

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 142

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:

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

4 640.090. 1. In developing, amending, or revising state
5 implementation plans, state plans, or non-point source management
6 plans for submission to the United States Environmental
7 Protection Agency based on promulgated rules or regulations under
8 the federal Clean Water Act, as amended (33 U.S.C. Section 1251,
9 et seq., and 33 U.S.C. Section 1329) or the federal Clean Air
10 Act, as amended (42 U.S.C. Section 7401, et seq.), the
11 department, and its respective commissions, in collaboration with
12 the department of health and senior services, department of
13 revenue, public service commission, and division of energy of the
14 department of economic development, shall prepare an
15 implementation impact report and submit the report in addition to
16 the proposed state implementation plan, state plan, or non-point
17 source management plan to the governor, the joint committee on

1 government accountability, the president pro tempore of the
2 senate, and the speaker of the house of representatives sixty
3 calendar days prior to submission to the Environmental Protection
4 Agency. The department shall also post the implementation impact
5 report and the proposed state implementation plan, state plan, or
6 non-point source management plan prominently on the home page of
7 its departmental website sixty calendar days prior to submission
8 to the Environmental Protection Agency.

9 2. The implementation impact report shall take into
10 consideration the unique policies, energy needs, resource mix,
11 and economic priorities of Missouri, and shall include the
12 following criteria:

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

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

21 (3) Whether the plan achieves reduction goals at a
22 sustainable cost;

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

25 (5) Any existing depreciation schedules of an emitting
26 structure that will be forced into early retirement due to
27 implementation of the plan if provided by the emitting entity;

28 (6) Any policy options for the adoption of less stringent

standards or longer compliance schedules;

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

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

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

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

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

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

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

(2) The federal Clean Water Act, as amended (33 U.S.C. Section 12541, et. seq., and 33 U.S.C. Section 1329), the

1 department shall hold at least one stakeholder meeting in order
2 to solicit stakeholder input from each of the following groups:
3 agricultural groups, municipal groups, industrial groups,
4 environmental and natural resource groups, and citizen groups.

5 4. Upon receiving the implementation impact report, the
6 joint committee on government accountability shall conduct at
7 least two public hearings within sixty days of receiving the
8 implementation impact report in order to seek public comment on
9 the proposed state implementation plan, state plan, non-point
10 source management plan, or implementation impact report. The
11 joint committee on government accountability may request that a
12 representative from the Environmental Protection Agency attend at
13 least one of the public hearings.