

Joint Committee on Ways and Means

Carrier – House: Rep. Dingfelder
Carrier – Senate: Sen. Avakian

Revenue: No revenue impact

Fiscal: Fiscal statement issued

Action: Do Pass the A-Engrossed Measure as Amended and Be Printed B-Engrossed

Vote: 17 – 0 – 4

House – Yeas: D. Edwards, Galizio, Garrard, Hanna, Jenson, Morgan, Nolan, Shields
– Nays:

– Exc: Nathanson

Senate – Yeas: Bates, Devlin, Johnson, Morse, Nelson, Schrader, Verger, Westlund, Whitsett

– Nays:

– Exc: Carter, Gordly, Winters

Prepared By: Paul Siebert, Legislative Fiscal Office

Meeting Date: 6/21/07

WHAT THE MEASURE 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:

- Amendment is product of compromise among those interested in the issue.
- Important to address the issue or face possible federal sanctions in the federally delegated Air Quality program

EFFECT OF COMMITTEE AMENDMENT: Removes requirement 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

Creates 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.

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.

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. Creates the Task Force on Dairy Air Quality.