

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

DINE' CITIZENS AGAINST RUINING	)	
THE ENVIRONMENT, ET AL	)	
Petitioners,	)	
v.	)	
	)	No. _____
U.S. ENVIRONMENTAL PROTECTION	)	
AGENCY, REGION 9, ET AL	)	
	)	
Respondents	)	

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**DECLARATION OF DAILAN JAKE LONG**

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I, Dailan Jake Long, declare as follows:

1. I am a Board member of Dine Citizens Against Ruining Our Environment (Dine CARE) and am a resident of Burnham Navajo Chapter in the eastern portion of the Navajo Nation called Eastern Navajo, New Mexico. I am a registered voter of the Navajo Nation, the U.S., and also of the local Burnham Navajo Chapter. I am a lifelong resident of Burnham, New Mexico and reside alongside the Chaco River, approximately 3 miles west of the Chaco River and its tributaries. I reside in this area and raise livestock (sheep) for traditional cultural and economic purposes within the livestock grazing area permitted by Newcomb Navajo Chapter House.

2. I am a 35-year resident of Burnham, New Mexico and work as a Medicaid Consultant and Navajo Tribal Resource Facilitator, contracted with the New Mexico Self-Directed Community Benefit and Long-Term Medicaid Waiver programs. I work in Burnham, New Mexico and coordinate long-term care services, develop care plans, and health risk assessments with tribal medicaid recipients in the region, including non-tribal members residing

outside the Navajo Nation. The aim of these services identify medical needs and reduce risk factors for individuals with developmental disabilities, aging and elderly, brain injury, medically fragile, and high risk of institutionalization. I provide direct advocacy services to non-English speaking Navajo tribal members and assist in the development of their direct care needs in coordination with physicians at Northern Navajo Medical Center and network with Managed Care Organizations to implement and review clientele long-term care plans. I support the mission of these programs in identifying and directly addressing risks factors that directly affect the health and welfare of tribal medicaid recipients as my comprehensive needs assessment identify environmental hazards and external risk factors such as environmental pollution and lack of infrastructure in these tribal communities.

3. The Chaco River flows adjacent to my homestead. My family and I inhabit both the west and eastern side of the Chaco River, which flows in a South to North direction. Our property is located south of the Four Corners Power Plant.

4. I am an avid runner and run alongside the Chaco River from south to north, completing approximately 10-miles per day. 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. These coal ash combustion waste sites are large powdery manmade mounds with discharge leakages flowing into the Chaco River watershed. These manmade mounds contain their own “roads” as service vehicles can be seen driving adjacent to these mounds.

5. Depending on seasonal weather conditions, I am unable to run alongside the Chaco River due to airborne coal ash creating a snow effect over the Chaco River and downwind communities.

6. The federal Environmental Impact Statement (EIS) for the Four Corners Power Plant states that the coal ash impoundments at the Plant are experiencing seepage into the Chaco River watershed. This coal ash seepage is captured in a collection system constructed by the owners of the plant. Other than the EIS, I have never seen any data regarding how this seepage is impacting the Chaco River, groundwater in the area of the seepage, and the soil underlying the seepage. EPA's Draft NPDES permit for the first time will require the owners of the plant to monitor these coal ash seeps into the Chaco River watershed.

7. I haul water for my livestock from a well located approximately 15 miles west of my home because tribal members downstream of the Four Corners Power Plant experience livestock mortality when consuming water from Chaco River and its tributaries. Pollutant discharge from coal ash seepage impact these endangered species and, if left unregulated, will directly affect my livestock use.

8. I am very familiar with the coal-fired Four Corners Power Plant. I reside approximately 20 minutes south of the Four Corners Power Plant, which is viewable from my home. I actively participate in the tribal government chapter monthly meetings and provide input on public comment periods regarding all processes related to Four Corners Power Plant, coal ash disposal, and impacts to water bodies such as Chaco River.

9. I am aware that the power plant has not had a renewed water pollution discharge permit (NPDES Permit) since 2001. I understand that NPDES Permits are effective for 5-years and renewed every 5 years. I understand that federal regulatory processes on Navajo Nation lands are under jurisdiction of EPA Region 9, which is the federal government agency responsible for updating NPDES permits for the Four Corners Power Plant.

10. EPA's failure to take final action on the pending Four Corners Power Plant

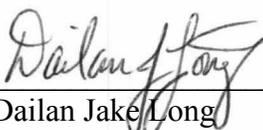
NPDES application exacerbates public health concerns. EPA must issue a final NPDES permit, which includes data collection and the agency must disseminate data associated with pollutant discharge for public review. I am directly impacted by EPA's failure to comply with the Clean Water Act as pollution discharge directly impact areas adjacent to my home and affect livestock, subsistence, and agricultural use.

11. Issuance of a final permit would also allow a legal challenge of any deficiencies, which has been denied for over 12 years by EPA's failure to take action on a final permit. If the EPA were required to comply with the Clean Water Act my concerns would be eased.

12. If EPA were to issue a final permit to require monitoring of the coal ash discharges into the Chaco River and San Juan River, I would have more information about the impacts water quality, endangered species, and as a result, the usability of water for my livestock and agricultural. 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, my livelihood, agricultural and pastoral use along Chaco Creek would be significantly enhanced and the health impacts from pollutant discharge would be diminished. I would feel more at ease living in Burnham 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 Burnham, New Mexico on March 9, 2018.

  
Dailan Jake Long