

March 9, 2009

Attorney General John Suthers  
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Dear Attorney General Suthers:

I write to you today requesting action by the Colorado Attorney General's office regarding the excessive air pollution in Southwest Colorado caused by the Four Corners Power Plant (FCPP). The FCPP is located on the Navajo Nation in New Mexico and has been expelling pollutants in significant excess of comparable coal-fired power plants for the past several decades. For example, the FCPP produces over three times the nitrogen oxide (NOx) emissions as the Coronado power plant in Arizona.<sup>1</sup> In addition, the FCPP is the largest single NOx source in the United States.<sup>2</sup> The excessive emissions have traveled across state and sovereign nation lines, clogging the air and damaging the health of Southwestern Colorado residents. Just as New Mexico would not accept toxic pollutants to be dumped by Colorado into the Rio Grande River, neither should Colorado allow avoidable pollutants to flow into our state from New Mexico. Colorado bears the significant public health and welfare burden from the FCPP's pollution while New Mexico, Nevada, Arizona, and California share in the benefits of the electricity production. FCPP is not a Colorado company, is not located in Colorado, and does not provide a benefit to Colorado, yet Colorado receives a majority of its oppressive air pollution.

The excessive pollution of the FCPP has not had an insignificant impact on the residents of Colorado, especially my constituents of the 58<sup>th</sup> State House District. Decades of unreasonable emission levels by the FCPP have created a health and safety hazard to the people of Colorado. The FCPP's dangerous emission levels of NOx have

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<sup>1</sup> NOx emissions (tons per year): 14,089.6 for Coronado; 41,083 for FCPP. Source: EPA Clean Air Market Division for Acid Rain Program.

<sup>2</sup> Based on EPA Clear Air Markets Division (CAMD) data for 2006.

created a permanent haze above Mesa Verde and the surrounding areas. The National Park Service has reported that the haziest days at Mesa Verde have worsened over the past 10 years.<sup>3</sup> From my own experience, I can attest that the previously visible Ship Rock is no longer visible from Cortez. Furthermore, the ground level ozone (smog) and fine particle pollution created by the NOx emissions from FCPP cause childhood asthma, exacerbate respiratory issues, damage lung tissue, and can cause premature death.<sup>4</sup>

As Attorney General for the citizens of Colorado, I urge you to take action in the following ways:

1. Join us in submitting a letter to the EPA Region 9 in support of the application of the strictest standards for NOx emissions to FCPP as the EPA is currently in the process of reviewing NOx emissions under the Regional Haze Rule<sup>5</sup>; and
2. Join us in submitting a letter to Secretary of the Interior Ken Salazar urging him to actively engage all resources within his jurisdiction to improve the air quality of the areas affected by the FCPP.

Time is of the essence to ensure the safety and welfare of current and future generations of Coloradans. We appreciate your cooperation in this matter.

Sincerely,

Scott Tipton  
Colorado State Representative for the 58<sup>th</sup> District

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<sup>3</sup> Milford, Jana; et al. *Clearing California's Coal Shadow from the American West*. Environmental Defense (2005). p 16.

<sup>4</sup> NOx reacts with volatile organic compounds in sunlight to form ozone. NOx reacts with ammonia, moisture, and other compounds to form fine particle pollution. Source: *Dirty Kilowatts: America's Most Polluting Power Plants*. Environmental Integrity Project (July 2006). p 24.

<sup>5</sup> See attached letter from Paul Tourangeau, Director of the Colorado Air Pollution Control Division expressing similar support for a rigorous review of NOx controls at FCPP.