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For Immediate Release

Contact: Allan Oliver, GOV (505) 476-2214
Marissa Stone, NMED (505) 827-0314

Governor and AG Announce Legal Challenge of Desert Rock Permit
EPA Violates Clean Air Act in Making Decision on Coal-Fired Power Plant

(Santa Fe, N.M.) – Governor Bill Richardson and Attorney General Gary King today announced their intention to immediately file an appeal of the U.S. Environmental Protection Agency’s ill-advised decision on issuing an air quality permit for the Desert Rock Energy Facility planned for the Navajo Nation.

By issuing the permit, a lawsuit filed by Sithe Global of Houston, Texas against EPA will most likely be dismissed. That lawsuit sought to force EPA to make a decision on the permit. EPA and Sithe Global apparently attempted to cut a deal to evade judicial review of new power plant.

“EPA is bending to the will of corporate, financial and misguided political interests that will pollute New Mexico’s skies,” Governor Richardson said. “EPA’s decision ignores its obligations to protect the health of residents and the environment in New Mexico and the region. We will not allow this ill-advised decision to stand.”

The state will immediately file an appeal of the permit with the U.S. Environmental Appeals Board. The permitting action will be stayed pending the state’s appeal.

“I want to assure New Mexicans that from a legal standpoint, Desert Rock is far from a done deal,” said Attorney General Gary King. “We will immediately review the permit and analysis that the EPA is obliged to provide in conjunction with its permitting decision. There are significant legal hurdles ahead and we intend to challenge the permit before the Environmental Appeals Board (EAB) in Washington, D.C.”

EPA, in issuing the permit, violated the Clean Air Act. The federal agency failed to require appropriate analyses of air requirements before issuing the permit. By failing to do that, EPA is endangering the very people it is entrusted with protecting.

“EPA is shirking its responsibility to require an analysis of several pollutants, including mercury, ozone and carbon dioxide – a greenhouse gas,” said New Mexico Environment Department Secretary Ron Curry. “This plant will increase the region’s annual greenhouse gas emissions by more than one third and wipe out our efforts to reduce these emissions across the state. The Four Corners area is already burdened with the high levels of mercury contamination and smog and this facility will only worsen those problems.”

The state filed a motion to intervene in the case July 10. EPA evaded the state’s efforts to protect its citizens and ensure the Clean Air Act is enforced.

Two nearby coal-fired power plants, San Juan Generating Station and Four Corners Power Plant already emit 28 million tons a year of carbon dioxide. Desert Rock will add another 10 million tons a year of carbon dioxide, making the four corners region a major contributor to global warming.

The Bush Administration's decision to issue the permit will add to the region's growing ozone problem. Ozone levels in Farmington have reached the new federal standard, .075 parts per million, and are expected to exceed that standard within the year. Ground level ozone, also known as smog, adversely impacts heart and lung health and can cause and exacerbate asthma.

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