



Introduced Version

**HOUSE
RESOLUTION No. _____**

Introduced by: Stilwell, Crooks

A HOUSE RESOLUTION expressing opposition to implementation of the "SIP call rule" as promulgated by the U.S. Environmental Protection Agency in October 1998, and support for more cost-effective alternative approaches to attainment and maintenance of the national ambient air quality standards for ozone, consistent with the findings and recommendations of the Ozone Transport Assessment Group ("OTAG") process; recommending that the Indiana Department of Environmental Management plan to comply with the SIP call rule through the submission of more cost-effective source control plans shown by OTAG modeling to reduce the long-range interstate transport of ozone and ozone precursors to insignificant levels, as initially recommended to U.S. EPA by the State of Indiana in June 1998.



Whereas, the U.S. Environmental Protection Agency ("U.S. EPA") has promulgated a "SIP call rule" requiring Indiana and 22 other eastern States to reduce emissions of nitrogen oxide ("NOx") from electric utilities and other sources by as much as 85 percent by the year 2003, at an annual cost conservatively estimated by U.S. EPA of \$1.7 billion (1990) dollars, for purposes of reducing the long-range transport of emissions contributing to nonattainment of the current 1-hour federal air quality standard for ozone, and the new 8-hour federal air quality standard for ozone promulgated by U.S. EPA in July 1997;

Whereas, in June 1998, the State of Indiana recommended to U.S. EPA a more cost-effective alternative program of emission reductions, including a 65 percent reduction of NOx emission by electric utilities to be achieved in a phased program not later than 2004, with additional emission reductions as needed to comply with the prospective 8-hour ozone standard;

Whereas, similar recommendations for more cost-effective programs of nitrogen oxides reduction were submitted to U.S. EPA in June 1998 by other states, including the states of Alabama, Kentucky, Michigan, Ohio, Tennessee, Virginia and West Virginia;

Whereas, the recommendations of these States were reflected in U.S. EPA's final NOx SIP call rule, which called for emission reductions more stringent than any recommended by OTAG, and more stringent than the electric utility NOx reduction plan required by the Northeast Ozone Transport Commission's September, 1994 Memorandum of Understanding for Stationary Source NOx Emissions in the 12 northeastern states and the District of Columbia;

Whereas, the emission limitations proposed by U.S. EPA's SIP call rule may not be economically feasible in conjunction with the continued use of Indiana coal at electric generating facilities in the State;

Whereas, the multi state OTAG process, which Indiana and 36 other eastern States participated in from 1995 to 1997, found that emissions from stationary sources have the largest impact on ozone concentrations within 150 miles or less downwind of the areas in which the sources are located, and that the long-distance transport of ozone and precursor emissions from individual states is relatively limited;

Whereas, OTAG recommended that U.S. EPA establish NOx emission reduction plans for electric utilities based on a range of controls between current Clean Air Act limits and an 85 percent reduction;



Whereas, the emission reduction plan recommended by the State of Indiana to U.S. EPA in June 1998 would minimize the long-distance interstate transport of ozone and precursor emissions to insignificant levels, using cost-effective emission controls, and would enable Indiana and adjacent states to comply with the 1-hour ozone standard;

Whereas, U.S. EPA has not officially designated any areas to be in nonattainment with the new 8-hour federal air quality standard for ozone;

Whereas, the 8-hour federal ozone standard is currently subject to judicial challenge in the U.S. Court of Appeals for the District of Columbia Circuit by Ohio, Michigan, West Virginia and various other parties, with uncertain implications for its eventual implementations;

Whereas, U.S. EPA's SIP call rule is currently subject to judicial challenge in the U.S. Court of Appeals for the District of Columbia Circuit by eight petitioning States, including the State of Indiana, and various other parties, with uncertain implications for its eventual implementation;

Whereas, eight States, including the State of Indiana, have petitioned the U.S. Court of Appeals for the District of Columbia Circuit for a six-month stay of U.S. EPA's NOx SIP call rule, to provide for submission of State Implementation Plans by April 27, 2000;

Whereas, the economic costs of complying with the NOx SIP call rule, as promulgated, would be prohibitive for Indiana electric utilities, other energy-intensive industries, and consumers; and

Whereas, the air quality and other environmental benefits of the NOx SIP call rule and the alternative, more cost-effective control plan proposed by the State of Indiana in June 1998 are comparable.

*Be it resolved by the House of Representatives of the
General Assembly of the State of Indiana:*

SECTION 1. That we, the House of Representatives of the State of Indiana, oppose implementation of U.S. EPA's NOx SIP call rule, as promulgated in October 1998, by any agency of the State of Indiana.

SECTION 2. That we, the members of the House of Representatives of the State of Indiana, support the alternative, more cost-effective emission reduction plan proposed by the State of Indiana to U.S. EPA in June 1998.



SECTION 3. That we, the members of the House of Representatives of the State of Indiana, strongly recommend that the Indiana Department of Environmental Management plan to comply with the SIP call rule through the submission of more cost-effective source control plans, such as those recommended by the State of Indiana to U. S. EPA in June 1998.

