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HOUSE JOINT RESOLUTION NO. 608

Offered January 14, 2015

Prefiled January 13, 2015

Recognizing the Commonwealth's opposition to proposed U.S. Environmental Protection Agency emissions guidelines for the regulation of carbon dioxide emissions from existing power plants under Section 111(d) of the federal Clean Air Act.

Patrons—Kilgore and Morris

Referred to Committee on Rules

WHEREAS, the Commonwealth supports an all-of-the-above energy strategy because it is in the best interests of the nation and the Commonwealth; and

WHEREAS, a reliable and affordable electricity supply is vital to the Commonwealth's economic growth, jobs, and the interests of its citizens; and

WHEREAS, it is the prerogative and responsibility of each state to ensure a reliable and affordable supply of electricity for its citizens; and

WHEREAS, the regulation of electricity is a sovereign state function that federal agencies have a legal obligation to respect and preserve; and

WHEREAS, on June 2, 2014, the U.S. Environmental Protection Agency (EPA) proposed guidelines for the regulation of carbon dioxide (CO₂) emissions from existing fossil-fuel-fired power plants under Section 111(d) of the federal Clean Air Act; and

WHEREAS, the proposed EPA guidelines will have a major impact on the Commonwealth by increasing electricity prices and regulating how electricity is generated, transmitted, distributed, and used within the Commonwealth; and

WHEREAS, the proposed EPA guidelines would allow the EPA to usurp the traditional sovereign authority of the Commonwealth to regulate energy within the state by setting CO₂ reduction requirements based on measures beyond the physical boundaries of fossil-fuel-fired plants; and

WHEREAS, the proposed emissions guidelines depart dramatically from past rulemakings under the federal Clean Air Act by mandating the restructuring of the Commonwealth's electricity system; and

WHEREAS, the Virginia State Corporation Commission (SCC) provided comments to the EPA on its proposed Clean Power Plan; according to the SCC review of the proposed federal rules, the EPA's Clean Power Plan is likely to substantially increase the costs of electricity and significantly affect reliability of electrical services; and

WHEREAS, the EPA should withdraw its proposed emissions guidelines because the proposed guidelines, if adopted, would exceed EPA authority under Section 111(d) of the federal Clean Air Act, infringe on the Commonwealth's sovereign powers to regulate electricity for the benefit and welfare of its citizens, and adversely affect the citizens, workers, and businesses of the Commonwealth; and

WHEREAS, if the EPA adopts final emissions guidelines that infringe on the sovereign authority of the Commonwealth, the Attorney General of Virginia should pursue all available legal actions in federal and state courts to challenge those guidelines; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly recognize the Commonwealth's opposition to proposed U.S. Environmental Protection Agency emissions guidelines for the regulation of carbon dioxide emissions from existing power plants under Section 111(d) of the federal Clean Air Act; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the Administrator of the U.S. Environmental Protection Agency, the members of the Virginia Congressional Delegation, and the Office of the Attorney General of Virginia in order that the recipients may be apprised of the sense of the General Assembly of Virginia in this matter during their deliberations.

INTRODUCED

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