

A-Engrossed
House Bill 3312

Ordered by the House April 21
Including House Amendments dated April 21

Sponsored by Representative BARNHART; Representatives KENY-GUYER, MALSTROM, MARSH, Senator RILEY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Directs Department of Environmental Quality to adopt rules establishing environmental regulations at least as stringent as those provided under federal law on January 19, 2017.]

For rules implementing certain federal environmental laws that Environmental Quality Commission or Department of Environmental Quality has been delegated authority to administer, prohibits commission from amending or revising rules to be less stringent than certain federal standards and requirements.

Requires natural resource agencies that have been delegated authority to administer certain federal environmental laws to, no later than September 15, 2018, report to interim legislative committees on proposed federal rulemaking that may result in federal standards and requirements that are less stringent than certain baseline standards, and to include certain information in report.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to the environment; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS chapter 468.

SECTION 2. (1) As used in this section:

(a) **"Baseline federal standards" means the standards and requirements contained in a federal environmental law, as those standards and requirements were in existence on January 19, 2017.**

(b) **"Federal environmental law" means any federal law relating to protection of the environment, natural resources or public health, and any federal regulations adopted thereto, that is federally administered by the United States Environmental Protection Agency.**

(2) To the extent authorized by federal law and except as otherwise provided by state law, for any federal environmental law that the Environmental Quality Commission or the Department of Environmental Quality has been delegated authority to administer, or for any state law administered by the department that is an analogue to a federal environmental law, the commission may not amend or revise the commission's rules to be less stringent than the baseline federal standards, but may adopt rules that are more stringent than the baseline federal standards.

SECTION 3. (1) As used in this section:

(a) **"Baseline federal standards" means the standards and requirements contained in a federal environmental law, as those standards and requirements were in existence on January 19, 2017.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (b) "Federal environmental law" means any federal law relating to protection of the en-
2 vironment, natural resources or public health, and any federal regulations adopted thereto,
3 that is federally administered by the United States Environmental Protection Agency.

4 (c) "Natural resource agency" means the Department of Environmental Quality, the
5 State Department of Agriculture, the State Department of Energy, the State Department of
6 Fish and Wildlife, the State Forestry Department, the Department of Land Conservation and
7 Development, the State Parks and Recreation Department, the Water Resources Depart-
8 ment, the Oregon Health Authority and the Oregon Watershed Enhancement Board.

9 (2) No later than September 15, 2018, each natural resource agency that has been deleg-
10 ated authority to administer federal environmental law shall submit a report, in the manner
11 provided by ORS 192.245, to the interim legislative committees on the environment and na-
12 tural resources that:

13 (a) Identifies each federal environmental law that the natural resource agency has been
14 delegated authority to administer and the nature of the natural resource agency's delegated
15 authority;

16 (b) For each federal environmental law described, identifies any notice published in the
17 Federal Register on or after January 19, 2017, and before August 15, 2018, that proposes to
18 change a federal regulation in a manner that may diminish the level of environmental pro-
19 tection afforded by the federal environmental law; and

20 (c) For each notice identified in the report under paragraph (b) of this subsection, in-
21 cludes:

22 (A) A statement of whether the natural resource agency believes that the proposed fed-
23 eral rulemaking, if adopted, may result in federal standards and requirements that are less
24 stringent than baseline federal standards;

25 (B) Recommendations, that may include recommendations for legislation, for actions that
26 may be taken by the natural resource agency in order to continue state implementation of
27 federal environmental laws in a manner that results in standards and requirements that are
28 at least as stringent as baseline federal standards, regardless of regulatory changes or pro-
29 posed regulatory changes at the federal level; and

30 (C) Additional resources that the natural resource agency may need to enable the agency
31 to continue state implementation of federal environmental laws in a manner that results in
32 standards and requirements that are at least as stringent as baseline federal standards, in
33 light of regulatory changes or proposed regulatory changes at the federal level.

34 **SECTION 4.** Section 3 of this 2017 Act is repealed on December 31, 2018.

35 **SECTION 5.** This 2017 Act being necessary for the immediate preservation of the public
36 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
37 on its passage.

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