

SECOND REGULAR SESSION

HOUSE BILL NO. 1631

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RICHARDSON (Sponsor), JONES (110), DIEHL, REMOLE,
MUNTZEL, ROSS, HAAHR, JONES (50) AND CORNEJO (Co-sponsors).

5364H.011

D. ADAM CRUMBLISS, Chief Clerk

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 section, to be
2 known as section 643.640, to read as follows:

3 **643.640. 1. The commission shall develop emission standards and compliance**
4 **schedules under 42 U.S.C. Section 7411(d) and 40 CFR 60.24 through a unit-by-unit**
5 **analysis of each existing source of a designated pollutant within the state. Emission**
6 **standards and compliance schedules shall be legally enforceable and determined for each**
7 **designated pollutant at each existing source, based solely upon the discrete analysis for that**
8 **existing source and the emission of each designated pollutant at that existing source.**

9 **2. The commission shall consider in developing and implementing emission**
10 **standards for each existing source of a designated pollutant, among other factors, the**
11 **remaining useful life of the existing source to which such standard applies, consistent with**
12 **42 U.S.C. Section 7411(d).**

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **4. The commission may develop, on a unit-by-unit basis for individual existing**
17 **sources and emissions of designated pollutants at these existing sources, consistent with 40**
18 **CFR 60.24(f), emission standards that are less stringent than applicable federal emission**
19 **guidelines or longer compliance schedules than those required by federal regulations. This**
20 **determination shall be based on:**

21 **(1) Unreasonable cost of control resulting from plant age, location, or basic process**
22 **design;**

23 **(2) Physical impossibility of installing necessary control equipment; or**

24 **(3) Other factors specific to the existing source or class of existing sources that**
25 **make application of a less stringent standard or final compliance time significantly more**
26 **reasonable, including without limitation the absolute cost of applying the emission**
27 **standard and compliance schedule to the existing source; the economic impacts of closing**
28 **the existing source, including expected job losses if the existing source is unable to comply**
29 **with the performance standard; and the customer impacts of applying the emission**
30 **standard and compliance schedule to the existing source, including any disproportionate**
31 **electric rate impacts on low income populations.**

32 **5. The commission may extend any existing source's compliance schedule more**
33 **than twelve months beyond the date for submission of the state implementation plan if the**
34 **state implementation plan includes legally enforceable increments of progress to achieve**
35 **compliance, consistent with 40 CFR 60.24(e)(1).**

36 **6. The commission shall implement the emission standards and compliance**
37 **schedules established under subsections 1 to 6 of this section at each existing source.**

38 **7. The commission shall not establish the following compliance actions in any state**
39 **implementation plan:**

40 **(1) An allowance system or any other system based in any way upon an emission**
41 **baseline or cap and trade system; or**

42 **(2) Any system that requires emission reductions of a fixed percentage on a local**
43 **or statewide basis.**

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

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

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