

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1631
97TH GENERAL ASSEMBLY

5364H.05C

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:

**643.640. 1. The commission shall develop emission standards under 42 U.S.C.
2 Section 7411(d) and 40 CFR 60.24 through a unit-by-unit analysis of each existing affected
3 source of carbon dioxide within the state. As used in this section, “unit-by-unit analysis”
4 means an analysis of each generation plant individually, regardless of the number of
5 turbines at each plant site.**

**6 2. The commission shall consider in developing and implementing emission
7 standards for each existing affected source of carbon dioxide, among other factors, the
8 remaining useful life of the existing affected source to which such standard applies,
9 consistent with 42 U.S.C. Section 7411(d).**

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

**15 4. The commission may develop, on a unit-by-unit basis for individual existing
16 affected sources and emissions of carbon dioxide at these existing affected sources,
17 consistent with 40 CFR 60.24(f), emission standards that are less stringent than applicable**

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.

18 **federal emission guidelines or longer compliance schedules than those required by federal**
19 **regulations. This determination shall be based on:**

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

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

23 **(3) Other factors specific to the existing affected source or class of existing affected**
24 **sources that make application of a less stringent standard or final compliance time**
25 **significantly more reasonable, including, but not limited to, the absolute cost of applying**
26 **the emission standard and compliance schedule to the existing affected source; the**
27 **economic impacts of closing the existing affected source, including expected job losses if the**
28 **existing affected source is unable to comply with the performance standard; and the**
29 **customer impacts of applying the emission standard and compliance schedule to the**
30 **existing affected source, including any disproportionate electric rate impacts on low income**
31 **populations.**

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

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

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