

## House Resolution No. 6065

By Committee on Transportation

3-19

1 A RESOLUTION urging the United States Environmental Protection  
2 Agency to recognize the primacy of states when developing emissions  
3 standards.

4 WHEREAS, A reliable, affordable energy supply is vital to the  
5 nation's future economic growth, security and quality of life; and

6 WHEREAS, Compliance with expected environmental regulations  
7 regulating greenhouse gas (GHG) emissions will affect ratepayers  
8 differently depending upon each state's existing electricity generation  
9 capacity, energy resources, electricity market and state commission  
10 decisions; and

11 WHEREAS, States have jurisdiction over the reliability and  
12 affordability of electricity provided to retail customers; and

13 WHEREAS, Incorporating flexibility in the implementation of  
14 Environmental Protection Agency (EPA) regulations to allow for unique  
15 state or regional strategies can lessen generation cost increases because of  
16 improved planning, greater use of energy efficiency, demand-side  
17 resources and orderly decision-making; and

18 WHEREAS, The state of Kansas at this time takes no position  
19 regarding the merits of EPA rulemakings for the purpose of regulating  
20 GHG from new or existing power plants; and

21 WHEREAS, In 2009, President Obama made a pledge that by 2020,  
22 America would reduce its greenhouse gas emissions in the range of 17  
23 percent below 2005 levels; and

24 WHEREAS, The Regional Greenhouse Gas Initiative implemented by  
25 nine states is recognized as reducing emissions and provides a net  
26 consumer and economic benefit; and

27 WHEREAS, Ten states have successfully implemented market-based  
28 emissions trading systems applicable to the electrical power sectors for  
29 the purpose of reducing emissions; and

30 WHEREAS, Many states have: Implemented mandatory or voluntary  
31 renewable portfolio and energy standards, implemented energy efficiency  
32 or peak load reduction programs, experienced significant retirements of  
33 coal-based generating plans and mandated emission reductions programs;  
34 all of which have already contributed to a reduction in GHG emissions;  
35 and

36 WHEREAS, It may be in the best interest of ratepayers to maintain the

1 operation of certain existing coal-based electricity generating plants that  
2 meet environmental performance requirements for priority pollutants for  
3 a period of time; and

4 WHEREAS, On June 25, 2013, the President issued a memorandum to  
5 the U.S. EPA Administrator directing the EPA to: Issue proposed carbon  
6 pollution standards, regulations or guidelines, as appropriate, for  
7 modified, reconstructed and existing power plants by no later than June 1,  
8 2014; issue final standards, regulations or guidelines as appropriate for  
9 modified, reconstructed and existing power plants by no later than June 1,  
10 2015; and include in the guidelines addressing existing power plants a  
11 requirement that states submit to the U.S. EPA the implementation plans  
12 required under Section 111(d) of the Clean Air Act and its implementing  
13 regulations by no later than June 30, 2016; and

14 WHEREAS, The President instructed the EPA, in its efforts to address  
15 GHG emissions from modified, reconstructed and existing power plants  
16 to engage directly with states, and expressly recognized that states "will  
17 play a central role in establishing and implementing standards for existing  
18 power plants"; and

19 WHEREAS, The President instructed the EPA to work with state  
20 agencies to "promote the reliable and affordable provision of electric  
21 power through the continued development and deployment of cleaner  
22 technologies and by increasing energy efficiency, including through  
23 stronger appliance efficiency standards and other measures"; and

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

27 WHEREAS, Section 111(d)(1)(B) requires the plan submitted by the  
28 state to provide for the implementation and enforcement of such  
29 standards of performance and the Administrator may permit a state, in  
30 applying such standards of performance, "to take into consideration,  
31 among other factors, the remaining useful life of the existing source to  
32 which such standard applies"; and

33 WHEREAS, The states rely on the EPA to issue a procedure under  
34 Section 111(d) that reflects the best system or systems of emission  
35 reductions that have been adequately demonstrated at affected facilities;  
36 and

37 WHEREAS, State utility regulators have jurisdiction over decisions  
38 regarding integrated resource planning or resource adequacy, processes  
39 which ultimately determine the mixes of fuels and resources in state  
40 generation portfolios, which differ from state to state; and

41 WHEREAS, States have different mixes of fuels and resources in their  
42 existing generation portfolios; and

43 WHEREAS, States have achieved different levels of GHG reductions

1 to date, and have diverse economies and face different economic  
2 conditions, including states with energy intensive manufacturing  
3 industries that provide goods for the entire nation: Now, therefore,

4 *Be it resolved by the House of Representatives of the State of Kansas:*  
5 That we urge the EPA, in developing any emissions guidelines for  
6 regulating carbon emissions from existing power plants, to recognize the  
7 primacy of states to rely on both state utility and environmental regulators  
8 to lead the creation of emission performance systems that reflect the  
9 policies, energy needs, resource mix and economic conditions of each  
10 state and region; and

11 *Be it further resolved:* That the guidelines should be flexible enough to  
12 allow states individually or regionally to take into account, when  
13 establishing standards of performance, the different makeup of existing  
14 power generation in each state and region; and

15 *Be it further resolved:* That the states need the EPA, under the relevant  
16 statutory factors, to issue guidelines that avoid GHG emissions reductions  
17 that are not feasible; and

18 *Be it further resolved:* That the guidelines should provide sufficiently  
19 flexible compliance pathways or mechanisms that recognize state and  
20 regional variations to achieve the most cost-effective emissions  
21 reductions in each state; and

22 *Be it further resolved:* That the guidelines recognize and credit states'  
23 emissions reduction achievements to date, recognize any and all existing  
24 state emission reduction programs and shall not intrude on the states'  
25 jurisdiction over decisions regarding integrated resource planning or  
26 resource adequacy or otherwise mandate specific modifications to the  
27 mix of fuels and resources in existing and future state generation  
28 portfolios; and

29 *Be it further resolved:* That the Chief Clerk of the House of  
30 Representatives shall send an enrolled copy of this resolution to the U.S.  
31 EPA Administrator.