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**Court Overturns Decision to Give Trash Incinerator Renewable Energy Credits  
Says Arizona Corporation Commission Abused Discretion**

*Phoenix, AZ* – Today, the Arizona Superior Court overturned a decision by the Arizona Corporation Commission that would have given renewable energy credit to a trash incinerator via a waiver or pilot project. The judge ruled that the Commission “erred and abused its discretion” in granting Mohave Electric Cooperative renewable energy credit for a proposed waste incinerator near Surprise, Arizona.

In September 2012, the Sierra Club’s Grand Canyon (Arizona) Chapter filed a lawsuit challenging the Arizona Corporation Commission decision to allow trash burning to be considered a renewable energy resource under Arizona’s Renewable Energy Standard. By a 3-2 vote, Commissioners Gary Pierce, Brenda Burns, and Bob Stump voted to approve this project and allow Mohave Electric Cooperative to utilize dollars intended to jumpstart clean renewable energy in Arizona.

“This decision is good news for clean renewable energy such as solar and wind,” said Sandy Bahr, chapter director for the Sierra Club’s Grand Canyon Chapter. “We challenged this decision in order to ensure that Arizona’s Renewable Energy Standard is not weakened through the back door by allowing waivers and pilot programs for technologies that were considered and rejected when the Renewable Energy Standard was approved. Promoting polluting and dated technologies such as burning trash to produce electricity would be a step backwards for Arizona’s renewable energy programs. The judge’s decision helps affirm the purpose of the Renewable Energy Standard – to promote clean renewable energy such as solar and wind.”

Reclamation Power Group, an entity with no track record on building and operating waste incinerators, is proposing to building a “Waste-to-Energy” project west of the town of Surprise and within both the particulate and ozone nonattainment areas in Maricopa County. Approximately 500 tons of trash would be delivered by truck to the site each day, most of which would be burned to create heat to produce steam to generate electricity. The facility would operate 24 hours per day and seven days per week. Mohave Electric Cooperative applied for a pilot project or waiver from the Commission, so it could buy the renewable energy credits to meet its requirements under the Renewable Energy Standard.

If allowed to stand, the Commission decision would have allowed Mohave Electric Cooperative to count as renewable 90 percent of the electricity produced by burning trash.

“The decision by the Arizona Corporation Commission was both unlawful and unreasonable, because it is inconsistent with the Commission’s own rules and it is not supported by substantial evidence,” said Tim Hogan, executive director for the Arizona Center for Law in the Public Interest. “The evidence in this case flatly contradicts the claim that 90 percent of the electricity from this incinerator will be from renewable (biogenic) resources – even Mohave’s own experts recognized that this number was out of the normal range for these facilities. The court recognized that and remanded the decision.” Please click [here](#) to read the full decision.

The Sierra Club had intervened in the application process at the Arizona Corporation Commission and then challenged the decision in Superior Court. It is represented by Tim Hogan, executive director of the Arizona Center for Law in the Public Interest.

*The [Sierra Club](#) is a conservation organization with 1.3 million members and supporters nationwide and 12,000 members in Arizona as part of the Grand Canyon Chapter. Sierra Club mission is to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth’s ecosystems and resources; and to educate and enlist humanity to protect and restore the quality of the natural and human environments.*

*The [Arizona Center for Law in the Public Interest](#) (ACLPI) is a nonprofit law firm dedicated to ensuring government accountability and protecting the legal rights of Arizonans.*

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