DENVER, CO (April 22, 2014) — Last week, the Denver District Court dismissed the final lawsuit challenging the implementation of Colorado’s Clean Air Clean Jobs Act. The Associated Governments of Northwest Colorado agreed to dismiss its remaining challenges to the Xcel Energy plan reducing coal fired electricity generation under the Act. The Xcel plan will reduce air pollutants by retiring, repowering, or retrofitting the oldest, dirtiest coal plants in the Denver metro area by 2018.

The Act improves visibility in Rocky Mountain National Park and other important federal lands, while reducing air pollution and greenhouse gas emissions. The state’s innovative and proactive approach to emission reductions will achieve significant public health impacts at a lower cost than more traditional pollution control programs supported by the coal industry, and importantly ensure that Colorado is well positioned to meet forthcoming federal carbon regulations.

“This case was the last remaining legal challenge from coal interests attempting to derail the implementation of Colorado’s bipartisan Clean Air Clean Jobs Act. The coal interests realized they were unlikely to ultimately succeed. Now Colorado can move forward to significantly reduce air pollution and greenhouse gas emissions from these affected coal plants,” said Erin Overturf, Western Resource Advocates Staff Attorney.

The Clean Air Clean Jobs Act is the first legislation in the nation to provide a framework for the retirement and replacement of aging coal-fired power plants with cleaner resources, including natural gas, renewable energy, and energy efficiency. Retiring aging coal plants is one of the most significant actions that can be taken to achieve cleaner air, reduce the adverse health impacts from air pollution, and cut greenhouse gas emissions.

“Colorado’s Clean Air Clean Jobs Act will save lives and protect the health of Coloradans, especially those with lung diseases such as asthma and emphysema”, states Curt Huber, executive director for the American Lung Association in Colorado. “Having the Denver District Court dismiss the case will result in reduced hospital and emergency room visits due to respiratory problems.”
In 2010, the Colorado Public Utilities Commission approved the emissions reduction plan for Xcel Energy under the Clean Air Clean Jobs Act. The Xcel Energy plan was also considered by the Colorado Air Quality Control Commission, the Colorado General Assembly, and was ultimately approved by the federal Environmental Protection Agency. Under the approved plan, Xcel Energy will retire at least 593MW of coal generation, fuel switch up to 461MW of coal generation to natural gas, and install emission controls on 951MW of its remaining coal fleet. When fully implemented, the Xcel plan will reduce nitrogen oxides emissions by about 86 percent, sulfur dioxide emissions by 83 percent, mercury emissions by 82 percent, and carbon dioxide emissions by 28 percent.

Since 2011, Xcel Energy has retired two units at the Arapahoe Generating Station, totaling 153 MW; and two units at the Cherokee Generating Station, totaling 213 MW. Black Hills Energy, an investor owned utility that was also included in the CACJA legislation, has closed a 42 MW coal plant.

Colorado's conservation leaders joined in lauding the court’s decision:

“The bipartisan Clean Air-Clean Jobs Act is delivering healthier air and a stronger clean energy economy for families and communities across the Denver metro area,” said Environmental Defense Fund General Counsel Vickie Patton. “The transition away from Denver’s aging, high emitting coal plants is one of the single most important and cost-effective clean air measures available to help clear Denver's Brown Cloud, reduce summer smog and cut climate destabilizing pollution."

"We are thrilled to see this decision clear the path for clean, renewable energy that has been envisioned by our state leadership and the people of Colorado," said Roger Singer, Sierra Club regional manager. "Let's continue to move forward on making Colorado first in the nation for renewable energy."

"This decision-clears-the-way-for Colorado to reduce pollution that is harming our health and altering our climate by proceeding with its plans to retire some of the metro area's dirtiest coal plants," said Kim Stevens, Campaign Director for Environment Colorado.

"This decision upholds a strong piece of commonsense legislation that benefits Coloradans' health and economy," said Pete Maysmith, Executive Director of Conservation Colorado. "The Clean Air Clean Jobs Act was passed by bipartisan majorities to move Colorado away from dirtier fossil fuels and toward cleaner energy sources. Now that all the legal challenges are settled, Colorado can focus on building its leadership of promoting cleaner energy and healthier air for all Coloradans."

Western Resource Advocates is a regional nonprofit conservation organization dedicated to protecting the West's land, air, and water. Offices or staff are located in Boulder (CO), Phoenix and Tucson (AZ), Pocatello (ID), Santa Fe (NM), Carson City (NV) and Salt Lake City (UT). For more information go to www.WesternResourceAdvocates.org like us on Facebook www.facebook.com/westernresourceadvocates and follow us on Twitter @WRADV.