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State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SCR 1022

Introduced by
Senators Griffin, Burges, Shooter, Ward: Crandell

A CONCURRENT RESOLUTION

OPPOSING THE IMPLEMENTATION OF RULES FOR NEW ELECTRIC GENERATING UNITS THAT REQUIRE TECHNOLOGY THAT IS NOT COMMERCIALY AVAILABLE OR TECHNOLOGICALLY FEASIBLE AND THAT DO NOT RECOGNIZE THE STATE'S PRIMARY ROLE IN ESTABLISHING AND IMPLEMENTING PLANS TO ACHIEVE EMISSIONS REDUCTIONS FOR EXISTING UNITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Whereas, the Clean Air Act (CAA) is a federal law designed to minimize
2 air pollution nationwide; and

3 Whereas, jurisdiction to implement the CAA lies initially with the
4 states and Indian Tribes; and

5 Whereas, the CAA requires the Environmental Protection Agency (EPA) to
6 enforce regulations that are intended to protect the public from air
7 pollutants believed to be hazardous to public health; and

8 Whereas, in 1970, Congress amended the CAA by mandating comprehensive
9 state and federal regulations for both stationary and nonstationary sources
10 of pollution; and

11 Whereas, in April of 2009, the EPA issued an endangerment finding,
12 declaring that current and future greenhouse gas emissions pose a serious
13 threat to public health and safety, allowing the agency to regulate carbon
14 dioxide emissions; and

15 Whereas, as written, the CAA gives states the primary role in
16 establishing and carrying out plans to comply with EPA regulations, allowing
17 states, in developing and applying such standards of performance, "to take
18 into consideration, among other factors, the remaining useful life of the
19 existing source to which such standard applies"; and

20 Whereas, as written, the CAA requires the EPA to consider the economic
21 impact of its proposed regulations; and

22 Whereas, the EPA may take into account factors such as unreasonable
23 cost of control, physical impossibility of installing necessary control
24 equipment or other factors when determining appropriate emissions standards
25 and compliance timelines; and

26 Whereas, while Americans support efforts to improve air quality, such
27 efforts should be carefully balanced to ensure that the cost of new
28 regulations on the economy do not exceed potential benefits; and

29 Whereas, on January 8, 2014, the EPA published rules in the Federal
30 Register that will require carbon capture and sequestration for new coal
31 electrical generating facilities; and

32 Whereas, carbon capture and sequestration technology is not
33 commercially available; and

34 Whereas, the EPA has been directed to propose guidelines to reduce
35 greenhouse gas emissions from existing electric generating units by June of
36 2014; and

37 Whereas, concentrations of greenhouse gases are the result of global
38 emissions and do not constitute an immediate risk as do other criteria
39 pollutants; and

40 Whereas, addressing greenhouse gas emissions under 111(d) is a
41 discretionary duty of the EPA as outlined in the CAA; and

42 Whereas, devoting resources to discretionary duties such as regulating
43 greenhouse gas emissions takes away resources from nondiscretionary duties
44 that are more essential to protecting public health in the near term; and

1 Whereas, it is important to Arizona's economy to have a diverse energy
2 portfolio that provides reliable and affordable electric service to Arizona
3 residents and businesses, which is also important to the public health and
4 welfare; and

5 Whereas, fossil fuels, including coal and natural gas, provide an
6 abundant and affordable domestic energy source that is critical to Arizona's
7 economy and the availability and reliability of electric service.

8 Therefore

9 Be it resolved by the Senate of the State of Arizona, the House of
10 Representatives concurring:

11 1. That the Members of the Legislature oppose the implementation of
12 rules for new electric generating units that require technology that is not
13 commercially available or technologically feasible.

14 2. That the Members of the Legislature support the EPA in issuing
15 guidelines for practical state-established performance standards that are
16 based on reductions of carbon dioxide emissions that can be achieved by
17 measures undertaken at fossil-fueled electric generating units and that do
18 not require New Source Review.

19 3. That the Members of the Legislature support the EPA in giving
20 Arizona the maximum amount of flexibility that is allowed under the CAA in
21 setting performance standards and compliance schedules for electric
22 generating units within its jurisdiction.

23 4. That the Members of the Legislature oppose the implementation of
24 rules for new or existing electric generating units that do not recognize the
25 state's primary role in establishing and implementing plans to achieve
26 emissions reductions for existing units under Section 111 of the CAA.

27 5. That the Members of the Legislature support the exercise of
28 oversight by Congress over the EPA to ensure that the state's primary role in
29 establishing and implementing rules under Section 111 of the CAA is
30 respected.