

SB 838-2
(LC 3152-3)
3/15/07 (DH/ps)

**PROPOSED AMENDMENTS TO
SENATE BILL 838**

1 In line 2 of the printed bill, after “electricity” insert “; creating new
2 provisions; amending ORS 757.612 and 757.687; and declaring an
3 emergency”.

4 After line 2, insert:

5 “Whereas the Legislative Assembly finds that it is in the interest of the
6 state to promote research and development of new renewable energy sources
7 in Oregon; and

8 “Whereas the Legislative Assembly finds that it is necessary for Oregon’s
9 electric utilities to decrease their reliance on fossil fuels for electricity
10 generation and to increase their use of renewable energy sources; and

11 “Whereas this 2007 Act may be cited as the Oregon Renewable Energy
12 Act; and

13 “Whereas the Oregon Renewable Energy Act provides a comprehensive
14 renewable energy policy for Oregon, enabling industry, government and all
15 Oregonians to accelerate the transition to a more reliable and more afford-
16 able energy system; now, therefore,”.

17 Delete lines 4 through 12 and insert:
18

19 **“DEFINITIONS**

20
21 **“SECTION 1. Definitions. As used in sections 1 to 24 of this 2007**

22 **Act:**

1 “(1) ‘Banked renewable energy certificate’ means a bundled or un-
2 bundled renewable energy certificate that is not used by an electric
3 utility to comply with a renewable portfolio standard in a calendar
4 year and that is carried forward for the purpose of compliance with a
5 renewable portfolio standard in a subsequent year.

6 “(2) ‘BPA electricity’ means electricity provided by the Bonneville
7 Power Administration, including all electricity from the Federal
8 Columbia River Power System hydroelectric projects and other elec-
9 tricity acquired by the Bonneville Power Administration by contract.

10 “(3) ‘Bundled renewable energy certificate’ means a renewable en-
11 ergy certificate for qualifying electricity that is acquired by an electric
12 utility by:

13 “(a) Trade, purchase or other transfer of electricity that includes
14 the certificate that was issued for the electricity; or

15 “(b) Generation by the utility of the electricity for which the cer-
16 tificate was issued.

17 “(4) ‘Compliance year’ means the calendar year for which the elec-
18 tric utility seeks to establish compliance with the renewable portfolio
19 standard applicable to the utility in the compliance report submitted
20 under section 19 of this 2007 Act.

21 “(5) ‘Consumer-owned utility’ means a municipal electric utility, a
22 people’s utility district organized under ORS chapter 261 that sells
23 electricity or an electric cooperative organized under ORS chapter 62.

24 “(6) ‘Electric company’ has the meaning given that term in ORS
25 757.600.

26 “(7) ‘Electricity service supplier’ has the meaning given that term
27 in ORS 757.600.

28 “(8) ‘Electric utility’ has the meaning given that term in ORS
29 757.600.

30 “(9) ‘Qualifying electricity’ means electricity described in section 2

1 of this 2007 Act.

2 “(10) ‘Renewable energy source’ means a source of electricity de-
3 scribed in section 4 of this 2007 Act.

4 “(11) ‘Retail electricity consumer’ means a retail electricity con-
5 sumer, as defined in ORS 757.600, that is located in Oregon.

6 “(12) ‘Unbundled renewable energy certificate’ means a renewable
7 energy certificate for qualifying electricity that is acquired by an
8 electric utility by trade, purchase or other transfer without acquiring
9 the electricity for which the certificate was issued.

10
11 “QUALIFYING ELECTRICITY
12

13 “SECTION 2. Qualifying electricity. (1) Except as provided in sub-
14 section (2) of this section, and subject to section 15 of this 2007 Act,
15 electricity generated from a renewable energy source may be used to
16 comply with a renewable portfolio standard only if the facility that
17 generates the electricity meets the requirements of section 3 of this
18 2007 Act.

19 “(2) Any electricity that the Bonneville Power Administration has
20 designated as environmentally preferred power, or has given a similar
21 designation for electricity generated from a renewable resource, may
22 be used to comply with a renewable portfolio standard.

23 “SECTION 3. Qualifying electricity; age of generating facility. (1)
24 Except as provided in this section, electricity may be used to comply
25 with a renewable portfolio standard only if the electricity is generated
26 by a facility that becomes operational on or after January 1, 1995.

27 “(2) Electricity from a generating facility, other than a hydroelec-
28 tric facility, that became operational before January 1, 1995, may be
29 used to comply with a renewable portfolio standard if the electricity
30 is attributable to capacity or efficiency upgrades made on or after

1 January 1, 1995.

2 “(3) Electricity from a hydroelectric facility that became opera-
3 tional before January 1, 1995, may be used to comply with a renewable
4 portfolio standard if the electricity is attributable to efficiency up-
5 grades made on or after January 1, 1995. If an efficiency upgrade is
6 made to a Bonneville Power Administration facility, only that portion
7 of the electricity generation attributable to Oregon’s share of the
8 electricity may be used to comply with a renewable portfolio standard.

9 “(4) Subject to the limit imposed by section 4 (5) of this 2007 Act,
10 electricity from a hydroelectric facility that is owned by an electric
11 utility and that became operational before January 1, 1995, may be
12 used to comply with a renewable portfolio standard if the facility is
13 certified as a low-impact hydroelectric facility on or after January 1,
14 1995, by a national certification organization recognized by the State
15 Department of Energy by rule.

16 “SECTION 4. Renewable energy sources. (1) Electricity generated
17 utilizing the following types of energy may be used to comply with a
18 renewable portfolio standard:

19 “(a) Wind energy.

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

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

22 “(d) Geothermal energy.

23 “(2) Except as provided in subsection (3) of this section, electricity
24 generated from biomass and biomass byproducts may be used to com-
25 ply with a renewable portfolio standard, including but not limited to
26 electricity generated from:

27 “(a) Organic human or animal waste;

28 “(b) Spent pulping liquor;

29 “(c) Forest or rangeland woody debris from harvesting or thinning
30 conducted to improve forest or rangeland ecological health and to re-

1 duce uncharacteristic stand replacing wildfire risk;

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

4 “(e) Agricultural residues;

5 “(f) Dedicated energy crops; and

6 “(g) Biogas produced from organic matter, wastewater, anaerobic
7 digesters or municipal solid waste.

8 “(3) Electricity generated from combustion of biomass may not be
9 used to comply with a renewable portfolio standard if any of the
10 biomass used in generating the electricity includes:

11 “(a) Municipal solid waste; or

12 “(b) Wood that has been treated with chemical preservatives such
13 as creosote, pentachlorophenol or chromated copper arsenate.

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

16 “(a) The facility is located outside any protected area designated
17 by the Pacific Northwest Electric Power and Conservation Planning
18 Council as of July 23, 1999, or any area protected under the federal
19 Wild and Scenic Rivers Act, Public Law 90-542, or the Oregon Scenic
20 Waterways Act, ORS 390.805 to 390.925; or

21 “(b) The facility is in operation on the effective date of this 2007
22 Act and the electricity is attributable to efficiency upgrades made to
23 the facility on or after January 1, 1995.

24 “(5) Up to 50 average megawatts of electricity per year generated
25 by an electric utility from certified low-impact hydroelectric facilities
26 described in section 3 (4) of this 2007 Act may be used to comply with
27 a renewable portfolio standard, without regard to the number of cer-
28 tified facilities operated by the electric utility or the generating ca-
29 pacity of those facilities.

30 “(6) Electricity generated from hydrogen gas derived from any

