



# THE CLEAN POWER PLAN & SENATE BILL 1195

CLEANPOWER 

**The Clean Power Plan** sets the first-ever limits on climate-disrupting greenhouse gas emissions from power plants, and gives states a choice between creating customized state plans to meet those limits or having the EPA impose a standardized Federal Plan upon them.

**82 percent of Pennsylvanians support a customized State Plan to reduce dangerous power plant pollution**

because a State Plan can put us on the path to a clean energy future while saving lives, creating jobs and reducing electricity bills.

**The Clean Power PA coalition**, an alliance of public health, faith, environmental, business, and outdoor organizations, represents this overwhelming majority of Pennsylvanians.

**We urge you to oppose Senate Bill 1195, which seeks to delay Clean Power Plan implementation in the Commonwealth, because it is unnecessary, it threatens regulatory uncertainty for Pennsylvania's power sector, and it may be unconstitutional.**

## What SB 1195 Does

SB 1195 would amend Act 175 of 2014, also known as the Pennsylvania Greenhouse Gas Regulation Implementation Act. Act 175 currently gives the General Assembly at least 100 days to review and provide feedback on any State Plan written by the DEP before the plan can be submitted to the U.S. Environmental Protection Agency. After that, the DEP can revise the State Plan and the General Assembly can again review it.

SB 1195 would change Act 175 in two ways. First, it would enlarge the initial State Plan legislative review period from 100 to 180 days. Second, it would enlarge the post-feedback legislative review period so that it lasts until the latest date allowed under federal law for submission of a State Plan to the EPA. Right now, this date is September 6, 2018. The supporters of SB 1195 claim that it would simply give the General Assembly “sufficient time” to vet the State Plan. However, the extraordinary length of the first review period and the arbitrary and indefinite nature of the second make clear that SB 1195 is an unambiguous attack on the Clean Power Plan and Pennsylvania’s ability to implement it effectively.

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### Learn more about the Clean Power PA Coalition

The Clean Power PA Coalition is a group of clean energy, business, faith, and community leaders committed to protecting Pennsylvania’s environment and powering its economy through clean energy. The coalition includes: Natural Resources Defense Council (NRDC), PennFuture, Clean Air Council, Moms Clean Air Force, PennEnvironment, NextGen Climate America, Conservation Voters of PA, Environmental Entrepreneurs (E2), Clean Water Action, Voces Verdes, the Sierra Club, the Union of Concerned Scientists, Audubon Pennsylvania, Climate Parents, Physicians for Social Responsibility-Philadelphia, Partnership for Policy Integrity, Pennsylvania Interfaith Power & Light, Mid-Atlantic Renewable Energy Association, Sustainable Business Network of Greater Philadelphia, and Sustainable Pittsburgh.

» [www.cleanpowerpa.org](http://www.cleanpowerpa.org)

# SENATE BILL 1195 WOULD HARM PENNSYLVANIA

## SB 1195 would create harmful regulatory uncertainty for electric generators.

In comments submitted to the DEP last fall, Exelon – one of Pennsylvania’s largest generators and employers – urged the DEP to submit a timely State Plan to the EPA because “[d]elay will prolong uncertainty that will hamstring long-term planning efforts and stifle investment in the Commonwealth.” The same consideration holds true now. If SB 1195 passes, generators will be reluctant to make decisions on new resources or invest in existing resources, and clean energy businesses considering what states to invest in will be less likely to choose Pennsylvania. Submitting a State Plan sooner rather than later simply makes business sense for the Commonwealth.

## SB 1195 is unnecessary.

Act 175 already gives legislators at least 100 days to review the State Plan before the DEP can submit it to the EPA. And this review period is in addition to the General Assembly’s authority under the Regulatory Review Act, which was enacted with the intent “to provide ultimate review of regulations by the General Assembly.” Existing mechanisms, then, provide more than enough time for the General Assembly to thoughtfully review and analyze any State Plan prepared by the DEP. By contrast, the enlarged timelines in SB 1195 would make it harder for Pennsylvania to craft an approvable State Plan on a timely basis – and so increase the odds that the EPA will impose a Federal plan.

## SB 1195 may be unconstitutional.

When Governor Wolf vetoed House Bill 1327 – where most of the language in SB 1195 first appeared – he noted the apparent intent of that language to establish a one-chamber veto in violation of the Pennsylvania Constitution. SB 1195 suffers from the same defect, and should therefore be opposed. While legislative review of the State Plan is appropriate, it is not appropriate for the General Assembly to seek such expansive powers that they imperil public health, regulatory certainty, and Pennsylvania’s environment.

For all these reasons, we strongly urge you to  
**oppose SB 1195.**