

# House Concurrent Resolution No. 23

## 97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HODGES (Sponsor), HUMMEL, ROORDA, FRAME,  
BURNS AND FRANKLIN (Co-sponsors).

5460L.02I

1       **WHEREAS**, a reliable, affordable energy supply is vital to the nation's future economic  
2 growth, security, and quality of life; and  
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4       **WHEREAS**, compliance with expected environmental regulations regulating greenhouse  
5 gas (GHG) emissions will affect ratepayers differently depending upon each state's existing  
6 generation, energy resources, electricity market and state commission decisions; and  
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8       **WHEREAS**, states have jurisdiction over the reliability and affordability of electricity  
9 provided to retail customers; and  
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11       **WHEREAS**, incorporating flexibility in the implementation of EPA regulations to allow  
12 for unique state or regional strategies can lessen generation cost increases because of improved  
13 planning, greater use of energy efficiency and demand-side resources, and orderly decision-  
14 making; and  
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16       **WHEREAS**, in 2009, President Obama made a pledge that by 2020 America would  
17 reduce its greenhouse gas emissions in the range of 17% below 2005 levels; and  
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19       **WHEREAS**, the Regional Greenhouse Gas Initiative implemented by nine states is  
20 recognized as reducing emissions and provides a net consumer and economic benefit; and  
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22       **WHEREAS**, ten states have successfully implemented market-based emissions trading  
23 systems applicable to the electrical power sectors for the purpose of reducing emissions; and  
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25       **WHEREAS**, many states have implemented mandatory or voluntary renewable  
26 portfolio/energy standards, implemented energy efficient or peak load reduction programs,  
27 experienced significant retirements of coal-based generating plants, or mandated emission  
28 reductions programs - all of which have already contributed to a reduction in GHG emissions;  
29 and  
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31       **WHEREAS**, it may be in the interest of ratepayers to maintain the operation of certain  
32 existing coal-based electricity generating plants that meet environmental performance  
33 requirements for priority pollutants for a period of time; and  
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35       **WHEREAS**, on June 25, 2013, the President issued a memorandum to the United States  
36 EPA Administrator directing the EPA to:

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38       (1) Issue proposed carbon pollution standards, regulations, or guidelines, as appropriate,  
39 for modified, reconstructed, and existing power plants by no later than June 1, 2014;

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41       (2) Issue final standards, regulations, or guidelines, as appropriate, for modified,  
42 reconstructed, and existing power plants by no later than June 1, 2015;

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44       (3) Include in the guidelines addressing existing power plants a requirement that States  
45 submit to the United States EPA the implementation plans required under Section 111(d) of the  
46 Clean Air Act and its implementing regulations by no later than June 30, 2016; and

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48       **WHEREAS**, the President instructed the EPA, in its efforts to address GHG emissions  
49 for modified, reconstructed, and existing power plants to engage directly with states, and  
50 expressly recognized that states "will play a central role in establishing and implementing  
51 standards for existing power plants"; and

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53       **WHEREAS**, Section 111(d)(1)(A) requires the EPA to establish a procedure under  
54 which each state shall submit to the Administrator a plan which establishes standards of  
55 performance for existing sources; and

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57       **WHEREAS**, Section 111(d)(1)(B) requires the plan submitted by the state to provide for  
58 the implementation and enforcement of such standards of performance and the Administrator to  
59 permit a state, in applying such standards of performance, "to take into consideration, among  
60 other factors, the remaining useful life of the existing source to which such standard applies";  
61 and

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63       **WHEREAS**, the states rely on EPA to issue a procedure under Section 111(d) that  
64 reflects the best system or systems of emission reductions that has been adequately demonstrated  
65 at affected facilities; and

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67       **WHEREAS**, state utility regulators have jurisdiction over decisions regarding integrated  
68 resource planning or resource adequacy, processes which ultimately determine the mixes of fuels  
69 and resources in state generation portfolios, which differ from state to state; and

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71       **WHEREAS**, states have different mixes of fuels and resources in their existing  
72 generation portfolios; and

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74       **WHEREAS**, states have achieved different levels of GHG reductions to date, and have  
75 diverse economies and face difference economic conditions, including states with energy  
76 intensive manufacturing industries that provide goods for the entire nation:

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78       **NOW, THEREFORE, BE IT RESOLVED** that the members of the House of  
79 Representatives of the Ninety-seventh General Assembly, Second Regular Session, the Senate  
80 concurring therein, hereby urge the Environmental Protection Agency (EPA), in developing any  
81 emissions guidelines for regulating carbon emissions from existing power plants, to recognize  
82 the primacy of states to rely on both state utility and environmental regulators to lead the creation  
83 of emission performance systems that reflect the policies, energy needs, resource mix, economic  
84 conditions of each state and region; and

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86       **BE IT FURTHER RESOLVED** that the guidelines should be flexible enough to allow  
87 states individually or regionally to take into account, when establishing standards of  
88 performance, the different makeup of existing power generation in each state and region; and

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90       **BE IT FURTHER RESOLVED** that the states need EPA, under the relevant statutory  
91 factors, to issue guidelines that avoid GHG emissions reductions that are not feasible; and

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93       **BE IT FURTHER RESOLVED** that the guidelines should provide sufficiently flexible  
94 compliance pathways or mechanisms that recognize state and regional variations to achieve the  
95 most cost-effective emissions reductions in each state; and

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97       **BE IT FURTHER RESOLVED** that the guidelines recognize and credit states'  
98 emissions reduction achievements to date, recognize any and all existing state emissions  
99 reduction programs, and shall not intrude on the states' jurisdiction over decisions regarding  
100 integrated resource planning or resource adequacy or otherwise mandate specific modifications  
101 to the mix of fuels and resources in existing and further state generation portfolios; and

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103       **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of  
104 Representatives be instructed to prepare properly inscribed copies of this resolution for Gina  
105 McCarthy, the Administrator of the Environmental Protection Agency and each member of the  
106 Missouri Congressional delegation.

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