

# HOUSE BILL REPORT

## HB 1033

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### As Reported By House Committee On:

Agriculture & Ecology  
Appropriations

**Title:** An act relating to requirements for grain facilities under the Washington clean air act.

**Brief Description:** Revising requirements for grain facilities under the Washington clean air act.

**Sponsors:** Representatives Schoesler, Honeyford, Sheahan, Grant and Chandler.

### Brief History:

#### Committee Activity:

Agriculture & Ecology: 1/16/97, 1/27/97 [DPS];  
Appropriations: 2/13/97, 2/24/97 [DPS(AGEC)].

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## HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Chandler, Chairman; Schoesler, Vice Chairman; Parlette, Vice Chairman; Linville, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Cooper; Delvin; Koster; Mastin; Regala and Sump.

**Staff:** Kenneth Hirst (786-7105).

**Background:** The state's Clean Air Act requires the Department of Ecology (DOE) or the board of an activated, local air pollution control authority to require renewable permits for the operation of air contaminant sources. The operating permits apply to all sources where required by the federal Clean Air Act and, with certain limitations, to any source that may cause or contribute to air pollution in such a quantity as to create a threat to the public health or welfare. For sources or categories of sources not required to obtain a permit, the DOE or such a board may set control technology requirements by rule. In addition, the DOE or such a board may classify air contaminant sources that may cause or contribute to air pollution and require registration and reporting for these classes of sources. The DOE or such a board may also require registrations to be accompanied by a registration fee and may

determine the amount of the fee. The fees may be set only to compensate for certain specified costs of administering the registration program.

**Summary of Substitute Bill:** Once a registration or report has been filed under the air pollution source registration program for a grain warehouse or grain elevator, a registration, report, or fee may not be again required for the warehouse or elevator after January 1, 1997. This prohibition does not apply if the capacity of the warehouse or elevator listed as part of its grain warehouse or elevator license issued by the Department of Agriculture or the federal government is increased. If the licensed capacity is increased, any registration or reporting required under the program for the warehouse or elevator must be made by the date the warehouse or elevator receives grain from the first harvest season that occurs after the increase.

This exemption from re-registration, fees, and reporting does not apply to a facility that handles more than 10 million bushels of grain annually and is subject to a registration program administered by a local air control agency.

**Substitute Bill Compared to Original Bill:** The original bill applies to all grain warehouses and facilities; the substitute bill does not apply to facilities that handle more than 10 million bushels of grain annually and are regulated by a local air control agency. Rather than being re-registered if their capacity significantly expands (as in the original bill), facilities are re-registered under the substitute bill if their licensed capacity is increased.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Grain elevators and warehouses are paying air registration fees simply to tell the Department of Ecology (DOE) that they have not moved; they get no service for the fees. Operational information regarding these facilities is provided to the Department of Agriculture and others. It need not be reported annually to the DOE as well.

**Testimony Against:** (1) The original bill would exempt deep water terminal port facilities in Seattle and Tacoma; these facilities do get inspections and service from their local air pollution control agency. (2) The bill should not exempt large facilities in urban areas; it should be limited to facilities in rural areas. (3) Grain elevators are inspected once every three years.

**Testified:** Representative Schoesler, prime sponsor; Jonathan Schleuter, Pacific NW Grain and Feed Association; and Dan Coyne, Washington State Council of Farmer Cooperatives (in favor). Stu Clark, Department of Ecology; and Mike Ryherd, Puget Sound Air Pollution Control Agency (with concerns).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill by Committee on Agriculture & Ecology be substituted therefor and the substitute bill do pass. Signed by 30 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Dyer; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

**Staff:** Nancy Stevenson (786-7137).

**Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Agriculture & Ecology:** No new changes were recommended.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The substitute bill addresses the concerns expressed in the Agriculture & Ecology Committee. It makes sense that the smaller facilities no longer have to pay an annual fee unless the capacity of the facility is expanded.

**Testimony Against:** None.

**Testified:** Ray Shindler, Washington Association of Wheatgrowers and Washington Wheat Commission.