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ADEQ Announces Formation of Stakeholder Group to Assist in Response to EPA's Carbon Dioxide Rules

PHOENIX (June 5, 2014) – Arizona Department of Environmental Quality officials announced today that a stakeholder group will be formed to assist ADEQ in developing a plan in response to the U.S. Environmental Protection Agency's proposed requirements to cut carbon pollution from existing power plants in Arizona.

The stakeholder group will employ the same partnership model as the successful Phoenix Five Per Cent Plan, which brought the Valley in compliance with EPA dust standards, relying on input from elected officials, industry representatives, utilities, environmental activists, cities, ADEQ staff and EPA. The group will be charged with guiding ADEQ's development of a response to EPA's proposed rules that make sense for Arizona's unique environment and economy by June 30, 2016.

“Over the course of the next few days ADEQ will be reaching out to those most affected by these proposed rules,” said ADEQ Director Henry Darwin. “We need a healthy discussion about creating a sustainable energy future for Arizona at the same time we consider all of our other potential responses, including challenging EPA's legal authority to set the standards if the proposed rule goes final.”

The EPA announced on Monday new proposed rules that require states to develop plans to reduce carbon dioxide, or CO₂, from existing fossil fuel fired power plants. According to EPA statistics, Arizona's energy mix in 2012 was 36.2 percent coal, 28.8 percent nuclear, 27.3 percent natural gas, 6.1 percent hydroelectric and less than 2 percent from other sources.

EPA's proposal establishes emission reduction goals for each state and purports to achieve a 26 to 30 per cent reduction in CO₂ emissions from 2005 levels, as well as achieve important reductions in other pollutants that increase concentrations of soot and ozone, by 2030. EPA's authority for creating these rules, however, was limited to establishing procedures by which states set standards.

EPA's proposal offers states a large number of options to achieve the overall goals. States are provided with options that allow emissions reductions credit for everything that reduces the emissions of CO₂ during the production of electricity through the efficiency savings experienced by the end user. States may also choose to achieve the emissions reductions target by controlling emissions at a single facility, balancing progress at the state level, or working cooperatively with multiple states.

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The overall goal for each state must be achieved by 2030. Due to the complexities of the different solutions, states also have an option to use a two-step process to submit a final plan if more time is required for activities such as obtaining legislative approval or to complete the construction of a regional approach. In those cases EPA can extend the deadline by one or two years, respectively. Should any state fail to submit an initial plan by June 30, 2016, however, EPA has the authority to make the final decisions for that state.

EPA's proposal is not yet final. The public comment period on the proposed rules will run for 120 days after the rules are published in the Federal Register, likely ending in early October 2014. EPA is also planning public hearings in Denver, Atlanta, Washington D.C. and Pittsburgh in late July.

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