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Groups Challenge EPA Over Desert Rock Air Permit

Agency's error-ridden approval of coal plant threatens public health, air quality, climate

Burnham, N.M. – The EPA scrapped a rigorous scientific review and pushed through approval of a severely deficient permit for the proposed Desert Rock coal-fired power plant, a coalition of Navajo and conservation groups contend in an appeal of the permit.

In a joint petition filed today, the groups detail how numerous deficiencies in the permit for Desert Rock threaten air quality and public health in the Four Corners region. The groups asked the EPA's Environmental Appeals Board to review the permit decision and grant an extension of time so they can thoroughly document the major problems with the permit. The EPA granted the permit July 31, authorizing construction of the 1,500-megawatt plant on Navajo land near Farmington, N.M.

Rather than complete the critical analyses required by law, the EPA was stampeded into granting the permit because of a lawsuit filed by Desert Rock developers, coalition members charge. The EPA granted the permit after Desert Rock's developers threatened to sue the agency. The notice of intent to sue was filed by Jeff Holmstead, a lawyer for Bracewell Giuliani representing Sithe Global Power and the former head of EPA's air division under the Bush Administration.

“The EPA is abandoning its mission by rushing a permit out the door for political expedience and ignoring the fact that it will emit massive quantities CO₂ and other pollutants,” said Nick Persampieri, attorney for Earthjustice who filed the appeal on behalf of the groups.

The coalition said EPA's permit contains a number of major deficiencies that violate federal clean air and public health laws:

- Failure to do a Maximum Achievable Control Technology (MACT) analysis for hazardous air pollutants.
- Improper analysis of whether the plant violates national ozone standards.
- Failure to include emission limitations for carbon dioxide.
- Failure to consider impacts related to mining, disposal of combustion waste and impacts on the region's scarce water supplies.
- No consultation with other agencies, as required, on the impacts of the plant on endangered species.

The groups are asking the Appeals Board to withdraw the permit and require EPA to complete all the required analyses, which they contend would ultimately lead to denial of or significant changes to the permit

“This permit is another example of the rush by the agency's political appointees to hand out gifts to industry before President Bush leaves office,” said Dailan J. Long of Diné CARE, a Navajo tribal group that opposes the plant. “It ignores how emissions from Desert Rock will threaten air quality and endanger the health of people who live in the Four Corners region.”

Communities in the Four Corners already are suffering from dirty air, contaminated land and water from the two existing coal plants, as well as from coal mines, waste disposal areas, and widespread oil and gas operations.

If built, Desert Rock would overwhelm efforts of New Mexico and neighboring states to reduce greenhouse gas pollution and would further poison the air, land and water of local communities. Emissions from the coal plant would more than offset commitments to cut pollution from other nearby sources.

Burning coal at Desert Rock also would emit hundreds of pounds of mercury every year, increasing the already high levels of the toxic metal in local rivers and lakes, many of which are already subject to fish-consumption advisories. Mercury is a powerful neurotoxin that can harm the brain, heart, kidneys, lungs and immune systems of people of all ages.

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