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ADEQ Opposes Control Strategy by EPA to Reduce Visibility Impact from Arizona Electricity Generating Stations

PHOENIX (Nov. 16, 2012) – Arizona Department of Environmental Quality officials today denounced the U.S. Environmental Protection Agency’s decision to impose unnecessarily strict air pollution controls at the AEPCO Apache Generating Station near Benson, the APS Cholla Power Plant near Joseph City, and the SRP Coronado Generating Station near St. Johns under a program designed to protect visibility, not public health. EPA’s action requires the installation of more than \$500 million in air pollution controls that will likely result in no perceptible improvements in visibility. EPA’s decision on the balance of ADEQ’s plan is delayed until a future date.

“The Clean Air Act gives each State the responsibility and right to develop a plan to improve visibility within its own borders. It also obligates EPA to determine whether the State’s plan complies with the Act, not to substitute its judgment for the State’s” said ADEQ Director Henry Darwin. “We are disappointed that EPA would choose to unilaterally decide what’s best for Arizona rather than work with ADEQ as a partner to address its concerns.”

Arizona originally submitted plans to improve visibility, also known as regional haze, at protected national parks and wilderness areas through out the State in 2003 and 2004. EPA’s only action on the plans was a 2009 determination that some elements of the plans were missing.

On Feb. 28, 2011, ADEQ submitted a new, comprehensive regional haze plan to EPA. As required by the Clean Air Act, ADEQ balanced cost, the energy and non-air quality environmental impacts, existing air pollution controls, the remaining life of the facilities, and the potential visibility improvement of controls. Based on these factors, ADEQ’s plan called for less stringent air pollution controls than those imposed by EPA’s decision.

EPA was required to make a decision on the entirety of ADEQ’s plan on or before Aug. 28, 2012. On July 2, 2012, despite Arizona’s objections, the DC Circuit Court approved a settlement between EPA and a number of environmental groups that allowed EPA to split its review of Arizona’s Regional Haze plan into multiple parts, extended EPA’s deadline to act, and authorized EPA to override the State’s plan. Arizona has appealed the Court’s approval of the settlement.

On Oct. 12, 2012, ADEQ also provided EPA with 60-days advanced notice of its intent to sue for EPA’s failing to act timely on the plan and their Decision to split its review into parts. Both actions are still pending.