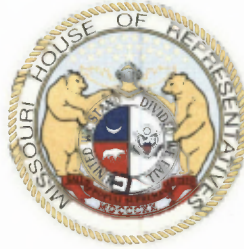


Todd Richardson
Speaker



D. Adam Crumbliss
Chief Clerk

Missouri House of Representatives

July 17, 2015

Administrator Gina McCarthy
Environmental Protection Agency
1200 Pennsylvania Avenue
1101A
Washington, DC 20460

Dear Administrator McCarthy:

I hereby transmit to you an official copy of House Resolution No. 425 and House Concurrent Resolution No. 21, herein enclosed. Such documents are transmitted to you pursuant to a directive by the Missouri House of Representatives.

Please do not hesitate to contact me for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Adam Crumbliss".

D. Adam Crumbliss
Chief Clerk and Administrator
Missouri House of Representatives

Missouri House of Representatives



Resolution

WHEREAS, the rightful authority to develop energy policy for Missouri is vested in the Missouri General Assembly under Article III, Section 1 of the Constitution of Missouri; and

WHEREAS, in June 2014, the United States Environmental Protection Agency proposed the "Clean Power Plan" to cut emissions from existing coal-fired power plants; and

WHEREAS, the United States Environmental Protection Agency is seeking to subvert this authority by commanding our state to comply with federal mandates with little regard for the impact on our residents and communities; and

WHEREAS, the Environmental Protection Agency is seeking to make fundamental changes to the state's existing energy policy; and

WHEREAS, specifically, the EPA is requiring that Missouri reduce all electric usage by almost ten percent, increase natural gas combined cycle capacity factors over forty percent, and increase renewable energy generation by three hundred percent; and

WHEREAS, these requirements could severely damage the economic well-being of the state and our communities by increasing utility bills, increasing unemployment, and potentially reducing the reliability of our electric grid; and

WHEREAS, more than eighty percent of the electricity generated in Missouri is derived from coal-fired plants; and

WHEREAS, the driving forces behind the institution of the EPA's rule have been states that do not generate electricity from coal and thus would not be impacted in an equal and fair manner; and

WHEREAS, additional concerns have been expressed and discussed at length in a document entitled "Comments of the General Assembly of the State of Missouri" dated December 1, 2014, filed by the House Majority Floor Leader with the Environmental Protection Agency (Docket ID No. EPA-HQ-OAR-2013-0602):

NOW THEREFORE BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-eighth General Assembly, hereby adopt the House Majority Floor Leader's filing with the EPA as the state's official position and strongly urge the Environmental Protection Agency to withdraw its Clean Power Plan proposed rule and return the state's energy policy regulation to the rightful authority of the people's elected officials of the state of Missouri; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Missouri Department of Economic Development, Division of Energy to be considered in the development of the comprehensive energy plan described in the Governor's Executive Order 14-06, as well as Gina McCarthy, administrator of the Environmental Protection Agency, and each member of the Missouri Congressional delegation.



Offered by

A handwritten signature in black ink, appearing to read "Robert Ross".

Representative Robert Ross
District No. 142

I, John J. Diehl Jr., Speaker of the House of Representatives, Ninety-eighth General Assembly, First Regular Session, do certify that the above is a true and correct copy of House Resolution No. 425, adopted March 3, 2015.

John J. Diehl Jr., Speaker

A handwritten signature in black ink, appearing to read "John J. Diehl Jr.".

Missouri House of Representatives



Resolution

WHEREAS, the definition of "waters of the United States" under the Clean Water Act blishes the fundamental scope of federal authority to regulate activities in U.S. waters wetlands. The U.S. Supreme Court has found on multiple occasions that the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Army Corps) have eded their authority in defining these waters beyond the intended scope of federal lation; and

WHEREAS, in response to the Supreme Court decisions, the EPA and Army Corps have recently osed an amended definition to clarify federal jurisdiction. Unfortunately, the EPA and Corps have once again missed the mark and continue to ignore the limits on their ority, usurping powers reserved to the states under the Tenth Amendment to the U.S. titution; and

WHEREAS, the proposed rule would create greater uncertainty for businesses and homeowners er than providing clarity. The proposed rule would add new definitions for key technical s that introduce ambiguities and vagaries into federal regulation. Confusion would itably lead to further litigation, tying up our courts, delaying economic development, and ing taxpayer money; and

WHEREAS, high quality scientific input must be the basis for environmental regulations, the end result of scientific review should never be presumed. The EPA and Army Corps have ed to allow scientific review to be completed before moving forward with the proposed rule. he rush to promulgate rules, the primary scientific report remains incomplete; and

WHEREAS, the proposed rule would actually expand federal jurisdiction to more waters and ands rather than limiting or simply clarifying jurisdiction as outlined by the U.S. Supreme t. The EPA's economic analysis estimates that the proposed rule would increase sdiction by 3 percent, potentially leading to 1,400 more permits required and nearly \$220 ion in additional costs to farmers, businesses, and homeowners. Furthermore, the economic ysis' assumptions and methodology significantly underestimate the potential jurisdictional nsion; and

WHEREAS, any increases in federal jurisdiction will infringe upon state authority to late state waters. The state waters and wetlands affected by the proposed rule have mal, if any, connection to federally navigable waters. Expanded federal jurisdiction ts the flexibility of Missouri and other states to create a regulatory environment that s the needs and addresses the priorities of state residents. In 2013, Missouri passed the ipurpose Water Resource Act, which contained several new regulations aimed at protecting r resources and improving tap water quality. The state's Clean Water Commission, which s to enforce water pollution laws, also approved new rules that significantly increase ection for rivers, streams, and lakes, making them safer for swimming, fishing, and aquatic ; and

WHEREAS, this flawed proposal demonstrates again that core decisions, such as the scope ederal authority, must be left to our elected Representatives and Senators in the U.S. ress, not to relatively unaccountable federal agencies:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the y-eighth General Assembly, First Regular Session, the Senate concurring therein, hereby the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers to withdraw r proposed rule expanding the definition of "waters of the United States" under the Clean c Act; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be ructed to prepare a properly inscribed copy of this resolution for the Administrator of the Environmental Protection Agency, the Commanding General of the U.S. Army Corps of eers, and the members of the Missouri congressional delegation.

Adam Crumbliss, Chief Clerk of the House of Representatives, and Adriane D. Crouse, tary of the Senate, do hereby certify that the aforementioned is a true and correct copy use Concurrent Resolution No. 21, adopted by the House of Representatives on February 18, and concurred in the Senate on April 9, 2015.



David Adam Crumbliss

Chief Clerk of the House of Representatives

Adriane D. Crouse

Secretary of the Senate

Office of the Chief Clerk
Missouri House of Representatives
201 W. Capitol Ave.
Jefferson City, MO 65101

Administrator Gina McCarthy
Environmental Protection Agency
1200 Pennsylvania Avenue
1101A
Washington, DC 20460