

By Senator Evers

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Senate Memorial

A memorial to the Congress of the United States,
urging Congress to direct the United States
Environmental Protection Agency to revise the proposed
regulations that address carbon dioxide emissions from
existing fossil fuel-fired electric generating units.

WHEREAS, a reliable and affordable electricity supply is
vital to the nation's and each state's economic growth, jobs,
and the overall well-being of its citizens, and

WHEREAS, under each state's sovereignty and under the
protections of the Tenth Amendment to the Constitution, each
state has the exclusive authority to regulate the provision of
electricity to ensure a reliable and affordable supply of
electricity for its citizens, and

WHEREAS, environmental regulations should be based on sound
science and a transparent and comprehensive program that
addresses environmental issues, the nation's broader economic
prosperity, and the long-term energy affordability for citizens,
and

WHEREAS, the regulation of retail sales and local
distribution of electricity is a function of sovereign states
which federal agencies have a legal obligation to respect and
preserve, and

WHEREAS, on June 25, 2013, the President issued a
memorandum to the Administrator of the United States
Environmental Protection Agency (EPA) directing the EPA to
develop guidelines to control greenhouse gas emissions from
existing fossil fuel-fired power plants under s. 111(d) of the

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30 Clean Air Act and to seek input from the states, and

31 WHEREAS, on June 2, 2014, pursuant to s. 111(d) of the
32 Clean Air Act, the EPA issued proposed guidelines limiting
33 carbon dioxide emissions from existing fossil fuel-fired
34 electric generating units (EGUs) and published the guidelines
35 for comment in the Federal Register on June 18, 2014, and

36 WHEREAS, the EPA, by its proposed guidelines, has asserted
37 authority over greenhouse gas emissions to regulate carbon
38 dioxide performance standards for existing fossil fuel-fired
39 EGUs despite the fact those plants are already regulated under
40 the air toxics program under s. 112 of the Clean Air Act, and

41 WHEREAS, the Clean Air Act does not authorize the EPA to
42 regulate emissions beyond the physical boundaries of an
43 individual EGU and therefore the agency cannot mandate that EGUs
44 reduce demand for electricity by customers and cannot require
45 EGUs to increase their reliance on natural gas or on renewable
46 energy sources, activities which are exclusively within the
47 police powers of the state, and

48 WHEREAS, the proposed regulations are based on the EPA's
49 assessment of each state's ability to improve the efficiency of
50 the existing fossil fuel-fired EGUs, operate differently or
51 retire existing coal-fired EGUs, substantially increase the
52 generation of electricity from natural gas, significantly
53 increase reliance on renewable energy sources, and substantially
54 reduce the use of electricity by consumers, all in a plan and on
55 a schedule that are neither achievable nor workable, and

56 WHEREAS, the Attorney General, the Public Service
57 Commission, and the Department of Environmental Protection have
58 sent comments to the EPA expressing concerns about

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59 implementation of the proposed regulations, and

60 WHEREAS, the proposed guidelines, if enacted, would
61 effectively amount to a federal takeover of the electricity
62 generation system of the United States, and

63 WHEREAS, the proposed regulations, by the EPA's own
64 estimates, have a major impact on the economy of each state and
65 significant consequences for electricity generation,
66 transmission, distribution, and use within this state, NOW,
67 THEREFORE,

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69 Be It Resolved by the Legislature of the State of Florida:

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71 That the Congress of the United States is urged to direct
72 the United States Environmental Protection Agency to revise the
73 proposed regulations to:

74 (1) Extend by 1 year the date by which states would be
75 required to submit a state plan to the EPA to provide time to
76 finalize technical work and state legislative and rule making
77 activities.

78 (2) Decrease the proposed interim and final state goals
79 expressed as adjusted output for the weighted average emission
80 rates for all affected EGUs in Florida.

81 (3) Extend by 5 years the interim plan compliance schedule
82 for meeting the proposed state goals for reductions in carbon
83 dioxide emission rates.

84 (4) Extend by 5 years the date by which final goals for
85 carbon dioxide emission rates must be reached.

86 (5) Prohibit retirement of an EGU before the end of its
87 engineering lifetime unless the affected utility has fully

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88 recovered the costs of construction and financing of the EGU,
89 the state has sufficient replacement capacity, and the grid
90 reliability is maintained.

91 BE IT FURTHER RESOLVED that copies of this memorial be
92 dispatched to the President of the United States, the President
93 of the United States Senate, the Speaker of the United States
94 House of Representatives, the Administrator of the United States
95 Environmental Protection Agency, and each member of the Florida
96 delegation to the United States Congress.