

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 3 - 2 - 0

Yeas: Bates, Prozanski, Avakian

Nays: Atkinson, Beyer

Exc.: 0

Prepared By: Sue Marshall, Administrator

Meeting Dates: 4/10

WHAT THE MEASURE DOES: Requires the Environmental Quality Commission and Department of Agriculture to provide for department administration and enforcement of air quality laws necessary to implement the federal Clean Air Act applicable to agricultural operations or equipment. Expands the duties and powers of the Department of Agriculture Natural Resource Division.

ISSUES DISCUSSED:

- 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 COMMITTEE AMENDMENT: Requires the commission and the department to enter into a memorandum of understanding that addresses the administration and enforcement of air quality laws on agricultural operations and equipment consistent with the federal Clean Air Act. Directs the commission to adopt rules that establish an ambient air quality standard for hydrogen sulfide, to control air pollution from large concentrated animal feeding operations and to define “large concentrated animal feeding operation”. Protects air quality in Class I areas (Columbia River Gorge) under the federal Clean Air Act. Sets a timeline for rule making, including deadline of June 1, 2008. Includes an exception to protect the Columbia River gorge National Scenic Area

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.

Senate Bill 235-A directs the EQC and the ODA to enter into a memorandum of understanding to comply with the federal Clean Air Act related to agricultural operations, to develop an air quality standard for hydrogen sulfide, and to adopt rules for large concentrated animal feeding operations. The measure further provides protection for the Columbia River National Scenic Area or other area designated as Class I under the federal Clean Air Act.

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