

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 to address National Ambient Air Quality
6 Standard nonattainment areas under the federal Clean Air Act, as
7 amended (42. U.S.C. Section 7401, et seq.), state plans to comply
8 with federal regulations relating to carbon emissions for
9 existing-source performance standards (42 U.S.C. Section 7412),
10 or non-point source management plans under the federal Clean
11 Water Act, as amended (33 U.S.C. Section 1251, et seq. and 33
12 U.S.C. Section 1329), for submission to the United States
13 Environmental Protection Agency based on promulgated rules and
14 regulations, the department, and its respective commissions, in
15 collaboration with the department of health and senior services,
16 department of revenue, public service commission, and division of
17 energy of the department of economic development, shall prepare

1 an implementation impact report in lieu of a regulatory impact
2 report required under section 640.015 and submit such report in
3 addition to the proposed state implementation plan, state plan,
4 or non-point source management plan to the governor, the joint
5 committee on government accountability, the president pro tempore
6 of the senate, and the speaker of the house of representatives
7 forty-five calendar days prior to final submission to the United
8 States Environmental Protection Agency. The department shall
9 also post the implementation impact report and the proposed state
10 implementation plan, state plan, or non-point source management
11 plan prominently on the home page of its departmental website
12 forty-five calendar days prior to submission to the Environmental
13 Protection Agency. If such implementation impact report or state
14 implementation plan, state plan, or non-point source management
15 plan is revised after such report and plan is delivered to such
16 elected officials but prior to submission to the United States
17 Environmental Protection Agency, the updated report and plan
18 shall also be delivered to the governor, the joint committee on
19 government accountability, the president pro tempore of the
20 senate, and the speaker of the house of representatives, and
21 posted prominently on the home page of its departmental website
22 upon release. All implementation impact reports and plans shall
23 remain on the departmental website for no less than one year
24 after final submission to the United States Environmental
25 Protection Agency.

26 2. The implementation impact report shall take into
27 consideration the unique policies, energy needs, resource mix,
28 reliability, and economic priorities of Missouri, and shall

1 include, but is not limited to, the following criteria:

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

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

10 (3) Whether the plan achieves reduction goals at a
11 sustainable cost;

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

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

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

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

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

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

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

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

(13) 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 and load serving entities, 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 department shall hold at least one stakeholder meeting in order to solicit stakeholder input from each of the following groups: agricultural groups, municipal groups, industrial groups, environmental and natural resource groups, and citizen groups.

4. Before final submission of a state implementation plan, state plan, or non-point source management plan to the United States Environmental Protection Agency, the joint committee on

1 government accountability may conduct at least two public
2 hearings within forty-five days of receiving the implementation
3 impact report and plan in order to seek public comment on the
4 proposed state implementation plan, state plan, non-point source
5 management plan, or implementation impact report. The joint
6 committee on government accountability may request that a
7 representative from the United States Environmental Protection
8 Agency attend at least one of the public hearings.

9 5. Nothing in this section shall be construed as otherwise
10 conferring upon the public service commission or the department
11 jurisdiction over the service, rates, financing, accounting, or
12 management of any rural electric cooperative or municipally-owned
13 utility, or to amend, modify, or otherwise limit the rights to
14 provide service as otherwise provided by law.

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