

HB 2250 -1 STAFF MEASURE SUMMARY
House Committee On Energy and Environment

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/5, 3/7

WHAT THE MEASURE DOES:

Defines "natural resource agencies" as the Oregon Department of Environmental Quality (DEQ), the Oregon Department of State Lands, the Oregon Health Authority, the Oregon Watershed Enhancement Board, the Oregon Department of Agriculture, and the Oregon Water Resources Department. Requires natural resource agencies that administer federal environmental law to regularly assess proposed and final changes to federal environmental law to determine whether the changes are significantly less protective of public health, the environment, or natural resources than baseline federal standards. Specifies that baseline federal standards means standards and requirements in effect as of January 19, 2017 for the following: the federal Clean Air Act, the federal Safe Drinking Water Act, and the Federal Water Pollution Control Act. Directs DEQ to promptly inform the Environmental Quality Commission and recommend actions to maintain baseline federal standards if federal environmental laws reduce standards and requirements below baseline federal standards. Directs all other natural resource agencies to take actions necessary to continue state implementation of standards and requirements that are at least as protective of public health, the environment, or natural resources as baseline federal standards. Clarifies that natural resource agencies are not prevented from adopting rules that are more protective than baseline federal standards.

ISSUES DISCUSSED:

- Cooperative federalism between the federal Environmental Protection Agency and Oregon state agencies
- State administration of Clean Water Act, Clean Air Act, Safe Drinking Water Act provisions
- Changes in federal environmental protection standards
- Oregon environmental protection standards

EFFECT OF AMENDMENT:

-1 Removes reference to and definition of "natural resource agencies." Requires the Oregon Department of Environmental Quality and the Oregon Health Authority (OHA) to regularly assess final changes to federal environmental law to determine whether the changes are significantly less protective of public health, the environment, or natural resources than baseline federal standards. Omits requirement to regularly assess proposed changes to federal environmental law. Directs OHA to take actions necessary to continue state implementation of standards and requirements that are at least as protective of public health, the environment, or natural resources as baseline federal standards. Clarifies that the Environmental Quality Commission and OHA are not prevented from adopting rules that are more protective than baseline federal standards.

Fiscal: No fiscal impact

Revenue: No revenue impact

BACKGROUND:

The Environmental Protection Agency (EPA) is a federal agency responsible for implementing and enforcing environmental laws as enacted by Congress. The EPA works in partnership with states and tribes by setting national standards that states and tribes enforce through their own regulations. In addition, the EPA grants

HB 2250 -1 STAFF MEASURE SUMMARY

funding for projects and scientific studies to protect human health and the environment; studies environmental issues at laboratories throughout the US; provides technical assistance and data to partners such as states, local governments, non-profits, and businesses; and educates the public on environmental issues with teaching materials and publications.

The federal Clean Air Act calls for state, local, federal, and tribal governments to work in partnership to reduce air pollution. The Clean Air Act focuses on six areas: common pollutants, air toxics, acid rain, ozone layer protection, regional haze, and operating permits for major sources of air pollution. These areas were chosen to address smog in cities and industrial centers, protect public health, and control emissions that drift and impact air quality in neighboring communities or states. The EPA establishes national ambient air quality standards and requires states to adopt enforceable plans to achieve the standards.

The federal Safe Drinking Water Act requires the EPA to set standards for drinking water quality to protect public drinking water supplies across the country. The EPA partners with states, tribes, and others to enforce regulatory limits on the amount of contaminants in public water systems through testing, monitoring, and education.

The Federal Water Pollution Control Act, known as the Clean Water Act since its expansion in 1972, establishes the structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The EPA develops national water quality criteria and works with federal, state, and tribal partners to implement pollution control programs to regulate wastewater, industrial, municipal, and other discharge that impact the quality of surface waters.

House Bill 2250 would require Oregon natural resource agencies that partner with the EPA on enforcement of clean air and water standards to assess changes to federal environmental standards and make recommendations or take action to maintain standards that meet or exceed environmental protections in effect on January 19, 2017.