

Senate Study Bill 1043 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON BROWN)

A BILL FOR

1 An Act relating to electric power generating facility emission
2 plans and projects, and including effective date and
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 476.6, subsection 19, paragraph a, Code
2 2023, is amended to read as follows:

3 a. It is the intent of the general assembly that the state,
4 through a collaborative effort involving state agencies and
5 affected generation owners, provide for compatible statewide
6 environmental and electric energy policies with respect
7 to regulated emissions from rate-regulated electric power
8 generating facilities in the state that are fueled by coal.
9 Each rate-regulated public utility that is an owner of one
10 or more electric power generating facilities fueled by coal
11 and located in this state on ~~July 1, 2001, shall~~ may develop
12 a multiyear plan and budget or update an existing plan and
13 budget for managing regulated emissions from its facilities
14 in a reasonably cost-effective manner as provided in this
15 subsection.

16 (1) ~~The initial multiyear plan and budget shall be filed~~
17 ~~with the board by April 1, 2002. Updates to the plan and~~
18 ~~budget shall be filed at least every twenty four months. A~~
19 rate-regulated public utility in this state that is an owner
20 of one or more electric power generating facilities fueled by
21 coal may, in its sole discretion, file an update to a multiyear
22 plan. The update may seek advanced review and approval of
23 cost recovery for pollution and emissions control projects
24 useful for managing the environmental regulatory requirements
25 for pollutants or other emissions from such facilities in a
26 reasonably cost-effective manner.

27 (2) Copies of the ~~initial~~ plan and budget, as well as
28 any subsequent updates, shall be served on the department of
29 natural resources.

30 ~~(3) The initial multiyear plan and budget and any subsequent~~
31 ~~updates shall be considered~~ The board shall consider the plan
32 or update in a contested case proceeding pursuant to chapter
33 17A. The department of natural resources and the consumer
34 advocate shall participate as parties to the proceeding.

35 (3) A rate-regulated public utility electing to seek

1 advanced review of an emissions control project shall submit
2 an application for advanced review before the anticipated
3 start of construction or installation of the project. If an
4 electric power generating facility is owned by two or more
5 rate-regulated public utilities, the operator of the electric
6 power generating facility may file the application on behalf of
7 all rate-regulated public utility owners.

8 (4) The department of natural resources shall state whether
9 the plan or update meets applicable state environmental
10 requirements for regulated emissions. If the plan or update
11 does not meet these requirements, the department shall
12 recommend amendments that outline actions necessary to bring
13 the plan or update into compliance with the environmental
14 requirements.

15 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
16 importance, takes effect upon enactment.

17 Sec. 3. APPLICABILITY. This Act applies to electric power
18 generating facility emission plans or updates filed on or after
19 the effective date of this Act.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill relates to electric power generating facility
24 emission plans, updates, and budgets.

25 The bill allows electric power generating facilities
26 fueled by coal and located in Iowa to develop a reasonably
27 cost-effective multiyear plan and budget or update an existing
28 plan and budget for managing emissions. Current law requires
29 electric power generating facilities fueled by coal and located
30 in Iowa on July 1, 2001, to develop a cost-effective multiyear
31 plan and budget for managing emissions.

32 The bill removes provisions requiring plans and budgets to
33 be filed with the utilities board by April 1, 2002, and updates
34 filed at least every 24 months thereafter. The bill provides
35 that an electric power generating facility located in the state

1 has the discretion to file an update to a multiyear plan.
2 Additionally, the plan may seek advanced review and approval
3 for pollution and emission-related projects.

4 The bill provides that an application for advanced review
5 shall be submitted by a rate-regulated public utility before
6 the anticipated start of a pollution and emission-related
7 project. An operator of an electric power generating facility
8 that is owned by two or more regulated public utilities may
9 file an application on behalf of all of the rate-regulated
10 public utility owners.

11 The bill takes effect upon enactment.

12 The bill applies to electric power generating facility
13 emissions plans or updates filed on or after the effective date
14 of the bill.