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NEWS RELEASE



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CERTORARI PETITION GRANTED IN ADEC V. EPA, RED DOG MINE AIR PERMIT DISPUTE

(Juneau) -- Governor Frank H. Murkowski today said he is extremely gratified that the nation's highest court has chosen to review the dispute between the Alaska Department of Environmental Conservation and the federal Environmental Protection Agency over issuance of an air quality permit for the Red Dog Mine in northwest Alaska.

"We are committed to see this dispute through this final chapter," Murkowski said, "and we hope to correct what we believe to be a serious over-reaching of authority by the EPA. We look forward to briefing and arguing this important case before the Supreme Court. Ten other states have supported the Alaska petition to the Supreme Court, and they will be our allies as the court hears and decides on this important national issue on the rights and responsibilities of each state to manage air quality."

The dispute arose three years ago when EPA disagreed with a permit proposed by ADEC specifying pollution control technology for the Red Dog Mine. After prolonged negotiations, EPA and ADEC reached impasse, and EPA ordered ADEC not to issue the proposed permit. Believing that EPA had exceeded its authority in vetoing the state permit, ADEC issued it anyway, and elevated the dispute to the federal courts.

Last summer, the Ninth Circuit Court of Appeals upheld EPA's actions. The state disagreed with the Circuit Court's analysis and conclusion, and requested the U.S. Supreme Court to review the case. "We continue to believe that EPA disregarded the provisions by which air permitting is delegated to the state, and exceeded its authority in vetoing the state's permit, and we now look forward to convincing the Supreme Court of that position," said Attorney General Gregg Renkes.

This case goes to the core roles and relationships between EPA and the state. EPA promulgates and enforces nation-wide air quality standards. ADEC writes permits to protect Alaskan air quality and regulate Alaskan industries. The ironic aspect of the dispute, which the state intends to demonstrate to the Supreme Court, is that the ADEC proposed permit would actually have achieved greater overall protection of air quality at the mine than EPA's preferred permit.

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