

**A RESOLUTION
RELATED TO THE REGULATION OF GREENHOUSE GAS EMISSIONS**

WHEREAS, the United States Environmental Protection Agency ("EPA") and the National Highway Traffic Safety Administration jointly adopted a rule entitled "Light Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards" on May 7, 2010 ("Automobile Rules"); and

WHEREAS, the EPA takes the position that the Automobile Rule makes greenhouse gas emissions a regulated air pollutant for purposes of the Clean Air Act, including the Title I Prevention of Significant Deterioration ("PSD") preconstruction permitting program and the Title V operating permit program and, therefore, PSD and Title V requirements will now apply to stationary sources of greenhouse gas emissions above the applicable thresholds; and

WHEREAS, the EPA adopted a rule entitled the "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule" on June 3, 2010 (the "Tailoring Rule"); and

WHEREAS, the State of Georgia filed a Motion to Intervene in the matter of State of Texas, et al. v. United States Environmental Protection Agency, U.S. Ct. App. (D.C. Cir.) Docket No. 10-1182 on August 5, 2010 ("Texas Lawsuit"), which challenges the Automobile Rule; and

WHEREAS, the Environmental Protection Division of the Department of Natural Resources ("EPD") administers both the PSD and the Title V permitting programs pursuant to EPA approved state administrative rules; and

WHEREAS, the EPD has proposed amendments to Board Rules 391-3-1-.02(7) and 391-3-1-.03(10) ("Proposed Rules") for the Board's consideration; and

WHEREAS, the adoption of the Proposed Rules should maintain the State's primacy in the permitting process and thereby reduce the negative impact on economic development.

NOW, THEREFORE, BE IT RESOLVED that it is the opinion of the Board of Natural Resources that the PSD and Title V programs are not the appropriate vehicle for regulating greenhouse gas emissions and that the Board contemplates adopting the Proposed Rules under protest and solely for the purpose of ensuring the continuance of the primacy of the State of Georgia's permitting authority under the Clean Air Act.

BE IT FURTHER RESOLVED that any Board action adopting the Proposed Rules cannot be used as evidence against the State of Georgia in the Texas Lawsuit or any other litigation related to either the Automobile Rule or the Tailoring Rule, and to clarify that it is the intent of the Board that the Rules include a severance provision that will automatically repeal applicable Rules if future Congressional or judicial action including federal de-funding of the program results in greenhouse gases not being regulated under either the PSD or Title V programs.

Adopted this 9th day of December, 2010.

Respectfully submitted by:


Jenny Lynn Bradley, Chairman

ATTEST:


Warren C. Budd, Jr., Secretary