
DECLARATION OF LAWENDRA ATCITY

I, Lawendra Atcitty, declare as follows:

1. I am a member of Dine Citizens Against Ruining Our Environment (Dine CARE) and am a resident of Huerfano Navajo Chapter in the eastern portion of the Navajo Nation called Eastern Navajo, New Mexico. I am also an employee of Dine CARE. I am a registered voter of the Navajo Nation, the U.S., and also of the local Huerfano Navajo Chapter. I am a lifelong resident of New Mexico. My family owns property near the Chaco River. My relatives have livestock around the property and my family uses the property for traditional cultural and economic purposes.

2. I use and enjoy the waters of the San Juan River. I use the San Juan River watershed for collecting plants and other cultural uses. I have a spiritual and cultural connection to the San Juan River.

3. The Chaco River watershed and its tributaries are directly affected by the Four Corners Power Plant and adjacent coal ash waste sites located immediately east of Chaco River. The Four Corners Power Plant discharges solids, heat, and other pollutants into Morgan Lake, which is recognized by the Navajo Nation as a waterbody deserving Clean Water Act protections. EPA's final permit does not regulate water pollution discharges into Morgan Lake. I want EPA to regulate the discharge of water pollution into Morgan Lake. The Four Corners Power plant also discharges water pollution to No Name Wash and the Chaco River, which in turn flow into the San Juan River.

4. The Four Corners Power Plant also has coal ash combustion waste sites that are

discharging into the Chaco River watershed. These coal ash ponds, impoundments, and large powdery manmade mounds of coal ash waste discharge contaminants into the Chaco River watershed. EPA's final permit for the first time requires monitoring of the coal ash seepage, but does not regulate the discharge of pollutants into the Chaco River watershed. The operators of Four Corners Power Plant have constructed intercept trenches and other diversion facilities in the Chaco River to capture this coal wash water pollution, but EPA has never regulated the construction of these facilities or required an analysis of how the pollution and facilities are impacting the Chaco River watershed. I want EPA to regulate the discharge of this coal ash pollution into the Chaco River watershed and assess the water quality impacts of construction of the intercept facilities.

5. Pollutant discharge from the Four Corners Power Plant and the coal ash seepage impact endangered fish species in the San Juan River. Endangered fish species are also impacted by the cooling water intake structures that pull water from the San Juan River and pump it to Morgan Lake for use as cooling water at the power plant. These endangered fish species can get caught in the cooling water intake structure and can become sucked into the cooling water system. I have a cultural and spiritual connection to the fish species that are endemic to the Navajo Nation.

6. EPA's failure to regulate pollution discharges into Morgan Lake adversely impacts my enjoyment of my family's property and interferes with my cultural and spiritual enjoyment of the watersheds on the Navajo Nation. The pollution discharges discourage me from using and enjoying these watersheds. The pollution discharges also interfere with my spiritual and cultural enjoyment of the watersheds because the Navajo Nation water resources I cherish are being harmed by the activities at the Four Corners Power Plant. The harm to

endangered fish species also interferes with my spiritual and cultural enjoyment of species endemic to the Navajo Nation. The harm to these species lessens the cultural and spiritual value of being a member of the Navajo Nation. EPA's failure to regulate coal ash discharges, and to assess the impact of the construction of coal ash intercept facilities, also diminishes my uses and enjoyment of the watersheds because I am unable to understand the levels of pollution being discharges into the watershed and thus am unable to assess the risks of such pollution.

7. If EPA were to issue a final permit requiring: 1) regulation of the discharges into Morgan Lake; 2) regulation of the coal ash discharges and intercept facilities in the Chaco River Watershed; and 3) better control the cooling water intake structure and system to protect endangered fish species, I would enjoy use of the watersheds more, would have more information about the impacts water quality, endangered species, and as a result, the usability of watersheds, and would have increased pride and a stronger spiritual and cultural connection to the Navajo Nation land, watersheds, and species. This information would help ensure that the federal government is doing everything it can to protect the Chaco River, thus partially redressing my concerns. In other words, if the EPA complied with the Clean Water Act as requested in our Petition for Review of the final permit, my enjoyment, use, and cultural and spiritual connection to the land, waters, and species would be significantly enhanced and the health impacts from pollutant discharge would be diminished. I would feel more at using the watersheds with reduced overall health risks.

Pursuant to 28 U.S.C. § 1746 I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed in Farmington, New Mexico on October 30, 2019.

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