

ONE HUNDRED THIRD LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 482

Introduced by Carlson, 38; Bloomfield, 17; Brasch, 16; Christensen, 44; Davis, 43; Garrett, 3; Hansen, 42; Janssen, 15; Johnson, 23; Kintner, 2; McCoy, 39; Murante, 49; Schilz, 47; Seiler, 33; Smith, 14; Watermeier, 1; Wightman, 36; Wallman, 30; Howard, 9.

WHEREAS, a reliable and affordable energy supply is vital to Nebraska's economic growth, jobs, and the overall benefit of its citizens, and Nebraska supports a diversified "all-the-above" energy strategy because it is in the best interest of the state and the nation; and

WHEREAS, the United States has abundant supplies of coal that provide economic and energy security benefits, and coal provides affordable and reliable electricity to the citizens of Nebraska; and

WHEREAS, carbon regulations for existing coal-fueled power plants could threaten the affordability and reliability of Nebraska's electricity supplies and risk substantial job losses through the premature closure of power plants that have just invested in pollution controls to meet the recent mercury regulations of the United States Environmental Protection Agency (EPA); and

WHEREAS, carbon dioxide emissions from coal-fueled power plants in the United States represent only 3 percent of global anthropogenic greenhouse gas emissions; and

WHEREAS, the United States Energy Information Administration projects that in the United States, electric sector carbon dioxide emissions will be 14 percent below 2005 levels in 2020, and coal-fueled

power plant carbon dioxide emissions will be 19 percent below 2005 levels in 2020; and

WHEREAS, on June 25, 2013, President Obama directed the EPA Administrator to issue standards, regulations, or guidelines to address carbon dioxide emissions from new, existing, modified, and reconstructed fossil-fueled power plants; and

WHEREAS, the President expressly recognized that states "will play a central role in establishing and implementing carbon standards for existing power plants"; and

WHEREAS, the Clean Air Act requires the EPA to establish a procedure under which each state shall develop a plan for establishing and implementing standards of performance for existing sources within the state; and

WHEREAS, the Clean Air Act expressly allows states, in developing and applying such standards of performance, "to take into consideration, among other factors, the remaining useful life of the existing source to which such standard applies"; and

WHEREAS, the EPA's existing regulations provide that states may adopt less stringent emissions standards or longer compliance schedules than EPA guidelines based on factors such as unreasonable cost of control, physical impossibility of installing necessary control equipment, or other factors that make less stringent standards or longer compliance times significantly more reasonable; and

WHEREAS, it is in the best interest of electricity consumers in Nebraska to continue to benefit from reliable and affordable electricity provided by coal-based electricity generating plants.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature urges the United States Environmental Protection Agency (EPA), in developing guidelines for regulating carbon dioxide emissions from existing power plants, to respect the primacy of Nebraska and other states and to rely on state regulators to develop performance standards for carbon dioxide emissions that take into account the unique policies, energy needs, resource mix, and economic priorities of each state.

2. That the EPA should issue guidelines and approve state-established performance standards that are based on reductions of carbon dioxide emissions achievable by measures undertaken at fossil-fueled power plants.

3. That the EPA should allow Nebraska and other states to set less stringent performance standards or longer compliance schedules and give each state maximum flexibility to implement carbon dioxide performance standards for fossil-fueled power plants within their own jurisdiction.

4. That a copy of this resolution be sent to United States EPA Administrator Gina McCarthy and to each member of Nebraska's congressional delegation.