

FOR IMMEDIATE RELEASE

Contact: Rick Rigel, General Manager, ARPA, 719-336-3496

ARPA Files Motion to Have Court Reconsider Recent Ruling

The Arkansas River Power Authority (ARPA) and Lamar Utilities Board (LUB) filed a motion yesterday asking the U.S. District Court in Denver to reconsider its September 28, 2012 order, finding that the Lamar Repowering Project had been constructed in violation of the federal Clean Air Act. The order was entered in connection with a lawsuit by an environmental group calling itself the “WildEarth Guardians,” which claims that the Lamar Plant failed to implement the maximum achievable control technology required by the Clean Air Act.

“There is no evidence that the Lamar Plant ever had the capacity to operate at levels that would have triggered the claimed violation of the Clean Air Act,” said ARPA General Manager Rick Rigel. “We believe the court did not thoroughly consider critical evidence, especially the findings by the Colorado Air Pollution Control Division, which concluded that the maximum achievable control technology requirement did not apply to the Lamar Plant.”

A trial has been set for early 2013 to determine what, if any, penalties should be imposed. ARPA and LUB intend to appeal the court’s ruling if it declines to reconsider the September 28 order.

The Arkansas River Power Authority is a joint action agency formed in 1979 to provide reliable wholesale electricity to the Colorado communities of Holly, La Junta, Lamar, Las Animas, Springfield and Trinidad.