

E – O U T L O O K

ENVIRONMENTAL HOT TOPICS AND LEGAL UPDATES

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Environmental & Natural Resources Law Section

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OREGON STATE BAR

Editor's Note: The following is a list of environmental, natural resources, and energy-related bills from the 2015 Oregon Legislative Session. The description for each bill is from the bill itself. The list may not contain every bill related to the stated topic areas. For those who prefer to view this article in PDF format, a copy will be posted on the Section's website at: <http://www.osbenviro.homestead.com/>.

Summary of Oregon's 2015 Environmental, Natural Resources, and Energy Bills

- [HB 2054](#) Expands availability of action for damages arising from interference with forest practices. Makes action available to public or private entity contracting to perform forest practices on public or private forestlands.
- [HB 2082](#) Imposes tax on each fuel supplier and utility based on amount of carbon in carbon-based fuel that is sold by fuel supplier to consumers in state or that is used to produce carbon-generated electricity supplied by utility to consumers in state.
- [HB 2086](#) Imposes fee on fossil fuel or fossil fuel-generated electricity to be paid by vendors.
- [HB 2159](#) Imposes tax on each fuel supplier and utility based on amount of carbon in carbon-based fuel that is sold by fuel supplier to consumers in state or that is used to produce carbon-generated electricity supplied by utility to consumers in state.
- [HB 2190](#) Requires seller of real property to obtain septic system evaluation report in form determined by Department of Environmental Quality and provide copy to each buyer that makes written offer to purchase.

- [HB 2191](#) Establishes Task Force on Air Pollution.
- [HB 2192](#) Repeals sunset on provisions related to low carbon fuel standards.
- [HB 2193](#) Directs electric companies, if authorized by Public Utility Commission, to procure one or more energy storage systems that have capacity to store specified amount of electricity.
- [HB 2207](#) Authorizes Environmental Quality Commission to adopt by rule procedures for implementing alternative ballast water management strategies for vessels with empty ballast tanks.
- [HB 2209](#) Creates Task Force on Shellfish.
- [HB 2241](#) Requires Department of Environmental Quality to carry out study and propose recommendations for single, coordinated process for parties to meet certain federal and state requirements for, and to obtain certain releases from liability for, cleanup of hazardous waste.
- [HB 2289](#) Creates tax credit for cleanup of brownfield property.
- [HB 2447](#) Extends sunset for tax credit for alternative energy devices.
- [HB 2448](#) Extends sunset for tax credit for energy conservation projects.
- [HB 2449](#) Extends sunset for tax credit for biomass collection or production.
- [HB 2450](#) Repeals sunset on provisions related to low carbon fuel standards.
- [HB 2451](#) Extends maximum loan term for loans made from Water Pollution Control Revolving Fund to 30 Years. Allows Department of Environmental Quality to buy or refinance debt obligations of public agencies for all projects otherwise qualified for financial assistance through Water Pollution Control

Revolving Fund.

- [HB 2497](#) Requires natural resource agencies to provide notice of rulemaking to members of Legislative Assembly under certain circumstances.
- [HB 2498](#) Prohibits Environmental Quality Commission and Department of Environmental Quality from adopting any rule or issuing any order concerning water quality that imposes requirements, standards or any other limitation that exceeds requirements, standards or any other limitation imposed under federal law.
- [HB 2499](#) Prohibits Environmental Quality Commission from adopting any rule concerning air quality and water quality that imposes requirements, standards or any other limitation that exceeds requirements, standards or any other limitation imposed under federal law.
- [HB 2517](#) Modifies definition “native fish” for purposes of salmon and trout enhancement program.
- [HB 2572](#) Mandates carbon footprint labeling on all consumer products sold or offered for sale in state on and after January 1, 2016.
- [HB 2586](#) Requires electric companies to account for external cost of carbon in integrated resource plans submitted to Public Utility Commission.
- [HB 2589](#) Requires State Department of Agriculture to adopt rules prohibiting application of pesticide products containing nitro-group neonicotinoids.
- [HB 2632](#) Directs Oregon Department of Administrative Services to establish program to incentivize generation of electricity derived from solar energy.
- [HB 2666](#) Establishes process for county to evaluate whether proposed mining use causes significant change or significant increase in cost when federal or state agency has not issued permit authorizing proposed mining use. Requires county

to find that proposed mining use does not force significant change in accepted farm or forest practice or significantly increase cost of accepted farm or forest practices if mining use complies with applicable federal, state and local environmental standards.

- [HB 2674](#) Requires State Department of Agriculture to establish control areas for growing commodities that are genetically engineered agricultural or horticultural plant products. Makes genetically engineered commodity grown outside authorized control area subject to eradication.
- [HB 2729](#) Requires electric companies to reduce allocation of electricity from coal-derived generating resources to zero on or before January 1, 2025, to customers of electric company that are located in this state.
- [HB 2745](#) Changes allowed cumulative nameplate capacity of qualifying solar photovoltaic energy systems enrolled in certain pilot programs established by Public Utility Commission.
- [HB 2906](#) Modifies definition of “scientifically based research” with respect to evidence-based programs.
- [HB 3007](#) Requires governing board of State Department of Geology and Mineral Industries to adopt by rule expedited consolidated application process time limits for proposed mining operations that make certain reports and receive certain approval from State Department of Fish and Wildlife related to sage grouse habitat mitigation.
- [HB 3123](#) Prohibits application of pesticide by aircraft except under terms and conditions of pest emergency declaration issued by State Department of Agriculture or State Forestry Department.
- [HB 3220](#) Eliminates authority of irrigation districts to condemn real or personal property outside boundaries of district.

- [HB 3250](#) Requires Environmental Quality Commission to adopt carbon cap-and-dividend program.
- [HB 3254](#) Requires Department of Environmental Quality to notify local government of attainment area if department determines that attainment area is projected to exceed air quality standards within next five years.
- [HB 3310](#) Requires Environmental Quality Commission to adopt by rule standards and programs for on-road and nonroad diesel engines no later than January 1, 2020.
- [HB 3415](#) Imposes 10-year moratorium on use of hydraulic fracturing for oil and gas exploration and production.
- [HB 3470](#) Requires Environmental Quality Commission to adopt by rule statewide greenhouse gas emissions limits for years 2020 and 2050 and to adopt interim statewide greenhouse gas emissions limits consistent with 2050 limit every five years.
- [HB 5018](#) Appropriates moneys from General Fund to Department of Environmental Quality for certain biennial expenses.
- [HJM 0003](#) Urges Congress to enact legislation requiring stabilization of crude oil prior to transport.
- [HJR 0010](#) Proposes amendment to Oregon Constitution allowing Legislative Assembly to impose taxes on carbon emissions for purpose of funding reductions in carbon emissions and carbon fuel use.
- [HJR 0011](#) Proposes amendment to Oregon Constitution removing limitation of six percent of market value on rate of taxes imposed on oil or natural gas.
- [SB 0020](#) Modifies applicability of minimum energy efficiency standards to certain products. Modifies minimum energy efficiency standards for certain

products.

- [SB 0021](#) Establishes Task Force on Clean Air Fee or Tax Implementation to review results of report required by chapter 770, Oregon Laws 2013, and develop recommendations or proposals for options to implement clean air fee or tax to generate revenue.
- [SB 0023](#) Directs Department of Environmental Quality to conduct study and develop recommendations for legislation to encourage transition to cleaner burning woodstoves or other cleaner home heating options.
- [SB 0024](#) Establishes Task Force on Natural Resource Agency Consolidation.
- [SB 0031](#) Authorizes local units of government that have contracted with Department of Environmental Quality to carry out certain duties of department to contract with private persons to carry out certain duties of department on behalf of local units of government.
- [SB 0164](#) Provides that requirement to sell or offer for sale diesel fuel that contains specified percentage of biodiesel or other renewable diesel does not apply to sales in counties east of summit of Cascade Mountains during period from November 1 of any year to February 28 of following year.
- [SB 0191](#) Creates guidance document as new form for statement of state agency's practice, policy or interpretation of law. Provides that issuance of guidance document is not subject to rulemaking procedures.
- [SB 0204](#) Establishes Working Forests and Farms Advisory Committee to provide advice regarding three new programs for maintaining or restoring conservation benefits of working forests and farms.
- [SB 0205](#) Creates Task Force on Innovations in Water Quality.

- [SB 0254](#) Increases fee on motor vehicle fuel metering instrument or device in accordance with graduated schedule.
- [SB 0260](#) Directs State Department of Energy by rule to establish and administer high performance schools program within clean energy deployment program to support energy efficiency and clean energy projects in public schools.
- [SB 0261](#) Increases ballast water trip fee to \$88.
- [SB 0304](#) Caps energy resource supplier assessment at ___ percent of supplier's gross operating revenue derived within this state in preceding calendar year.
- [SB 0324](#) Repeals sunset on provisions related to low carbon fuel standards.
- [SB 0388](#) Requires conditional use approval for exploration to find mineral resources on land zoned for exclusive farm use.
- [SB 0412](#) Defines conditions when rock, gravel, sand, silt and other similar material removed from waters of state are and are not solid waste.
- [SB 0452](#) Requires State Department of Energy to adopt rules requiring decommission, deconstruction and removal of certain wind towers and turbines within three years after permanent cessation of use of tower and turbine for generation of wind energy.
- [SB 0477](#) Requires electric companies to reduce allocation of electricity from coal-derived generating resources to zero on or before January 1, 2025, to customers of electric company that are located in this state.
- [SB 0537](#) Establishes Task Force on Standing in Proceedings Regarding Water.
- [SB 0589](#) Amplifies materials that may be considered legislative history of statute.

- [SB 0744](#) Requires agencies to estimate costs borne by businesses and industrial sectors to comply with proposed rules. Prohibits adoption of proposed rule unless estimated cost of compliance with proposed rule is offset by estimated cost reductions from other proposed rule, amendment or repeal of existing rules or modifications of existing compliance with regulatory burden placed on business, as specified by agency proposing rule.
- [SB 0829](#) Directs Environmental Quality Commission to adopt by rule methodology for Department of Environmental Quality to apply certain water quality standards in assessing waters of state.
- [SB 752](#) Conditionally exempts from regulation under certain air pollution laws carbon dioxide emissions from combustion or decomposition of biomass.

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If you would like to contribute to E-Outlook or have any comments, please contact the E-Outlook Editor, Sarah Liljefelt, at s.liljefelt@water-law.com or (503) 281-4100.