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Senate Committee on Environment and Natural Resources
900 Court St. NE
Salem, OR 97301
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Submitted via email

RE: Columbia Riverkeeper Written Testimony on SB 197, Dairy Air Quality Bill.

Dear Chair Dembrow and members of the committee,

Columbia Riverkeeper (“Riverkeeper”) submits the following written testimony on SB 197, which requires the Environmental Quality Commission to adopt by rule a program for regulating air pollution from dairy confined animal feeding operations (“CAFOs”). Riverkeeper is a non-profit organization with approximately 12,000 members dedicated to protecting and restoring the water quality of the Columbia River and all life connected to it, from the headwaters to the Pacific Ocean. Riverkeeper’s members eat fish from and live, work, and recreate along the Columbia River and its tributaries. For the reasons explained below, **Riverkeeper respectfully requests that the committee pass SB 197 out of committee with a ‘do pass’ recommendation.**

Collectively, CAFOs emit large amounts of air pollution, including methane, ammonia, nitrous oxide, volatile organic compounds, and particulate matter.¹ Oregon has no air pollution control program to monitor and reduce pollution from this source sector. While the U.S. Environmental Protection Agency (“EPA”) has long acknowledged the problem of CAFO air pollution, EPA fails to regulate the industry.² In the face of federal inaction, states including Minnesota, California, and Idaho have adopted laws to reduce air pollution from CAFOs.³ To date, Oregon has not adopted regulations to control air pollution from CAFOs.

¹ Oregon Dairy Air Quality Task Force, Final Report to the Oregon Department of Agriculture and Oregon Department of Agriculture (July 1, 2008), <http://library.state.or.us/repository/2012/201204101013082/finalReport.pdf>.

² Georgina Gustin, *EPA’s failure to regulate factory farms pollution draws new scrutiny*, Inside Climate News (Nov. 28, 2016), <https://insideclimatenews.org/news/22112016/epa-regulate-factory-farm-emissions-pollution>.

³ Minnesota Air Emissions Planning, https://www.epa.gov/sites/production/files/2017-01/documents/c_minnesota_air_emissions_planning.pdf; California Senate Bill 1383, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1383; Rules for Control of Air

In 2007, Oregon took a first step towards addressing air pollution from CAFOs.⁴ SB 235 created a Task Force to find solutions to the growing air quality problems associated with large industrial dairy operations in Oregon.⁵ A 2008 report from the Task Force called on the Oregon Departments of Environmental Quality and Agriculture to create a new program for air quality monitoring, as well as voluntary and regulatory measures, to reduce harmful air emissions from significant sources of dairy-related air pollution beginning in 2009.⁶ The consensus proposal was endorsed by the dairy industry, family farm organizations, and environmental and public health professionals on the Task Force.⁷

The Legislature never funded the Task Force's recommended studies and the agencies never adopted air pollution regulations or recommended voluntary measures. As a result, Oregon is now facing new industrial-scale CAFOs taking advantage of the state's lax pollution laws.⁸

Oregon is already home to one of the nation's largest industrial-scale dairy operations.⁹ Located near Boardman, Threemile Canyon Farms houses 70,000 cows¹⁰ and is a major source of ammonia and other pollution emissions.¹¹ Studies link haze and acid deposition in the Columbia River Gorge to pollution from CAFOs in eastern Oregon and Washington, including Threemile.¹² We direct the committee's attention to in-depth comments filed on behalf of

Pollution in Idaho, Rules for Control of Ammonia from Dairy Farms, IDAPA 58.0.01.760 – 764, <https://adminrules.idaho.gov/rules/current/58/0101.pdf>.

⁴ Oregon Dairy Air Quality Task Force, Final Report to the Oregon Department of Agriculture and Oregon Department of Agriculture at 3.

⁵ *Id.*

⁶ *Id.* at 8 - 10.

⁷ *Id.* at 4.

⁸ Molly Harbarger, *Proposed Oregon mega-dairy points to hole in state permitting, says opponents*, The Oregonian (Nov. 2, 2016), http://www.oregonlive.com/business/index.ssf/2016/11/proposed_oregon_mega-dairy_poi.html.

⁹ Threemile Canyon Farms, <http://www.threemilecanyonfarms.com> (“Our farm blends one of the nation's largest dairy operations with extensive production of potatoes and other crops.”).

¹⁰ George Plaven, *Oregon mega-dairy up for further review*, East Oregonian (Oct. 4, 2016), <http://www.eastoregonian.com/eo/local-news/20161004/boardman-mega-dairy-up-for-further-review>.

¹¹ AP, *Plan to cut farm pollution reporting rules criticized* (Mar. 20, 2008), http://globegazette.com/business/plan-to-cut-farm-pollution-reporting-rules-criticized/article_caad1573-d9a7-5278-8bee-21480adfc3b6.html (“According to EPA hearing testimony to Congress, an estimated 140 animal-feeding operations reported ammonia releases exceeding the 100 pound-per-day level in the 2006 fiscal year, and an estimated 130 operations in the 2007 fiscal year. Some facilities regularly exceeded the reporting levels. One example was a dairy farm in Oregon called Three Mile Canyon Farms which reported daily ammonia emissions of 15,500 pounds.”)

¹² Bob Bachman, *Nitrogen increases in Eastern portion of the Columbia River Gorge National Scenic Area*, U.S. Forest Service (undated), <https://www.wilderness.net/toolboxes/.../Columbia%20River%20Gorge%20NSA.doc> (“The visibility impairment increase is supported by several sources of information including ammonia emission inventories in the Columbia Basin and along the Snake River drainage indicating steady growth in ammonia emissions – the Three Mile Canyon Farm near the Boardman Power Plant stands out as a new and extremely large ammonia source.”); Dan Jaffe, *Who is Polluting the Columbia River Gorge? Final Report* (2006), <http://www.swcleanair.org/docs/ColumbiaRiverGorge/JaffeReport.pdf>; *Causes of Haze in the Gorge, Final Report* (2006), <http://www.swcleanair.org/agency/columbiariver.asp> (“Haze levels are highest east of the gorge and gradually decrease to the west. Thus sources to the east of the gorge (e.g. Boardman power plant, nearby dairy

Friends of the Columbia River Gorge, which describe studies on degraded air quality in the Columbia River Gorge National Scenic Area and the role of dairy CAFOs in contributing to regional air pollution.

Now, Oregon is facing a new 30,000 head industrial dairy operation located near Threemile. If approved, the proposed Lost Valley Ranch would generate 187 million tons of manure each year, similar to a large Oregon city, but without wastewater treatment.¹³ Instead, Lost Valley Ranch proposes to store liquid manure in open-air lagoons and dispose manure on fields, posing significant risk to both air and water quality. Unlike Threemile Canyon Farms, Lost Valley Ranch does not propose utilizing a manure digester to address any portion of its air pollution emissions. Because Oregon has no program to monitor and protect air quality from these sources, the combined impact of air pollution from Lost Valley Ranch, Threemile Canyon Farms, other CAFOs, and future operations will grow.

Public comments filed by the USDA Forest Service and others on the Lost Valley Ranch water quality permit reflect the substantial level of concern around air pollution from dairy CAFOs. In fact, the Forest Service comments address exclusively air pollution. For example, the Forest Service states: “The USDA Forest Service is concerned about the potential for adverse impacts to the Columbia River Gorge National Scenic Area (CRGNSA) resulting from air pollutants emitted from this proposed facility.” The Forest Service notes:

CAFOs are known sources of air pollutants including ammonia, nitrous oxide, nitrogen oxides, methane, volatile organic compounds, hydrogen sulfide and particulate matter (National Academy of Science, 2003). Ammonia emissions are known contributors to regional haze and acidification occurring in the CRGNSA (Oregon Department of Environmental Quality and Southwest Clean Air Agency, 2001).

The Oregon Department of Environmental Quality and Oregon Department of Agriculture do not regulate air pollutant emissions under the water quality (*i.e.*, CAFO National Pollutant Discharge Elimination System (“NPDES”)) permit; in turn, the local, federal, and public concerns raised in comments on the Lost Valley Ranch water quality permit will go unaddressed under Oregon state law.

SB 197 is a commonsense bill that would begin to address air pollution from dairy CAFOs. The bill would move forward the Dairy Air Quality Task Force recommendations and empower the Environmental Quality Commission and the Oregon Department of Agriculture to regulate air emissions from large dairy CAFOs. Oregon’s leading family farm, public health,

operation, and the Tri-Cities areas) are major contributors to haze-causing aerosols that are transported through the gorge from east to west.”)

¹³ George Plaven, *Lost Valley Ranch dairy to locate on former tree farm in E. Oregon*, Capital Press (July 28, 2016), <http://www.capitalpress.com/Dairy/20160728/lost-valley-ranch-to-locate-on-former-tree-farm>.

environmental, and animal welfare organizations support SB 197, including Friends of Family Farmers, Socially Responsible Agricultural Project, Oregon Physicians for Social Responsibility, Friends of the Columbia Gorge, the Oregon Chapter of the Sierra Club, Humane Oregon, Food & Water Watch, Center for Food Safety, Center for Biological Diversity, and The Humane Society of the United States.

Riverkeeper respectfully asks the committee to pass SB 197 out of committee with a 'do pass' recommendation. Thank you for considering our organization's input on this important piece of public health and environmental legislation.

Sincerely,

A handwritten signature in cursive script that reads "Lauren Goldberg".

Lauren Goldberg
Staff Attorney, Columbia Riverkeeper