

House Bill 3539

Sponsored by Representative LEVY B

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act tells the EQC to get a third party to study and make an emissions factor for electricity bought from unknown sources. (Flesch Readability Score: 62.1).

Requires the Environmental Quality Commission to contract with a third party to study and determine a greenhouse gas reporting emissions factor for electricity purchased from unspecified sources. Requires the commission to update rules establishing the emissions factor no later than January 1, 2027.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to greenhouse gas emissions reporting; creating new provisions; amending ORS 468A.280;
3 and declaring an emergency.

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

5 **SECTION 1.** ORS 468A.280 is amended to read:

6 468A.280. (1) In addition to any registration and reporting that may be required under ORS
7 468A.050, the Environmental Quality Commission by rule may require registration and reporting by:

8 (a) Any person who imports, sells, allocates or distributes for use in this state electricity, the
9 generation of which emits greenhouse gases.

10 (b) Any person who imports, sells or distributes for use in this state fossil fuel that generates
11 greenhouse gases when combusted.

12 (2) Rules adopted by the commission under this section for electricity that is imported, sold, al-
13 located or distributed for use in this state may require reporting of information necessary to deter-
14 mine greenhouse gas emissions from generating facilities used to produce the electricity and related
15 electricity transmission line losses.

16 (3)(a) The commission shall allow consumer-owned utilities, as defined in ORS 757.270, to comply
17 with reporting requirements imposed under this section by the submission of a report prepared by
18 a third party. A report submitted under this paragraph may include information for more than one
19 consumer-owned utility, but must include all information required by the commission for each indi-
20 vidual utility.

21 (b) For the purpose of determining greenhouse gas emissions related to electricity purchased
22 from the Bonneville Power Administration by a consumer-owned utility, as defined in ORS 757.270,
23 the commission may require only that the utility report:

24 (A) The number of megawatt-hours of electricity purchased by the utility from the Bonneville
25 Power Administration, segregated by the types of contracts entered into by the utility with the
26 Bonneville Power Administration; and

27 (B) The percentage of each fuel or energy type used to produce electricity purchased under each
28 type of contract.

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.

1 (4)(a) Rules adopted by the commission pursuant to this section for electricity that is purchased,
 2 imported, sold, allocated or distributed for use in this state by an electric company, as defined in
 3 ORS 757.600, must be limited to the reporting of:

4 (A) Greenhouse gas emissions emitted from generating facilities owned or operated by the elec-
 5 tric company;

6 (B) Greenhouse gas emissions emitted from transmission equipment owned or operated by the
 7 electric company;

8 (C) The number of megawatt-hours of electricity purchased by the electric company for use in
 9 this state, including information, if known, on:

10 (i) The seller of the electricity to the electric company; and

11 (ii) The original generating facility fuel type or types; and

12 (D) An estimate of the amount of greenhouse gas emissions, using default greenhouse gas emis-
 13 sions factors established by the commission by rule, attributable to:

14 (i) Electricity purchases made by a particular seller to the electric company;

15 (ii) Electricity purchases from an unknown origin or from a seller who is unable to identify the
 16 original generating facility fuel type or types;

17 (iii) Electricity purchases for which a renewable energy certificate under ORS 469A.130 has
 18 been issued but subsequently transferred or sold to a person other than the electric company;

19 (iv) Electricity transmitted for others by the electric company; and

20 (v) Total energy losses from electricity transmission and distribution equipment owned or oper-
 21 ated by the electric company.

22 (b) Pursuant to paragraph (a) of this subsection, a multijurisdictional electric company may rely
 23 upon a cost allocation methodology approved by the Public Utility Commission for reporting emis-
 24 sions allocated in this state.

25 **(c)(A) For the purpose of determining the greenhouse gas emissions factor applicable to**
 26 **electricity purchases described in paragraph (a)(D)(ii) of this subsection, the commission, or**
 27 **the Department of Environmental Quality at the direction of the commission, shall contract**
 28 **with an independent third party to study and determine an emissions factor for electricity**
 29 **purchased from unspecified sources that is based on sources of electricity reasonably avail-**
 30 **able to electric companies in this state.**

31 **(B) The commission shall cause a study required under this paragraph to be completed**
 32 **no less than once every five years.**

33 (5) Rules adopted by the commission under this section for fossil fuel that is imported, sold or
 34 distributed for use in this state may require reporting of the type and quantity of the fuel and any
 35 additional information necessary to determine the carbon content of the fuel. For the purpose of
 36 determining greenhouse gas emissions related to liquefied petroleum gas, the commission shall allow
 37 reporting using publications or submission of data by the American Petroleum Institute but may
 38 require reporting of such other information necessary to achieve the purposes of the rules adopted
 39 by the commission under this section.

40 (6) To an extent that is consistent with the purposes of the rules adopted by the commission
 41 under this section, the commission shall minimize the burden of the reporting required under this
 42 section by:

43 (a) Allowing concurrent reporting of information that is also reported to another state agency;

44 (b) Allowing electronic reporting;

45 (c) Allowing use of good engineering practice calculations in reports, or of emission factors

1 published by the United States Environmental Protection Agency;

2 (d) Establishing thresholds for the amount of specific greenhouse gases that may be emitted or
3 generated without reporting;

4 (e) Requiring reporting by the fewest number of persons in a fuel distribution system that will
5 allow the commission to acquire the information needed by the commission; or

6 (f) Other appropriate means and procedures determined by the commission.

7 (7) As used in this section, "greenhouse gas" has the meaning given that term in ORS 468A.210.

8 **SECTION 2. The Environmental Quality Commission shall update the emissions factor**
9 **applicable to electricity purchases described in ORS 468A.280 (4)(a)(D)(ii), based on a study**
10 **conducted under ORS 468A.280 (4)(c), no later than January 1, 2027.**

11 **SECTION 3. This 2025 Act being necessary for the immediate preservation of the public**
12 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
13 **on its passage.**

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