

PRESS RELEASE

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Contacts:

Nichole Horseherder
To' Nizhoni Ani
P.O. Box 657
Kykotsmovi, AZ 86039
nhorseherder@gmail.com
(928) 675-1851

Jihan Gearon, Executive Director
Black Mesa Water Coalition
200 S. Leroux St.
Flagstaff, AZ 86001
jihan.gearon@gmail.com
(928) 380- 6684

Brad A. Bartlett, Assistant Professor
University of Denver
Environmental Law Clinic
2225 E. Evans Ave., Suite 335
Denver, CO 80208
bbartlett@law.du.edu
office: (303) 871-7870
mobile: (970) 799-6145

Navajo and Hopi communities challenge the Federal government's decision to block progress on transition to a clean energy economy and protect human health and the environment from harmful air emissions.

Black Mesa, Arizona: Navajo and Hopi community organizations today challenged a decision in federal court issued by the U.S. Environmental Protection Agency ("EPA") to let one of the nation's oldest and dirtiest coal-fired power plants continue polluting for the next three decades.

To' Nizhoni Ani (Navajo for "Beautiful Water Speaking"), Black Mesa Water Coalition and Diné Citizens Against Ruining Our Environment ("CARE"), organizations based almost entirely on the Navajo Nation, filed a petition to review the EPA's ruling with the Ninth Circuit Court of Appeals in San Francisco, California. The organizations are asking that the court set aside the agency's decision to delay clean up of harmful air emissions and require retrofitting of the best available clean air technology for the Navajo Generating Station ("NGS") located on tribal lands near Paige, Arizona.

"EPA's decision is an outrage," said Nicole Horseherder a Black Mesa resident. "The decision is one-sided towards those whose profits are at stake, and does not take into consideration the health and livelihood of those who are not on the NGS payroll. Our people still make a living off the land. EPA's decision prolonging the clean up mandated for other coal fired power plants is discrimination and genocide for our people and way

of life. For 40 years we have been breathing harmful air pollution from one of the ten biggest polluters in the U.S. The EPA has given the power plant a pass and allowed NGS to continue contaminating our air, soil, and water for another 30 years.”

“The EPA’s decision jeopardizes our communities ability to transition to a clean energy economy,” said Jihan Gearon, director of Black Mesa Water Coalition. “Delaying coal cleanup for another 30 years inhibits progress on renewable energy development that will become an economic engine long past coal. Wind and solar projects on Navajo Nation lands can generate the same power as one unit at the Navajo Generating Station coal plant and can provide about 1,000 direct and indirect Navajo jobs. The Federal government needs to stop pushing dirty coal to power the Central Arizona Project, and start using clean renewable energy.”

Central Arizona Project (“CAP”) delivers and manages the single largest source of water supply in the State of Arizona from the Colorado River. Simultaneously, CAP is the largest single end-user of power in the state. NGS located near Lake Powell on the Navajo Reservation, provides more than 90% of the power CAP needs to deliver water.

For nearly 40 years, NGS has damaged the air quality of indigenous communities across the Southwest as well as the Grand Canyon and 10 other national parks and wilderness areas. For some it maybe a question of regional haze, but for the Diné (“Navajo”) and Hopi that still depend on local crops, meat, and other medicines, teas and wild vegetation, the pollution has far more reaching impacts.

“Damage to air quality also means damage to the water and vegetation in the region since the particles emitted eventually end up settling down on the ground,” said Marshall Johnson a Black Mesa resident and co-director of the group To’ Nizhoni Ani. “The agency does not take into account the fact that Diné and Hopi still farm and depend on native crops such as corn, beans, squash and melons for their daily diet as well as ceremonies. Local plants are used for medicinal herbs and dyes for shoes, and ceremonial objects as well as coloring wool that will go into traditional clothing and blankets. The people eat the sheep and cattle that eat the vegetation native to the region.”

In July, the EPA rejected the Clean Air Act requirement to make NGS cut harmful smog-forming nitrogen oxide emissions by 85 percent over the next five years. Instead, it agreed to let NGS pollute for at least another three decades, with vague hopes of an earlier deal. EPA contends it can water down the Clean Air Act requirements because NGS is located on Navajo Nation lands.

“The Federal government is using a double standard,” said Brad Bartlett, Assistant Professor of Law at the University of Denver and an attorney for the organizations. “The EPA has been requiring retrofitting technology at privately owned power plants all over the United States. But in the case of NGS, where the U.S. government has a 27 percent ownership, the government exempts itself from the law. This is fundamentally unjust.”

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