

CCS HCS SCS SB 664 -- NATURAL RESOURCES

This bill changes the laws regarding natural resources.

NEW TIRE FEE (Section 260.273, RSMo)

The bill extends from January 1, 2015, to January 1, 2020, the expiration of the 50-cent fee that must be collected by retailers for each new tire sold and forwarded to the Department of Revenue to be deposited in the Solid Waste Management Fund for specified purposes regarding used waste tires.

WOOD BURNING APPLIANCES (Section 643.055)

The bill prohibits the Department of Natural Resources from regulating the manufacture, performance, or use of residential wood burning heaters or appliances through a state implementation plan or otherwise unless authorized to do so by the General Assembly. Any rule or regulation establishing or enforcing performance standards for residential wood burning heaters or appliances cannot become effective unless first approved by the Joint Committee on Administrative Rules.

A new rule or regulation cannot be applied to existing wood burning furnaces, stoves, fireplaces, or heaters that individuals are currently using as their source of heat for their homes or businesses. All wood burning furnaces, stoves, fireplaces, and heaters existing on August 28, 2014, may not be subject to any rules or regulations enacted after that date. An employee of the state or a state agency cannot enforce any new rules or regulations against existing wood burning furnaces, stoves, fireplaces, and heaters.

AIR CONSERVATION COMMISSION (Section 643.640)

The bill requires the Air Conservation Commission to develop emission standards through a unit-by-unit analysis of each carbon dioxide generation plant within the state regardless of the number of turbines at each plant site.

In developing and implementing the emission standards for each existing source of carbon dioxide, the commission must consider, among other factors, the remaining useful life of the existing source to which the standard applies, consistent with specified federal regulations.

The commission must consider, consistent with its statutory duties to achieve the prevention, abatement, and control of air pollution by all commercially available and economically feasible methods,

the overall economic impact from any and all emission standards and compliance schedules developed and implemented under specified federal regulations.

The commission may develop, on a unit-by-unit basis for individual existing sources and emissions of carbon dioxide at these existing sources, consistent with federal regulation, emission standards that are less stringent, but not more stringent, than applicable federal emission guidelines or longer compliance schedules than those required by federal regulations. This determination must 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.

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

#### WASTEWATER DISCHARGE PERMITS (Section 644.058)

The bill modifies the authority of the Clean Water Commission so that it may only revise water quality standards upon completion of an assessment by the Department of Natural Resources finding that there is an environmental need for the revision. In implementing revised water quality standards modifications of 25% or more, the department must conduct an evaluation which includes the environmental and economic impacts of the revised water quality criteria on a subbasin basis. The evaluation is to be conducted at the eight-digit hydrologic unit code level. The department must use these evaluations in making individual site-specific permit decisions.

#### PUBLICLY OWNED TREATMENT WORKS (Section 644.145)

Currently, when issuing a water pollution permit that incorporates a new requirement for discharges from a publicly owned treatment works facility, the department must make a finding of affordability on the costs to be incurred and the impact of any rate changes on ratepayers. The bill defines "finding of affordability" and

modifies the definition of "affordability." The department must file an annual report by the beginning of the fiscal year with the Governor and specified members of the General Assembly with required information on the findings of affordability completed in the previous calendar year.