

News Release



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FOR IMMEDIATE RELEASE

Arizona Files Request to Intervene in Lawsuit Involving the EPA *State Demands Seat at the Table with Special-Interest Groups Who Want to Unilaterally Dictate a Plan for Arizona*

PHOENIX (Dec. 23, 2011) – The Arizona Department of Environmental Quality and Arizona Attorney General's Office announced today that the State has filed a request to intervene in a lawsuit between a group of special-interest plaintiffs and the U.S. Environmental Protection Agency regarding the implementation of a plan to address visibility issues in some of the State's national parks and wilderness areas.

"ADEQ is tired of the EPA and special-interest groups making decisions through litigation in Washington, D.C., that directly impacts Arizona without affording Arizona a seat at the table," said ADEQ Director Henry Darwin. "The Clean Air Act gives States the right to develop air quality plans to address issues such as regional haze. The plaintiffs do not represent Arizona, and we have a responsibility and a right to be involved."

Arizona Attorney General Tom Horne said that the proposed consent decree does not follow established guidelines.

"I am very concerned about collusion between the federal government and environmentalists who are entering into a 'consent agreement' that is unjustified and damaging to the economy. This can only be described as a series of meddlings by the federal government into areas where the State of Arizona should have an explicit role," Attorney General Tom Horne said.

Among the plaintiffs in the proposed consent decree are the Grand Canyon Trust, Sierra Club, Environmental Defense Fund, National Parks Conservation Association, Montana Environmental Information Center, San Juan Citizens Alliance, Our Children's Earth Foundation, Plains Justice, and Powder River Basin Resource Council.

Arizona originally submitted a regional haze plan to the EPA in December 2003, and updated that plan one year later. The EPA then determined in January 2009, more than five years later, that specific parts of the plan purportedly were incomplete. For the next 16 months, Arizona worked with partner states Utah, Wyoming and New Mexico – as well as the EPA – to resolve outstanding issues and provide the EPA with the information that it had identified.

When it became clear that the EPA's concerns could not be resolved in a timely manner, ADEQ took steps to rework the plan that had been submitted in 2004, ultimately submitting a revised regional haze plan on February 28, 2011.

Under the proposed Consent Decree, and contrary to the procedures set forth in the Clean Air Act, the EPA must propose action on that plan by May 15, 2012, as well as propose a federal plan to cure any deficiencies the EPA might identify in the State's plan. A final decision is due by Dec. 15, 2012. Without first taking action on the State's plan, EPA sent letters to Arizona businesses last month asking for information that could be used to develop a federal air quality plan without first taking action on the proposed State plan.

Under the Clean Air Act, Consent Decrees that involve the EPA must be made available for public comment and review prior to being finalized. Comments on the proposed Consent Decree must be received by the EPA no later than Jan. 3.