

74th OREGON LEGISLATIVE ASSEMBLY - 2007 Regular Session
STAFF MEASURE SUMMARY
Senate Committee on Environment and Natural Resources

MINORITY REPORT
MEASURE: SB 235
CARRIER: Sen. Atkinson
Sen. Beyer

REVENUE: No revenue impact
FISCAL: Fiscal statement issued

Action: Do Pass
Signers on the Report: Senators Atkinson and Beyer
Prepared By: Sue Marshall, Administrator
Meeting Dates: 4/10

WHAT THE MINORITY REPORT DOES: Allows the Environmental Quality Commission and Department of Agriculture to provide for department administration and enforcement of air quality laws applicable to agricultural operations or equipment. Expands the duties and powers of the State Department of Agriculture Natural Resource Division.

ISSUES DISCUSSED:

- Air emissions and environmental impacts of large scale industrial livestock operations
- Permissive language 'may' versus directive 'shall'
- Consequences of state's noncompliance with the federal Clean Air Act
- Air quality conditions of the Columbia River Gorge
- Whether hydrogen sulfide standard would apply to the pulp and paper industry

EFFECT OF MINORITY AMENDMENT: Allows rather than requires the EQC and DOA to enforce air quality laws applicable to agricultural operations or equipment in compliance with the federal Clean Air Act.

BACKGROUND: Since the beginning of Oregon's air quality program in the 1960's, state law has exempted from regulation all agricultural operations except for field burning in the Willamette Valley. Because the federal Clean Air Act does not provide an exemption for agricultural operations, there is an inconsistency between state and federal law. In the fall of 2005, several environmental groups petitioned the U.S. Environmental Protection Agency (EPA) to revoke its approval of Oregon's air quality permitting program because of this inconsistency between state and federal law. EPA agreed with the petitioners and directed the state to address the problem. Failure to come into compliance with the federal Clean Air Act could result in the revocation of Oregon's delegated authority to administer the Clean Air Act and could require businesses to obtain permits directly from EPA.

Provisions of the Senate Bill 235-A minority report would allow the Environmental Quality Commission and Department of Agriculture to set guiding principles for the development air quality rules for agricultural operations and exceptions for some agricultural operations that could be adopted at a future time.

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This summary has not been adopted or officially endorsed by action of the committee.

Committee Services Form - 2007 Regular Session