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SENATE RESOLUTION NO. 47

(By Senators Browning, Klempa, Prezioso, McCabe, Stollings,
Wells, Williams and Sypolt)

[Originating in the Committee on Economic Development]

Supporting legislation introduced by Senator Rockefeller and
Senator Manchin restricting the power of the United States
Environmental Protection Agency.

Whereas, The United States Environmental Protection Agency has
previously threatened to begin regulating carbon dioxide emissions
and methane standards under the Clean Air Act beginning in 2011;
and

Whereas, The regulation of carbon dioxide emissions and
methane emissions by the EPA could result in the loss of jobs in
the State of West Virginia; and

Whereas, The EPA refuses to provide enough time for the
development of certain clean coal technologies prior to their
attempt to regulate carbon dioxide emissions and methane emissions;
and

Whereas, The West Virginia Senate does not agree that the EPA
has the authority to regulate carbon dioxide emissions and methane
emissions without guidance from the United States Congress; and

1 Whereas, Senator Rockefeller with the support of Senator
2 Manchin has introduced legislation entitled the EPA Stationary
3 Source Regulations Suspensions Act in the United States Senate
4 suspending the ability of the EPA to take regulatory actions on
5 carbon dioxide and methane for two years; and

6 Whereas, The EPA has heretofore announced its intentions of
7 vetoing the Spruce Mine Section 404 permit and advanced proceedings
8 to carry through with its veto intentions; and

9 Whereas, The EPA in its veto has failed to provide guidance on
10 correcting the Spruce Mine Section 404 permit; and

11 Whereas, The permit veto issued by the U.S. Environmental
12 Protection Agency will certainly result in the loss of jobs and
13 investments at Spruce Mine Company in Logan County, West Virginia
14 and will have a major impact, not only to Logan County, West
15 Virginia, but will further impact the financial stability of the
16 State of West Virginia in an unstable economy; and

17 Whereas, The West Virginia Senate does not agree that the EPA
18 has the authority to retroactively veto a Section 404 permit; and

19 Whereas, Senator Manchin has announced that he intends to
20 introduce legislation in the United States Senate clarifying that
21 the EPA does not have the authority to veto a previously awarded
22 Section 404 permit; and

23 Whereas, The US EPA has placed mandates on the amount of
24 nutrients allowed in the Chesapeake Bay by using a computer model,

1 the accuracy of which is in question rather than actual water
2 testing or other science based information placing an unnecessary
3 and expensive burden on West Virginia's waste water treatment
4 plants, farms and business that are located in the Chesapeake Bay
5 drainage area; therefore, be it

6 *Resolved by the Senate:*

7 That the Senate Supports legislation introduced by Senator
8 Rockefeller and Senator Manchin restricting the power of the United
9 States Environmental Protection Agency; and, be it

10 *Further Resolved,* That the Senate hereby supports and endorses
11 the EPA Stationary Source Regulations Suspensions Act introduced by
12 Senator Rockefeller with the support of Senator Manchin and urges
13 the members of the West Virginia Delegation to Congress and the
14 President of the United States to take all actions necessary to
15 ensure the timely passage of such legislation; and, be it

16 *Further Resolved,* That the Senate hereby supports and endorses
17 the legislation Senator Manchin has announced he will introduce
18 clarifying that the EPA does not have the authority to veto a
19 previously awarded Section 404 permit and urges the members of the
20 West Virginia Delegation to Congress and the President of the
21 United States to take all actions necessary to ensure the timely
22 passage of such legislation; and, be it

23 *Further Resolved,* That the Senate expresses the sentiment that
24 mining in West Virginia can be done safely, efficiently and

1 profitably while protecting the water and air quality of the state;
2 and, be it

3 *Further Resolved,* That the Senate supports the use of science-
4 based data to determine the amount of nutrients and sediment
5 attributable to West Virginia as part of the reduction plan used to
6 improve the Chesapeake Bay; and, be it

7 *Further Resolved,* That the Clerk is hereby directed to forward
8 a copy of this resolution to the members of the West Virginia
9 Delegation to the Congress of the United States and the President
10 of the United States.