

Enrolled
House Bill 3208

Sponsored by Representative HELM; Representative GAMBA (at the request of Department of Environmental Quality)

CHAPTER

AN ACT

Relating to fees associated with water quality programs administered by the Department of Environmental Quality; amending ORS 468B.051 and 522.019; and repealing ORS 468B.196.

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

SECTION 1. ORS 468B.051 is amended to read:

468B.051. (1) *[Not more than once each calendar year,]* **Subject to subsection (2) of this section,** the Environmental Quality Commission may increase the fees established under:

(a) **ORS 448.410, 454.745, 454.755, 454.792, 468B.047 or 468B.195; or**

(b) ORS 468.065 for permits issued under ORS 468B.050.

(2) **The commission may not increase a fee described in subsection (1) of this section more than once each calendar year.** The amount of the annual increase may not exceed the anticipated increase in the cost of administering the *[permit]* program **to which the fee is applicable** or three percent, whichever is lower, unless a larger increase is provided for in the Department of Environmental Quality’s legislatively approved budget.

SECTION 2. ORS 522.019 is amended to read:

522.019. (1)(a) In order to accomplish the policy of ORS 522.015 all geothermal fluids derived from geothermal resources shall be reinjected into the same reservoir from which withdrawn unless it is determined by the State Department of Geology and Mineral Industries that these policies and the public interest require other disposal of the fluids.

(b) Subject to the determination in paragraph (a) of this subsection, injection into other reservoirs or disposal by other means may be allowed by the department in specific instances where it is shown that such action is consistent with the policies cited in this section. Disposal by other means may include any secondary use of geothermal fluid after the primary use of such fluid for electrical power generation or for other direct application of the heat or other associated energy contained in such fluids or for by-product extraction. Secondary uses may include, but shall not be limited to, use of condensate resulting from electrical power plant operations for plant-cooling purposes, or use of such geothermal fluid for agricultural, commercial or industrial purposes.

(2) The State Department of Geology and Mineral Industries shall adopt rules governing the disposal by reinjection or other means of geothermal fluids derived from geothermal resources from wells of 250 or more degrees Fahrenheit bottom hole temperature or wells 2,000 or more feet deep. The rules shall include standards whereby contamination may be determined, construction standards for reinjection wells, testing procedures for identifying aquifers, standards and procedures for determining whether adjacent aquifers are being degraded by the reinjection process, guidelines for

conservation of the resource, criteria for evaluating reservoirs or zones for geothermal fluid disposal and requirements for prior approval of all geothermal fluid reinjection proposals.

(3) In addition to the permit required by ORS 522.115, an operator of a geothermal well must obtain a water quality permit from the Department of Environmental Quality under ORS 468B.050 or under rules authorized by ORS 468B.195 before injection of any fluid, except well drilling fluids. Nothing in this chapter limits the authority of the Department of Environmental Quality to regulate the subsurface injection of fluids pursuant to ORS 468B.195[, 468B.196] and 468B.197.

SECTION 3. ORS 468B.196 is repealed.

Passed by House March 23, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate June 21, 2023

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Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

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Secretary of State