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1----- Original Message -----

Subject: Re: appeal

From: "Trish Weir" <tweir@ncuaqmd.org>

Date: Fri, November 07, 2008 10:46 am

To: rob@redwoodrob.com

Rob,

Attached you will find a response to your appeal. I will also forward a hard copy to you at the address listed below.

Trish Weir

Clerk of the Boards

North Coast Unified Air Quality Management District.

On Thu, Oct 30, 2008 at 12:12 PM, <rob@redwoodrob.com> wrote:

Dear Trish,

I have not seen a response to my following appeal. Can I expect a response?

Rob Simpson

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

Subject: appeal

From: rob@redwoodrob.com

Date: [Wed, October 22, 2008 11:32 am](#)

To: trish@ncuaqmd.org

**Appeal before North Coast Unified Air Quality Management District
Hearing Board**

Dear

Trish,

Oct 22, 2008

Thank you for speaking with me.

The following link is to my appeal of the project. I request that the Hearing Board take administrative notice of this United States Environmental Protection Agency Environmental Appeals Board (EAB) appeal 08-08

http://yosemite.epa.gov/OA/EAB_WEB_Docket.nsf/ce9f7f898b59eae28525707a00631c97/cbea426032375225852574d6006195c3!OpenDocument

[I also request that the Board take Administrative Notice of the EAB appeal 08-01 and Remand Order \(item 50\)](#)

http://yosemite.epa.gov/OA/EAB_WEB_Docket.nsf/ce9f7f898b59eae28525707a00631c97/d8e4c0304975fdc9852573ca006989ad!OpenDocument

[Please consider this communication and the linked proceedings as my appeal to the hearing Board.](#)

[To the Extent that any fees may be due with this appeal and in the interest of an equal opportunity for justice; I request that the Hearing Board consider a fee waiver prior to fee assessment due to financial hardship to be fully disclosed prior to such consideration.](#)

[Please inform me if you require a different format for this appeal.](#)

[Sincerely,](#)

[Rob Simpson](#)
[27126 Grandview Avenue Hayward CA.](#)
[94542 510-909-1800](#)
rob@redwoodrob.com

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[Trish Weir](#)
[Assistant to the APCO](#)
[North Coast Unified Air Quality Management District](#)
[707-443-3093 fax 707-443-3099](#)
www.ncuaqmd.org

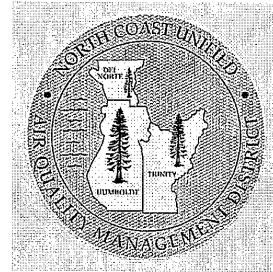
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NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT

2300 Myrtle Avenue, Eureka, CA 95501

Phone: (707) 443-3093 Fax: (707) 443-3099



**APPEAL TO THE HEARING BOARD
OF THE NORTH COAST UNIFIED AIR
QUALITY MANAGEMENT DISTRICT**

In the matter of the "Appeal"

by Rob Simpson re Pacific

Gas & Electric Company

(ATC Permit No. 443-1)

)

) **ORDER DENYING REQUEST**

) **FOR PUBLIC HEARING**

) **(Health and Safety Code section 42302.1)**

)

On October 27, 2008 the Hearing Board of North Coast Unified Air Quality Management District received from the North Coast Unified Air Quality Management District an e-mail from Rob Simpson, 27126 Grandview Avenue, Hayward, CA 94542 (hereinafter referred to as "Petitioner") captioned as "Appeal before North Coast Unified Air Quality Management District Hearing Board". The e-mail included a website link to Petitioner's Petition for Review in proceedings before the U.S. Environmental Protection Agency, Environmental Appeals Board, Appeal No. PSD 08-08, Re Humboldt Bay Repower Project.

The Petitioner's e-mail to the North Coast Unified Air Quality Management District states: "Please consider this communication and the linked proceedings as my appeal to the hearing Board [sic]."

The Petitioner's Petition for Review before the U.S. Environmental Protection Agency, Environmental Appeals Board appears to relate to the North Coast Unified Air Quality Management District permit to Pacific Gas & Electric Company, ATC Permit No. 443-1, issued April 14, 2008. As such, the Hearing Board shall consider the Petitioner's e-mail dated October 22, 2008 to constitute a "Request of Public Hearing to Contest Issuance of Permit" within the meaning of Health and Safety Code section 42302.1.

Health and Safety Code section 42302.1 provides in pertinent part as follows: "Within 30 days of any decision or action pertaining to the issuance of a permit by a district, ...any aggrieved person who, in person or through a representative, appeared, submitted written testimony, or otherwise participated in the action before the district may request the hearing board of the district to hold a public hearing to determine whether the permit was properly issued. ..."

FINDINGS

1. The Petitioner's e-mail of October 22, 2008 was received more than 30 days after the North Coast Unified Air Quality Management District issued ATC Permit No. 433-1 on April 14, 2008;

2. Records of the North Coast Unified Air Quality Management District have no indication that Petitioner "in person or through a representative, appeared, submitted written testimony, or otherwise participated in the action before the district" relating to the issuance of ATC Permit No. 433-1.

ORDER

Based upon the above findings and good cause being found, Petitioner's e-mail of October 22, 2008 is found to not constitute a valid request for public hearing pursuant to Health and Safety Code section 42302.1, on the basis that is not timely, and further on the independent ground that Petitioner does not meet the requirements of participation in the underlying proceedings of the North Coast Unified Air Quality Management District to qualify for standing to request a public hearing pursuant to Health and Safety Code section 42302.1. Therefore, the request for public hearing is DENIED.

By: John W. Corbett
John Corbett, Hearing Officer/Chair

November 6
Date: ~~October~~ 6, 2008

The Hearing Board of the
North Coast Unified Air
Quality Management District

ATTEST:

Jason Mear
Clerk of the Hearing Board

November
Date: ~~October~~ 6, 2008

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

Subject: RE: CARB appeal

From: "Tollstrup, Michael@ARB" <mtollstr@arb.ca.gov>

Date: Wed, October 22, 2008 12:00 pm

To: <rob@redwoodrob.com>

Cc: "Poppic, George" <gpoppic@arb.ca.gov>

Rob, thanks for the information. I checked around and as I relayed to you yesterday there does not exist a process for appealing district permits with the ARB. It is clear under State law that local districts have authority for issuing permits to stationary sources. Any appeal of a permit would be through the local district. The only exceptions are with PSD and Title V permits that can under some circumstances be appealed through U.S. EPA. In addition, for power plants licensed through the Energy Commission there may be a process with them but would defer to them to answer the question. Let me know if I can be of further assistance.
Mike

From: rob@redwoodrob.com [<mailto:rob@redwoodrob.com>]

Sent: Tuesday, October 21, 2008 4:45 PM

To: Tollstrup, Michael@ARB

Cc: Public Records; Deb Harris

Subject: CARB appeal

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North Coast Unified Air Quality Management District and Bay Area Air Quality Management District Appeals before the California Air Resources Board

Dear Mike

Tollstrup,

Oct 21, 2008

Thank you for speaking with me.

The following link is to my appeal of the projects. I request that the California Air Resources Board (CARB) take administrative notice of this United States Environmental Protection Agency Environmental Appeals Board (EAB) appeal 08-08

http://yosemite.epa.gov/OA/EAB_WEB_Docket.nsf/ce9f7f898b59eae28525707a00631c97/cbea426032375225852574d6006195c3!OpenDocument

I also request that the California Air Resources Board take Administrative Notice of the EAB appeal 08-01 and Remand Order (item 50)

http://yosemite.epa.gov/OA/EAB_WEB_Docket.nsf/ce9f7f898b59eae28525707a00631c97/d8e4c0304975fdc9852573ca006989ad!OpenDocument

and subsequent EAB Appeal 08-07 based upon the Air Districts failure to comply with the Remand Order of 08-01

[http://yosemite.epa.gov/OA/EAB WEB Docket.nsf/Dockets/PSD+08-07](http://yosemite.epa.gov/OA/EAB_WEB_Docket.nsf/Dockets/PSD+08-07)

[Please consider this communication and the linked proceedings as my appeals to CARB regarding North Coast Unified Air Quality Management District and Bay Area Air Quality Management Districts actions in these permits.](#)

[Please inform me if you require a different format for this appeal.](#)

[Sincerely,](#)

[Rob Simpson](#)
[27126 Grandview Avenue Hayward CA.](#)
[94542 510-909-1800](#)
rob@redwoodrob.com