

KATE BROWN
GOVERNOR



April 30, 2019

Oregon Senate Committee on Environment and Natural Resources
Oregon State Capitol
900 Court Street NE
Salem, OR 97301

RE: Governor's Office Support for HB 2250

Dear Chair Dembrow, Vice-Chair Olsen, and members of the Committee,

Goal: To ensure long-term resiliency and to prevent backsliding of federally regulated environmental and health protections by utilizing cooperative federalism, as granted in three landmark pieces of federal environmental legislation; the CAA, CWA, and SDWA.

Purpose: To provide clear policy direction to natural resources agencies responsible for implementing air and water quality standards and create a streamlined process for assessing changes to these quality standards at the federal level.

Cooperative Federalism: a partnership between the federal EPA and states, which allows states to implement air and water quality standards on a regional basis in exchange for funding support.

- Federal Funding by Agency
 - DEQ: ~9%
 - OHA: ~54%

In discussing cooperative federalism in the context of environmental policy in Oregon, it is also important to simultaneously define why this legislation is critical at this point in time:

- **Clean Air Act:** primarily administered by DEQ
 - States have authority to adopt more stringent than federal requirements for a variety of air quality parameters including hazardous air pollutants and ozone
 - Federal EPA standards are preemptive for emission standard for moving sources (Title II: Motor Vehicle Emission and Fuel Standards, Aircraft Emission Standards, etc.)
 - Exception of CA emission standards (OR has followed CA standards)
 - Ozone: EPA currently in litigation regarding proposed rollbacks on NAAQS
 - 2017 Ozone concentration exceeded federal standards (Portland Metro)
 - While wildfires may have contributed, it is important to address other factors that contribute to depleted air quality, such as emissions from industrial facilities and electric utilities
 - Mercury and Air Toxic Standards: current proposal limits consideration of health benefits in cost benefit analysis used for regulation

KATE BROWN
GOVERNOR



- *OEPA provides the State an opportunity to control and limit point source industrial air pollution and potentially offset more chronic factors while giving flexibility for “exceptional events”*
 - Exceptional events: gives exceptions to nonattainment when air quality standards are not met due to special circumstance, such as wildfire
- **Clean Water Act**
 - States have authority to adopt more stringent than federal requirements for a variety of water quality parameters including discharge standards and requirements regarding water pollution control
 - Waters of the US (WOTUS): defines which wetlands and streams are protected under CWA
 - Proposed repeal of 2015 rule and narrow definition
 - leaves many wetlands and streams vulnerable to pollution for sources such as confined animal feeding operations, industrial facilities, and urban stormwater
- **Safe Drinking Water Act: administered by DEQ and OHA**
 - States have authority to adopt more stringent than federal requirements for a variety of drinking water regulations or public water systems
 - OHA has process to consistently evaluate and address drinking water quality
 - Uses EPA standards as a baseline framework, OEPA sets these baselines to pre-Trump era
 - Currently no federal rollbacks on drinking water standards

Agency Impacts

- Fiscal: NONE
- Procedural: all agencies already monitor and assess federal air/water quality standards
 - DEQ
 - Check current standards against Jan. 19, 2017 standards
 - Report to EQC commission
 - HB 2250 does not require the EQC to initiate rulemaking
 - OHA
 - Adds extra step to check current standards against Jan. 19, 2017 standards

Sincerely,

Jason Miner
Natural Resources Policy Manager
Office of Governor Kate Brown