

1 SJR57
2 158793-2
3 By Senators Reed, Bedford, Williams, Sanford, McGill,
4 Holtzclaw, Allen, Holley, Dunn, Keahey, Brewbaker, Ward,
5 Bussman, Marsh, Beason, Waggoner, Orr, Glover, Dial, Taylor,
6 Scofield, Hightower, Coleman, Ross, Smitherman, Fielding,
7 Smith, Beasley and Blackwell
8 RFD:
9 First Read: 20-FEB-14

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8 URGING THE ENVIRONMENTAL PROTECTION AGENCY TO
9 SUPPORT THE STATE REGULATION OF CARBON DIOXIDE EMISSIONS FROM
10 EXISTING POWER PLANTS BY RECOGNIZING STATE DEVELOPED
11 STANDARDS.

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13 WHEREAS, a reliable and affordable energy supply is
14 vital to Alabama's economic growth, jobs, and the overall
15 interests of its citizens; and

16 WHEREAS, Alabama supports an inclusive energy
17 strategy because it is in the best interest of Alabama and the
18 nation; and

19 WHEREAS, the United States has abundant supplies of
20 coal that provide economic and energy security benefits; and

21 WHEREAS, coal provides affordable and reliable
22 electricity to the citizens of Alabama; and

23 WHEREAS, carbon regulations for existing coal-fueled
24 power plants could threaten the affordability and reliability
25 of Alabama's electricity supplies and, therefore, threaten the
26 well-being of its citizens; and

1 WHEREAS, carbon dioxide emissions from U.S.
2 coal-fueled power plants represent only three percent of
3 global anthropogenic greenhouse gas emissions; and

4 WHEREAS, the U.S. Energy Information Administration
5 projects that U.S. electric sector carbon dioxide emissions
6 will be 14 percent below 2005 levels in 2020 and that carbon
7 dioxide emissions from U.S. coal-fueled power plants will be
8 19 percent below 2005 levels in 2020; and

9 WHEREAS, on June 25, 2013, the President directed
10 the Administrator of the U.S. Environmental Protection Agency
11 (EPA) to issue standards, regulations, or guidelines to
12 address carbon dioxide emissions from new, existing, modified,
13 and reconstructed fossil-fueled power plants; and

14 WHEREAS, the President expressly recognized that
15 states "will play a central role in establishing and
16 implementing carbon standards for existing power plants"; and

17 WHEREAS, the Clean Air Act requires EPA to establish
18 a "procedure" under which each state shall develop a plan for
19 establishing and implementing standards of performance for
20 existing sources within the state; and

21 WHEREAS, the Clean Air Act expressly allows states,
22 in developing and applying such standards of performance, "to
23 take into consideration, among other factors, the remaining
24 useful life of the existing source to which such standard
25 applies"; and

26 WHEREAS, the EPA's implementing regulations (40
27 C.F.R. 60.20-29), provide that states may adopt "less

1 stringent emissions standards or longer compliance schedules"
2 than EPA's guidelines based on factors such as "unreasonable
3 cost of control," "physical impossibility of installing
4 necessary control equipment," or other factors that make less
5 stringent standards or longer compliance times "significantly
6 more reasonable"; and

7 WHEREAS, it is in the best interest of electricity
8 consumers in Alabama to continue to benefit from reliable,
9 affordable electricity provided by coal-based electricity
10 generating plants; now therefore,

11 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
12 HOUSES THEREOF CONCURRING, That the EPA, in developing
13 guidelines for regulating carbon dioxide emissions from
14 existing power plants, must maintain Alabama's and other
15 states' authority as provided by the Clean Air Act, to rely on
16 state regulators to develop performance standards for carbon
17 dioxide emissions that take into account the unique policies,
18 energy needs, resource mix, and economic priorities of Alabama
19 and other states.

20 BE IT FURTHER RESOLVED, That the EPA should issue
21 guidelines and approve state-established performance standards
22 that are based on the application of adequately demonstrating
23 carbon dioxide-specific controls at fossil-fueled power
24 plants.

25 BE IT FURTHER RESOLVED, That the EPA must maintain
26 Alabama's and other states' authority as provided in the Clean
27 Air Act, to set less stringent performance standards and

1 longer compliance schedules for power plants within their
2 jurisdiction.

3 BE IT FURTHER RESOLVED, That the EPA must maintain
4 Alabama's and other states' authority as provided in the Clean
5 Air Act, to have maximum flexibility implementing compliance
6 mechanisms for state-established carbon dioxide performance
7 standards for fossil-fueled power plants within their
8 jurisdiction.