

SECOND REGULAR SESSION

HOUSE BILL NO. 2361

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SAULS.

4824H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 643.055 and 644.021, RSMo, and to enact in lieu thereof two new sections relating to environmental regulatory bodies.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 643.055 and 644.021, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 643.055 and 644.021, to read as follows:

643.055. 1. Other provisions of law notwithstanding, the Missouri air conservation
2 commission shall have the authority to promulgate rules and regulations, pursuant to chapter
3 536, to establish standards and guidelines to ensure that the state of Missouri is in compliance
4 with the provisions of the federal Clean Air Act, as amended (42 U.S.C. Section 7401[;] et
5 seq.). The standards and guidelines so established shall ~~[not be any stricter than those
6 required under]~~ **meet** the provisions of the federal Clean Air Act, as amended[; ~~nor shall those
7 standards and guidelines be enforced in any area of the state prior to the time required by the
8 federal Clean Air Act, as amended. The restrictions of this section shall not apply to the parts
9 of a state implementation plan developed by the commission to bring a nonattainment area
10 into compliance and to maintain compliance when needed to have a United States
11 Environmental Protection Agency approved state implementation plan. The determination of
12 which parts of a state implementation plan are not subject to the restrictions of this section
13 shall be based upon specific findings of fact by the air conservation commission as to the
14 rules, regulations and criteria that are needed to have a United States Environmental
15 Protection Agency approved plan].~~

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.

16 2. The Missouri air conservation commission shall also have the authority to grant
17 exceptions and variances from the rules set under subsection 1 of this section when the person
18 applying for the exception or variance can show that compliance with such rules:

19 (1) Would cause economic hardship; or

20 (2) Is physically impossible; or

21 (3) Is more detrimental to the environment than the variance would be; or

22 (4) Is impractical or of insignificant value under the existing conditions.

23 3. The department shall not regulate the manufacture, performance, or use of
24 residential wood burning heaters or appliances through a state implementation plan or
25 otherwise, unless first specifically authorized to do so by the general assembly. No rule or
26 regulation respecting the establishment or the enforcement of performance standards for
27 residential wood burning heaters or appliances shall become effective unless and until first
28 approved by the joint committee on administrative rules.

29 4. New rules or regulations shall not be applied to existing wood burning furnaces,
30 stoves, fireplaces, or heaters that individuals are currently using as their source of heat for
31 their homes or businesses. All wood burning furnaces, stoves, fireplaces, and heaters existing
32 on August 28, 2014, shall not be subject to any rules or regulations enacted after such date.
33 No employee of the state or state agency shall enforce any new rules or regulations against
34 such existing wood burning furnaces, stoves, fireplaces, and heaters.

644.021. 1. There is hereby created a water contaminant control agency to be known
2 as the "Clean Water Commission of the State of Missouri", whose domicile for the purposes
3 of sections 644.006 to 644.141 shall be deemed to be that of the department of natural
4 resources. The commission shall consist of seven members appointed by the governor with
5 the advice and consent of the senate. No more than four of the members shall belong to the
6 same political party. All members shall be representative of the general interest of the public
7 and shall have an interest in and knowledge of conservation and the effects and control of
8 water contaminants. ~~[At least]~~ Two **such** members, **but no more than two**, shall be
9 knowledgeable concerning the needs of agriculture, industry or mining and interested in
10 protecting these needs in a manner consistent with the purposes of sections 644.006 to
11 644.141. One **such** member shall be knowledgeable concerning the needs of publicly owned
12 wastewater treatment works. ~~[No more than]~~ Four members shall represent the public. No
13 member shall receive, or have received during the previous two years, a significant portion of
14 ~~[his or her]~~ **the member's** income directly or indirectly from permit holders or applicants for
15 a permit pursuant to any federal water pollution control act as amended and as applicable to
16 this state. All members appointed on or after August 28, 2002, shall have demonstrated an
17 interest and knowledge about water quality. All members appointed on or after August 28,
18 2002, shall be qualified by interest, education, training or experience to provide, assess and

19 evaluate scientific and technical information concerning water quality, financial requirements
20 and the effects of the promulgation of standards, rules and regulations. At the first meeting of
21 the commission and at yearly intervals thereafter, the members shall select from among
22 themselves a ~~[chairman]~~ **chair** and a vice ~~[chairman]~~ **chair**.

23 2. The members' terms of office shall be four years and until their successors are
24 selected and qualified. Provided, however, that the first three members appointed shall serve
25 a term of two years, the next three members appointed shall serve a term of four years,
26 thereafter all members appointed shall serve a term of four years. There is no limitation on
27 the number of terms any appointed member may serve. If a vacancy occurs the governor may
28 appoint a member for the remaining portion of the unexpired term created by the vacancy.
29 The governor may remove any appointed member for cause. The members of the
30 commission shall be reimbursed for travel and other expenses actually and necessarily
31 incurred in the performance of their duties.

32 3. The commission shall hold at least four regular meetings each year and such
33 additional meetings as the ~~[chairman]~~ **chair** deems desirable at a place and time to be fixed by
34 the ~~[chairman]~~ **chair**. Special meetings may be called by three members of the commission
35 upon delivery of written notice to each member of the commission. Reasonable written
36 notice of all meetings shall be given by the director to all members of the commission. Four
37 members of the commission shall constitute a quorum. All powers and duties conferred
38 specifically upon members of the commission shall be exercised personally by the members
39 and not by alternates or representatives. All actions of the commission shall be taken at
40 meetings open to the public. Any member absent from six consecutive regular commission
41 meetings for any cause whatsoever shall be deemed to have resigned and the vacancy shall be
42 filled immediately in accordance with subsection ~~[+]~~ **2** of this section.

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