



# President Shelly applauds U.S. EPA BART decision



Navajo Nation President Ben Shelly said he appreciated the U.S. EPA's recognition of the work completed by the technical work group for the final determination on the regional haze rule. Stephen Etsitty of Navajo EPA was equally satisfied. (Photos by Rick Abasta)

WINDOW ROCK, Ariz.— Today, the U.S. Environmental Protection Agency announced a final determination under the Regional Haze Rule and a final federal implementation plan for the Best Available Retrofit Technology for nitrogen oxide emissions for Navajo Generating Station. This action is intended to improve visibility at National Parks and other Class I areas in the Four Corners region.

EPA is adopting a “better than BART” alternative proposal that was developed and submitted by the Navajo Nation and others who formed a technical work group.

“I sincerely appreciate the EPA’s decision to recognize the hard work of the technical work group and to incorporate the understanding of the parties who are most impacted by this federal environmental regulatory decision,” President Shelly said.

President said recognizing the uniqueness of the NGS

facility and the Navajo Nation the federal action balances the need to improve visibility in the southwest U.S. and to maintain the continued operations of the Nation’s primary economic engines.

Over the next few weeks the Navajo Nation will review the details of the decision, and continue to consult with EPA and the work group partners as the BART decision is implemented.

In Feb. 2013, the EPA issued a proposed rulemaking and a draft federal implementation plan for NGS, which required strict controls. The costs were expected to exceed \$1.1 billion if the plant was required to install bag houses along with the technology.

The emissions control technology that the EPA proposed was selective catalytic reduction technology, which is the most stringent and expensive technology for reducing nitrogen oxide emissions on the market

today.

The requirement for the installation of this technology was in addition to the voluntary installation of low nitrogen oxide burners and separated overfire air system, which NGS installed on all three units from 2009 to 2011.

Because NGS is located within the Navajo Nation, the EPA recognized it has more flexibility to establish a final implementation plan pursuant to the federal Clean Air Act, Tribal Authority Rule.

EPA proposed two alternatives, which still require an aggressive schedule for installation of selective catalytic reduction technology. EPA’s proposed alternatives contained schedules that would have a long-term negative impact on Navajo jobs and revenue.

EPA also provided an opportunity for other parties to submit alternative proposals for consideration as “better than BART.” This included a one-year public comment period on its proposed rule and government-to-government consultations with the Navajo Nation and other affected tribal governments.

In March 2013, a group of stakeholders convened to develop an alternative solution to the strict proposal.

This technical work group consisted of the Navajo Nation, Gila River Indian Community, Environmental Defense Fund, Western Resource Advocates, U.S. Bureau of Reclamation, U.S. Department of the Interior and Central Arizona Project. The Nation’s representatives were attorney general Harrison Tsosie,

and Navajo EPA executive director Stephen B. Etsitty.

The work group submitted a “better than BART” alternative proposal to the EPA in July 2013. The proposal focused on reducing emissions from one of the three units at NGS and keeping the remaining two units operating.

This would result in the reduction of all air pollutants, including carbon dioxide, by one third. Additionally, the Interior Dept. included commitments to assist the Navajo Nation and other tribes with the development of low emitting energy projects.

Tsosie said the alternative proposal was the best possible scenario for all interests involved, although nobody walked away from the table declaring a landslide victory or a loss of everything.

“Everyone was able to walk away with something, but no one lost everything,” he said.

The EPA BART determination arrives on the heels of the Navajo Nation lease renewal for NGS, which needs approval by the Secretary of the Interior Dept., pending the outcome of an environmental impact statement that is currently underway.

