

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.

PASSED BY THE HOUSE MARCH 18, 2015.

PASSED BY THE SENATE FEBRUARY 16, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 19, 2015.