

HCS SS SCS SB 738 -- ENERGY AND ENVIRONMENTAL ISSUES

SPONSOR: Nodler (Hunter)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on Energy and Environment by a vote of 11 to 0.

This substitute changes the laws regarding recycling and energy conservation. In its main provisions, the substitute:

- (1) Prohibits St. Louis County from enacting any charter provision governing waste and trash collection in unincorporated areas of the county;
- (2) Prohibits any company, with the exception of certain confined animal feed operations, from retaining their air or water quality permits issued by the department if they violate at least six times in a 12-month period or 12 times in a 36-month period Section 643.151 or Section 644.076 or any odor rule enacted by the department. If a company violates state air, water, odor, or pollution requirements more than once during a 36-month period, it will be subject to a penalty of not less than \$10,000 nor more than \$30,000 for each violation per day; and
- (3) Requires a seller as part of a newly constructed residential home sales transaction occurring on or after August 28, 2008, to disclose its energy efficiency rating under the energy star rating system to the purchasers at least one week before completion of the sale. If a seller fails to disclose the rating on time, the purchaser may withhold \$500 from the purchase price; or if full payment has already been made, he or she may pursue legal action for the \$500 refund and other costs and attorney fees.

FISCAL NOTE: No impact on state funds in FY 2009, FY 2010, and FY 2011.

PROPONENTS: Supporters say that the bill will prevent a serious and continuing odor problem in Carthage caused by the inaugural use of a type of petroleum processing plant that makes petroleum from animal waste.

Testifying for the bill were Representative Hunter for Senator Nodler; and Jim Woestman, Mayor of Carthage.

OPPONENTS: Those who oppose the bill say that bills should not single out individual companies such as Renewable Environmental Solutions for different treatment. Agricultural productivity and resource conservation must be considered by the state.

Testifying against the bill was Brian Appel, Renewable Environmental Solutions.

OTHERS: Others testifying on the bill say that there is a serious odor problem and that the threshold for violation and permit revocation may need to be lower. Improvements to the petroleum plant such as installing scrubbers and oxidizers have not solved the problem.

Testifying on the bill was Office of the Attorney General.