

From the Desk of
Senator Ted Ferrioli

SB 1547-B24
(LC 70)
2/29/16 (MBM/ps)

Requested by Senator FERRIOLI

**PROPOSED AMENDMENTS TO
B-ENGROSSED SENATE BILL 1547**

1 On page 1 of the printed B-engrossed bill, line 2, after “provisions;” delete
2 the rest of the line and lines 3 and 4 and insert “and amending ORS 469A.020
3 and 469A.025.”.

4 Delete lines 6 through 8 and delete pages 2 through 21 and insert:

5 **“SECTION 1. For purposes of ORS chapter 757, the term ‘public**
6 **utility’ does not include a people’s utility district organized under ORS**
7 **chapter 261 or an electric cooperative organized under ORS chapter 62.**

8 **“SECTION 2.** ORS 469A.020 is amended to read:

9 “469A.020. (1) Except as provided in this section, electricity may be used
10 to comply with a renewable portfolio standard only if the electricity is gen-
11 erated by:

12 **“(a) A facility that becomes operational on or after January 1, 1995[.];**
13 **or**

14 **“(b) A hydroelectric facility or any other equipment that generates**
15 **electricity through the use of hydroelectric energy.**

16 “(2) Electricity from a generating facility, other than a [*hydroelectric*] fa-
17 cility **described in subsection (3) or (4) of this section**, that became op-
18 erational before January 1, 1995, may be used to comply with a renewable
19 portfolio standard if the electricity is attributable to capacity or efficiency
20 upgrades made on or after January 1, 1995.

21 “[*(3) Electricity from a hydroelectric facility that became operational before*

1 *January 1, 1995, may be used to comply with a renewable portfolio standard*
2 *if the electricity is attributable to efficiency upgrades made on or after January*
3 *1, 1995. If an efficiency upgrade is made to a Bonneville Power Administration*
4 *facility, only that portion of the electricity generation attributable to Oregon’s*
5 *share of the electricity may be used to comply with a renewable portfolio*
6 *standard.]*

7 “*[(4) Subject to the limit imposed by ORS 469A.025 (5), electricity from a*
8 *hydroelectric facility that became operational before January 1, 1995, may be*
9 *used to comply with a renewable portfolio standard if the facility is certified*
10 *as a low-impact hydroelectric facility on or after January 1, 1995, by a national*
11 *certification organization recognized by the State Department of Energy by*
12 *rule, and if the facility is either:]*

13 “*[(a) Owned by an electric utility; or]*

14 “*[(b) Not owned by an electric utility and located in Oregon and licensed*
15 *by the Federal Energy Regulatory Commission under the Federal Power Act,*
16 *16 U.S.C. 791a et seq., or exempt from such license.]*

17 “*[(5)(a)] (3)(a) Electricity from a generating facility located in this state*
18 *that uses biomass and that became operational before January 1, 1995, may*
19 *be used to comply with a renewable portfolio standard if the facility meets*
20 *the requirements of the federal Public Utility Regulatory Policies Act of 1978*
21 *(P.L. 95-617) on March 4, 2010, regardless of whether the facility qualifies*
22 *under the requirements of the Public Utility Commission.*

23 “*(b) Renewable energy certificates derived from electricity generated by*
24 *a facility that qualifies under paragraph (a) of this subsection may not be*
25 *used to comply with a renewable portfolio standard before January 1, 2026.*
26 *However, renewable energy certificates issued before January 1, 2026, may*
27 *be banked pursuant to ORS 469A.005 to 469A.210 for use on or after January*
28 *1, 2026.*

29 “*[(6)] (4)(a) A facility located in this state that generates electricity from*
30 *direct combustion of municipal solid waste and that became operational be-*

1 fore January 1, 1995, may be used to comply with a renewable portfolio
2 standard for up to 11 average megawatts of electricity generated per calendar
3 year.

4 “(b) Renewable energy certificates derived from electricity generated by
5 a facility described in this subsection may not be used to comply with a
6 renewable portfolio standard before January 1, 2026. However, renewable
7 energy certificates issued before January 1, 2026, may be banked pursuant
8 to ORS 469A.005 to 469A.210 for use on or after January 1, 2026.

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

10 “469A.025. (1) Electricity generated utilizing the following types of energy
11 may be used to comply with a renewable portfolio standard:

12 “(a) Wind energy.

13 “(b) Solar photovoltaic and solar thermal energy.

14 “(c) Wave, tidal and ocean thermal energy.

15 “(d) Geothermal energy.

16 “(e) **Hydroelectric energy.**

17 “(2) Except as provided in subsection (3) of this section, electricity gen-
18 erated from biomass and biomass by-products may be used to comply with a
19 renewable portfolio standard, including but not limited to electricity gener-
20 ated from:

21 “(a) Organic human or animal waste;

22 “(b) Spent pulping liquor;

23 “(c) Forest or rangeland woody debris from harvesting or thinning con-
24 ducted to improve forest or rangeland ecological health and to reduce un-
25 characteristic stand replacing wildfire risk;

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

28 “(e) Agricultural residues;

29 “(f) Dedicated energy crops; and

30 “(g) Landfill gas or biogas produced from organic matter, wastewater,

1 anaerobic digesters or municipal solid waste.

2 “(3) Electricity generated from the direct combustion of biomass may not
3 be used to comply with a renewable portfolio standard if any of the biomass
4 combusted to generate the electricity includes wood that has been treated
5 with chemical preservatives such as creosote, pentachlorophenol or
6 chromated copper arsenate.

7 “[*(4) Electricity generated by a hydroelectric facility may be used to comply*
8 *with a renewable portfolio standard only if:*]

9 “[*(a) The facility is located outside any protected area designated by the*
10 *Pacific Northwest Electric Power and Conservation Planning Council as of*
11 *July 23, 1999, or any area protected under the federal Wild and Scenic Rivers*
12 *Act, P.L. 90-542, or the Oregon Scenic Waterways Act, ORS 390.805 to*
13 *390.925; or]*

14 “[*(b) The electricity is attributable to efficiency upgrades made to the fa-*
15 *cility on or after January 1, 1995.*]

16 “[*(5)(a) Up to 50 average megawatts of electricity per year generated by an*
17 *electric utility from certified low-impact hydroelectric facilities described in*
18 *ORS 469A.020 (4)(a) may be used to comply with a renewable portfolio stand-*
19 *ard, without regard to the number of certified facilities operated by the electric*
20 *utility or the generating capacity of those facilities. A hydroelectric facility*
21 *described in this paragraph is not subject to the requirements of subsection (4)*
22 *of this section.*]

23 “[*(b) Up to 40 average megawatts of electricity per year generated by certi-*
24 *fied low-impact hydroelectric facilities described in ORS 469A.020 (4)(b) may*
25 *be used to comply with a renewable portfolio standard, without regard to the*
26 *number of certified facilities or the generating capacity of those facilities. A*
27 *hydroelectric facility described in this paragraph is not subject to the require-*
28 *ments of subsection (4) of this section.*]

29 “[*(6)(a)*] **(4)(a)** Direct combustion of municipal solid waste in a generating
30 facility located in this state may be used to comply with a renewable port-

1 folio standard. The qualification of a municipal solid waste facility for use
2 in compliance with a renewable portfolio standard has no effect on the
3 qualification of the facility for a tax credit under ORS 469B.130 to 469B.169.

4 “(b) The total amount of electricity generated in this state by direct
5 combustion of municipal solid waste by generating facilities that became
6 operational in this state on or after January 1, 1995, may not exceed nine
7 average megawatts per year for the purpose of complying with a renewable
8 portfolio standard.

9 “[7] (5) Electricity generated from hydrogen gas, including electricity
10 generated by hydrogen power stations using anhydrous ammonia as a fuel
11 source, may be used to comply with a renewable portfolio standard if:

12 “(a) The *[electricity]* **hydrogen** is derived from $[:]$ **any source of energy**
13 **described in subsection (1) or (2) of this section; and**

14 “[A] *Any source of energy described in subsection (1) or (2) of this section;*
15 *or]*

16 “[B] *A hydroelectric facility that complies with subsection (4) of this sec-*
17 *tion and that is certified as a low-impact hydroelectric facility as described in*
18 *ORS 469A.020 (4); and]*

19 “(b) The output of the original source of energy is not also used to comply
20 with a renewable portfolio standard.

21 “[8] (6) If electricity generation employs multiple energy sources, that
22 portion of the electricity generated that is attributable to energy sources
23 described in this section may be used to comply with a renewable portfolio
24 standard.

25 “[9] (7) The State Department of Energy by rule may approve energy
26 sources other than those described in this section that may be used to comply
27 with a renewable portfolio standard. The department may not approve pe-
28 troleum, natural gas, coal or nuclear fission as an energy source that may
29 be used to comply with a renewable portfolio standard.”.

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