



## A PROPOSAL FOR STREAMLINING EPA JURISDICTION IN THE FOUR CORNERS REGION

### SUMMARY

Atmospheric processes in the Four Corners area, which includes parts of CO, UT, NM, and AZ, as well as tribal trust lands of four Native American tribes, are large scale and complex and do not respect political boundaries. U.S. Environmental Protection Agency jurisdiction over air quality in the Four Corners area is fragmented, burdensome, and in need of review and modification, in order to fulfill its mission in this region.

The Four Corners area lies within the jurisdiction of three different Environmental Protection Agency (EPA) regional offices, none of which has lead status. The existing EPA regional structure fails to achieve the degree of holistic oversight that is called for by the large and dynamic nature of the Four Corners air resources, the rapid industrial changes underway that threaten air quality and the imminent likelihood of greenhouse gas regulation. Recommended actions to improve EPA mission performance in the Four Corners include:

- \* Promptly establish a senior level USEPA coordinator *based* in a Four Corners community but reporting directly to USEPA in Washington, D.C.
- \* Strongly consider establishing a Four Corners USEPA Operations Office (by 2012)

### BACKGROUND

The Four Corners area lies under the jurisdiction of three different and distant EPA regional offices, as follows: Colorado and Utah are overseen by Region 8, based in Denver; New Mexico by Region 6, based in Dallas; and Arizona and the Navajo tribal lands in Arizona, New Mexico and Utah, by Region 9, based in San Francisco. The Southern Ute tribal lands are located in CO and overseen by Region 8; the Ute Mountain Ute tribal lands are in CO, UT and NM and overseen by both Region 8 and 6; and the Jicarilla Apache tribal lands are located in NM and overseen by Region 6.

Two coal-fired generating plants have been operating in northwest New Mexico for a number of years: the Four Corners Power Plant owned by Arizona Public Service Company, which started up in 1963, and the San Juan Generating Station owned by PNM Resources, which started up in 1973. The Four Corners Power Plant, a 2,269 megawatt (MW) coal plant on the Navajo Nation, and San Juan Generating Station, a 1,848 MW coal plant located on state land, contribute over 29 million tons per year of carbon dioxide and are ranked number 1 and number 18 in the country, respectively, for nitrogen oxide emissions (2006, EPA data).

In 2003, the Diné Power Authority of the Navajo Nation and Sithe Global Energy announced plans for the construction of a third coal-fired plant, the 1,500 MW Desert Rock Energy Project (DREP) to be located on Navajo tribal lands immediately south of the two existing power plants. As of this writing, the DREP Environmental Impact Statement (EIS), and the air quality permit, i.e., the permit for Prevention of Significant Deterioration (PSD), have not been completed.

Since 1990, exploration for and development of traditional oil and gas and coal-bed methane has been steadily increasing, particularly along the northern edge of the San Juan geologic basin in La Plata County, CO and San Juan County, NM. This has resulted in over 40,000 natural gas wells and associated

natural gas infrastructure in the Four Corners area. Concurrently, the atmosphere in the region hovers very near the 75 parts per billion (ppb) current EPA standard for atmospheric ozone.

### **PROPOSED SHORT-TERM SOLUTION**

Consideration, in isolation, of each new proposal in each jurisdiction as it comes up is no longer an effective way to maintain or improve Four Corners air quality or to keep air quality within attainment levels. The EPA should establish a senior level person, based in the Four Corners area, but reporting directly to the USEPA in Washington, D.C., who *would work with* all three regional EPA Air Division Directors and all other jurisdictions in the Four Corners to oversee a consistent proactive approach to Four Corners air and related water quality issues. A major responsibility of this individual would be to facilitate peer-to-peer communication and coordination of the efforts of all parties, and to assist the states and tribes in developing their air and water quality programs, when requested. This individual, who could be hired as an Intergovernmental Personnel Act (IPA) position, should have senior level management experience; a good grasp of air and water quality management, the ability to deal with cross-media movement of pollutants, e.g., between air and water; technical experience, a comfort level with the field operations of the relevant industries, including knowledge of related hazardous waste; and the ability to operate in, listen, and build consensus in a complex jurisdictional setting with all governmental and tribal agencies and officials. A proposed job description is available upon request.

### **PROPOSED LONG-TERM SOLUTION (2012 and beyond)**

Based on the success and recommendations produced from a period of two or three years with the above EPA Four Corners Coordinator, and with the advice of key stakeholders, the EPA should consider the establishment of a fully-funded Four Corners EPA Operations Office, reporting to USEPA in Washington, D.C. The purpose of this new office would be to strengthen federal environmental oversight and assistance in the Four Corners as detailed in the short-term solution.

### **BENEFITS TO INCREASING EPA PRESENCE IN THE FOUR CORNERS**

A permanent local USEPA presence in the Four Corners region would better serve the careful planning by industry, tribal officials, state, county and municipal governments, the BLM and the USDA Forest Service for the responsible development of fluid and solid mineral resources (natural gas, coal and potentially uranium, etc.) and energy generation and distribution facilities of all types while ensuring protection of the air and watersheds of the region, which includes several Class 1 Federal areas under the Clean Air Act. Such a presence by the EPA would support more direct dialogue and closer cooperation with the air and water quality regulatory and monitoring officials of the Navajo, Southern Ute, Ute Mountain Ute, and Jicarilla Apache Tribes; the states of AZ, CO, NM and UT; the U.S. Forest Service and the Bureau of Land Management. All residents and tourists, as well as the sustainability of the natural and cultural resources for which the Four Corners region is prized, stand to benefit.

Jodi Foran, League of Women Voters of Montezuma County, [jodi@foran.net](mailto:jodi@foran.net)  
Marilyn Brown, League of Women Voters of La Plata County, [marilbrown@aol.com](mailto:marilbrown@aol.com)  
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