



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Clean Power Plan: Arkansas Department of Environmental Quality/Arkansas Public Service Commission Reaction to U.S. Supreme Court Stay

Arkansas Environmental, Energy, and Water Law Blog

02/11/2016

The Arkansas Department of Environmental Quality ("ADEQ") and the Arkansas Public Service Commission ("PSC") issued yesterday an acknowledgement and reaction to the United State Supreme Court's ("Court") temporary stay of the Clean Power Plan.

As noted in a post yesterday, <http://www.mitchellwilliamslaw.com/clean-power-plan-united-states-supreme-court-grants-stay-of-implementation>, the Court issued a temporary stay of the United States Environmental Protection Agency's "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units" (i.e., the Clean Power Plan).

Both ADEQ and PSC, along with a number of stakeholders, have expended significant effort to choose the method and manner for the State of Arkansas to comply with the Clean Power Plan. Therefore, a key question is what effect the temporary stay will have on additional state agency Clean Power Plan implementation activities?

ADEQ Director Becky Keogh and PSC Chairman Ted Thomas issued a joint statement yesterday noting:

"We are pleased by the Supreme Court's decision to stay enforcement of the Clean Power Plan while the legality of the plan is being litigated. The granting of the stay indicates that the Supreme Court has serious reservations about the legality of the Clean Power Plan. We will strive to balance our obligation to be wise stewards of taxpayer money with our obligation to be fully prepared should the Supreme Court ultimately uphold the plan. "

Besides the joint ADEQ/PSC statement, ADEQ also noted a statement from Governor Hutchinson:

"I'm very pleased with the Supreme Court's action in issuing a stay. The case raises important legal issues the Supreme Court should address and the end result will certainly impact Arkansans."