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Subject: Letter of Protest to Victoria Robinson, Office of Environmental Justice
Date: Thursday, June 13, 2013 5:02:38 PM

DESIGNATED FEDERAL OFFICER

Victoria Robinson

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Re: Delisting of Shasta County, California as an EJ Community

Dear Victoria Robinson,

It came as shock when I learned your office had decided that we were no longer an Environmental Justice community.

We are stakeholders in an action pending before the Environmental Appeals Board (In Re Sierra Pacific). On October 1, 2012 we were denied a public hearing by EPA Region 9 in San Francisco, despite numerous requests from members of the public. We were asked by Region 9 to explain why we wanted a public hearing. We wrote back to EPA Region 9 stating that we didn't understand how a new 31 MW biomass facility could be built as a "modification" of a currently operational 4 MW sawmill/biomass facility. We were still denied a public hearing, since EPA Region 9 felt "there was no significant public interest." No thresholds were given to us, therefore barring us from ever being able to show "significant interest."

I demand you provide the citizens of Shasta County an opportunity to reapply and regain our status as an Environmental Justice community. Please send us whatever information you have available on this process. The economy in Shasta County has not improved, not since the decision to remand the Knauf Fiber Glass PSD permit on Environmental Justice, made by the Environmental Appeals Board in 1999. <http://www.epa.gov/eab/disk11/knauf00.pdf>

Please view our active docket:

http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/f22b4b245fab46c6852570e6004df1bd/68fe06b44babb7d385257b3a0055850c!OpenDocument

Of great concern, is the recent filing of a supplemental brief on behalf of EPA, which your Office of Environmental Justice officially endorsed:

http://yosemite.epa.gov/OA/EAB_WEB_Docket.nsf/Filings%20By%20Appeal%20Number/48C15FE714B9E13685257B8600438104?OpenDocument

On Page 2 of the "Supplemental Brief in Response to Board's Orders of May 16, 2013 and May 28, 2013" (filed by EPA counsel) it states:

"The Office of Air and Radiation, the Office of Environmental Justice, and the Office of General Counsel concur on this brief."

Later, on Page 16 (and top of page 17) the brief goes on to say:

"...Region 9 reviewed U.S. Census data for Shasta County and the cities of Anderson and Redding, California to identify whether the SPI PSD permit might have the potential to disproportionately affect minority or low-income populations and to help us assess whether the area may warrant enhanced public participation, or have other needs, to ensure the appropriate level of public outreach. Region 9 considered factors such as minority populations; numbers of persons aged under 18 years and over 64 years; education levels; household incomes; poverty levels and linguistic isolation. Region 9 also reviewed maps of the immediate area surrounding the Project site for overall population density and low-income and minority population distribution. see Certified Index to Administrative Record, I.44 This included demographic information for the area, and **after checking with the Shasta County AQMD about the level of interest, the Region determined that neither the evidence of potential EJ concerns nor other community-based information warranted holding a public hearing.**" (Emphasis added)

I find the last part of particular interest. According to the Sierra Pacific Industries Cogeneration Project Final Environmental Impact Report June 4, 2012, it says on page of the Executive Summary:

"Given the **relatively high degree of public interest in this topic**, the County elected to recirculate the revised Draft EIR project description and GHG analysis to provide the public and agencies with ample opportunity to review and comment on the updated analysis and new project information." (Emphasis added)

Victoria Robinson, you might be asking yourself, "Why did Shasta County, the non-lead agency, conduct the environmental review for this project, when EPA is the permitting authority?" We were hoping to ask that question at the public hearing EPA Region 9 denied us.

EPA Region 9 gave the same argument to the EAB back in 1999, when citizens in Shasta County appealed Knauf's PSD Permit to the EAB. EPA Region 9 reviewed data from their comfortable San Francisco offices (located over four hours away from Shasta County) and determined we were not an EJ community.

EPA Region 9 lost that argument. Would not the same argument be even weaker now? At that time Shasta County had not received a court remand and review of EPA Region 9's decision to deny us consideration under Environmental Justice Guidelines.

Why did Region 9 include Redding (the richest city in the county, containing the largest population) in their so-called analysis? Why not Shasta Lake, Shingletown, Fall River Mills or the even closer City of Cottonwood? Why only include the richest city? Why not consider the county as a whole? Why not look at *just* the City of Anderson?

Otherwise, it appears that EPA Region 9 has purposefully skewed their results. Is EPA Region 9 attempting to hide the fact that their decision to deny a public hearing is disenfranchising a vulnerable community?

I demand a better outcome than this. No one should have to experience such an outrageous denial of public participation.

Is this how your office expresses concern towards people who live in low-income communities?

Please respond as soon as possible, as we would like to regain our status as an EJ community... *as of right now*.

Regards,

Celeste Draisner
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