

1 HJR205
2 168688-1
3 By Representative McCutcheon
4 RFD: Rules
5 First Read: 05-MAY-15

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8 URGING DELAY OR WITHDRAWAL AND RECONSIDERATION OF A
9 FINAL CLEAN POWER PLAN BY THE ENVIRONMENTAL PROTECTION AGENCY.
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11 WHEREAS, Alabama and its citizens benefit from
12 reliable and affordable electric service; and

13 WHEREAS, the Environmental Protection Agency (EPA)
14 proposes a Clean Power Plan, an exceptionally complicated and
15 the most far-reaching energy and environmental rulemaking
16 ever; and

17 WHEREAS, EPA's proposed Clean Power Plan would
18 adversely affect the reliability and affordability of electric
19 service in Alabama; and

20 WHEREAS, electric system reliability, in terms of
21 both power production and delivery, is a critical requirement
22 of electric service that is beyond EPA's statutory authority
23 and agency expertise and not properly accounted for in EPA's
24 proposed Clean Power Plan; and

25 WHEREAS, Alabama and other states have already seen
26 significant reductions in CO2 emissions since 2005, but EPA's

1 proposed Clean Power Plan fails to credit early reductions;
2 and

3 WHEREAS, EPA's proposed Clean Power Plan penalizes
4 states, including Alabama, that have existing nuclear power
5 plants by imposing more stringent emission targets on those
6 states; and

7 WHEREAS, EPA's proposed Clean Power Plan penalizes
8 states, including Alabama, that have existing renewable
9 hydroelectric resources by failing to allow the output of such
10 resources to count towards compliance; and

11 WHEREAS, development of any Alabama state plan to
12 comply with any final Clean Power Plan from EPA will require
13 significant effort and resources from many diverse state and
14 local agencies that have authority over energy policy and
15 businesses in Alabama, including the Alabama Public Service
16 Commission (APSC), the Office of the Governor, rural electric
17 cooperatives, electric membership cooperatives, and
18 municipalities; and

19 WHEREAS, the development of any Alabama state plan
20 responsive to EPA's Clean Power Plan will require a
21 substantial investment of already limited state government
22 resources by the Alabama Department of Environmental
23 Management (ADEM), the APSC, the Attorney General, the Office
24 of the Governor, and the Alabama Legislature; and

25 WHEREAS, implementation of any Alabama state plan
26 responsive to EPA's Clean Power Plan will impose significantly

1 increased costs for electric service on all Alabama citizens,
2 businesses, and industries; and

3 WHEREAS, the ADEM, the APSC, and the Attorney
4 General all submitted comments in opposition to EPA's Clean
5 Power Plan that reflect the Alabama Legislature's concerns;
6 and

7 WHEREAS, EPA's proposed Clean Power Plan is being
8 challenged in federal court and additional legal challenges
9 are expected once the rule is finalized; and

10 WHEREAS, EPA does not have the legal authority to
11 regulate CO2 emissions from coal-fired power plants under
12 Section 111(d) of the Clean Air Act, and even if EPA's Clean
13 Power Plan is upheld in the courts, it does not provide
14 sufficient time to develop the required state plan and
15 properly prepare for the substantial investments, increased
16 costs, and reliability challenges that will result from
17 compliance; now therefore,

18 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
19 HOUSES THEREOF CONCURRING, That the members of this body
20 request EPA to withdraw and reconsider the proposed Clean
21 Power Plan.

22 BE IT FURTHER RESOLVED, That the members of this
23 body support the comments on EPA's Clean Power Plan submitted
24 to EPA by the ADEM, the APSC, and the Attorney General.

25 BE IT FURTHER RESOLVED, That any fiscal rule should
26 give states full credit for CO2 reductions from 2005 forward,

1 should not penalize Alabama or any other state for having
2 existing nuclear power generation, and should allow Alabama
3 and other states that have existing renewable hydroelectric
4 resources to count the output of such resources towards
5 compliance.

6 BE IT FURTHER RESOLVED, That any final rule should
7 include non-binding guidelines that can be modified by states,
8 which are primarily responsible for managing their economic,
9 energy, and environmental resources.

10 BE IT FURTHER RESOLVED, That if EPA does not
11 withdraw the Clean Power Plan, the members of this body
12 further urge EPA to allow additional time for states to
13 develop state plans and to comply with the emission
14 guidelines, requiring compliance no earlier than 2030.

15 BE IT FURTHER RESOLVED, That to avoid the
16 unnecessary and substantial expenditure of limited state and
17 consumer resources on a massive federal regulatory mandate
18 based on questionable legal authority, the members of this
19 body urge EPA to delay implementation of its Clean Power Plan
20 have been fully resolved and no appeals remain.

21 BE IT FURTHER RESOLVED, That if EPA does not delay
22 implementation of its Clean Power Plan as described in the
23 immediately preceding clause, the members of this body urge
24 Congress and the President of the United States to enact
25 legislation requiring such a delay.

1 BE IT FURTHER RESOLVED, That sufficient copies of
2 this resolution be provided for distribution to the President
3 of the United States, all Members of the Congressional
4 delegation from the State of Alabama, the United States
5 Environmental Protection Agency, the United States Department
6 of Energy, the National Governors Association, the National
7 Association of Regulatory Utility Commissioners, National
8 Association of State Energy Officials, the Environmental
9 Council of the States, the Association of Consumer Counsel and
10 other relevant organizations, all governors, all state utility
11 regulatory commissions, state energy officials, all state
12 environmental commissioners, and all states' legislative
13 leadership.