

Senate Resolution 449

By: Senators Gooch of the 51st and Beach of the 21st

A RESOLUTION

1 Encouraging the United States Environmental Protection Agency (EPA) to withdraw the
2 proposed Clean Power Plan; supporting the comments submitted to EPA by the Georgia
3 Environmental Protection Division (EPD), the Georgia Public Service Commission (PSC),
4 and the Attorney General of Georgia (Attorney General) on the Clean Power Plan;
5 encouraging Congress and the President to enact legislation delaying implementation of the
6 final Clean Power Plan until certain criteria are met; and for other purposes.

7 WHEREAS, affordable and reliable electric power is critical to the everyday lives of
8 Georgians, the stability of the State's economy, and Georgia's future economic development;
9 and

10 WHEREAS, the United States Environmental Protection Agency's proposed Clean Power
11 Plan is designed to transform the electric power sector in ways that will impact the reliability
12 and affordability of electric power in Georgia; and

13 WHEREAS, EPA does not have the legal authority to regulate carbon emissions from
14 coal-fired power plants under Section 111(d) of the Clean Air Act, or to set carbon standards
15 based on measures that are outside the boundaries of coal-fired power plants; and

16 WHEREAS, the proposed Clean Power Plan would establish binding state-wide CO2
17 emission targets under Section 111(d) of the federal Clean Air Act based on this
18 transformation of the electric sector in each state; and

19 WHEREAS, Georgia and other states have already seen significant reductions in CO2
20 emissions since 2005; and

21 WHEREAS, the Georgia General Assembly and the PSC had the foresight to support
22 development of new nuclear power generating units in Waynesboro, Georgia, to support
23 continued growth in a future carbon-constrained world; and

24 WHEREAS, EPA's proposed Clean Power Plan not only fails to credit early reductions but
25 also penalizes states, including Georgia, that took early action to invest in new nuclear power
26 by imposing more stringent emission targets on those states without regard to the cost; and

27 WHEREAS, the proposed Clean Power Plan establishes a target for Georgia that is more
28 stringent than most other states; and

29 WHEREAS, development of the Georgia state plan will require significant input from and
30 action by other state and local agencies that have authority over energy resources in this state,
31 including the PSC, electric membership cooperatives, and municipalities; and

32 WHEREAS, the proposed Clean Power Plan threatens the states' core interests and authority
33 over energy policy and energy resources; and

34 WHEREAS, electric system reliability is a critical component of power production and
35 delivery that is beyond EPA's expertise and thus not properly accounted for in the Clean
36 Power Plan; and

37 WHEREAS, the development of a state plan to comply with the final Clean Power Plan will
38 require a substantial investment of already limited governmental resources by the Georgia
39 EPD, the PSC, municipalities, the Attorney General, and the Georgia General Assembly; and

40 WHEREAS, such expenses required for the Clean Power Plan's implementation result in an
41 unfunded mandate by the federal government through EPA; and

42 WHEREAS, implementation of any Georgia state plan would likely require significant
43 investment by Georgia consumers into infrastructure, fuel, equipment, overhead, and/or
44 retrofits to transform Georgia's electric power sector through increased electric rates; and

45 WHEREAS, the Georgia EPD, the PSC, and the Attorney General all submitted comments
46 in opposition to the Clean Power Plan that express the Georgia General Assembly's concerns;
47 and

48 WHEREAS, the Federal Energy Regulatory Commission is currently holding national and
49 regional technical conferences to assess the potential reliability impacts of the proposed
50 Clean Power Plan and impacts on wholesale markets, operations, and infrastructure; and

51 WHEREAS, the proposed Clean Power Plan is already being challenged in federal court, and
52 further challenges are likely once the rule is final; and

53 WHEREAS, even if the Clean Power Plan is deemed legal, it does not allow enough time to
54 develop a state plan and properly prepare for the substantial investments that will be needed
55 for compliance.

56 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that the members of this body
57 encourage the United States Environmental Protection Agency (EPA) to withdraw the
58 proposed Clean Power Plan.

59 BE IT FURTHER RESOLVED that the members of this body support the comments on the
60 Clean Power Plan submitted to EPA by the Georgia EPD, the PSC, and the Attorney General.

61 BE IT FURTHER RESOLVED that even if EPA does not withdraw the Clean Power Plan,
62 the final rule should give states full credit for CO2 reductions from 2005 forward and should
63 not penalize Georgia for early action to develop new nuclear power generation.

64 BE IT FURTHER RESOLVED that even if EPA does not withdraw the Clean Power Plan,
65 the final rule should include nonbinding guidelines that can be modified by states, which are
66 primarily responsible for managing their economic, energy, and environmental resources.

67 BE IT FURTHER RESOLVED that if EPA does not withdraw the Clean Power Plan, the
68 members of this body further urge EPA to allow additional time for states to develop state
69 plans and to comply with the emission guidelines requiring compliance no earlier than 2030.

70 BE IT FURTHER RESOLVED that, to avoid the potentially unnecessary and substantial
71 expenditure of limited state and consumer resources, the members of this body urge Congress
72 and the President to enact legislation to prohibit the Clean Power Plan from taking effect
73 unless and until any and all legal challenges to the Clean Power Plan have been fully
74 resolved and no appeals remain.

75 BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed
76 to make appropriate copies of this resolution available for distribution to the President of the
77 United States, all members of the congressional delegation from the State of Georgia, the
78 United States Environmental Protection Agency, the United States Department of Energy,
79 the National Governor's Association, the National Association of Regulatory Utility

80 Commissioners, the National Association of State Energy Officials, the Environmental
81 Council of the States, the Association of Consumer Counsel and other relevant organizations,
82 all states' governors, all state utility regulatory commissions, all state energy officials, all
83 state environmental commissioners, and all states' legislative leadership.