

South Carolina General Assembly
121st Session, 2015-2016

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Bill 3693

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A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-3-590 SO AS TO DEFINE NECESSARY TERMINOLOGY; BY ADDING SECTION 58-3-595 SO AS TO IMPOSE CERTAIN REQUIREMENTS IN THE EVENT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DEVELOPS A STATE PLAN FOR REGULATING CARBON DIOXIDE EMISSIONS FROM COVERED ELECTRIC GENERATING UNITS; AND BY ADDING SECTION 58-3-600 SO AS TO PROVIDE THE DEPARTMENT SHALL PROVIDE A REPORT OF THE STATE PLAN IT ADOPTS TO THE STATE REGULATION OF PUBLIC UTILITIES REVIEW COMMITTEE WITHIN FIFTEEN DAYS AFTER ADOPTION, TO REQUIRE THE COMMITTEE VOTE TO APPROVE OR REJECT THE PLAN, TO PROVIDE THAT IF THE COMMITTEE DOES NOT VOTE TO APPROVE THE PLAN, THE DEPARTMENT SHALL SUBMIT A REVISED PLAN IF THE COMMITTEE DOES NOT APPROVE THE SUBMITTED PLAN, AND TO PROVIDE THAT THE DEPARTMENT SHALL NOT SUBMIT ANY STATE PLAN TO THE EPA UNTIL THE REVIEW COMMITTEE HAS APPROVED THE STATE PLAN IN ACCORDANCE WITH THIS SECTION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The purpose of this act is to require that the South Carolina Department of Health and Environmental Control receive approval from the State Regulation of Public Utilities Review Committee for any plan to regulate carbon dioxide emissions from existing fossil fuel-fired electric generating units under Section 111(d) of the Clean Air Act, 42 U.S.C. Section 7411, before the department submits any such plan to the United States Environmental Protection Agency.

SECTION 2. Article 5, Chapter 3, Title 58 of the 1976 Code is amended by adding:

"Section 58-3-590. For purposes of this article:

- (1) 'Covered electric generating unit' means an existing fossil fuel-fired electric generating unit within the State that is subject to regulation under the federal emission guidelines.
- (2) 'EPA' means the United States Environmental Protection Agency.
- (3) 'Department' means the South Carolina Department of Health and Environmental Control.
- (4) 'Federal emission guidelines' means any final rules, regulations, guidelines, or other requirements that the EPA may adopt for regulating carbon dioxide emissions from covered electric generating units under Section 111(d) of the federal Clean Air Act.

- (5) 'Review committee' means the State Regulation of Public Utilities Review Committee.
- (6) 'State' means the State of South Carolina.
- (7) 'State plan' means any plan to establish and enforce carbon dioxide emission control measures that the department may adopt to implement the obligations of the State under the federal emission guidelines.

Section 58-3-595. (A) In the event that the department elects to develop a state plan, as defined in Section 58-3-590(7), for regulating carbon dioxide emissions from covered electric generating units, the department shall provide notice and an opportunity to comment on the plan and take into account the findings of the report prepared in subsection (B).

(B) In developing a state plan under subsection (A), the department shall prepare a report, subject to notice and comment, which assesses the effects of the state plan on:

- (1) the electric power sector, including:
- (a) the ability of the State to provide affordable electricity through diversified sources of electricity generation;
 - (b) the type and amount of electric generating capacity within the State that is likely to retire or switch to another fuel;
 - (c) stranded investment in electric generating capacity and other infrastructure;
 - (d) the amount of investment necessary to offset retirements of electric generating capacity and maintain generation reserve margins;
 - (e) potential risks to electric reliability, including resource adequacy risks and transmission constraints; and
 - (f) the amount by which retail electricity prices within the State are forecast to increase;
- (2) electricity consumers within the State, including any disproportionate impacts of electricity and other energy price increases on middle-income and lower-income households;
- (3) employment within the State, including direct and indirect employment effects and jobs lost within affected sectors of the state's economy;
- (4) economic development within the State, including effects on manufacturing, commercial, and other sectors of the state's economy;
- (5) the competitive position of the State relative to neighboring states and other economic competitors;
- (6) state and local governments, including potential impacts resulting from changes in tax revenues; and
- (7) state law, including any new laws necessary to implement the state plan.

Section 58-3-600. (A) Not later than fifteen days from the development of a state plan, the department shall transmit to the State Regulation of Public Utilities Review Committee a copy of the state plan and the accompanying report developed pursuant to Section 58-3-595.

(B) Upon receiving the concurrent resolution containing the state plan and accompanying report

transmitted under subsection (A), the review committee shall vote on approval of the state plan.

(C) If the review committee fails to approve a state plan by a simple majority vote under subsection (B), the department must submit a revised version of the state plan, with an accompanying revised report, to the review committee for approval in accordance with the procedures specified under this section.

(D) The department shall not submit any state plan to the EPA until the review committee has approved the state plan in accordance with this section."

SECTION 3. This act takes effect upon approval by the Governor.

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