

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 445**  
98TH GENERAL ASSEMBLY

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Reported from the Committee on Commerce, Consumer Protection, Energy and the Environment, March 19, 2015, with recommendation that the Senate Committee Substitute do pass.

1944S.03C

ADRIANE D. CROUSE, Secretary.

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**AN ACT**

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

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*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 source in a one-hour 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 source. The network shall adequately monitor the ambient air quality for sulfur dioxide surrounding the entire electric generating source and shall operate for not less than twelve consecutive quarters. The owner of such electric generating source shall notify the department of the manner in which it intends to characterize by either modeling or monitoring the air quality around such source. The location of any monitoring network installed by the owner of such electric generating source within a one-hour sulfur dioxide National Ambient Air Quality Standards nonattainment area shall be approved by the department.**

**2. Affected sources located in undesignated areas that elect to use monitoring to evaluate ambient air quality 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 its**

22 recommendation to the Environmental Protection Agency on the  
23 manner in which data will be gathered for the second phase  
24 designation process that is inconsistent with the elections made by  
25 affected sources under this section. Where affected sources have  
26 elected to monitor under this section, the department shall submit  
27 recommendations for the second phase designation process by the date  
28 set by a final, effective, and applicable Environmental Protection  
29 Agency requirement relating to state attainment designations and not  
30 prior.

31 3. The department shall consider all ambient air quality  
32 monitoring network data collected under subsection 1 of this section  
33 and under any agreement authorized under this subsection prior to  
34 proposing to the commission any sulfur dioxide limitation, emission  
35 reduction requirement, or other requirement for purposes of the one-  
36 hour sulfur dioxide National Ambient Air Quality Standard for any  
37 electric generating source that has elected to install a monitoring  
38 network under this section, except:

39 (1) The department may propose to the commission any sulfur  
40 dioxide limitations or emission reduction requirements specifically  
41 agreed to in any voluntary agreement entered into between the  
42 department and any owner of an electric generating source that has  
43 elected to install a monitoring network under this section; and

44 (2) The department may propose to the commission any  
45 adjustments to the sulfur dioxide limitations or emission reduction  
46 requirements applicable to any electric generating source located in a  
47 sulfur dioxide nonattainment area and subject to an agreement under  
48 subdivision (1) of this subsection, as justified by an ambient air quality  
49 analysis relying on no fewer than two quarters of monitored data  
50 collected through the monitoring network allowable under subsection  
51 1 of this section and consistent with such agreement.

52 4. Nothing in this section shall prohibit the department from  
53 entering into an agreement with an owner of an electric generating  
54 source to limit or reduce sulfur dioxide emissions at such affected  
55 source that is below the source's permitted sulfur dioxide emission  
56 rate.