
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 277 Session of
2015

INTRODUCED BY STEFANO, EICHELBERGER, ARGALL, BARTOLOTTA,
GORDNER, WHITE, VOGEL, HUTCHINSON, FOLMER, VULAKOVICH, WARD,
YAW, SCARNATI AND WOZNIAK, FEBRUARY 5, 2016

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, FEBRUARY 5, 2016

A RESOLUTION

1 Urging the Department of Environmental Protection to request a
2 two-year extension for submitting a plan to comply with the
3 Federal Clean Power Plan, and directing the Legislative
4 Budget and Finance Committee to conduct a cost compliance
5 study prior to submission of the final implementation plan to
6 the Environmental Protection Agency.

7 WHEREAS, In August 2015, the White House and the
8 Environmental Protection Agency (EPA) announced the Clean Power
9 Plan, which sets national standards for carbon emissions and
10 state-specific carbon emissions reduction mandates setting forth
11 guidelines for development, submission and implementation of
12 state plans to achieve EPA-determined reduction mandates; and

13 WHEREAS, In October 2015, the EPA published the final Clean
14 Power Plan in the Federal Register, triggering lawsuits
15 nationwide; and

16 WHEREAS, Twenty-seven states have since filed suit and
17 petitioned the United States Court of Appeals for the District
18 of Columbia Court for a stay of the final rule; and

19 WHEREAS, Petitioning states assert that a stay is appropriate

1 as it can be shown that the final rule is in excess of the EPA's
2 statutory authority, goes beyond the bounds set by the
3 Constitution of the United States, and is arbitrary, capricious,
4 an abuse of discretion and not in accordance with law; and

5 WHEREAS, Despite this widespread opposition and forthcoming
6 legal challenge, the Governor and the Secretary of Environmental
7 Protection have chosen to fast-track the Commonwealth's
8 compliance and have indicated that the Commonwealth will forgo
9 the available two-year extension and submit a final
10 implementation plan to the EPA by September 6, 2016; and

11 WHEREAS, The impact of this new rule could have disastrous
12 consequences on the price and reliability of electricity, this
13 Commonwealth's economy and jobs and its position as a national
14 leader in exporting electricity; and

15 WHEREAS, Until legal challenges to this rule have been
16 decided and a full review of the economic impact of this rule on
17 Pennsylvania has been completed, it is in the best interest of
18 the Commonwealth to request the available two-year extension in
19 submitting a final implementation plan; and

20 WHEREAS, To ensure the Commonwealth understands the State
21 implications of the Clean Power Plan, the Legislative Budget and
22 Finance Committee is directed to conduct a cost compliance study
23 prior to submission of a final implementation plan; and

24 WHEREAS, This study shall include the impact and cost of the
25 implementation plan on new and existing electric generation
26 units, as well as other components, including reliability,
27 ratepayer impact and implementation feasibility; therefore be it

28 RESOLVED, That the Senate urge the Department of
29 Environmental Protection to request the available two-year
30 extension for submitting a plan to comply with the Federal Clean

1 Power Plan, and direct the Legislative Budget and Finance
2 Committee to conduct a cost compliance study of the final
3 implementation plan prior to submission to the EPA.