

**Kelly, Shaheerah**

3:32 PM (7 hours ago)  
Feb. 24, 2014 to me, R9AirPermits, Kara, Gerardo

Dear Ms. Draisner,

Below are EPA's responses (in blue) to your questions (in black). We hope that these responses provide clarification.

Q: Do I understand your agency correctly? It is EPA Region 9's position that a Title V facility may operate indefinitely without a permit to operate?

A: That is incorrect. A title V facility must have a title V permit from the appropriate title V permitting authority. The SPI Anderson facility has a valid title V permit.

Q: Has EPA Region 9 changed the meaning of "permit expiration" (as described under the Clean Air Act) to "a title V permit does not expire, but is extended, if a facility submits a timely and complete application to renew its permit.."?

A: Under the federal regulations (40 CFR § 70.7(c)(1)), a facility may continue to operate under its existing title V permit if it has submitted a timely and complete application to renew its permit.

Q: Can a Title V facility "operate under its current title V permit" regardless of whether or not that permit has expired?

A: A title V permit does not expire if a timely and complete application to renew the permit has been submitted. Then it is up to the title V permitting authority to process the application and issue a renewed permit.

Q: How can a permit that is expired be renewed? Where in the Clean Air Act is your agency or the county given this authority?

A: To reiterate, this situation does not apply to SPI Anderson because SPI submitted a timely and complete application to the Shasta County Air Quality Management District, which is the title V permitting authority; therefore, its title V permit did not expire. A facility that fails to submit a timely and complete title V application must apply for a new title V permit.-

Q: Can a permit that has been expired for 10 years be renewed?

A: See response above.

Q: Why did EPA Region 9 fail to notify stakeholders of this 4 MW permit issuance in their November 8, 2013 Public Notice?

A: It is the responsibility of the permit issuing agency to notify the public. In this case, it is the responsibility of the Shasta County AQMD to provide notice regarding renewal of SPI Anderson's title V permit because Shasta County AQMD is the permitting authority for title V permits in Shasta County. It is our understanding that the Shasta County AQMD provided public notice on the renewal of the SPI Anderson permit in March 2013.

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Shaheerah Kelly

Permits Office, Air Division (AIR-3)

U.S. Environmental Protection Agency, Region 9  
San Francisco, CA 94105

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Fax: [415-947-3579](tel:415-947-3579)  
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**From:** Rose Flame [mailto:[mysecretfires@gmail.com](mailto:mysecretfires@gmail.com)]  
**Sent:** Friday, February 21, 2014 5:01 PM  
**To:** Kelly, Shaheerah; R9AirPermits; Christenson, Kara; Rios, Gerardo

**Cc:** Damon Arthur; George; Kelly Frost, Sr; Marily Woodhouse; mauro; Steve Gibson; Tom Stokely; [colleenleavitt@aol.com](mailto:colleenleavitt@aol.com); John Laird; [news@khsltv.com](mailto:news@khsltv.com); Charlene Cheng; Graham Boyd; Kelly Johnson; [hswriter@frontiernet.net](mailto:hswriter@frontiernet.net)  
**Subject:** Fwd: Questions re: Permit SAC 12-01

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Dear Shaheerah Kelly,

Thank you for the information provided,

Do I understand your agency correctly? It is EPA Region 9's position that a Title V facility may operate indefinitely without a permit to operate?

Has EPA Region 9 changed the meaning of "permit expiration" (as described under the Clean Air Act) to "a title V permit does not expire, but is extended, if a facility submits a timely and complete application to renew its permit..."?

Can a Title V facility "operate under its current title V permit" regardless of whether or not that permit has expired?

How can a permit that is expired be renewed? Where in the Clean Air Act is your agency or the county given this authority?

Can a permit that has been expired for 10 years be renewed?

Why did EPA Region 9 fail to notify stakeholders of this 4 MW permit issuance in their November 8, 2013 Public Notice?

These events are disturbing to many people who must live under the health impacts being made.

Sincerely,

Celeste Draisner

Citizens For Clean Air

[530-223-0197](tel:530-223-0197)

----- Forwarded message -----

From: **Kelly, Shaheerah** <[Kelly.Shaheerah@epa.gov](mailto:Kelly.Shaheerah@epa.gov)>  
Date: Wed, Feb 19, 2014 at 11:46 AM  
Subject: RE: Questions re: Permit SAC 12-01  
To: Rose Flame <[mysecretfires@gmail.com](mailto:mysecretfires@gmail.com)>  
Cc: R9AirPermits <[R9AirPermits@epa.gov](mailto:R9AirPermits@epa.gov)>, "Christenson, Kara" <[Christenson.Kara@epa.gov](mailto:Christenson.Kara@epa.gov)>, "Rios, Gerardo" <[Rios.Gerardo@epa.gov](mailto:Rios.Gerardo@epa.gov)>, "Kelly, Shaheerah" <[Kelly.Shaheerah@epa.gov](mailto:Kelly.Shaheerah@epa.gov)>

Dear Ms. Draisner,

Thank you for your response.

The Shasta County Air Quality Management District (District) provided an opportunity for public comment on the renewed title V permit in March 2013 and held a public hearing the following month. The District issued the final renewed title V permit for the SPI-Anderson facility on September 26, 2013 under its approved title V permitting program. Attached are the final renewed title V permit and statement of basis. Please contact the District for further questions about the facility's title V permit.

As mentioned in the previous message, a title V permit does not expire, but is extended, if a facility submits a timely and complete application to renew its permit consistent with the EPA's title V regulations at 40 CFR § 70.7 (c)(1). If this is the case, the facility continues to operate under its current title V permit until the permitting authority issues a final renewed title V permit to the facility.

The EPA's PSD permit modification action and the District's action to issue the renewed title V permit for the facility are different and distinct permitting actions.

Regards,

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Shaheerah Kelly

Permits Office, Air Division (AIR-3)

U.S. Environmental Protection Agency, Region 9

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**From:** Rose Flame [mailto:[mysecretfires@gmail.com](mailto:mysecretfires@gmail.com)]

**Sent:** Friday, February 14, 2014 9:41 AM

**To:** Kelly, Shaheerah; R9AirPermits; Christenson, Kara; Jordan, Deborah; Rios, Gerardo

**Cc:** Damon Arthur; George; Kelly Frost, Sr; Marily Woodhouse; mauro; Steve Gibson; Tom Stokely; [colleenleavitt@aol.com](mailto:colleenleavitt@aol.com); John Laird; [news@khsltv.com](mailto:news@khsltv.com); Charlene Cheng; Graham Boyd; Kelly Johnson; [hswriter@frontiernet.net](mailto:hswriter@frontiernet.net)

**Subject:** Re: Questions re: Permit SAC 12-01

Dear Shaheerah Kelly,

Thank you for responding to my inquiry.

This permit issuance is news to me. Why was I not notified?

Could you send me an electronic copy of the new permit (and the Statement of Basis for this document) issued on September 26, 2013. Why was this document not referenced in the public notice issued on November 8, 2013 by your office?

Can you answer my previous question about how long a Title V facility may operate without a permit?

Can you give a reason why there is *such along time gap* between the permit expiration in January of 2013 and the September 26, 2013 renewal? Sierra Pacific's representatives seemed unaware that this

permit had been issued/renewed when I spoke with them a few weeks ago.

Did you notify Sierra Pacific of this permit issuance?

Thanks,

Celeste

P.S. Happy Valentine's Day....

On Tue, Feb 11, 2014 at 9:16 AM, Kelly, Shaheerah <[Kelly.Shaheerah@epa.gov](mailto:Kelly.Shaheerah@epa.gov)> wrote:

Dear Ms. Draisner,

Thank you for your inquiry regarding the SPI-Anderson facility.

The SPI-Anderson facility has both a PSD permit and title V permit for the 4 MW biomass-fired unit. Both permits were issued by the Shasta County AQMD.

The PSD permit covers the existing 4 MW biomass stoker boiler and associated equipment, and has not expired.

The title V permit would have expired in September 2011. However, the title V permit was extended, consistent with the EPA's title V regulations at 40 CFR § 70.7 (c)(1), because the facility had submitted a timely and complete application to renew its permit on June 23, 2011. On September 26, 2013, Shasta County AQMD issued a renewed title V permit. Therefore, the facility has been and continues to be subject to a valid title V permit since its initial title V permit was issued.

Regards,

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Shaheerah Kelly  
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**From:** Rose Flame [mailto:[mysecretfires@gmail.com](mailto:mysecretfires@gmail.com)]

**Sent:** Monday, February 10, 2014 1:25 PM

**To:** Kelly, Shaheerah; R9AirPermits; Christenson, Kara; Jordan, Deborah; Rios, Gerardo

**Cc:** Damon Arthur; George; Kelly Frost, Sr; Marily Woodhouse; mauro; Steve Gibson; Tom Stokely; [colleenleavitt@aol.com](mailto:colleenleavitt@aol.com); John Laird

**Subject:** Questions re: Permit SAC 12-01

Dear Presiding Administrative Officer Shaheerah Kelly,

It is my understanding that the current 4 MW permit at the Anderson sawmill facility remains expired.

The November 8, 2013 Public Notice from your office stated, "EPA Region 9 is proposing to modify the 1994 PSD permit issued by SCAQMD [Shasta County] to incorporate the proposed cogeneration unit and auxiliary equipment."

Will SAC 12-01 be issued prior to renewal or re-issuance of the 4 MW permit for Sierra Pacific's currently open sawmill?

If so, may Title V facilities operate indefinitely without a Permit to Operate?

Representatives from Sierra Pacific explained to me, when I met with them last Monday, that since they had filled their paperwork out on time, they were legally allowed to conduct manufacturing (minus a permit) without any time limit.

Is this true? Are there time limits on operating a Title V facility without a permit?

Regards,

Celeste