

VOLUME 20 ISSUE 2 ISSN 0966 2030

## ENVIRONMENTAL LIABILITY

Australian initiatives to reduce greenhouse gas emissions ZADA LIPMAN

Director liability for clean up and related issues ALISON FANAGAN

Recent developments in shale gas – an update BOB PALMER et al

European Union MARTIN HEDEMANN-ROBINSON

New Zealand KAREN PRICE

uk Emma feeney The air that we breathe: NGO's appeal dismissed *R* (*Clientearth*) *v* Secretary of State for Environment Food & Rural Affairs

Aarhus Convention trumps EU Regulation, says EU Luxembourg Court Stichting Natuur en Milieu & Pesticide Action Network Europe v European Commission

Vereniging Milieudefensie & Stichting Stop Luchtverontreininging Utrecht v European Commission

CJEU's interpretation of the EU Aarhus Regulation

Access to information IFAW Internationaler Tierschutz-Fonds GmbH

US challenges to climate change regulation fail Coalition for Responsible Regulation Inc. et al v. EPA

**DAVID HART QC** 

US litigation and Regulation – selected issues AMERICAN COLLEGE OF ENVIRONMENTAL LAWYERS



2012

## **Rick Glick**

and the bearing

Partner, Davis Wright Tremaine LLP, Portland, Oregon<sup>16</sup>

## Energy

## Oregon's ambitious 10-Year Energy Action Plan

On June 6, 2012, Oregon Governor John Kitzhaber released his draft 10-Year Energy Action Plan.<sup>17</sup> The plan consists of a broad range of goals for the state government, private sector and public-private collaboration to address what the Governor calls the:

fundamental challenge – that is, to develop a comprehensive energy strategy that meets the state's carbon reduction, energy conservation and renewable energy goals and timetables, and that balances complex needs – including affordability and reliability – while enhancing Oregon's economic objectives.

The plan seeks to build off of existing programs and redirect funding to advance its three central strategies, the details of which are to be developed through a lot of public participation.

1. *Maximizing energy efficiency and conservation to meet 100 percent of new electric load growth.* The plan is unclear as to when this goal would be achieved, but refers to the Northwest Power and Conservation Council's goal of using conservation to meet new electric demand by 2020. Key to implementing this goal is creation of a new State Building Innovation Lab. The Lab would focus initially on improving efficiency in 4,000,000 square feet of state office space and then using the Lab as a model and resource for others. 2. *Enhancing clean energy infrastructure development by removing finance and regulatory barriers.* Streamlining the siting process, including use of a strong project manager to help navigate state regulatory requirements, would bring certainty to developers of facilities. Also, conducting planning on a 'landscape level' would help to ensure protection of natural resources.

3. Accelerating the market transition to a more efficient, cleaner transportation system. Central to this goal, over the next 10 years the plan would convert 20% of large fleets to electric, compressed or liquefied natural gas or other alternative fuel vehicles.

The plan is self-congratulatory on various initiatives already in place and reads like a compendium of good ideas on how to secure a clean energy future. So ambitious a plan requires continual commitment over a long period of time – at the highest levels of state government – to keep it from becoming yet another plan on the shelf. Such sustained effort is not of course assured.

In the early 1980s, I was chair of the City of Portland Energy Commission whose job it was to further develop the City's Energy Conservation Policy, which at the time was seen as cutting edge. Then as now, energy planning was a hot topic for policy makers. Champions arise to push forward change. In those days it was Mayor Neil Goldschmidt and Commissioner Mike Lindberg, today it is Governor Kitzhaber. While Portland has made progress, many of the elements of the Governor's plan echo what we were talking about back then. I hope that the Governor builds a governance platform to continue work on the plan after he departs the scene.

Implementation of the plan depends on new legislation and regulatory reform among several state and local agencies. Whether the plan can develop the consensus necessary to achieve such change will depend on how the details emerge over the coming months and the enthusiasm the plan can garner.

- 16 8 June 2012 ©American College of Environmental Lawyers www.acoel.org and Rick Glick. Published by permission. All rights reserved.
- 17 http://oregon.gov/energy/Pages/ Ten\_Year\_Energy\_Plan\_Draft.aspx.