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## **ADEQ Files Appeal Regarding EPA's First Action on State of Arizona's 2011 Regional Haze Implementation Plan**

PHOENIX (Jan. 31, 2013) – Arizona Department of Environmental Quality officials announced today that the Attorney General's Office has filed an appeal at the request of ADEQ with the 9<sup>th</sup> U.S. Circuit Court of Appeals regarding the U.S. Environmental Protection Agency's decision to disapprove portions of the state's implementation plan for improving visibility in protected national parks and wilderness areas, and mandating costly air pollution controls for nitrogen oxide emissions from three coal-fired Arizona power plants.

ADEQ submitted a proposed air quality plan to EPA in February 2011 which detailed how the state intended to reduce haze in protected national parks and wilderness areas. EPA was required by the Clean Air Act to approve or disapprove the entire plan by August 2012.

In accordance with a court-approved consent decree between EPA and a number of environmental groups, EPA split its decision into two parts, taking final action on the first part on Dec. 5, 2012, to impose strict controls on nitrogen oxide emissions at Apache Generating Station near Benson, Cholla Power Plant near Joseph City, and Coronado Generating Station between St. Johns and Springerville. Costs for the stringent controls are estimated to be around \$1 billion and would not improve visibility in Grand Canyon National Park or other protected areas.

"We are not challenging EPA's right to act on our State Implementation Plan," ADEQ Director Henry Darwin said. "But what we are challenging is EPA replacing Arizona's decision with its own on an issue not related to protecting public health and the environment, but visibility. As is provided under the Clean Air Act, the State of Arizona should be making decisions about what is in its best interest, not EPA."

In August 2011, EPA was sued by a number of environmental groups for failing to approve regional haze plans for 40 states, including Arizona. ADEQ successfully intervened in the lawsuit in January 2012, but was shut out of negotiations that resulted in a consent decree settling the matter. Despite Arizona's objections, the court for the District of Columbia upheld the consent decree between the plaintiffs and EPA. Arizona's appeal of the consent decree is still pending in the D.C. Circuit Court of Appeals.

On Dec. 21, 2012, EPA proposed its second decision on Arizona's plan. Comments regarding this proposed decision are due on or before Feb. 4, 2013.

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