

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

Subject: RE: [SPAM] PIR#19 Simpson - Response
From: rob@redwoodrob.com
Date: Fri, September 19, 2008 2:17 pm
To: "Deb Harris" <dharris@ncuaqmd.org>

Dear Mr. Martin,
Thanks for the Call back. This is where I first found your SIP rule (with the help of the EPA.) Its number 4 on page 2.

[http://yosemite.epa.gov/R9/r9sips.nsf/AgencyProvision/B0D17F53E69025F7882571F7006BD036/\\$file/North+Coast+Rule+220.pdf?OpenElement](http://yosemite.epa.gov/R9/r9sips.nsf/AgencyProvision/B0D17F53E69025F7882571F7006BD036/$file/North+Coast+Rule+220.pdf?OpenElement)

[Rob Simpson](#)

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

Subject: [SPAM] PIR#19 Simpson - Response
From: "Deb Harris" <dharris@ncuaqmd.org>
Date: Tue, September 16, 2008 5:00 pm
To: rob@redwoodrob.com, "Rick Martin" <rmartin@ncuaqmd.org>

Dear Mr. Simpson,

[Please find attached the District's response to your Public Information Request. If you have any further questions let me know.](#)

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[Debra Harris](#)
[Special Projects Coordinator](#)

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

Subject: Humboldt Repower project
From: rob@redwoodrob.com

Date: Wed, September 17, 2008 10:42 am
To: "Deb Harris" <dharris@ncuaqmd.org>

Dear Sir,

Thank you for your prompt response to my request for a copy of the public notice for the Humboldt Bay Repowering Project. The notice provided does not contain the information required for the public to participate. This may be why you apparently received no comments from the public. District rule 5.3.1 requires the notice include "the activities and emissions and change in emissions involved in the permit action"

This is the key information that the public would need to determine interest in the project. Had the notice included tables 16-18 from the FDOC it would likely have caused public participation. Failure to include this information undermined the public's right to participate and compromised the integrity of the FDOC.

The Notice also required:

5.3.6 The date, time and place of the public hearing on the proposed decision or a statement that members of the public may request that the AQMD hold such a hearing to receive oral comments

I expect that this was an honest mistake and hope that you take appropriate action to cure the defect. You are not the first to have this problem. We had the exact same issues in the Russell City Energy Center case. The District declined my request to cure the defect. The Environmental Appeals Board of the United States Environmental Protection Agency Subsequently remanded the PSD permit to BAAQMD.

http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/Filings%20By%20Appeal%20Number/EA6F1B6AC88CC6F085257495006586FB?OpenDocument

This has generated as great deal of media and public interest in that project. It has also made BAAQMD the target of Federal litigation from numerous environmental groups.

The CEC is relying on the FDOC for its determination. They are seeking comments today:

"Members of the public and governmental agency representatives are encouraged to submit their written comments no later than September 17, 2008."

http://www.energy.ca.gov/sitingcases/humboldt/notices/2008-08-18_notice_availability_pmpd.html

Please inform the CEC of:

9.2.1 The need to correct a material mistake or inaccurate statement;

9.2.2 The need to revise or revoke a permit to operate to assure compliance with applicable federal requirements

and re-notice the PDOC prior to issuance of a FDOC. Your response is appreciated.

Thank You,

Rob Simpson

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Date: Tue, September 16, 2008 5:00 pm

To: rob@redwoodrob.com, "Rick Martin" <rmartin@ncuaqmd.org>

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Debra Harris

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