

2007 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: SB 235

STATUS: B Engrossed

SUBJECT: Relating to air quality laws for agriculture operations

GOVERNMENT UNIT AFFECTED: Department of Agriculture and Department of Environmental Quality

PREPARED BY: Paul Siebert

DATE: June 20, 2007

EXPENDITURES: See Comments.

REVENUES: See Comments.

EFFECTIVE DATE: January 1, 2008.

GOVERNOR'S BUDGET: This bill is not anticipated by the Governor's recommended budget.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

COMMENTS: The bill allows the Environmental Quality Commission (EQC) and the Oregon Department of Agriculture (ODA) to enter into a memorandum of understanding to allow ODA to administer and enforce air quality laws that apply to agricultural operations or equipment. Under current state law agriculture operations are exempt from Clean Air requirements. If agriculture operations remain exempt the U.S. Environmental Protection Agency (EPA) may place sanctions on the state's federally delegated clean air program.

The bill gives ODA and DEQ authority to implement federal Clean Air Act requirements for agriculture operations. The bill allows ODA to perform DEQ functions including, but not limited to, the adoption of rules, issuance of permits, establishment of fees, entry and inspection of premises and assessment of civil penalties. At present, the number of impacted agriculture operations that would trigger the need for a permit is indeterminate; although, the number is expected to be small.

The bill would also establish the Task Force on Dairy Air Quality. The task force is to study the air emissions from dairy operations; study available data emissions on air contaminants, including but not limited to EPA's national air study of animal feeding operations, and evaluate alternatives for reducing emissions. The task force is to report its findings to both the Departments of Agriculture and Environmental Quality by July 1, 2008 and shall report to the appropriate interim legislative committee no later than October 1, 2008. The task force is to be staffed by both the DEQ and the ODA. Both agencies state they believe they can provide staff support for the task force within their respective 2007-09 budgets as passed out of the Joint Committee on Ways and Means.