



For Immediate Release
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Office of Governor Contact: Allan Oliver
505-476-2214

Office of Attorney General Contact: Phil Sisneros
505-827-6792

Governor Richardson, Attorney General King Blast EPA for Violating Clean Air Act in Fast Tracking Desert Rock Permit

Governor and Attorney General Issue Letter to EPA Criticizing the Agency's Failure to Provide Environmental Analyses regarding Harmful Pollutants from the Proposed Plant

(SANTA FE) New Mexico Governor Bill Richardson and Attorney General Gary King today criticized the U.S. Environmental Protection Agency (EPA) for violating the federal Clean Air Act by fast tracking a permit for the proposed Desert Rock coal fired-power plant without completing the proper reviews on important air pollution issues.

Governor Richardson and Attorney General King assert in their letter that EPA's recent proposal to expedite the permitting decision for the proposed plant without conducting required environmental analyses of hazardous air pollutants could have severe negative impacts on air quality for New Mexicans and others in the region. The proposed plant, under the jurisdiction of the Navajo Nation, would be in northwest New Mexico.

"EPA is overlooking air quality protections in federal law by fast tracking this permit," Governor Richardson said. "This is a grave mistake. The children of northwestern New Mexico should not have to be exposed to higher levels of mercury and lead in the air they breathe. New Mexico and the nation must be making advances toward new clean technologies for electricity rather than continuing to build the dirty coal plants of yesterday."

Governor Richardson has been vocal in his opposition to the proposed plant because of well-documented detrimental impacts from coal fired power plants on human health, especially on children.

"The Clean Air Act is very clear in spelling out what the EPA must do to protect people from hazardous power plant emissions," said Attorney General King. "Because EPA listed coal-fired power plants as a major source of hazardous air pollutants, we are on solid legal ground to request that the EPA do what the law says."

The EPA must do a complete and thorough analysis before reaching any conclusions on this air permit, the joint letter states. They also criticize EPA for failing to abide by the Clean Air Act, which prohibits the construction of new power plants without a prior EPA maximum achievable control technology determination for the emission of hazardous air pollutants. In addition to providing that determination, EPA is also required by law to identify a procedure it will follow related to that process.

EPA, which has not made a MACT determination in this case, previously issued a rule that sought to avoid that requirement for power plants altogether. However, New Mexico along with other states recently prevailed in overturning EPA's attempted roll back in a federal lawsuit in the U.S. Court of Appeals for the D.C. Circuit.

The letter also expresses "serious concerns about the environmental impacts of constructing Desert Rock in a region already impaired by other large coal-fired power plants."

Mercury contamination from Desert Rock poses great threats to the health of New Mexico's children and to local waterways. Mercury, a known neurotoxin which contributes to learning disabilities in children, also pollutes nearly every reservoir in New Mexico with high levels of contamination.

Desert Rock is expected to emit substantial amounts of mercury, arsenic, lead, dioxins, and other hazardous air pollutants, including approximately 166 tons per year of hydrogen chloride and 13.3 tons per year of hydrogen fluoride.

Governor Richardson in recent months directed New Mexico Environment Secretary Ron Curry to meet with the Navajo Nation related to the state's issues with the plant.

The Environment Department determined the proposed facility will adversely impact air quality, exacerbate existing environmental problems and negatively impact scarce surface and ground water resources. Also, the technology as proposed by Sithe Global refuses to consider real technological advances in the area of combating global climate change. The Environment Department has concerns that Sithe's investment in plant planning is outdated without taking into account the needs of climate change policy.

The estimated 12 million tons of carbon dioxide emitted each year from the Desert Rock Energy Facility would increase New Mexico's greenhouse gas emissions by about 15 percent.

Joint Letter attached

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