

**As Reported by the House Agriculture and Natural Resources
Committee**

**129th General Assembly
Regular Session
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H. C. R. No. 9

Representative Thompson

**Cosponsors: Representatives Landis, Carey, Blessing, Adams, J., Slaby,
Young, Grossman, Combs, Stebelton, Brenner, Huffman**

CONCURRENT RESOLUTION

To urge the United States Congress, the President of 1
the United States, and the United States 2
Environmental Protection Agency to immediately 3
suspend the Proposed Air Pollution Transport Rule. 4

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE
OF OHIO (THE SENATE CONCURRING):**

WHEREAS, On August 2, 2010, the United States Environmental 5
Protection Agency (EPA) published its Proposed Air Pollution 6
Transport Rule (Proposed Transport Rule), 75 Fed. Reg. 45,210; and 7

WHEREAS, Under the Proposed Transport Rule, the EPA proposes 8
to limit the interstate transport of power plant emissions from 9
electric generation units within 31 states, including Ohio, plus 10
the District of Columbia; and 11

WHEREAS, The Proposed Transport Rule is part of a suite of 12
regulatory actions undertaken by the EPA targeting coal-fired 13
power plants with the objective of forcing electric utilities to 14
abandon coal as a fuel source by making it too expensive for 15
utilities to burn coal; and 16

WHEREAS, The Electric Power Research Institute projects that 17

the future existence and viability of almost 50% of the nation's 18
coal-fired power plants are at risk due to the Proposed Transport 19
Rule and other EPA regulatory actions; and 20

WHEREAS, The Proposed Transport Rule contains numerous 21
factual errors and incorrect assumptions about emission sources in 22
Ohio; and 23

WHEREAS, The EPA used incorrect information in the Proposed 24
Transport Rule to model incorrect effects from Ohio emissions 25
sources on downwind states' air quality; and 26

WHEREAS, The EPA used the results of its flawed modeling 27
procedures and inputs to propose overly stringent emission 28
limitations for the State of Ohio in the Proposed Transport Rule; 29
and 30

WHEREAS, The EPA received numerous requests to extend the 31
public comment period on the Proposed Transport Rule beyond 32
October 1, 2010, but denied those requests; and 33

WHEREAS, The EPA must provide an implementation schedule for 34
any proposed regulation that is reasonably achievable, but the 35
Proposed Transport Rule establishes unreasonable compliance 36
deadlines of 2012 and 2014, which do not provide adequate 37
opportunity to install pollution controls or implement fuel 38
switches for plants that are not currently equipped with such 39
controls or burning low sulfur fuel; and 40

WHEREAS, The EPA failed to consider the economic implications 41
of numerous plants attempting to implement fuel switches in such a 42
short time frame, including coal shortages, artificial inflation 43
of low sulfur coal and natural gas prices, legal costs in 44
breaching existing long-term coal contracts, and disastrous 45
employment effects on the Ohio coal mining industry; and 46

WHEREAS, The EPA failed to consider the economic implications 47
of pollution control equipment installation, such as construction 48

delays due to limited raw materials and skilled workforce when 49
completing numerous complicated retrofits, the lack of credit for 50
pollution control installations already made under the Clean Air 51
Interstate Rule, the lengthy outages necessary to complete 52
numerous complicated retrofits, the disincentive for retrofit 53
given the virtually nonexistent trading provisions in the Proposed 54
Transport Rule, and the increased cost of electricity to 55
consumers, when calculating the cost effectiveness of the emission 56
reductions required in Ohio; and 57

WHEREAS, The EPA failed to protect the reliability of the 58
electric grid by not adequately considering the impact of outages 59
necessary to accommodate fuel switches and pollution control 60
installation within the narrow time frame necessary to comply with 61
the proposed overly stringent emission limitations; and 62

WHEREAS, The EPA did not adequately consider the cost 63
effectiveness of downwind states making local emission reductions 64
within their own state borders, rather than burdening upwind 65
states with costly emission reductions; and 66

WHEREAS, The EPA fails to allow for significant interstate 67
trading under the Proposed Transport Rule, which will result in an 68
increased burden on coal-dependent states like Ohio, even where 69
facilities operating in Ohio may have adequate credits generated 70
by out-of-state facilities that could ease the economic and timing 71
burdens on coal-fired assets in Ohio; and 72

WHEREAS, Individual states should be allowed to fashion a 73
plan that meets the requirements of law in a manner that, in the 74
state's judgment, best conforms to the state's preferences and 75
regulatory policies; and 76

WHEREAS, The EPA's use of a Federal Implementation Plan in 77
the Proposed Transport Rule undermines the rights of Ohio to 78
govern the method of its own compliance and is contrary to the 79

provisions in the Clean Air Act because Ohio's State Implementation Plan has never been disapproved; and

WHEREAS, The Proposed Transport Rule and the related EPA actions appear to be an attempt by the EPA to unilaterally develop and implement a new nationwide greenhouse gas regulatory scheme entirely without the involvement or oversight by the elected leaders of the United States Congress or the involvement of individual states; and

WHEREAS, The EPA's unbalanced and short-sighted actions have the potential to cause severe economic harm to Ohio and the country through the destruction of jobs, elimination of entire industries, and large increases in energy costs across the nation; now therefore be it

RESOLVED, That the members of the 129th General Assembly of the State of Ohio urge the United States Congress, the President of the United States, and the EPA to immediately suspend the Proposed Transport Rule so that the EPA can correct data inputs and assumptions in order to address the numerous concerns and incorrect data identified by those commenting on the Proposed Transport Rule, have an additional comment period on the Proposed Transport Rule and all supplemental Notices to allow for a full evaluation of the proposed regulations, conduct a detailed study of the economic impacts of the Proposed Transport Rule and alternatives that includes economic impacts on related industries in Ohio such as the coal industry, and re-assess the cumulative impact of all pending regulations likely to affect the electric utility and coal industries to determine a consolidated approach calculated to maintain the viability of economically sound assets; and be it further

RESOLVED, That the members of the 129th General Assembly of the State of Ohio urge the United States Congress, the President of the United States, and the EPA to adequately protect the

thousands of coal-related jobs in the affected upwind states, 112
including Ohio, to avoid further harming the economies of those 113
states; and be it further 114

RESOLVED, That the Legislative Clerk of the House of 115
Representatives transmit duly authenticated copies of this 116
resolution to the President of the United States, the 117
Administrator of the EPA, the Speaker and Clerk of the United 118
States House of Representatives, the President Pro Tempore and 119
Secretary of the United States Senate, the members of the Ohio 120
Congressional delegation, and the news media of Ohio. 121