• **Butler v. Brewer:** This is a case brought on behalf of a child Plaintiff seeking to establish that the atmosphere is a public trust, with unknown but substantial consequences for the State. EES won its motion to dismiss in the lower court, which was appealed to the Arizona Court of Appeals. EES successfully briefed the matter and the Court of Appeals upheld the dismissal of the Superior Court claim.

• **Arizona Department of Environmental Quality v. Chevron Inc.:** EES, with the assistance of outside counsel, negotiated a settlement of $14 million for the improper receipt of monies from a state fund to clean up underground storage tank contamination. In the early 1990s, the State established the fund for cleanup at sites because several owners/operators were unable to meet the requirement to obtain insurance. Chevron had insurance and in some instances obtained proceeds from both the state fund and the insurance companies for the same contamination. In other instances, Chevron failed to pursue its own insurance claims and improperly relied solely on the state fund. Chevron admitted no liability but agreed to reimburse the State for a majority of the monies they received from the state fund.

• **The Regional Haze Litigation:** A citizens’ suit was filed by a number of environmental organizations [*Nat'l Parks Conservation Ass'n v. EPA*, No. 1:11-cv-0158 (D.D.C.)] purportedly seeking to compel EPA to propose and finalize action regarding regional haze issues under the Clean Air Act pertaining to several states, including Arizona. EES intervened in the suit on behalf of the ADEQ, in the District Court in Washington, D.C., and attempted to engage the EPA and the environmental Plaintiffs in discussions which would allow Arizona more time to develop its plan. However, a final Consent Decree was entered over the State’s objection in June, 2012. Arizona appealed the entry of the Consent Decree to the D.C. Circuit, and the appeal is ongoing. Following the entry of the Consent Decree, EPA issued a Federal Implementation Plan for Arizona, which EES appealed to the 9th Circuit Court of Appeals on behalf of ADEQ. Both matters are in litigation.

**EES IMPACT INFORMATION FOR FY13**

- EES collected $244,500 in penalties for the State.
- EES collected approximately $10,000,000 in reimbursement to the State.
- EES saved the State Assurance Fund approximately $644,900.