, transmitting or distributing electric energy;

8 “(b) A person or public agency generating electric energy from an energy  
9 facility for its own consumption; and

10 “(c) A person engaged in this state in the transmission or distribution of  
11 natural or synthetic gas.

12 “(31) ‘Waste disposal facility’ means a geographical site in or upon which  
13 radioactive waste is held or placed but does not include a site at which ra-  
14 dioactive waste used or generated pursuant to a license granted under ORS  
15 453.635 is stored temporarily, a site of a thermal power plant used for the  
16 temporary storage of radioactive waste from that plant for which a site cer-  
17 tificate has been issued pursuant to this chapter or a site used for temporary  
18 storage of radioactive waste from a reactor operated by a college, university  
19 or graduate center for research purposes and not connected to the Northwest  
20 Power Grid. As used in this subsection, ‘temporary storage’ includes storage  
21 of radioactive waste on the site of a nuclear-fueled thermal power plant for  
22 which a site certificate has been issued until a permanent storage site is  
23 available by the federal government.

24 **“SECTION 2. The amendments to ORS 469.300 by section 1 of this**  
25 **2013 Act apply to notices of intent to file an application for a site**  
26 **certificate under ORS 469.330 that are submitted to the Energy Facility**  
27 **Siting Council on or after the effective date of this 2013 Act.**

28 **“SECTION 3. This 2013 Act being necessary for the immediate**  
29 **preservation of the public peace, health and safety, an emergency is**  
30 **declared to exist, and this 2013 Act takes effect on its passage.”.**



