



June 27, 2011

To the United States Environmental Protection Agency Environmental Appeals Board

From: Greenaction for Health and Environmental Justice

Re: Petition for Review of PSD Approval No. SJ 08-01 for the Avenal Energy Project

Greenaction fully endorses and incorporates into our comments the Petition for Review submitted in this matter by the Center on Race, Poverty and the Environment on behalf of El Pueblo Para El Aire y Agua Limpio (El Pueblo) in appeal of the PSD permit improperly issued by the US EPA for the Avenal Energy Project.

Greenaction has standing to file this petition as our members live in Kettleman City and Avenal, as our members would be subjected to pollution if this fossil fuel power plant is built, and as we have commented on this project in all permit proceedings, On April 12, 2011, The Center on Race, Poverty, & the Environment ("CRPE") submitted comments to US EPA on behalf of itself, El Pueblo Para El Aire y Agua Limpio, Greenaction for Health and Environmental Justice, and Center for Biological Diversity opposing the Proposed Action and Supplemental Statement of Basis Relating to the Clean Air Act Prevention of Significant Deterioration ("PSD") Permit for the Avenal Energy Project. We incorporate those comments into this Petition.

In addition, US EPA itself has recognized our standing in this matter as evidenced by EPA's active review of the Title VI Civil Rights Complaint we filed with EPA against the San Joaquin Valley Air Pollution Control District.

As CRPE's Petition for Review, our earlier comments on the draft permit and these comments being submitted today document, there are many reasons our petitions for review should be granted. In addition to the comments and issues identified in CRPE's Petition on behalf of El Pueblo, we want to emphasize our objections to the PSD permit issuance due to EPA's ignoring of its own investigation of our civil rights complaint against the Air District regarding the Avenal power plant.

EPA is subject to the Executive Order 12898 on Environmental Justice, and therefore cannot take actions that would have a discriminatory and disproportionate impact on low-income, people of color and Spanish-speaking residents in the community impacted by an EPA action such as a permit decision.

The approval of a PSD permit for the Avenal Energy Project would add pollution to an over-polluted community that is suffering from a high number of birth defects and infant deaths.

The approval of a PSD permit violated US EPA's publicly stated commitment to reduce, not increase, pollution affecting Kettleman City.

Very importantly, the PSD permit was issued by USEPA despite the fact that the US EPA's Office of Civil Rights is actively investigating a Title VI Civil Rights Complaint filed by Greenaction with EPA against the San Joaquin Valley Air Pollution Control District regarding their improper approval of the proposed power plant.

EPA's issuance of a PSD permit at the very same time the EPA's Office of Civil Rights is actively investigating a civil rights complaint regarding the proposed power plant constitutes a violation of the Executive Order on Environmental Justice. EPA's PSD approval sends a clear message that EPA does not take its responsibility under the Executive Order seriously.

EPA must comply with the Executive Order, and should rescind the PSD permit and complete its investigation of the Title VI Civil Rights Complaint prior to making any permit decision regarding this power plant.

Respectfully submitted,

A handwritten signature in black ink that reads "Bradley Angel". The signature is written in a cursive, flowing style.

Bradley Angel

Executive Director

Greenaction for Health and Environmental Justice