

# Senate Bill 104

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## 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 **as introduced**.

Classifies dairies exceeding specified size as industrial facilities for purposes of right to farm laws, air pollution laws and land use laws. Provides that use of water for industrial dairy is industrial use. Allows local governments to adopt human health and safety ordinances restricting or prohibiting air and water emissions by dairies classified as industrial facilities. Prohibits Department of Environmental Quality and Water Resources Department from issuing permits for new or expanded industrial dairy contrary to local ordinances.

## A BILL FOR AN ACT

1  
2 Relating to industrial dairies.

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

4 **SECTION 1. (1) As used in this section, "industrial dairy" means a concentrated animal**  
5 **feeding operation or confined animal feeding operation that:**

6 (a)(A) **Has not less than 700 mature dairy cows; and**

7 (B) **Does not guarantee to provide the cows with seasonal daily access to pasture land;**

8 **or**

9 (b) **Has more than 2,500 dairy cows.**

10 (2) **For purposes of ORS 30.930 to 30.947 and ORS chapters 195, 196, 197 and 215:**

11 (a) **An industrial dairy:**

12 (A) **Is an industrial facility; and**

13 (B) **Is not a farm.**

14 (b) **The operation of an industrial dairy:**

15 (A) **Is an industrial activity; and**

16 (B) **Is not a farming practice.**

17 (c) **The use of land for an industrial dairy operation:**

18 (A) **Is an industrial use of land; and**

19 (B) **Is not an agricultural or farm use of land.**

20 (3) **For purposes of ORS chapters 468, 468A and 468B, notwithstanding ORS 468A.020, an**  
21 **industrial dairy:**

22 (a) **Is an industrial operation; and**

23 (b) **Is not an agricultural operation.**

24 (4) **For purposes of ORS chapters 536 to 543A, the provision of water to cows at an in-**  
25 **dustrial dairy:**

26 (a) **Is an industrial use of water; and**

27 (b) **Is not stockwatering or other agricultural use of water.**

28 (5) **A local government, as defined in ORS 174.116, may adopt ordinances to protect hu-**

**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 man health and safety by restricting or prohibiting air and water emissions by industrial  
2 dairies. The local governments shall model any ordinances adopted under authority of this  
3 section on the recommendations contained in the final report of the Task Force on Dairy  
4 Air Quality created under section 3, chapter 799, Oregon Laws 2007. The ordinances may in-  
5 clude, but need not be limited to, restricting or prohibiting the emission of hydrogen sulfide,  
6 methane or haze into the air or emissions of nitrates into water.

7 (6) The Department of Environmental Quality and the Water Resources Department may  
8 not issue any permits for a new industrial dairy, or for the expansion of an industrial dairy,  
9 if the new or expanded industrial dairy would violate an ordinance adopted under authority  
10 of this section and in effect at the time the agency issues a proposed order regarding the  
11 permit application.

12 SECTION 2. For purposes of ORS 30.930 to 30.947, section 1 (2) of this 2019 Act applies  
13 to industrial dairy activities taking place on or after the effective date of this 2019 Act.

14 SECTION 3. For purposes of ORS chapters 195, 196, 197 and 215, section 1 (2) of this 2019  
15 Act applies to land use decisions that become final by operation of law or on appeal on or  
16 after the effective date of this 2019 Act.

17 SECTION 4. For purposes of ORS chapters 536 to 543A, section 1 (4) of this 2019 Act ap-  
18 plies to water right permits and water right certificates issued on or after the effective date  
19 of this 2019 Act and to stockwatering on or after the effective date of this 2019 Act under  
20 ORS 537.141 or 537.545.  
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