

FIRST REGULAR SESSION

HOUSE BILL NO. 1084

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MILLER.

2214H.011

D. ADAM CRUMBLISS, Chief Clerk

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 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 dioxide National Ambient Air Quality Standards nonattainment area in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants shall develop an ambient air quality monitoring or modeling network to characterize the sulfur dioxide air quality surrounding the electric generating unit. The network shall be large enough to adequately monitor the entire electric generating unit and shall operate for not less than twelve consecutive months. The owner of such electric generating unit shall notify the department of the manner by which it elects to characterize the air quality around the source, either through modeling or monitoring by December 1, 2015. Affected sources that elect to use monitoring shall be consulted by the department on the use of existing monitors as well as the location of any new monitors intended to comprise the sulfur dioxide monitoring network. The department shall not submit a decision to the Environmental Protection Agency on the manner in which data will be gathered for second phase designations that is inconsistent with the elections made by affected sources under this section. Under no circumstance shall the department complete the second phase designation process prior to the currently proposed date by the Environmental Protection Agency of July 1, 2020, or other such date consistent with a

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 final, effective, and applicable Environmental Protection Agency requirements relating to
19 state attainment designations if affected sources have elected to be monitored under this
20 subsection.

21 **2. The department shall consider all ambient air quality monitoring network data**
22 **collected as required under subsection 1 of this section prior to proposing to the**
23 **commission any sulfur dioxide limitation, emission reduction requirement, permit**
24 **limitation, or other requirement for any electric generating unit that has elected to install**
25 **a monitoring network under this section. The department shall not promulgate any final**
26 **and noncontingent sulfur dioxide emission limitation or emission reduction requirement**
27 **that does not reflect consideration of twelve months of sulfur dioxide ambient air quality**
28 **monitoring network data collected under subsection 1 of this section.**

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

33 **4. Notwithstanding any provision of law to the contrary, to the extent that a court**
34 **of competent jurisdiction finds that the federal one-hour National Ambient Air Quality**
35 **Standards or any rule promulgated under such standards is invalid, the corresponding**
36 **state standard shall be stayed until such federal rule is found valid or is repromulgated as**
37 **final and effective. To the extent that the Environmental Protection Agency stays the**
38 **enforcement of the one-hour National Ambient Air Quality Standards, the corresponding**
39 **state standard shall also be stayed.**

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