# House Bill 2587

Sponsored by Representative SCHAUFLER (Presession filed.)

## 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.**

Repeals provisions requiring that before issuing site certificate for nuclear-fueled thermal power plant, Energy Facility Siting Council must find that repository for disposal of waste produced by plant is licensed to operate by federal government. Repeals provisions requiring that proposal by council to issue site certificate must be approved by voters.

Provides that electricity generated utilizing nuclear fission may be used to comply with renewable portfolio standard. Provides that electricity generated by run-of-the-river hydroelectric facility may be used to comply with renewable portfolio standard.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to energy; creating new provisions; amending ORS 469.594 and 469A.025; repealing ORS 469.590, 469.593, 469.595, 469.597, 469.599 and 469.601; and declaring an emergency.

Whereas it is the policy of this state to reduce greenhouse gas emissions pursuant to the greenhouse gas emissions reduction goals specified in ORS 468A.205; and

Whereas in an effort to address global climate change, reduce greenhouse gas emissions and promote clean air, the Legislative Assembly passed the renewable portfolio standards set forth in ORS 469A.005 to 469A.210; and

Whereas the renewable portfolio standards alone do not encourage a diversity of renewable resources; and

Whereas energy conservation, energy efficiency and diverse sources of energy are necessary in the long term to maintain quality of life for Oregonians and to foster economic growth; and

Whereas Oregon's current energy portfolio cannot satisfy this state's growing energy needs in a way that meets or exceeds the greenhouse gas emissions reduction goals and the renewable portfolio standards; and

Whereas the future of the Boardman Coal Plant is uncertain; and

Whereas nuclear power plants emit none of the greenhouse gases that are linked to global climate change; and

Whereas in the nearly two decades since the Trojan nuclear power plant debacle and closure in 1992, nuclear technology has advanced significantly, including technology that provides for safer long-term storage of nuclear waste; and

Whereas run-of-the-river hydroelectric facilities are inherently more environmentally friendly than large dams; and

Whereas energy production by run-of-the-river hydroelectric facilities does not flood land or obstruct rivers in ways that adversely affect the aquatic environment, and because no land is flooded, existing forests are left in place to continue the processes of absorbing greenhouse gases and sequestering carbon; and

Whereas new hydroturbine engines and conservation-minded construction that eliminate fish

**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.

kills are being retrofitted to large dams in North America and Europe; and

Whereas the development of clean nuclear facilities and clean run-of-the-river hydroelectric facilities will help mitigate the social, economic and environmental effects of global climate change and are, therefore, consistent with the values of this state; now, therefore,

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

**SECTION 1. ORS 469.590, 469.593, 469.595, 469.597, 469.599 and 469.601 are repealed.**

**SECTION 2.** ORS 469.594 is amended to read:

469.594. (1) Notwithstanding the definition of a "waste disposal facility" under ORS 469.300, no high-level radioactive waste should be stored at the site of a nuclear-fueled thermal power plant after the expiration of the operating license issued to the nuclear power plant by the United States Nuclear Regulatory Commission.

(2) Notwithstanding subsection (1) of this section, a person operating a nuclear power plant under a license issued by the United States Nuclear Regulatory Commission shall remain responsible for proper temporary storage of high-level radioactive materials at the site of the nuclear power plant after termination of a license and until such materials are removed from the site for permanent storage.

(3) The State Department of Energy and the operators of nuclear-fueled thermal plants shall pursue agreements with the United States Department of Energy and the United States Nuclear Regulatory Commission to fulfill the provisions of this section.

**(4) As used in this section:**

**(a) "High-level radioactive waste" means spent nuclear fuel or the radioactive by-products from the reprocessing of spent nuclear fuel.**

**(b) "Spent nuclear fuel" means nuclear fuel rods or assemblies that have been irradiated in a power reactor and subsequently removed from that reactor.**

**SECTION 3.** ORS 469A.025, as amended by section 3, chapter 17, Oregon Laws 2010, and section 2, chapter 71, Oregon Laws 2010, is amended to read:

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

(a) Wind energy.

(b) Solar photovoltaic and solar thermal energy.

(c) Wave, tidal and ocean thermal energy.

(d) Geothermal energy.

**(e) Nuclear fission.**

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

(a) Organic human or animal waste;

(b) Spent pulping liquor;

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

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

(e) Agricultural residues;

(f) Dedicated energy crops; and

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

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

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

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

(b) The electricity is attributable to efficiency upgrades made to the facility on or after January 1, 1995[*.*]**; or**

**(c) The facility is a run-of-the-river hydroelectric facility, as that term is defined in rules adopted by the Public Utility Commission.**

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

(b) Up to 40 average megawatts of electricity per year generated by certified low-impact hydroelectric facilities described in ORS 469A.020 (4)(b) may be used to comply with a renewable portfolio standard, without regard to the number of certified facilities or the generating capacity of those facilities. A hydroelectric facility described in this paragraph is not subject to the requirements of subsection (4) of this section.

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

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

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

(a) The electricity is derived from:

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

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

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

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

(9) The State Department of Energy by rule may approve energy sources other than those de-

scribed in this section that may be used to comply with a renewable portfolio standard. The department may not approve petroleum, natural gas[,] **or** coal [*or nuclear fission*] as an energy source that may be used to comply with a renewable portfolio standard.

**SECTION 4. (1) The repeal of ORS 469.590, 469.593, 469.595, 469.597, 469.599 and 469.601 by section 1 of this 2011 Act applies to nuclear-fueled thermal power plants for which a notice of intent to file an application for a site certificate under ORS 469.330 is filed on or after the effective date of this 2011 Act.**

**(2) The amendments to ORS 469A.025 by section 3 of this 2011 Act apply to electricity generated on or after January 1, 2011.**

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