

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SENATE CONCURRENT MEMORIAL 1013

A CONCURRENT MEMORIAL

URGING THE UNITED STATES CONGRESS TO OPPOSE THE IMPLEMENTATION OF CERTAIN
TECHNOLOGY AND EMISSIONS REDUCTION RULES FOR NEW AND EXISTING ELECTRIC
GENERATING UNITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 To the Congress of the United States of America:

2 Your memorialist respectfully represents:

3 Whereas, the Clean Air Act (CAA) is a federal law designed to protect
4 air quality nationwide; and

5 Whereas, jurisdiction to implement the CAA lies primarily with the
6 states; and

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

10 Whereas, while Americans support efforts to improve air quality, such
11 efforts should be carefully balanced to ensure that the costs of new
12 regulations to the economy do not exceed potential benefits; and

13 Whereas, on June 2, 2014, the United States Environmental Protection
14 Agency (EPA) proposed rules in the Federal Register that will require Arizona
15 to reduce carbon emissions at existing generating facilities by 51.7% by
16 2030; and

17 Whereas, the carbon reduction targets for Arizona are the second
18 highest in the nation; and

19 Whereas, the interim goal proposed for Arizona would require nearly 90%
20 of the final goal to be achieved by the year 2020; and

21 Whereas, concentrations of greenhouse gases are the result of global
22 emissions and do not pose an immediate risk to public health and safety as do
23 other criteria pollutants; and

24 Whereas, the EPA's proposed rules exceed its legal authority to require
25 reductions in carbon dioxide emissions from fossil fuel-fired electric
26 generating units under Section 111(d) of the CAA and interfere with the
27 electric system of Arizona; and

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

30 Whereas, devoting resources to discretionary duties such as regulating
31 greenhouse gas emissions takes away resources from nondiscretionary duties
32 that are better suited to protect the public health in the near term; and

33 Whereas, it is important to Arizona's economy to have a diverse energy
34 portfolio that provides reliable and affordable electric service to Arizona
35 residents and businesses while protecting the public health and welfare; and

36 Whereas, fossil fuels, including coal and natural gas, provide an
37 abundant, domestic and affordable energy source that is important to
38 Arizona's economy and the availability and reliability of electric service;
39 and

40 Whereas, the EPA ignores the customs, cultures and economic well-being
41 of our local communities as well as important historic and cultural aspects
42 of our local heritage; and

43 Whereas, the EPA's proposed Clean Power Plan will cause significant
44 disruptions in Arizona's electricity supply and transmission system, causing
45 reliability in the system to decrease.

1 Wherefore your memorialist, the Senate of the State of Arizona, the House of
2 Representatives concurring, prays:

3 1. That the United States Congress oppose the implementation of rules
4 for existing electric generating units that exceed the EPA's legal authority
5 under Section 111 of the CAA and interfere with the prerogative of Arizona to
6 regulate electricity and ensure an affordable and reliable supply of
7 electricity for its citizens.

8 2. That the United States Congress oppose the implementation of rules
9 for new or existing electric generating units that do not recognize the
10 primary role of states in establishing and implementing plans to achieve
11 emissions reductions for existing units under Section 111 of the CAA.

12 3. That the United States Congress exercise oversight over the EPA to
13 ensure that the primary role of states in establishing and implementing rules
14 under Section 111 of the CAA is respected.

15 4. That the Governor and the Attorney General of the State of Arizona
16 take appropriate actions to uphold this state's responsibilities with respect
17 to the CAA and defend the state against overreaching regulations.

18 5. That the Secretary of State of the State of Arizona transmit a copy
19 of this Memorial to the President of the United States, the President of the
20 United States Senate, the Speaker of the United States House of
21 Representatives, each Member of Congress from the State of Arizona, the
22 Administrator of the United States Environmental Protection Agency, the
23 Governor of the State of Arizona and the Attorney General of the State of
24 Arizona.