

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE NO. 3 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 142
98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROMINE.

Offered April 21, 2015.

Senate Substitute No. 3 adopted, April 21, 2015.

Taken up for Perfection April 21, 2015. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

0782S.08P

AN ACT

To amend chapter 640, RSMo, by adding thereto one new section relating to implementation impact reports.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 640, RSMo, is amended by adding thereto one new
2 section, to be known as section 640.090, to read as follows:

**640.090. 1. In developing, amending, or revising state
2 implementation plans to address National Ambient Air Quality
3 Standard nonattainment areas under the federal Clean Air Act, as
4 amended (42 U.S.C. Section 7401, et seq.), state plans to comply with
5 federal regulations relating to carbon emissions for existing-source
6 performance standards (42 U.S.C. Section 7412), or non-point source
7 management plans under the federal Clean Water Act, as amended (33
8 U.S.C. Section 1251, et seq. and 33 U.S.C. Section 1329), for submission
9 to the United States Environmental Protection Agency based on
10 promulgated rules and regulations, the department, and its respective
11 commissions, in collaboration with the department of health and senior
12 services, department of revenue, public service commission, the
13 department of conservation, and division of energy of the department
14 of economic development, shall prepare an implementation impact
15 report in lieu of a regulatory impact report required under section
16 640.015 and submit such report in addition to the proposed state**

17 implementation plan, state plan, or non-point source management plan
18 to the governor, the joint committee on government accountability, the
19 president pro tempore of the senate, and the speaker of the house of
20 representatives forty-five calendar days prior to final submission to the
21 United States Environmental Protection Agency. The department shall
22 also post the implementation impact report and the proposed state
23 implementation plan, state plan, or non-point source management plan
24 prominently on the home page of its departmental website forty-five
25 calendar days prior to submission to the Environmental Protection
26 Agency. If such implementation impact report or state implementation
27 plan, state plan, or non-point source management plan is revised after
28 such report and plan is delivered to such elected officials but prior to
29 submission to the United States Environmental Protection Agency, the
30 updated report and plan shall also be delivered to the governor, the
31 joint committee on government accountability, the president pro
32 tempore of the senate, and the speaker of the house of representatives,
33 and posted prominently on the home page of its departmental website
34 upon release. All implementation impact reports and plans shall
35 remain on the departmental website for no less than one year after
36 final submission to the United States Environmental Protection Agency.

37 2. The implementation impact report shall take into
38 consideration the unique policies, energy needs, resource mix,
39 reliability, and economic priorities of Missouri, and shall include, but
40 is not limited to, the following criteria:

41 (1) The economic impact the plan will have on businesses and
42 citizens in the state, including any disproportionate impact it will have
43 on lower income populations, and any job losses or gains that are
44 anticipated as a result of the plan, rule, or regulation;

45 (2) The existence and cost efficiency of any technology that may
46 be needed to achieve the reduction goal and whether the reduction
47 goals are achievable within the allotted time frame;

48 (3) Whether the plan achieves reduction goals at a sustainable
49 cost;

50 (4) The remaining useful life of any emitting structure affected
51 by the plan if provided by the emitting entity;

52 (5) Any existing depreciation schedules of an emitting structure
53 that will be forced into early retirement due to implementation of the

54 plan if provided by the emitting entity;

55 (6) Any policy options for the adoption of less stringent
56 standards or longer compliance schedules;

57 (7) The potential impact on taxes and the general revenue of the
58 state;

59 (8) The potential impact on citizen health, including any
60 evidence that the pollutant contributes to health problems based upon
61 peer-reviewed scientific evidence;

62 (9) Options, to the maximum extent allowable, that provide
63 flexibility in achieving reduction goals, including the averaging of
64 emissions or any other alternative implementation measure that may
65 further the interests of Missouri's citizens;

66 (10) A cost-benefit analysis of how the plan affects the economic
67 well-being of the state, as well as the projected cost or benefits to any
68 industry affected by the plan, and projected costs or benefits to
69 consumers and citizens;

70 (11) The potential impact of the plan on generation, supply,
71 distributions, and service reliability;

72 (12) The elements of a regulatory impact report as required
73 under section 640.015;

74 (13) Information, to the extent that it is available, regarding how
75 other states are formulating their plans.

76 3. In developing, amending, or revising state implementation
77 plans, state plans, or non-point source management plans for
78 submission to the United States Environmental Protection Agency
79 based on rules or regulations under:

80 (1) The federal Clean Air Act, as amended (42 U.S.C. Section 7401,
81 et seq.), the department shall hold at least one stakeholder meeting in
82 order to solicit stakeholder input from each of the following groups:
83 electric generators and load serving entities, industrial energy
84 consumers, citizens consumer groups, and renewable energy groups;

85 (2) The federal Clean Water Act, as amended (33 U.S.C. Section
86 12541, et seq. and 33 U.S.C. Section 1329), the department shall hold at
87 least one stakeholder meeting in order to solicit stakeholder input from
88 each of the following groups: agricultural groups, municipal groups,
89 industrial groups, environmental and natural resource groups, and
90 citizen groups.

91 4. Before final submission of a state implementation plan, state
92 plan, or non-point source management plan to the United States
93 Environmental Protection Agency, the joint committee on government
94 accountability may conduct at least two public hearings within forty-
95 five days of receiving the implementation impact report and plan in
96 order to seek public comment on the proposed state implementation
97 plan, state plan, non-point source management plan, or implementation
98 impact report. The joint committee on government accountability may
99 request that a representative from the United States Environmental
100 Protection Agency attend at least one of the public hearings.

101 5. Nothing in this section shall be construed as otherwise
102 conferring upon the public service commission or the department
103 jurisdiction over the service, rates, financing, accounting, or
104 management of any rural electric cooperative or municipally-owned
105 utility, or to amend, modify, or otherwise limit the rights to provide
106 service as otherwise provided by law.

107 6. Nothing in this section shall be construed to effect, limit, or
108 supersede section 643.640.

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