

State Challenges EPA GHG Regulations in Court

MEAD GRUVER, Associated Press

CHEYENNE, Wyo. (AP) - Wyoming has filed a legal challenge to the U.S. Environmental Protection Agency's regulation of greenhouse gas emissions in the state.

State officials say the EPA gave Wyoming just nine days to come up with a state plan to regulate greenhouse gases before a Dec. 22 deadline, and that wasn't enough time.

Without state rules, the EPA stepped in Jan. 2 and has taken charge of issuing greenhouse gas permits in the state since then.

A two-tiered, federal-state permitting process is now in effect for any large, new industrial facility, such as a coal-fired power plant, that emits large amounts of carbon dioxide or other greenhouse gas, said Renny MacKay, spokesman for Gov. Matt Mead.

"If somebody wants to build a facility, they come to Wyoming and get permitting for everything but greenhouse gases. For greenhouse gases, they have to go to EPA," MacKay said.

Wyoming filed a petition Thursday asking the 10th U.S. Circuit Court of Appeals in Denver to review the process that led to federal permitting of greenhouse gas emissions in the state.

EPA officials didn't respond to a request for comment Monday.

Six other states missed the deadline: Arizona, Arkansas, Florida, Idaho, Kansas and Oregon. Texas also has been in a dispute with the EPA over the regulation of greenhouse gases, which scientists say are causing global climate change.

Wyoming could have taken another year to develop a plan to regulate greenhouse emissions, but during that time no greenhouse gas permits could have been issued in the state. Wyoming officials didn't see that as a reasonable option.

"So essentially we didn't have a year, we had a very short number of days," said Kari Gray, Mead's chief of staff.

The dispute dates to the final months of Gov. Dave Freudenthal's administration, when Freudenthal told the EPA last fall that Wyoming law didn't allow greenhouse gas regulation.

In 1999, the Wyoming Legislature passed a law saying Wyoming wouldn't enact rules reducing emissions under the Kyoto Protocol, a 1997 treaty calling on industrial nations to cut greenhouse emissions.

Freudenthal told the EPA that Wyoming would need to change that law to comply with federal greenhouse gas rules, but it would be unable to do that until the 2011 legislative session.

The session began Jan. 12 - 10 days after the rules went into effect.

"There are endless possibilities that would have occurred if we could have actually considered that in a reasonable kind of a fashion. But we couldn't because the Legislature wasn't in session and in reality there was this very short period of time to make a decision," Gray said.

State lawmakers have yet to take up any bill directly involving greenhouse gases or climate change during this year's legislative session.

Source URL (retrieved on 04/19/2015 - 9:21pm):

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