



## **Blue Lake Rancheria Tribe Intervenes in Environmental Enforcement Action against Blue Lake Power Biomass Plant**

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BLUE LAKE, Calif.--(BUSINESS WIRE)--On Tuesday, October 11, 2016 the Federal District Court in San Francisco issued an order allowing the Blue Lake Rancheria Tribe to intervene in the Clean Air Act enforcement case currently pending against the Blue Lake Power biomass facility in Blue Lake, California. The Tribe has been opposed to any restart of the facility because of significant air pollution impacts on the Tribe's members and the surrounding area.

Blue Lake Rancheria Tribe Energy Director, Jana Ganion, explained the impact the Blue Lake Power plant has had on the Tribe, "When the facility is operating our air quality suffers, and the community is directly and immediately affected. This area has not attained healthful air quality standards in general and we now know exposure to this type of air pollution causes acute and chronic health problems and premature deaths. And the toxic emissions from this plant not only affects humans, we are also very concerned about Mad River water quality, fisheries, endangered species, and other environmental impacts."

The legal action arises out of Blue Lake Power's violations of the federal Clean Air Act according to the complaints filed by the U.S. EPA, the North Coast Air Quality Unified Management District, and the Tribe. The complaints detail how the Blue Lake Power facility has violated the Clean Air Act by failing to obtain the proper permits, and failing to apply the appropriate air pollution control technology to control CO, NO<sub>x</sub>, and particulate matter emissions.

The Court's intervention ruling allows the Tribe to participate in the enforcement action against Blue Lake Power and to pursue its State law claims in State Court.

The Court recognized the Tribe's Clean Air Act claims are timely. In particular, the Court determined preconstruction permitting violations cited in the complaints are continuing violations under the Clean Air Act, based on the structure of the applicable regulations. This ruling was obtained as a direct result of the Tribe's intervention and is now a significant legal precedent for similar cases in California that will help State and Federal enforcement efforts.

The recent decision of the Court was praised by Blue Lake Rancheria Vice Chairperson, Arla Ramsey, who said, "The Tribe appreciates the Court's recognition of the Tribe's substantial interest in this matter. The emissions from this facility have had adverse impacts on the Tribe's lands and our members, seventy-five percent of which are children and elders, who are particularly at risk from the pollution released by the Blue Lake Power facility. We generally support biomass power, but this is a specific case of chronic violations by one bad actor and the very serious health and environmental impacts they have created." The Tribe has also petitioned the U.S. EPA to revoke Blue Lake Power's operating permit based on the facts of this case and other violations. The Ecological Rights Foundation has also recently brought suit against Blue Lake Power for Clean Water Act violations.

The Blue Lake Rancheria Tribe has been recognized by the White House as a 2015-2016 Climate Action Champion and has long advocated for clean power generation.

### **Contacts**

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