

15103227D

## SENATE JOINT RESOLUTION NO. 294

Offered January 19, 2015

*Urging the U.S. Environmental Protection Agency to withdraw its proposed emissions guidelines for the regulation of carbon dioxide emissions from existing coal-fired power plants under Section 111(d) of the federal Clean Air Act.*

Patron—Chafin

Referred to Committee on Rules

WHEREAS, the Commonwealth supports an all-of-the-above energy strategy because it is in the best interest 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 emissions guidelines for the regulation of carbon dioxide (CO<sub>2</sub>) 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 adversely affect on 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 CO<sub>2</sub> reduction requirements based on measures beyond the physical boundaries of fossil fuel-fired power 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.

WHEREAS, according to State Corporation Commission (SCC) comments to the EPA on the proposed Clean Power Plan following the SCC's review of the proposed federal rules, the EPA's carbon plan is likely to "substantially" increase the costs of electricity and "significantly" affect the reliability of electrical services; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the U.S. Environmental Protection Agency be urged to withdraw its proposed emissions guidelines for the regulation of carbon dioxide emissions from existing coal-fired power plants under Section 111(d) of the federal Clean Air Act. The Commonwealth opposes the proposed emissions guidelines because they would exceed the EPA's 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 have adverse economic and energy impacts on the citizens, workers, and businesses of the Commonwealth; and, be it

RESOLVED FURTHER, That if the EPA adopts final emissions guidelines that infringe upon the sovereign authority of the Commonwealth and cause economic harm to its citizens, the Attorney General of Virginia be requested to pursue all available legal actions in federal and state courts to challenge those guidelines; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit copies of this resolution to the Administrator of the U.S. Environmental Protection Agency and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

INTRODUCED

SJ294