

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 858

AN ACT

To amend chapter 643, RSMo, by adding thereto one new section relating to the submission of a state plan to the Environmental Protection Agency, with an emergency clause.

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 section, to be known as section 643.665, to read as follows:

643.665. 1. Due to the stay issued by the United States Supreme Court on February 9, 2016, in the case of State of West Virginia et al., v. Environmental Protection Agency et al., the Missouri department of natural resources shall not initiate either rulemaking in furtherance of the United States Environmental Protection Agency federal regulations relating to carbon pollution emission guidelines for existing stationary sources, Docket EPA-HQ-OAR-2013-0602, or any officially recognized stakeholder outreach as required for compliance with the federal rule under such docket until such stay is lifted.

2. If federal regulations relating to carbon pollution emission guidelines for existing stationary sources are upheld in the legal resolution of State of West Virginia et al., v.

Environmental Protection Agency et al., upon the first request for a state plan required under such regulations, the department of natural resources shall submit to the United States Environmental Protection Agency a two-year extension for submitting a final state plan required under federal regulations relating to carbon emissions for existing-sources (42 U.S.C. Section 7411) including:

(1) An identification of the final plan approach or approaches under consideration by the state and a description of progress made to date on the final plan components;

(2) An explanation of why the state requires additional time to submit a final plan;

(3) A demonstration or description of the opportunity for public comment the state has provided on the initial submittal and opportunities for meaningful engagement with stakeholders, including vulnerable communities, during preparation of the initial submittal, and plans for public engagement during development of the final plan; and

(4) A non-binding statement of intent to participate in the Clean Energy Incentive Program.

3. The department shall not submit any information to the United States Environmental Protection Agency under subsection 2 of this section that is not specified in this section.

Section B. Due to the timely nature of submitting a state plan to the United States Environmental Protection Agency, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of

the constitution, and section A of this act shall be in full force and effect upon its passage and approval.