

Federal Court rejects NGS federal haze plan

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WINDOW ROCK, Ariz. — On March 20, the United States Court of Appeals for the Ninth Circuit issued an Order denying all of the petitions challenging the United States Environmental Protection Agency's Federal Implementation Plan for the Navajo Generating Station. The Ninth Circuit found that the USEPA's decision was within its discretion, and the FIP is consistent with the requirements of the Clean Air Act to reduce regional haze.

The FIP was originally promulgated with the help of various NGS stakeholders, known as the technical working group. The TWG's goal was to balance environmental regulation with the benefits—jobs, revenue, and power—that NGS provides.

The Navajo Nation intervened in this case, on the side of the USEPA, because the Nation wanted the FIP to be upheld. The Nation has an interest in the continued operation of NGS because it provides important revenue and jobs for the Navajo people. The Nation wanted the FIP to be upheld in order to prevent a potential shutdown of NGS, which would lead to many Navajo people losing their jobs.

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