



Colorado Department
of Public Health
and Environment

NEWS RELEASE

Office of Communications
Colorado Department of Public Health and Environment

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District court judge dismisses regional haze lawsuit

DENVER—The lawsuit brought against the Colorado Department of Public Health and Environment by the Colorado Mining Association to invalidate the Regional Haze State Implementation Plan adopted by the Colorado Air Quality Control Commission and approved by the state Legislature was dismissed by Denver District Court Judge Christian M. Habas on June 6.

Under the Colorado Air Pollution Prevention and Control Act, the Colorado Air Quality Control Commission is charged with the development of a comprehensive state implementation plan, which will ensure attainment and maintenance of National Ambient Air Quality Standards and other aspects of the federal Clean Air Act.

The state's regional haze plan, approved pursuant to the state Clean Air-Clean Jobs Act signed by then Gov. Bill Ritter in 2010, relied on the fuel conservation created by transitioning some electricity generating units in the state from coal to natural gas.

Will Allison, director of the Air Pollution Control Division, said, "We are pleased that the court dismissed Colorado Mining Association's lawsuit as moot. The Clean Air-Clean Jobs Act will reduce tens of thousands of tons of air pollution every year. This pollution degrades scenic vistas in Colorado's national parks and wilderness areas, such as Rocky Mountain National Park. It also adversely affects public health."

The Air Pollution Control Division and the Air Quality Control Commission engaged in an extensive and collaborative stakeholder process that culminated in the commission's unanimous approval of these pollution-reduction measures.

The Legislature had previously considered and rejected the same arguments the Colorado Mining Association brought to the court. In a unanimous and bipartisan vote, the Colorado Legislative Council agreed that the air commission's actions fulfilled the intent of the Clean Air-Clean Jobs Act. The

General Assembly then passed HB 11-1291, which explicitly approved the pollution reductions in the Regional Haze State Implementation Plan.

Due to the passage of HB 11-1291, the issues raised by the Colorado Mining Association are moot. The court indicated the association was unable to articulate what practical effect a ruling by the court would have.

Consideration of the comprehensive pollution reduction plan by the Public Utilities Commission, the Air Quality Control Commission, the Legislature and now the court, reflects the unique and thorough attention that has been given to the Clean Air–Clean Jobs Act.

The act already is being successfully implemented. Several older and dirtier units at various power plants have been or will be shut down, and pollution controls have been installed on other units.