

CERTIFICATION OF ENROLLMENT

SENATE BILL 5142

Chapter 138, Laws of 2005

59th Legislature
2005 Regular Session

AIR REGISTRATIONS--GRAIN ELEVATORS--GRAIN WAREHOUSES

EFFECTIVE DATE: 7/24/05

Passed by the Senate February 23, 2005
YEAS 46 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 5, 2005
YEAS 93 NAYS 1

FRANK CHOPP

Speaker of the House of Representatives

Approved April 22, 2005.

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5142** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 22, 2005 - 3:30 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 5142

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Senators Schoesler, Rasmussen, Morton and Delvin

Read first time 01/14/2005. Referred to Committee on Agriculture & Rural Economic Development.

1 AN ACT Relating to air registrations for elevators and warehouses;
2 and amending RCW 70.94.151.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70.94.151 and 1997 c 410 s 1 are each amended to read
5 as follows:

6 (1) The board of any activated authority or the department, may
7 classify air contaminant sources, by ordinance, resolution, rule or
8 regulation, which in its judgment may cause or contribute to air
9 pollution, according to levels and types of emissions and other
10 characteristics which cause or contribute to air pollution, and may
11 require registration or reporting or both for any such class or
12 classes. Classifications made pursuant to this section may be for
13 application to the area of jurisdiction of such authority, or the state
14 as a whole or to any designated area within the jurisdiction, and shall
15 be made with special reference to effects on health, economic and
16 social factors, and physical effects on property.

17 (2) Except as provided in subsection (3) of this section, any
18 person operating or responsible for the operation of air contaminant
19 sources of any class for which the ordinances, resolutions, rules or

1 regulations of the department or board of the authority, require
2 registration and reporting shall register therewith and make reports
3 containing information as may be required by such department or board
4 concerning location, size and height of contaminant outlets, processes
5 employed, nature of the contaminant emission and such other information
6 as is relevant to air pollution and available or reasonably capable of
7 being assembled. The department or board may require that such
8 registration be accompanied by a fee and may determine the amount of
9 such fee for such class or classes: PROVIDED, That the amount of the
10 fee shall only be to compensate for the costs of administering such
11 registration program which shall be defined as initial registration and
12 annual or other periodic reports from the source owner providing
13 information directly related to air pollution registration, on-site
14 inspections necessary to verify compliance with registration
15 requirements, data storage and retrieval systems necessary for support
16 of the registration program, emission inventory reports and emission
17 reduction credits computed from information provided by sources
18 pursuant to registration program requirements, staff review, including
19 engineering analysis for accuracy and currentness, of information
20 provided by sources pursuant to registration program requirements,
21 clerical and other office support provided in direct furtherance of the
22 registration program, and administrative support provided in directly
23 carrying out the registration program: PROVIDED FURTHER, That any such
24 registration made with either the board or the department shall
25 preclude a further registration with any other board or the department.

26 All registration program fees collected by the department shall be
27 deposited in the air pollution control account. All registration
28 program fees collected by the local air authorities shall be deposited
29 in their respective treasuries.

30 (3) If a registration or report has been filed for a grain
31 warehouse or grain elevator as required under this section,
32 registration, reporting, or a registration program fee shall not, after
33 January 1, 1997, again be required under this section for the warehouse
34 or elevator unless the capacity of the warehouse or elevator as listed
35 as part of the license issued for the facility has been increased since
36 the date the registration or reporting was last made. If the capacity
37 of the warehouse or elevator listed as part of the license is
38 increased, any registration or reporting required for the warehouse or

1 elevator under this section must be made by the date the warehouse or
2 elevator receives grain from the first harvest season that occurs after
3 the increase in its capacity is listed in the license.

4 This subsection does not apply to a grain warehouse or grain
5 elevator if the warehouse or elevator handles more than ten million
6 bushels of grain annually.

7 (4) For the purposes of ~~((this))~~ subsection~~((7))~~ (3) of this
8 section:

9 (a) A "grain warehouse" or "grain elevator" is an establishment
10 classified in standard industrial classification (SIC) code 5153 for
11 wholesale trade for which a license is required and includes, but is
12 not limited to, such a licensed facility that also conducts cleaning
13 operations for grain; ~~((and))~~

14 (b) A "license" is a license issued by the department of
15 agriculture licensing a facility as a grain warehouse or grain elevator
16 under chapter 22.09 RCW or a license issued by the federal government
17 licensing a facility as a grain warehouse or grain elevator for
18 purposes similar to those of licensure for the facility under chapter
19 22.09 RCW; and

20 (c) "Grain" means a grain or a pulse.

21 ~~((This subsection does not apply to a grain warehouse or grain~~
22 ~~elevator if the warehouse or elevator handles more than ten million~~
23 ~~bushels of grain annually.))~~

Passed by the Senate February 23, 2005.

Passed by the House April 5, 2005.

Approved by the Governor April 22, 2005.

Filed in Office of Secretary of State April 22, 2005.