



Bill Richardson  
Governor

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

*Office of the Secretary*

Harold Runnels Building  
1190 Saint Francis Drive (87505)  
PO Box 26110, Santa Fe, NM 87502  
Phone (505) 827-2855 Fax (505) 827-2836  
[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)



Ron Curry  
Secretary  
Jon Goldstein  
Deputy Secretary

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Contact: Marissa Stone, NMED Communications Director  
Phone: (505) 827-0314 or (505) 231-0475

## **State Files Petition to Federal Board Opposing Desert Rock Permit**

(Santa Fe, N.M.) – The state of New Mexico filed a petition today to a federal board demonstrating that the EPA’s decision to issue the Desert Rock permit was legally and technically flawed.

The 94-page petition requests that the U.S. Environmental Protection Agency’s Environmental Appeals Board deny the permit or remand it to EPA for further consideration of the facility’s effects on ozone, visibility, particulate matter, carbon dioxide, and hazardous air pollutants.

EPA also issued the permit before completing consultation with U.S. Fish and Wildlife, which is a violation of the Endangered Species Act.

“I am gravely concerned that EPA ignored New Mexico's legal, environmental, and human health concerns when it issued an air permit to the proposed Desert Rock Energy Facility," said Governor Bill Richardson. “Coal-fired power plants create severe environmental impacts, therefore its incumbent on the board to remand this to EPA to ensure the greatest environmental protections are included.”

“In another attempt to undermine the Endangered Species Act, EPA ignored its obligation to ensure that this plant will not adversely impact dozens of endangered and threatened species,” said New Mexico Environment Department Secretary Ron Curry. “Desert Rock’s modeling also shows that it will significantly impact ozone levels in the four corners region and degrade visibility from the Grand Canyon across northern New Mexico and into Colorado. Desert Rock will also contribute to New Mexico’s high levels of mercury, further impairing our waters and endangering public health.”

The state’s petition also requests a remand requiring EPA to consider Integrated Gasification Combined Cycle technology, which would greatly reduce emissions from the plant.

EPA, in issuing the permit, failed to adequately consider ozone impacts in a region that is close to nonattainment, including northwestern New Mexico, southwestern Colorado, and the Navajo Nation. EPA also ignored the National Park Service and National Forest Service’s finding of significant adverse air quality impacts the plant would contribute to in 24 Class 1 national park and wilderness areas.

EPA also violated the Clean Air Act by failing to require hazardous air pollutant and fine particulate matter analyses prior to issuing the permit. Nor did EPA consider Desert Rock's substantial CO2 emissions. Desert Rock will emit more than 11 million tons per year of carbon dioxide. In addition to carbon dioxide emitted by Four Corners Power Plant and San Juan Generating Station, the three plants combined would will emit 38 million tons per year of carbon dioxide.

EPA should have required IGCC in its Best Available Control Technology Analysis to substantially lower emissions of all pollutants including, ozone, particulate matter, nitrogen oxides and sulfur dioxides.

The Center for biological Diversity, Sierra Club, San Juan Citizens Alliance, Dine CARE and other environmental groups also filed petitions against the permit. EPA issued the Desert Rock permit after they settled an uncontested lawsuit with the owners, Site Global LLC. The EAB could request further briefing from New Mexico, remand the permit to EPA or deny the petitions.

EPA recently proposed rules that would allow federal agencies to act without consulting USFWS regarding endangered species.

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