Tribe: Nevada Coal Plant Falsified Pollution Data

LAS VEGAS (AP) — Representatives of an Indian tribe fighting to force the closure of a coal-fired power plant outside Las Vegas said Wednesday they uncovered evidence that from 2006 to 2011, the state's dominant electric utility submitted "phony" reports to the state about pollution levels near the plant, and avoided any penalty when the problem was discovered.

Moapa Band of Paiute Indians President William Anderson accused NV Energy of deceiving the state and the tribe's approximately 320 members by submitting false reports to the Nevada Division of Environmental Protection about airborne pollution levels near the Reid Gardner Generating Station.

"It turns out NV Energy wasn't even measuring the pollution, so we have no gauge on the extent of the threat families here have been exposed to," Anderson said in a statement. Anderson was traveling Wednesday, and efforts to reach him by telephone were unsuccessful.

NV Energy chief executive Michael Yackira responded with a statement acknowledging "irregularities" were discovered in July 2011 in a contractor's measurements of fine pollution particles near the Reid Gardner plant.

But, "any reports that NV Energy falsified any documents or reports are patently false," he said.

Yackira maintained that the 557-megawatt plant 55 miles northeast of Las Vegas never failed to meet federal and state smokestack emission standards over the five-year span, and he dismissed assertions that the plant spews toxic pollution that threatens the health of nearby Moapa community residents.

"The Reid Gardner Station has continuous emissions monitoring in place for all regulated air pollutants and has been and remains in substantial compliance with all regulatory requirements," he said.

The tribe on Tuesday filed a required 60-day notice of intent to sue with the federal Environmental Protection Agency, Nevada Division of Environmental Protection officials, Nevada Gov. Brian Sandoval and NV Energy.

Joshua Osborne-Klein, a Seattle-based attorney representing the Moapa, said the tribe intends to file a lawsuit in May in U.S. District Court in Las Vegas seeking damages and an injunction against the company.

"The tribe and many voices in this community have been calling for the plant to be shut down," Osborne-Klein said. "The tribe wants an agreement leading to a timeline for shutdown of Reid Gardner."

The attorney pointed to a state Division of Environmental Protection report obtained through an open records request that found that none of the 2006-2011 data on fine particulate pollution reported by the Paso Robles, Calif.-based Environmental Monitoring Co. was reliable, and that efforts to recover or find another way to measure the pollution failed.

The Environmental Protection Division found a violation of the requirement for monitoring pollution outside the plant. But officials decided that because the data had been handled by a third party, NV Energy should get just a warning.

Division spokeswoman Jo Ann Kittrell compared the faulty data produced by the Environmental Monitoring Co. to a broken record playing the same song over and over on a turntable.

"It wasn't falsified," she said. "It just kept going over the same numbers."

Environmental Monitoring Co. chief Steve Gersh didn't immediately respond to messages Wednesday.

The data wasn't needed to demonstrate compliance with state and federal Environmental Protection Agency pollution emission standards, Kittrell said. Compliance is based on smokestack emissions measurements, and Kittrell said those figures showed no violation of air quality standards over the same five years.

Osborne-Klein said the tribe thinks the company deliberately misreported the data. He said that although the faulty data may not have been needed to demonstrate compliance with state and federal standards, it was required under the terms of a permit under which the plant operates.

The Moapa Paiute tribe has been fighting for years to force publicly traded NV Energy to decommission the three-unit Reid Gardner plant. The Moapa argue that tribe members living on ancestral land have been sickened by soot, fine particles of pollution and gases.

Last summer, the effort gained the backing of U.S. Senate Democratic Majority Leader Harry Reid. The tribe followed in October with a request for the 9th U.S. Circuit Court of Appeals in San Francisco to order the EPA to strengthen standards it approved for the plant's continued operation. A decision is pending.

Reid Gardner, built in the 1960s and '70s, is named for a former power company official not related to the U.S. senator. It is one of two remaining NV Energy coal plants in the state. The other is near Battle Mountain in northern Nevada.

NV Energy also operates seven gas-fired plants and more than 40 renewable energy projects.

The company calls Reid Gardner a key part of an energy portfolio that supplies power to 2 million residents in and around Las Vegas and the nearly 40 million

tourists drawn to the area and the neon-lit Las Vegas Strip each year.

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