

HB 1631 -- AIR CONSERVATION COMMISSION

SPONSOR: Richardson

This bill requires the Air Conservation Commission to develop emission standards and compliance schedules through a unit-by-unit analysis of each existing source of air pollution designated pollutant within the state. Emission standards and compliance schedules will be based solely upon an individual analysis for that existing source and the emission of each designated pollutant at the source. The commission will consider in developing and implementing emission standards for each existing source of a designated pollutant, among other factors, the remaining useful life of the existing source to which such standard applies, consistent with federal regulations.

The commission will consider, consistent with its statutory duties to achieve the prevention, abatement, and control of air pollution by all practical and economically feasible methods, the overall economic impact from any and all emission standards and compliance schedules developed and implemented under federal law.

The commission may develop, on a unit-by-unit basis for individual existing sources and emissions of designated pollutants at these existing sources, consistent with federal law, emission standards that are less stringent than applicable federal emission guidelines or longer compliance schedules than those required by federal regulations. This determination shall be based on:

- (1) Unreasonable cost of control resulting from plant age, location, or basic process design;
- (2) Physical impossibility of installing necessary control equipment; or
- (3) Other factors specific to the existing source or class of existing sources that make application of a less stringent standard or final compliance time significantly more reasonable.

The commission may extend any existing source's compliance schedule more than 12 months beyond the date for submission of the state implementation plan if the state implementation plan includes legally enforceable increments of progress to achieve compliance.

The commission will implement the emission standards and compliance schedules at each existing source, but cannot establish an allowance system or any other system based in any way upon an emission baseline or cap and trade system; or any system that requires emission reductions of a fixed percentage on a local or

statewide basis as compliance actions in any state implementation plan.

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