

SENATE AMENDMENTS TO SENATE BILL 235

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

April 25

1 On page 1 of the printed bill, delete lines 5 through 29.

2 On page 2, delete lines 1 and 2 and insert:

3 **“SECTION 2. (1) The Environmental Quality Commission and the State Department of**
4 **Agriculture shall enter into a memorandum of understanding that addresses the adminis-**
5 **tration and enforcement of air quality laws contained in this chapter that apply to agricul-**
6 **tural operations and equipment. The terms of the memorandum of understanding must be**
7 **consistent with the obligations of this state under the federal Clean Air Act (P.L. 88-206 as**
8 **amended) and the purposes described in ORS 468A.305. Subject to the terms of the memo-**
9 **randum of understanding and to oversight by the Department of Environmental Quality, the**
10 **State Department of Agriculture may perform any function of the Department of Environ-**
11 **mental Quality under this chapter that relates to air quality, including but not limited to the**
12 **issuance of permits, establishment of fees, entry and inspection of premises and the assess-**
13 **ment of civil penalties.**

14 **“(2) The Environmental Quality Commission and the State Department of Agriculture**
15 **shall consider the following when entering into a memorandum of understanding under sub-**
16 **section (1) of this section:**

17 **“(a) Cooperation with private and public entities associated with agriculture in program**
18 **research, development and implementation.**

19 **“(b) Program flexibility.**

20 **“(c) The use of voluntary measures, including education, demonstration projects and in-**
21 **centives, if practicable and reasonably expected to be effective in helping to carry out regu-**
22 **latory requirements.**

23 **“(d) The diverse nature of agricultural operations and the importance of, and public in-**
24 **terest in, the agricultural production of food, fiber and other products.**

25 **“(e) The desirability of having the State Department of Agriculture serve as the lead**
26 **agency responsible for the administration of programs relating to agriculture.**

27 **“(f) The importance of, and public interest in, the protection of human health and the**
28 **environment, including the protection of natural resources in special areas of the state des-**
29 **ignated for their outstanding scenery and historical and cultural importance.**

30 **“(3) In adopting rules subject to the memorandum of understanding required by sub-**
31 **section (1) of this section, the Environmental Quality Commission and the State Department**
32 **of Agriculture shall consult with each other.**

33 **“SECTION 3. (1) No later than January 2, 2008, the Environmental Quality Commission**
34 **shall initiate rulemaking to adopt rules:**

35 **“(a) To establish an ambient air quality standard for hydrogen sulfide to protect human**

1 **health and the environment with an adequate margin of safety.**

2 **“(b) To control air pollution from large concentrated animal feeding operations, including**
3 **but not limited to pollution by ammonia and hydrogen sulfide.**

4 **“(c) To define ‘large concentrated animal feeding operation’ as used in the rules of the**
5 **commission.**

6 **“(2) The commission shall complete the adoption of rules under this section in time for**
7 **the rules to become effective on or before June 1, 2008.”.**

8 In line 3, delete “3” and insert “4”.

9 Delete lines 12 through 14.

10 In line 15, delete “468A.330,” and begin a new paragraph and insert “(1) Except as provided in
11 subsection (2) of this section,”.

12 In line 16, delete “(1)” and insert “(a)”.

13 In line 17, delete “(a)” and insert “(A)”.

14 In line 18, delete “(b)” and insert “(B)”.

15 In line 19, delete “(c)” and insert “(C)”.

16 In line 20, delete “(d)” and insert “(D)”.

17 In line 21, delete “(e)” and insert “(E)”.

18 In line 22, delete “(f)” and insert “(F)”.

19 In line 24, delete “(2)” and insert “(b)”.

20 In line 26, restore “(c)” and delete “(3)”.

21 In line 28, delete “(4)” and insert “(d)”.

22 In line 31, delete “(5)” and insert “(e)”.

23 In line 35, delete “(6)” and insert “(f)”.

24 After line 43, insert:

25 “(2) Subsection (1) of this section does not apply to the extent:

26 “(a) Otherwise provided in ORS 468A.555 to 468A.620, 468A.992, 476.380 and 478.960 and section
27 2 of this 2007 Act;

28 “(b) Necessary to implement the federal Clean Air Act (P.L. 88-206 as amended) under ORS
29 468A.025, 468A.030, 468A.035, 468A.040, 468A.045 and 468A.300 to 468A.330; or

30 “(c) Necessary to protect and enhance air quality in the Columbia River Gorge National Scenic
31 Area or in any area that has been designated or redesignated as a Class I area under the federal
32 Clean Air Act.”.

33 In line 44, delete “4” and insert “5”.

34 On page 3, line 30, delete “5” and insert “6”.