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2015

House 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 economic growth, jobs, and overall well-being of
the nation and the citizens of each state, and

WHEREAS, emanating from each state's sovereignty and the
protections of the Tenth Amendment to the United States
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 long-term energy affordability for citizens, and

WHEREAS, the regulation of the retail sale and local
distribution of electricity is a function of sovereign states
that federal agencies have a duty to respect and preserve, and

WHEREAS, on June 25, 2013, the President of the United
States 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

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27 existing fossil fuel-fired power plants under section 111(d) of
28 the federal Clean Air Act and to seek input from the states, and

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

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

41 WHEREAS, since the Clean Air Act does not authorize the EPA
42 to regulate emissions beyond the physical boundaries of an
43 individual EGU, the EPA cannot mandate that EGUs reduce demand
44 for electricity by customers and cannot require EGUs to increase
45 their reliance on natural gas or renewable energy sources
46 because each of those activities is 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, revise operations or retire
51 coal-fired EGUs, substantially increase the use of natural gas,
52 significantly increase reliance on renewable energy sources, and

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53 substantially reduce the use of electricity by consumers, all in
 54 a plan and on a schedule that are neither achievable nor
 55 workable, and

56 WHEREAS, the Attorney General of Florida, the Florida
 57 Public Service Commission, and the Florida Department of
 58 Environmental Protection have each sent comments to the EPA
 59 expressing concerns about implementation of the proposed
 60 regulations, and

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

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

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

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

75 (1) Extend by 1 year the date by which states would be
 76 required to submit a state plan to the EPA, thereby providing
 77 more time to finalize technical work and state legislative and
 78 rulemaking activities.

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

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

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

87 (5) Prohibit retirement of an EGU before the end of its
88 engineering lifetime unless the affected utility has fully
89 recovered the costs of construction and financing of the EGU,
90 the state has sufficient replacement capacity, and grid
91 reliability is maintained.

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