
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 259 Session of
2015

INTRODUCED BY NEUMAN, V. BROWN, W. KELLER, SNYDER, McNEILL,
GERGELY, OBERLANDER, ROZZI, SANKEY, KOTIK, METZGAR, SABATINA,
MATZIE, IRVIN, PYLE, EVERETT, P. COSTA, KORTZ, GABLER, DUSH,
CUTLER, SONNEY, GODSHALL, PASHINSKI, GIBBONS, TOOHL, MUSTIO,
BARBIN, MURT, MAHONEY, WARNER AND D. COSTA, APRIL 20, 2015

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
APRIL 20, 2015

A CONCURRENT RESOLUTION

1 Establishing the Joint Select Committee on the Implementation of
2 the Environmental Protection Agency's Greenhouse Gas
3 Regulation.

4 WHEREAS, Reasonably priced, reliable sources of electric
5 power generated in this Commonwealth are vital to the health,
6 safety and welfare of the residents and to the prosperity of
7 this Commonwealth's economy; and

8 WHEREAS, It is the responsibility of the Commonwealth to
9 ensure that a reliable supply of electric power is generated at
10 a level consistent with the need for electric power for the
11 protection of public health, safety and the environment; and

12 WHEREAS, Electric generation power plants are developed
13 primarily through the free enterprise system and require a
14 significant commitment of funds and resources from shareholders,
15 and the potential decision to deactivate or retire an electric
16 generation power plant will have a long-term impact on this

1 Commonwealth's economy; and

2 WHEREAS, The Environmental Protection Agency is currently
3 promulgating rules to regulate carbon dioxide emissions for
4 existing stationary sources, including coal-fired electric
5 generation plants; and

6 WHEREAS, The Environmental Protection Agency's proposed
7 carbon dioxide rule published under docket EPA-HQ-OAR-2013-0602
8 does not just regulate existing stationary source emissions, but
9 seeks to regulate beyond a stationary source's fenceline; and

10 WHEREAS, The Environmental Protection Agency's rule will
11 impact all types of electric generation, including natural gas
12 generation, renewable generation sources, demand response and
13 energy efficiency and nuclear generation as well as coal-fired
14 generation sources; and

15 WHEREAS, Once the Environmental Protection Agency publishes
16 the final rule, the Commonwealth will be given the opportunity
17 to develop a State Implementation Plan to meet the Federal
18 requirements; and

19 WHEREAS, The final Environmental Protection Agency carbon
20 dioxide rule is expected to be published during the summer of
21 2015; and

22 WHEREAS, The General Assembly enacted Act 175 of 2014, known
23 as the Pennsylvania Greenhouse Gas Regulation Implementation
24 Act, in anticipation of the Environmental Protection Agency's
25 carbon dioxide rule; and

26 WHEREAS, Act 175 provides that the elected legislators of the
27 General Assembly should have an integral role in the development
28 and submission of the Commonwealth's State Implementation Plan
29 for carbon dioxide reductions; and

30 WHEREAS, Due to the complexity of the Federal carbon dioxide

1 rule, the speed at which the Commonwealth must develop a State
2 Implementation Plan once the Federal rule is finalized, and the
3 various policy and legislative issues which will be impacted by
4 the Federal rule, a special select committee of the General
5 Assembly is necessary; and

6 WHEREAS, No one standing committee of the Senate or the House
7 of Representatives is best positioned to consider the
8 interrelated issues involved in the Federal carbon dioxide rule,
9 including the impact to the various sectors of the electric
10 power generation industry, the impact to consumers of
11 electricity, the impact to public health, the environmental
12 impact to air quality and the impact to the Commonwealth's
13 overall economy; therefore be it

14 RESOLVED (the Senate concurring), That the General Assembly
15 establish the Joint Select Committee on the Implementation of
16 the Environmental Protection Agency's Greenhouse Gas Regulation
17 to examine, investigate and complete a report on the most
18 appropriate manner in which to comply with the Federal carbon
19 dioxide rule; and be it further

20 RESOLVED, That the Joint Select Committee established under
21 this resolution consist of the following:

22 (1) Three members of the Senate appointed by the
23 President pro tempore of the Senate.

24 (2) Three members of the Senate appointed by the
25 Minority Leader of the Senate.

26 (3) Three members of the House of Representatives
27 appointed by the Speaker of the House of Representatives.

28 (4) Three members of the House of Representatives
29 appointed by the Minority Leader of the House of
30 Representatives.

1 (5) The chairman and minority chairman of the
2 Environmental Resources and Energy Committee of the Senate.

3 (6) The chairman and minority chairman of the
4 Environmental Resources and Energy Committee of the House of
5 Representatives.

6 (7) The chairman and minority chairman of the Consumer
7 Protection and Professional Licensure Committee of the
8 Senate.

9 (8) The chairman and minority chairman of the Consumer
10 Affairs Committee of the House of Representatives;

11 and be it further

12 RESOLVED, That the members of the Joint Select Committee
13 under this resolution be appointed within 20 days of the
14 adoption of this resolution; and be it further

15 RESOLVED, That the Joint Select Committee under this
16 resolution meet within 10 days after all members are appointed;
17 and be it further

18 RESOLVED, That the Joint Select Committee under this
19 resolution elect joint chairpersons from among the members of
20 the committee, with one being from the Senate and one being from
21 House of Representatives; and be it further

22 RESOLVED, That the Joint Select Committee be subject to 65
23 Pa.C.S. Ch. 7 (relating to public officers) and the act of
24 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law;
25 and be it further

26 RESOLVED, That the Joint Select Committee under this
27 resolution:

28 (1) send for persons, subpoena and examine witnesses and
29 compel the production and examination of documents and other
30 evidence that may be necessary for the discharging of duties

1 imposed under this resolution under the seal of the
2 chairpersons of the Joint Select Committee;

3 (2) conduct at least four public hearings in
4 geographically dispersed locations in this Commonwealth,
5 including locations that would be directly economically
6 affected by the carbon dioxide regulation;

7 (3) accept written testimony and consider, as part of
8 the deliberations, all written and oral testimony provided;
9 and

10 (4) consider all of the following:

11 (i) whether to rely on measures the Environmental
12 Protection Agency used to calculate the carbon dioxide
13 reduction goal, as well as other measures that were not
14 part of the Environmental Protection Agency's goal-
15 setting process;

16 (ii) whether the Commonwealth should participate in
17 multistate programs that already exist or whether a new
18 multistate carbon dioxide reduction program should be
19 created;

20 (iii) whether the Commonwealth should invest in
21 energy efficiency programs during the compliance period
22 to assist in meeting the carbon dioxide reduction goals;

23 (iv) whether the Commonwealth should work in
24 partnership with other states;

25 (v) when individual power plants must make
26 reductions;

27 (vi) the extent to which any of the following should
28 be included in the State Implementation Plan:

29 (A) demand-side energy efficiency programs;

30 (B) renewable energy standards;

1 (C) efficiency improvements at existing affected
2 power plants;

3 (D) co-firing or switching to natural gas;

4 (E) transmission efficiency improvements;

5 (F) energy storage technologies;

6 (G) the retirement or deactivation of existing
7 affected generation units or facilities;

8 (H) the expansion of non-emitting sources, such
9 as nuclear power;

10 (I) market-based trading programs; or

11 (J) other energy conservation programs;

12 (vii) how best to avoid stranded investments in
13 existing affected power plants;

14 (5) prioritize the components of the State
15 Implementation Plan options based on a least-cost compliance
16 approach to benefit consumers of electricity;

17 (6) take into consideration the necessity and value to
18 having a diverse generation fleet to ensure electric
19 reliability in this Commonwealth; and

20 (7) consider the direct impact of the Federal carbon
21 dioxide rule on employment in this Commonwealth by industry
22 sector, including private sector union employment;

23 and be it further

24 RESOLVED, That no later than 12 months from the date of the
25 appointment of the members to the Joint Select Committee, the
26 committee submit a report of its findings to the following:

27 (1) The President pro tempore of the Senate.

28 (2) The Speaker of the House of Representatives.

29 (3) The Secretary of Environmental Protection;

30 and be it further

1 RESOLVED, That the ordinary and reasonable expenses incurred
2 by the Joint Select Committee be paid from accounts under the
3 control of the Chief Clerk of the Senate and the Chief Clerk of
4 the House of Representatives; and be it further

5 RESOLVED, That a copy of this resolution be transmitted to
6 the following:

7 (1) The Pennsylvania Congressional Delegation.

8 (2) The Administrator of the Environmental Protection
9 Agency.

10 (3) The Secretary of the Department of Environmental
11 Protection, including the following message with the
12 submittal:

13 Be advised that the General Assembly has enacted a
14 Resolution establishing a Joint Select Committee to
15 examine, investigate and complete a report on the most
16 appropriate manner in which to comply with the Federal
17 carbon dioxide rule, consistent with the Pennsylvania
18 Greenhouse Gas Regulation Implementation Act. Under Act
19 175 of 2014, the Department of Environmental Protection
20 must consider the views of the elected members of the
21 General Assembly in the development of the State
22 Implementation Plan for compliance with the Federal
23 carbon dioxide rule for existing stationary sources. It
24 is the intention of this Select Committee to further
25 direct the Department of Environmental Protection in the
26 development of the State Implementation Plan that will
27 ultimately be submitted to the House of Representatives
28 and the Senate for approval.