

PRO SE PETITIONER

Heidi Strand

June 18th, 2013

U.S. Environmental Appeals Board

1200 Pennsylvania Avenue, N.W.

Washington, D.C.

Re: PSD permit No Sac 12-01.

Response to EPA Region 9 June 7th, 2013 Brief.

The Environmental Appeals Board (Board) asked Environmental Protection Agency Region 9 (Region) to explain why Region felt it had the authority to deny our community a public hearing, despite our repeated requests.

The Clean Air Act is the ruling authority in this matter. The only authority the Act grants Region is what the Act and Congress intended. Only when the directive is vague, may Region attempt to interpret the intent of Congress. In this case, the intent is not vague.

The Clean Air Act refers to the public hearing that *will be held* after other specific steps have been taken.

In 1999, the Board remanded Shasta County's case against Knauf Fiber Glass back to Region in part on Environment Justice (EJ) grounds. (IN RE KNAUF FIBER GLASS, GMBH PSD Appeal Nos. 98-3 through 98-20 ORDER DENYING REVIEW IN PART AND REMANDING IN PART Decided February 4, 1999)

There is no clearer, more definitive way for a community to be recognized as an E J Community than to have the highest court (of the lead agency on EJ) rule in that community's favor.

It was Region that received your ruling, remanding on the issue of EJ on behalf of Shasta County citizens. Region can not pretend they did not know you remanded back their decision-making process on the issue of EJ.

Last year, the Region did a 'preliminary study' (i.e. took a cursory look though some available data at their San Francisco offices located over four hours from Shasta County) and decided we are not an EJ community. They never held a single meeting or sent any representatives to meet with us.

Region felt this gave them grounds to deny us a public hearing, at their sole discretion.

The presumption in this case should have been that we are an EJ community. The granting of a public hearing when we requested it, should have been automatic. Otherwise, what is the point of having a policy for EJ at all?

Region argues they sent out 800 fliers *at the end of the process*. How old is that list? How many came back unopened? What efforts were made to reach those people?

The fliers, when they came, looked like junk mail. A thin, white, folded sheet with a bulk mail stamp. This 'effort' was made *right before issuing the permit*. Therefore, Region's efforts at outreach can not possibly meet the EJ Guidelines "early and sustained involvement" requirements.

An honest effort to involve the public with a flier would look more like this:

“Important notice. A proposal to build a biomass incinerator is being considered in the City of Anderson. Biomass incinerators produce hundreds of tons of air emissions that are dangerous to human respiratory health. Biomass burning also produces tons of fine particulate matter (PM) associated with asthma, heart disease, and cancer. Please attend the public meeting at...”

From the beginning of the proposed Sierra Pacific project, Region did not follow EJ guidelines in a community recognized by the Board. This culminated in Region’s arbitrary and capricious denial of our request for a public hearing.

These defects in Region’s decision-making process are substantial and have resulted in our community suffering irrevocable harm.

Denying us a public hearing demonstrates the exact opposite of the intent of EJ and the Clean Air Act. I urge the Board to correct Region’s error and remand this permitting decision back to Region.

Please note that my original FOIA to Region was roundly ignored, and belittled, before finally being partially completed.

Now, the exact same agency is denying repeated requests from other citizens for information regarding Sierra Pacific Industries and their factory operations in their own communities. Those FOIA's were sent to Region back in March. Region seems disinclined to adhere to their own FOIA process.

Why, then, is it any surprise that Region has failed to follow their own regulations regarding compliance with the letter and intent of the Clean Air Act (and EJ Guidelines)?

Do the Region’s Presiding Administrative Officers, also have discretion to ignore your court’s rulings, as well?

Any help clarifying this matter would be appreciated.

Thank you for your consideration,

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