

FIRST REGULAR SESSION

SENATE BILL NO. 445

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROMINE.

Read 1st time February 17, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1944S.02I

AN ACT

To amend chapter 643, RSMo, by adding thereto one new section relating to sulfur dioxide ambient air quality monitoring.

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
2 section, to be known as section 643.650, to read as follows:

**643.650. 1. Any owner of an electric generating unit in a sulfur
2 dioxide National Ambient Air Quality Standards nonattainment area in
3 any county with a charter form of government and with more than two
4 hundred thousand but fewer than three hundred fifty thousand
5 inhabitants shall develop an ambient air quality monitoring or
6 modeling network to characterize the sulfur dioxide air quality
7 surrounding the electric generating unit. The network shall be large
8 enough to adequately monitor the entire electric generating unit and
9 shall operate for not less than twelve consecutive months. The owner
10 of such electric generating unit shall notify the department of the
11 manner by which it elects to characterize the air quality around the
12 source, either through modeling or monitoring by December 1,
13 2015. Affected sources that elect to use monitoring shall be consulted
14 by the department on the use of existing monitors as well as the
15 location of any new monitors intended to comprise the sulfur dioxide
16 monitoring network. The department shall not submit a decision to the
17 Environmental Protection Agency on the manner in which data will be
18 gathered for second phase designations that is inconsistent with the
19 elections made by affected sources under this section. Under no
20 circumstance shall the department complete the second phase
21 designation process prior to the currently proposed date by the**

22 Environmental Protection Agency of July 1, 2020, or other such date
23 consistent with a final, effective, and applicable Environmental
24 Protection Agency requirements relating to state attainment
25 designations where affected sources have elected to be monitored
26 under this subsection.

27 2. The department shall consider all ambient air quality
28 monitoring network data collected as required under subsection 1 of
29 this section prior to proposing to the commission any sulfur dioxide
30 limitation, emission reduction requirement, permit limitation, or other
31 requirement for any electric generating unit that has elected to install
32 a monitoring network under this section. The department shall not
33 promulgate any final and non-contingent sulfur dioxide emission
34 limitation or emission reduction requirement that does not reflect
35 consideration of twelve months of sulfur dioxide ambient air quality
36 monitoring network data collected under subsection 1 of this section.

37 3. Nothing in this section shall prohibit the department from
38 entering into an agreement with an electrical corporation owning an
39 electric generating unit to limit or reduce sulfur dioxide emissions at
40 such affected source that is below the source's permitted sulfur dioxide
41 emission rate.

42 4. Notwithstanding any provision of law to the contrary, to the
43 extent that a court of competent jurisdiction finds that the federal One-
44 hour National Ambient Air Quality Standards or any rule promulgated
45 under such standards is invalid, the corresponding state standard shall
46 be stayed until such federal rule is found valid or is re-promulgated as
47 final and effective. To the extent that the Environmental Protection
48 Agency stays the enforcement of the One-hour National Ambient Air
49 Quality Standards, the corresponding state standard shall also be
50 stayed.

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