

CHAPTER 34

DEVELOPMENT OF OR UPDATES TO ELECTRIC POWER GENERATION FACILITY EMISSION PLANS AND PROJECTS

H.F. 248

AN ACT relating to electric power generating facility emission plans and projects, and including effective date and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. [Section 476.6, subsection 19](#), paragraph a, Code 2023, is amended to read as follows:

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

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

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

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

~~(3) A rate-regulated public utility electing to seek advanced review of an emissions control project shall submit an application for advanced review before the anticipated start of construction or installation of the project. If an electric power generating facility is owned by two or more rate-regulated public utilities, the operator of the electric power generating facility may file the application on behalf of all rate-regulated public utility owners.~~

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

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

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

Approved April 28, 2023