

HB 2816-1  
(LC 1335)  
1/30/23 (CPA/ps)

Requested by Representative MARSH

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2816**

1 On page 1 of the printed bill, line 2, delete “285C.180 and” and insert  
2 “468.140”.

3 In line 3, delete “469.992”.

4 Delete line 25.

5 In line 26, delete “(b)” and insert “(a)”.

6 On page 2, line 1, delete “(c)” and insert “(b)”.

7 In line 2, delete “(d)” and insert “(c)”.

8 After line 21, insert:

9 “(c) The department shall publish and make public, for each high energy  
10 use facility:

11 “(A) The annual greenhouse emissions associated with the electricity used  
12 by the high energy use facility; and

13 “(B) The greenhouse emissions associated with each megawatt-hour of  
14 electricity used by the high energy use facility.

15 “(4) A copy of a power purchase agreement or other contract for supply-  
16 ing electricity provided to the department pursuant to subsection (3)(a) of  
17 this section is confidential and exempt from disclosure under ORS 192.311 to  
18 192.478.”.

19 In line 22, delete “(4)” and insert “(5)”.

20 After line 30, insert:

21 “(6) Renewable energy certificates may be used to comply with the

1 amounts set forth in subsection (2) of this section. The commission shall  
2 adopt rules establishing requirements regarding the eligibility, reporting and  
3 treatment of renewable energy certificates under this section.

4 “(7) The requirements under this section do not apply to greenhouse gas  
5 emissions associated with the use by a high energy use facility of backup  
6 power generation during a temporary power outage.”.

7 In line 31, delete “(5)” and insert “(8)”.

8 In line 32, delete “469.992” and insert “468.140”.

9 In line 33, delete “(6)” and insert “(9)” and delete “Environmental  
10 Quality”.

11 Delete lines 34 through 45 and insert:

12 **“SECTION 2.** ORS 468.140 is amended to read:

13 “468.140. (1) In addition to any other penalty provided by law, any person  
14 who violates any of the following shall incur a civil penalty for each day  
15 of violation in the amount prescribed by the schedule adopted under ORS  
16 468.130:

17 “(a) The terms or conditions of any permit required or authorized by law  
18 and issued by the Department of Environmental Quality or a regional air  
19 quality control authority.

20 “(b) Any provision of ORS 164.785, 448.305, 454.010 to 454.040, 454.205 to  
21 454.255, 454.505 to 454.535, 454.605 to 454.755 and 783.625 to 783.640 and ORS  
22 chapter 467 and ORS chapters 468, 468A and 468B **and section 1 of this 2023**  
23 **Act.**

24 “(c) Any rule or standard or order of the Environmental Quality Com-  
25 mission adopted or issued pursuant to ORS 448.305, 454.010 to 454.040, 454.205  
26 to 454.255, 454.505 to 454.535, 454.605 to 454.755 and 783.625 to 783.640 and  
27 ORS chapter 467 and ORS chapters 468, 468A and 468B **and section 1 of this**  
28 **2023 Act.**

29 “(d) Any term or condition of a variance granted by the commission or  
30 department pursuant to ORS 467.060.

1 “(e) Any rule or standard or order of a regional authority adopted or is-  
2 sued under authority of ORS 468A.135.

3 “(f) The financial assurance requirement under ORS 468B.390 and  
4 468B.485 or any rule related to the financial assurance requirement under  
5 ORS 468B.390.

6 “(2) Each day of violation under subsection (1) of this section constitutes  
7 a separate offense.

8 “(3)(a) In addition to any other penalty provided by law, any person who  
9 intentionally or negligently causes or permits the discharge of oil or haz-  
10 ardous material into the waters of the state or intentionally or negligently  
11 fails to clean up a spill or release of oil or hazardous material into the wa-  
12 ters of the state as required by ORS 466.645 shall incur a civil penalty not  
13 to exceed the amount of \$100,000 for each violation.

14 “(b) In addition to any other penalty provided by law, the following per-  
15 sons shall incur a civil penalty not to exceed the amount of \$25,000 for each  
16 day of violation:

17 “(A) Any person who violates the terms or conditions of a permit au-  
18 thorizing waste discharge into the air or waters of the state.

19 “(B) Any person who violates any law, rule, order or standard in ORS  
20 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535, 454.605 to  
21 454.755 and 783.625 to 783.640 and ORS chapters 468, 468A and 468B relating  
22 to air or water pollution.

23 “(C) Any person who violates the provisions of a rule adopted or an order  
24 issued under ORS 459A.590.

25 “(4) In addition to any other penalty provided by law, any person who  
26 violates the provisions of ORS 468B.130 shall incur a civil penalty not to  
27 exceed the amount of \$1,000 for each day of violation.

28 “(5) Notwithstanding subsection (1)(c) and (e) of this section, the owner  
29 or lessee of a motor vehicle may not incur a civil penalty for a violation of  
30 the requirement that the owner or lessee obtain a motor vehicle pollution

1 control system certificate of compliance issued under ORS 468A.380.

2 “(6) Notwithstanding the limits of ORS 468.130 (1) and in addition to any  
3 other penalty provided by law, any person who intentionally or negligently  
4 causes or permits open field burning contrary to the provisions of ORS  
5 468A.555 to 468A.620 and 468A.992, 476.380 and 478.960 shall be assessed by  
6 the department a civil penalty of at least \$20 but not more than \$40 for each  
7 acre so burned. Any amounts collected by the department pursuant to this  
8 subsection shall be deposited with the State Treasurer to the credit of the  
9 General Fund and shall be available for general governmental expense. As  
10 used in this subsection, ‘open field burning’ does not include propane flaming  
11 of mint stubble.”.

12 Delete pages 3 and 4.

---