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Subject: RE: Delta Energy Center, PSD Appeal Number 17-01
From: rob@redwoodrob.com
Date: Thu, Apr 20, 2017 1:28 pm
To: "jbroadbent@baaqmd.gov" <jbroadbent@baaqmd.gov>
Bcc: Sarveybob@aol.com

Mr. Broadbent,

Considering the Boards order and in an abundance of caution, I submit an appeal to your hearing board clerk yesterday. The Clerk, with the aid of your house counsel, declined to stamp the documents as filed but did stamp them as received. I submit a fee waiver form but the appeal was not accepted, as filed, without the payment of the \$2114 filing fee. The stated basis for rejection was that tax returns were not included with the fee waiver form and so the form was not complete. The appeal was submit on behalf of a small environmental organization that does not have 2 years of tax returns available to complete the form at this time. We also find the payment of the fee to have a chilling effect on public participation. While the fee may be appropriate for polluters that wish to appeal decisions it is certainly not appropriate for members of the public that wish to bring your attention to violations of air quality laws. Particularly given that hearing costs are at least an additional \$2114 plus recorder fees, according to the fee schedule. The EAB charges no fees. Even the Supreme court is only about \$600 and they accept filings without fees or tax returns and allow the court to make a decision on fee waivers and the adequacy of filings. Also the fact that the fee waiver form includes an authorization for, "THE RELEASE OF ANY INFORMATION THAT THE AIR DISTRICT NEEDS TO DETERMINE MY ELIGIBILITY" Our president has certainly not released his tax returns and it is too onerous for the public, that their tax returns should be released in such an open forum without confidentiality, simply to exercise the right to oppose illegal air pollution.

In the face of the above roadblocks, I decided to advance the fee personally, in hopes that the matter would at least be considered by the board. I proffered the fee amount, in cash, to the clerk. The finance department got involved and opined that you do not accept US legal tender and that the payment must come in some other form. We reject this opinion and think that a government agency should accept government currency.

We feel that these are important policy matters that require consideration. Absent a response which includes acknowledgement that the appeal is considered filed (on the date that it was received) and that the appeal will proceed for board consideration, or a contrary response from you; We will conclude that there is no appeal opportunity for us at the air district at this time.

PUBLIC RECORDS REQUEST.

Please provide all records of hearing board fee waiver applications and board decisions on the applications, also please provide a chronological history of hearing board fees amounts for appeals and the the number of appeals filed by community groups or individuals opposing polluters under each fee amount. Please also identify how many appeals were considered after a fee waiver was denied and the the fee was paid. Also please identify how many fees were collected, fee waivers subsequently granted and the fee was nonetheless not refunded.

Thank you,

Rob Simpson
Executive Director
Helping Hand Tools

----- Original Message -----

Subject: Delta Energy Center, PSD Appeal Number 17-01
From: Clerk EAB <Clerk_EAB@epa.gov>
Date: Tue, April 18, 2017 12:35 pm
To: "rob@redwoodrob.com" <rob@redwoodrob.com>, "jbroadbent@baaqmd.gov"

<jbroadbent@baaqmd.gov>, "jdheslawfirm.com" <jdheslawfirm.com>,
"Kourtney.Vaccaro@energy.ca.gov" <Kourtney.Vaccaro@energy.ca.gov>,
"Quast, Sylvia" <Quast.Sylvia@epa.gov>, "Schmidt, Lorie"
<Schmidt.Lorie@epa.gov>

This is a courtesy notification that the Board has issued an order today in Delta Energy Center, PSD Appeal Number 17-01. You may view the order on the Board's website at www.epa.gov/eab.
Thank you.

Eurika Durr
Clerk of the Board
Environmental Appeals Board
WJC Building 1103M
1200 Pennsylvania, N.W.
Washington, D.C. 20460-0001
Telephone: 202-233-0110
Fax: 202-233-0121

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