

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 858

98TH GENERAL ASSEMBLY

Reported from the Committee on Commerce, Consumer Protection, Energy and the Environment, March 3, 2016, with recommendation that the Senate Committee Substitute do pass.

5634S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

To amend chapter 643, RSMo, by adding thereto one new section relating to the submission of a state plan to the Environmental Protection Agency, with an emergency clause.

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 643.665, to read as follows:

**643.665. 1. Due to the stay issued by the United States Supreme
2 Court on February 9, 2016, in the case of State of West Virginia et al.,
3 v. Environmental Protection Agency et al., all state agency activities in
4 furtherance of the United States Environmental Protection Agency
5 federal regulations relating to carbon pollution emission guidelines for
6 existing stationary sources, Docket EPA-HQ-OAR-2013-0602, shall be
7 suspended until such stay is lifted.**

8 **2. If federal regulations relating to carbon pollution emission
9 guidelines for existing stationary sources are upheld in the legal
10 resolution of State of West Virginia et al., v. Environmental Protection
11 Agency et al., upon the first request for a state plan required under
12 such regulations, the department of natural resources shall submit to
13 the United States Environmental Protection Agency a two-year
14 extension for submitting a final state plan required under federal
15 regulations relating to carbon emissions for existing-sources (42 U.S.C.
16 Section 7411) including:**

17 **(1) An identification of the final plan approach or approaches
18 under consideration by the state and a description of progress made to
19 date on the final plan components;**

20 **(2) An explanation of why the state requires additional time to**
21 **submit a final plan;**

22 **(3) A demonstration or description of the opportunity for public**
23 **comment the state has provided on the initial submittal and**
24 **opportunities for meaningful engagement with stakeholders, including**
25 **vulnerable communities, during preparation of the initial submittal,**
26 **and plans for public engagement during development of the final plan;**
27 **and**

28 **(4) A non-binding statement of intent to participate in the Clean**
29 **Energy Incentive Program.**

30 **3. The department shall not submit any information to the**
31 **United States Environmental Protection Agency that is not specified in**
32 **this section.**

Section B. Due to the timely nature of submitting a state plan to the
2 United States Environmental Protection Agency, section A of this act is deemed
3 necessary for the immediate preservation of the public health, welfare, peace and
4 safety, and is hereby declared to be an emergency act within the meaning of the
5 constitution, and section A of this act shall be in full force and effect upon its
6 passage and approval.

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