

Petitioner, Shawn Dolan
Appeal number NSR-16-01, Docket number T-004-NM
Navajo Generating Station, NSR permit
USEPA Environmental Justice Policy

Summary of Environmental Justice Policy as published by the US EPA: During the comment period, comments were filed by other commenters, regarding review of Environmental Justice criteria given the location of the Navajo Generating Station on the Navajo Nation in an impoverished area.

The EPA response was, Environmental Justice concerns are not relevant to the NSR request. However, the published Environmental Justice policy of the US EPA, requires the use of Advanced Monitoring Methods as sponsored by the Next Generation Program, (US EPA Alternative Method 082 is a Next Generation Standard). Further, the Environmental Justice policy requires deep outreach and the ability to educate the population of the dangers associated with permitted emissions. I just returned from Lake Powell, I asked all of the homes located within eye site of the Navajo Generation Station if they had any knowledge of the emissions from that facility, with regards to health effects. All denied having any knowledge of health effects resulting from PM fine, NOX/SOX, emitting from Navajo Generation Station.

Finally, the Environmental Justice Policy in its top three goals, addresses all the primary issues brought to the Environmental Appeals Board attention in this filing:

- 1) Advanced Monitoring should be required were applicable and available without permit change in ALL new sources and ALL renewals, e.g. specifically calling out 30 year old legacy monitoring, and excluding Next Generation monitoring, is a disservice to all Americans.
- 2) Use of Advanced Monitoring to provide better knowledge and facts to the effected populations. Legacy hand written guesstimates from Method 9 DO NOT, further the education of the effected population. A picture says a thousand words.
- 3) Involving the local population through extended outreach, in terms the population can understand. A picture says a thousand words.

Environmental Justice Strategic Plan

Approved 2014 Strategic plan in effect at the time the NGS permit was being consider has the same, Environmental Justice being applicable to all peoples (criteria includes Navajo Nation) and is the Genesis of the Next Generation Advanced Monitoring program. Here is the final draft of the subsequent Environmental Justice Strategic Plan, 2016-2020, note: Region 9 is not part of the supporting regional offices. Perhaps that explains why they seem unaware of the EPA National direction.

References:

Executive Summary page iii goal 1:

GOAL I: DEEPEN ENVIRONMENTAL JUSTICE PRACTICE WITHIN EPA PROGRAMS TO IMPROVE THE HEALTH AND ENVIRONMENT OF OVERBURDENED COMMUNITIES.

This goal will focus on four areas: (1) Rulemaking, (2) Permitting, (3) Compliance and Enforcement, and (4) Science.

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- Institutionalize environmental justice in rulemaking through implementation of guidance, training, monitoring, evaluation and community involvement, including rigorous assessments of environmental justice analyses in rules.
- Establish a framework and tools for considering environmental justice in EPA-issued permits and design, and implement a process for “joint learning” with **regulatory partners on incorporating environmental justice into permitting.**
- Direct more enforcement resources to address pollution and public health burdens caused by violations of environmental laws in overburdened communities, increase compliance evaluations, enforcement actions and settlements that benefit those communities, and conduct community-based compliance and enforcement strategies in 100 of the most overburdened communities.
- Routinely analyze, consider and address environmental justice issues in all appropriate EPA rulemaking, permitting and enforcement actions.
- Routinely use best practices for meaningful community engagement.
- Implement the EJ Research Roadmap to **develop tools that provide a stronger scientific basis for action to address environmental justice and cumulative impact issues, conduct research that informs cumulative risk assessment, and develop innovative tools for monitoring and controlling environmental contamination.**

The use of Next Generation, Advanced Monitoring to increase transparency and local awareness.

DOCS II and US EPA Alternative Method 082 are within the Next Generation Advanced Monitoring Program, referenced.

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Appeal number NSR-16-01, Docket number T-004-NM
Navajo Generating Station, NSR permit
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Page IV Goal 2

GOAL II: WORK WITH PARTNERS TO EXPAND OUR POSITIVE IMPACT WITHIN OVERBURDENED COMMUNITIES.

This goal will focus on four areas: (1) States and Local Governments, (2) Federal Agencies, (3) Community-Based Work, and (4) Tribes and Indigenous Peoples.

- Work with states and local governments to develop and implement a phased approach to building on-the-ground collaborations, identifying best practices, supporting peer-to-peer learning, and fostering cross-program planning, and establish shared expectations through Performance Partnership Agreements and other planning and accountability mechanisms.
- Advance environmental justice within federal agencies through the Interagency Working Group on Environmental Justice, with emphasis on strengthening consideration of environmental justice in the National Environmental Policy Act process and addressing impacts from commercial distribution of freight (goods movement).
- Support communities' day-to-day needs through best practices for community-based work currently employed by the agency, including community revitalization efforts.
- Implement the EPA policy on environmental justice for working with federally recognized tribes and indigenous peoples.

The Navajo Nation in Arizona is federally recognized.

The goal of integrating Next Generation Compliance assurance tools into all rules and permits managed by the EPA, and its State, Local, Tribal, etal partners.

EPA Alternative Method 082 is developed under the Next Generation, Advanced Monitoring Systems plan.

The remaining document references the use of Next Generation Advanced Monitoring Tool is every permit and rule and enforcement action taken on by the EPA.

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Executive Summary page IV, Goal 3

GOAL III: DEMONSTRATE PROGRESS ON SIGNIFICANT NATIONAL ENVIRONMENTAL JUSTICE CHALLENGES.

This goal will focus on four areas: (1) Lead Disparities, (2) Drinking Water, (3) Air Quality, and (4) Hazardous Waste Sites.

- Work to eliminate disparities in childhood blood lead levels. EPA will convene partners to identify geographic areas with the greatest lead exposures, reduce sources of lead contamination, and take national action to reduce lead in drinking water.
- Work to ensure all people served by community water systems have drinking water that meets applicable health based standards. We will place special emphasis on addressing drinking water challenges in underserved communities.
- Achieve air quality that meets the fine particle pollution national ambient air quality standards for all low-income populations as soon as practicable and no later than the statutory attainment date.
- Reduce human exposure to contamination at hazardous waste sites, with emphasis on understanding the impact in minority, low-income and vulnerable communities.

EPA will: (1) deploy a suite of programs, actions and measures in these areas; and (2) evaluate progress, enhance measures as appropriate, and explore the development of a few additional national environmental justice measures and associated strategies

In summary the US EPA Region 9, in the issuance of the NSR permit to Navajo Generating Station, has violated its statutory responsibility to protect human health and the environment by: Ignoring the widely published EPA direction to incorporate Next Generation Advanced Monitoring into all new permits and rules. Ignoring the widely published Environmental Justice policy of outreach, education, partnering with Federally recognized tribes, and using Advanced Monitoring to provide more information to the public.

If EPA Region 9's rational (Method 9 is adequate for the monitoring required) was true: Where are the exceedance reports to match the documented opacity violations? Why does the top layer of soil on neighboring property contain coal dust? Why are boats moored miles away, covered in coal dust? Why are the immediate neighbors to the facility unaware of the health effects? Where in the "technical study" relied upon completely by EPA Region 9 in their decision, is there soil samples to validate the claims that coal dust does not move off site, water samples to validate that drainage into the adjoining National Recreation Area, and National Park, is not effecting the water quality, or visibility?

Shawn Dolan