

Petitioner Celeste Draisner – PRO SE

BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

In re: Sierra Pacific Industries

PSD Permit No.94-VP-18b

(Docket Number to be set)

Respondents: EPA Region 9, Shasta County Air Quality Management District

NOTICE OF INTENT TO APPEAL

Pursuant to 40 C.F.R. § 124.19(a), Celeste Draisner petitions the Environmental Appeals Board (“Board”) for review of the Prevention of Significant Deterioration (“PSD”) Permit related to the Sierra Pacific Industries (SPI) 4 MW Anderson, CA sawmill issued by Shasta County Air Quality Management District (“District”).

A copy of the SPI 4MW Anderson, CA PSD Permit No.94-VP-18b, dated September 27, 2013, is attached as Exhibit 1.

Citizens were notified of this final PSD Permit No.94-VP-18b issuance or renewal on February 13, 2014 at 9:16 AM by Shaheerah Kelly, representing the Environmental Protection Agency Region 9 (“Region”) during a series of emails between Region and Citizens For Clean Air. These emails are attached as Exhibit 2.

PSD Permit No.94-VP-18b expired on January 19, 2013. Nowhere in the Clean Air Act is the District or the Region, as the supervising agency, allowed to renew or order the renewal of expired permits.

Petitioner Celeste Draisner contends that the District committed numerous procedural and substantive errors in issuing or renewing PSD Permit No.94-VP-18b. Serious errors in the permit process include a failure to provide any opportunity for public participation. The District, under pressure from the Region, did not give the required public notice when the final permit was issued.

Citizens were denied due procedural process when the District failed to notify the public, and all involved stakeholders, in the District and the Region's final decision. This failure to issue a public notice denied citizens their constitutionally protected rights to seek redress of grievances, and caused an injury in fact. (14th amendment, U.S. Constitution) (40 CFR 124.19) The permit was erroneously renewed on September 26, 2013, over 8 months after it expired (42 U.S. Code § 7661b). The required environmental review process for the renewal of this facility was never done (40 CFR § 70.7) (c)(1) Denying Board consideration of

fundamental notice claims would deny parties the opportunity to vindicate before the Board potentially meritorious claims of notice violations and preclude the Board from remedying the harm to participation rights resulting from lack of notice. Such denial would be contrary to the CAA statutory directive emphasizing the importance of public participation in PSD permitting and section 124.10's expansive provision of notice and participation rights to the public.

A person who does not receive a notice of a final decision has been denied the threshold imposed by section 124.19(a), entitling that person to standing before the Board (Remand).

Despite the lack of public notice to identified stakeholders, and the glaring omission of any environmental review or analysis, the District renewed PSD Permit No.94-VP-18b on September 27, 2013.

Petitioner Celeste Draisner contends that the Region committed numerous procedural and substantive errors in their supervision of the issuing and renewing process of PSD Permit No.94-VP-18b.

The Region informed the public in a February 24, 2014 email that the Region may allow a title V facility to operate indefinitely, under a draft permit, as long as the project proponent had submitted a complete application.

In the February 24, 2014 email from the Region it states:

"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." (Exhibit 2)

Petitioner Celeste Draisner asks that the Board remand PSD Permit No.94-VP-18b and require the Region and the District to correct these fatal flaws. Petitioner also requests that the Board review the policy that the Region is using to justify issuance or renewal of PSD Permit No.94-VP-18b. Is it the Board's position that a title V facility may operate *indefinitely* under an expired permit?

The policy issues raised in this appeal are a source of significant public interest and the Board has a duty to offer clarity to the public in this matter.

Respectfully submitted on February 25, 2014.

Celeste Draisner, citizen activist

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