

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1631

97TH GENERAL ASSEMBLY

Reported from the Committee on Commerce, Consumer Protection, Energy and the Environment, April 28, 2014, with recommendation that the Senate Committee Substitute do pass.

5364S.07C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 643, RSMo, by adding thereto one new section relating to the air conservation commission.

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

Section A. Chapter 643, RSMo, is amended by adding thereto one new
2 section, to be known as section 643.640, to read as follows:

**643.640. 1. The commission shall develop emission standards
2 under 42 U.S.C. Section 7411(d) and 40 CFR 60.24 through a unit-by-unit
3 analysis of each existing affected source of carbon dioxide within the
4 state. As used in this section, "unit-by-unit analysis" means an analysis
5 of each generation plant individually, regardless of the number of
6 turbines at each plant site.**

**7 2. The commission shall consider in developing and
8 implementing emission standards for each existing affected source of
9 carbon dioxide, among other factors, the remaining useful life of the
10 existing affected source to which such standard applies, consistent with
11 42 U.S.C. Section 7411(d).**

**12 3. The commission shall consider, consistent with its statutory
13 duties to achieve the prevention, abatement, and control of air
14 pollution by all commercially available and economically feasible
15 methods, the overall economic impact from any and all emission
16 standards and compliance schedules developed and implemented under
17 42 U.S.C. Section 7411(d).**

**18 4. The commission may develop, on a unit-by-unit basis for
19 individual existing affected sources and emissions of carbon dioxide at**

20 these existing affected sources, consistent with 40 CFR 60.24(f),
21 emission standards that are less stringent, but not more stringent, than
22 applicable federal emission guidelines or longer compliance schedules
23 than those required by federal regulations. This determination shall
24 be based on:

25 (1) Unreasonable cost of control resulting from plant age,
26 location, or basic process design;

27 (2) Physical impossibility of installing necessary control
28 equipment; or

29 (3) Other factors specific to the existing affected source or class
30 of existing affected sources that make application of a less stringent
31 standard or final compliance time significantly more reasonable,
32 including, but not limited to, the absolute cost of applying the emission
33 standard and compliance schedule to the existing affected source; the
34 outstanding debt associated with the existing affected source; the
35 economic impacts of closing the existing affected source, including
36 expected job losses if the existing affected source is unable to comply
37 with the performance standard; and the customer impacts of applying
38 the emission standard and compliance schedule to the existing affected
39 source, including any disproportionate electric rate impacts on low
40 income populations.

41 5. As required by 40 CFR 60.26, the commission has legal
42 authority to carry out any state implementation plan with emission
43 standards and compliance schedules that are developed and
44 implemented consistent with this chapter.

45 6. If any provision of this section or the application thereof to
46 any person or circumstance is held invalid, such invalidity shall not
47 affect other provisions or applications of this section that can be given
48 effect without the invalid provision or application, and to this end the
49 provisions of this section are declared to be severable.

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