

HOUSE BILL REPORT

SHB 1033

As Amended by the Senate

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: By House Committee on Agriculture & Ecology (originally sponsored by 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)].

Floor Activity:

Passed House: 3/5/97, 98-0.

Senate Amended.

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).

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).

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 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.

EFFECT OF SENATE AMENDMENT(S): The exemption from re-registration and reporting provided by the bill does not apply to a grain elevator or warehouse that handles more than 10 million bushels per year and that is registered with either DOE or a local air authority (rather than not applying to the facility if it is registered with a local authority).

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (Agriculture & Ecology) 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.

(Appropriations) 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: (Agriculture & Ecology) (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.

(Appropriations) None.

Testified: (Agriculture & Ecology) 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).

(Appropriations) Ray Shindler, Washington Association of Wheatgrowers and Washington Wheat Commission (in favor).