

**BEFORE THE ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

IN THE MATTER OF:)
)
NCUAQMD Title V Significant Modification)
and Authority to Construct)
)
For Humboldt Sawmill Company, LLC in Scotia,)
California) NCU 060-12
) Permit No. 001241-2; 001262-2; and 001263-2
)
Issued by the North Coast Unified Air Quality)
Management District)
)

**PETITION TO OBJECT TO THE TITLE V SIGNIFICANT MODIFICATION AND
AUTHORITY TO CONSTRUCT PERMIT FOR THE HUMBOLDT SAWMILL COMPANY**

I. Introduction

Under § 505(b)(2) of the Clean Air Act, 42 United States Code (“USC”) § 7661d(b)(2), and 40 Code of Federal Regulations (“CFR”) § 70.8(d), the Environmental Information Protection Information Center and the Humboldt Coalition for Clean Energy (the “Petitioners”) petition the Administrator of the U.S. Environmental Protection Agency (“EPA”) to object to the above-referenced Title V permit and Authority to Construct permits issued by the North Coast Unified Air Quality Management District (“District”) for the biomass facility owned and operated by Humboldt Sawmill Company LLC (“HSC”), a 28 MW steam turbine generator in Scotia, California. This petition is timely filed within sixty days following the end of EPA’s 45-day review period as required by Clean Air Act § 505(b)(2) and 40 C.F.R. § 70.8 (d). In compliance with section 505(b)(2) of the Act, 42 U.S.C. § 7661d(b)(2), this petition is based on objections to the proposed permit that were raised with reasonable specificity during the public comment period provided by the Clean Air Act (“CAA”) or on issues that could not have been raised previously.

The CAA requires the Administrator to object to a state-issued federal operating permit if they determine that it fails to include and assure compliance with all applicable requirements. 40 CFR 70.8(c). If the Administrator does not object to a federal operating permit, any person may petition the Administrator within 60 days after the expiration of the Administrator’s 45-day review period to make such an objection. 40 CFR 70.8(c).

As detailed below, HSC’s Final Permit Modification fails to assure compliance with all applicable requirements of the CAA and District rules in regard to Prevention of Significant Deterioration (“PSD”) and prolongs the deprivation of the public’s right to notification and comment on Title V permit renewal. Given these deficiencies, the EPA is under a duty to object to this Permit.

II. Petitioners

The Petitioners are the Environmental Protection Information Center (EPIC) and the Humboldt Coalition for Clean Energy hereinafter referred to as the “Petitioners.”

EPIC¹ is a grassroots nonprofit dedicated to protecting and restoring Northwest California’s forests, rivers, and wildlife through public education, advocacy, and strategic litigation. EPIC envisions a future where the region’s forests are healthy, connected, and resilient, supporting clean air, water, and diverse native species. Recognizing the intersection of environmental and social justice, EPIC collaborates with marginalized communities to promote environmental quality, social equity, and inclusive conservation efforts.

Humboldt Coalition for Clean Energy² (HCCE) is a coalition of 16 faith, health, environmental, and progressive organizations dedicated to accelerating the transition to clean, renewable energy in Humboldt County, CA. HCCE members include the following: California Nurses for Environmental Health and Justice, Climate Health Now, Lost Coast League, Sierra Club California North Group, 350 Humboldt, Northcoast Environmental Center, Friends of the Eel, Humboldt Unitarian Universalist Fellowship Climate Action Campaign, Buddhist Peace Fellowship, Humboldt Democratic Central Committee, Humboldt Green Party, Humboldt Progressive Democrats, Humboldt Health Care for All/PNHP, Hope Coalition, Redwood Alliance, and CA Alliance for Retired Americans.

III. Background

The HSC biomass plant is an electrical co-generating unit in Scotia, CA powered by 3 stoker boilers burning wet sawmill waste. It has 3 emissions units, each consisting of a boiler, cyclone, and electrostatic precipitator (“ESP”). The plant changed ownership from Humboldt Redwood Company LLC to Humboldt Sawmill Company LLC in 2018. As the permit has not been renewed or amended since, this change is not reflected on the Title V permit but Humboldt Sawmill Company is the legal owner and operator of the facility.

Humboldt Sawmill Company submitted an application to the District for a Significant Modification of the Title V permit and Authority to Construct to exchange the cyclones in the biomass plant boiler units for multiclones on July 24, 2024. Personnel at HSC provided both written and verbal explanations of the purpose of exchanging the cyclones for multiclones. Dean Kerstetter, Executive Vice President of Operations stated that the multiclones would solve the problem of frequent shutdowns due to “tarring” of the ESPs in a presentation to the Redwood Coast Energy Authority’s Biomass Technical Advisory Group on August 6, 2024.³ the multiclones would do a better job than the cyclones at “pre-cleaning” the exhaust going into the ESPs.⁴

The District determined that multiclone installation was not a major modification, and PSD did not apply to the project. The EPA did not object to the proposed PTO and Authority to Construct. The Modified Permit To Operate (“PTO”) and Authority to Construct were issued on November 14, 2024.

¹ Environmental Protection Information Center, <https://www.wildcalifornia.org/> (last visited Dec. 23, 2024).

² Humboldt Coalition for Clean Energy, <https://www.humboldtcleanenergy.org> (last visited Dec. 28, 2024).

³ Ring, Wendy, RCEA Biomass Technical Advisory Group, personal communication regarding presentation by Mr Kerstetter on August 6, 2024.

⁴ Ranstrom, K. Supplemental Information for Authority to Construct Application for Installation of New Multi-Clones on Boilers A, B, and C May 30, 2023.

IV. Petitioner Comments and Responses

A comment was submitted electronically on August 26, 2024 by Dr. Wendy Ring on behalf of the Petitioners.⁵ Comment #1⁶ objected to modifying a permit whose validity was in question and expressed concern that putting the Significant Modification (“Sig Mod”) ahead of permit renewal would extend the number of years the public is deprived of the opportunity for informed public comment.⁷

At the time, the Petitioners believed that HSC did not have a valid Title V PTO because the District granted HSC an invalid application shield in July 2023 after HSC submitted a late and incomplete permit renewal application and could not provide documentation of any permit renewal since 2013.⁸ EPA Region 9 was in the process of investigating the District’s Title V permitting practices. Petitioners could not comment specifically on the Sig Mod expiration date because the permit expiration date on the draft for public review was “TO BE DETERMINED”.⁹ Petitioners could not comment specifically on the length of time that the public had been deprived of notification and opportunity to comment on permit renewal because EPA had not yet completed its investigation. See 40 CFR 70.12(a)(2)(vi). Petitioners had expressed their concern to the District that the Sig Mod would serve as a de facto permit renewal without public notification and availability of HSC’s Full Compliance Evaluation (“FCE”) and were assured by the District, in an email cc’d to EPA, that this would not occur.

The EPA subsequently agreed with the Petitioners that the 2023 application shield would have been invalid under § 71.7(c) due to the application’s late submission but concluded this was irrelevant because the District had not renewed the HSC’s Title V permit since it was issued in 1998 and the facility was operating under an application shield dating back to a 2003 renewal application the District had not acted on.¹⁰

District Response #6 disagreed with the Petitioners’ contentions without providing any reasons why a valid permit existed or why the modified permit would not delay the opportunity for public comment on permit renewal.¹¹

Comment #2 stated that Best Available Control Technology (“BACT”) is required due to an increase in Potential to Emit (“PTE”) and that the pre-project PTE calculated by the District was inaccurate because it failed to take into account an existing bottleneck manifesting as frequent boiler unit shutdowns to clean the electrostatic precipitators downstream from the cyclones, creating the

⁵ Combined Final Sig Mod PTO. Humboldt Sawmill Co. Title V. Nov 13, 2024 Public Comments and Response. Comment D. pages 327-332.

⁶ Comment numbers refer to the public comments listed under Comment D. Combined Final Sig Mod PTO. Humboldt Sawmill Co. Title V. Nov 13, 2024 Public Comments and Response. Comment D. pages 327-328.

⁷ Combined Final Sig Mod PTO. Humboldt Sawmill Co. Title V. Nov 13, 2024 Public Comments and Response. Comment D. pages 327-328.

⁸ Jason Davis to Chris Verderber Re: Title V Renewal Application: Status and Request for Additional Information. July 28, 2023.

⁹ Proposed Draft Title V Federal Operating Permit and NCUAQMD Permit to Operate NCU 060-12 (emphasis in the original).

¹⁰ Jones, La Weeda. Response to Inquiry on Status of Title V Permit for Humboldt Sawmill Company in Scotia, CA. October 8, 2024. Acting for Gerardo Rios, Environmental Engineer, Air Permits Section (Air-3-1) Region 9 Air and Radiation Division.

¹¹ Combined Final Sig Mod PTO. Humboldt Sawmill Co. Title V. Nov 13, 2024 Public Comments and Response. Response #6. page 328.

requirement to have 3 boilers on rotation to keep two operating at a time.¹² The comment cited statements by Dean Kerstetter and Krista Ranstrom described in Section III above about the purpose of replacing cyclones with multiclones and the pattern of rotating shutdowns evidenced by HSC's Continuous Emissions Monitoring Systems ("CEMS") records. The Petitioners explained the market and fuel supply factors that make it feasible and potentially attractive for HSC to take advantage of the additional capacity produced by relieving the bottleneck, and that this could nearly double VOCs, triple NOx and SOx, and increase pm2.5 and CO fivefold beyond currently reported annual emissions if BACT is not applied.

The District's Response #7 denied the existence of a bottleneck or an increase in post project PTE stating that all three boilers are currently fully capable of operating 8760 hours a year and attributing any operation less than full time to "various business factors that may inhibit the ability or desire of HSC to operate at this level, such as power demand, fuel availability, mechanical problems, and/or emissions limits" which have no bearing on the plant's PTE.¹³ The District said "Best Available Control Technology (BACT) is not triggered, as the project does not propose any changes to the emission rates or limits" and that the proposed project simply "satisfies an 'in kind' replacement of pollution control equipment."¹⁴ District Response #6 did acknowledge that the multi-clones were more than an in-kind replacement: "The replacement of like-kind permitted emission control equipment would typically not require a permit modification, however in this case HSC is opting to replace the equipment with more efficient multi-clones which triggers a permit modification."¹⁵

The District responses to the Petitioners' Comments #1 and #2 were inadequate in that they simply rejected the concerns raised without substantively addressing them. 40 CFR 70.12(a)(2)(vi).

V. Grounds for Objection

Petitioners request that the Administrator of the EPA object to the Permit on each of the specific grounds detailed below.

A. Failure to Apply BACT in Response to a Substantial Increase in Post Project PTE Violates Federally Approved District PSD Rules and Commits an Environmental Injustice

The HSC biomass plant is located on Main Street in the center of the town of Scotia. There are homes along the fenceline and a K-8 elementary school within 1000 feet of the plant. The town of Rio Dell is located across the river. The 38 year old facility's rising heat rate reflects increasingly inefficient combustion and the resulting increase in pollution emissions per kilowatt hour has altered the plant's ratio of community harm to community benefit, as has the fact that many residents of the former

¹² Combined Final Sig Mod PTO. Humboldt Sawmill Co. Title V. Nov 13, 2024. Public Comments and Response. Comment D. pages 328-329.

¹³ Combined Final Sig Mod PTO. Humboldt Sawmill Co. Title V Nov 13, 2024 Public Comments and Response. Response #7. page 330

¹⁴ Combined Final Sig Mod PTO. Humboldt Sawmill Co. Title V Nov 13, 2024 Nov 13, 2024 Public Comments and Response. Response #6. page 329-330.

¹⁵ Combined Final Sig Mod PTO. Humboldt Sawmill Co. Title V Nov 13, 2024 Nov 13, 2024 Public Comments and Response. Response #6. page 329-330

company town do not work for the sawmill.¹⁶ According to EPA's EJ Screen, of Scotia and Rio Dell's combined population of 4204, 29% of residents are People of Color and 50% are low income.¹⁷ Seventy six percent of the Scotia elementary school's 210 students are eligible for free and reduced school meals, which is significantly higher than the state average of 58%.¹⁸

Extrapolating from a statewide study in New York on the association between emergency room visits and residential proximity to biomass plants, the Humboldt County Public Health Department estimated that emissions from the HSC biomass plant cause 7-8 additional emergency room visits a month for lower respiratory complaints from residents of the two communities.¹⁹

Young people are particularly vulnerable to respiratory health impacts from biomass pollutants, including increased incidence of asthma and asthma attacks, a leading cause of chronic school absenteeism. The Scotia school's chronic absenteeism rate was rated as "Extremely High" by the California Department of Education in 2 of the past 3 years, with 29% of students missing more than 10% of instructional days in 2023-24. Socioeconomically disadvantaged and disabled students are overly represented among the chronic absentees.²⁰

Despite listing District Rule 110, *New Source Review Standards*, on the District's website and District Rule 220, *New Source Review Standards*, in the *EPA approved and compiled rules and regulations of the North Coast Unified Air Quality Management District (AQMD) portion of the California State Implementation Plan (SIP)* in the proposed permit as Federally Enforceable Rules and Regulations, and despite both of these rules requiring application of BACT when modifications of existing facilities increase "potential to emit," the District did not apply BACT to this project. Regulation 1, Rule 110 (a); Rule 220(a) and (b); 40 CFR 52.220(c)(155)(v)(B). The Petitioners believe that this omission will harm local residents with a disproportionate impact on low income youth, elders, and residents with heart and lung disease.

Emissions units at HSC consist of a boiler, cyclone, and electrostatic precipitator. The purpose of the cyclones is to remove large ash particulates before they reach the ESP. HSC has been straightforward in stating that the purpose of replacing cyclones with multiclones is so that their higher efficiency and capacity will decrease the frequency of shutdowns for ESP maintenance downstream. In a presentation to the Redwood Coast Energy Authority's Biomass Technical Advisory Group on August 6 2024, Dean Kerstetter, Executive Vice President of Operations stated that the multiclones were being substituted for the existing cyclones to solve the problem of frequent shutdowns due to "tarring" of the electrostatic precipitators.²¹ This reason was reiterated by Krista Ranstrom, HSC's EHS Manager, in a

¹⁶ California Energy Commission. California Energy Commission, Quarterly Fuel and Energy Report Data Tables, 2024, https://tableau.cnra.ca.gov/t/CNRA_CEC_PUBLIC/views/WebQFER/Dashboard.

¹⁷ USEPA EJScreen, Scotia, CA and Rio Dell, CA, <https://www.epa.gov/ejscreen>.

¹⁸ California Department of Education, Free or Reduced-Price Meal (Student Poverty Data) <https://www.cde.ca.gov/ds/ad/files/sp.asp>.

¹⁹ RCEA Board of Directors Meeting Minutes, Humboldt County Health Officer Report on local biomass health impacts. September 28, 2023.

²⁰ California Department of Education School Dashboard Scotia Union Elementary, <https://www.caschooldashboard.org/reports/1263024000000/2024#chronic-absenteeism-card>.

²¹ Ring, Wendy, member of RCEA Biomass Technical Advisory Group, personal communication regarding presentation by Mr Kerstetter on August 6, 2024.

document entitled Supplemental Information for Authority to Construct Application for Installation of New Multi-Clones on Boilers A, B, and C on May 30, 2023.²²

Frequent shutdowns require redundancy to reliably generate enough electricity to power the sawmill's operations and meet HSC's commitments to deliver power to the grid. Boiler C was not in operation when HSC purchased the biomass plant in 2015 and began providing power to Humboldt County's Community Choice Aggregator in 2017. In a June 20th 2018 letter from Michael Richardson, Director of Operations at Humboldt Redwood Company to Al Steer, the District's Compliance and Enforcement Division Manager, explains that Boiler C was being brought back online to fill in during maintenance shutdowns of Boilers A and B:

Additionally, our power purchase agreement through the Community Choice Aggregation (CCA) process allows us to supply more power than we are currently producing. We intend to operate boiler C to efficiently run both turbines at full capacity. Boiler C is also vitally important from a reliability standpoint. It provides us the flexibility to meet contract minimums while performing maintenance activities on either system A or B. In other words we would be operating with two boilers out of three instead of one out of two during maintenance periods.²³

The boilers' CEMS records after Boiler C returned to service show a pattern of rotating operation of Boilers A, B, and C consistent with the purpose HSC described above.²⁴ Annual generation records did not show the generation increase that would be expected if addition of a third boiler was used for more than backup purposes.²⁵ The need for 3 boilers to generate 2 boilers worth of electricity is a physical and operational limit on HSCs pre-project PTE.

40 CFR 70.2 defines PTE as "the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation ... shall be treated as part of its design if the limitation is enforceable by the Administrator."²⁶ HSC's cyclones are part of its physical design which limit its capacity to emit pollutants by limiting the number of boilers that operate at one time. This limitation is federally enforceable because failure to shut down and clean up the ESPs would result in violations of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Major Source Industrial Boilers particulate emissions and opacity operating limits. 40 CFR 63 Subpart DDDDD. The District states that pre-project PTE is not limited because the boilers are fully capable of operating 8760 hours a year.²⁶ The Petitioners contend that PTE must be based on the operational capability of the emissions units (boiler+cyclone+ESP) as a whole and not just the isolated capability of the boilers.

²² Ranstrom, K. Supplemental Information for Authority to Construct Application for Installation of New Multi-Clones on Boilers A, B, and C May 30, 2023.

²³ June 20th 2018 letter from Michael Richardson, Director of Operations at Humboldt Redwood to Al Steer, Compliance and Enforcement Division Manager at NCUAQMD.

²⁴ HSC CEMS- CO Monitor Reports from Boilers A, B, C 2018-2024 provided to NCUAQMD.

²⁵ California Energy Commission. California Energy Commission, Quarterly Fuel and Energy Report Data Tables, 2024, https://tableau.cnra.ca.gov/t/CNRA_CEC_PUBLIC/views/WebQFER/Dashboard.

²⁶ Combined Final Sig Mod PTO. Humboldt Sawmill Co. Title V Nov 13, 2024 Public Comments and Response. Response #7. page 330.

The Sig Mod's Engineering Analysis calculates the pre-project PTE "based on the maximum hourly heat rating of each boiler and the assumption that each boiler operates at HRC's proposed maximum rate" of 8,760 hours a year and states that "[t]he proposed multiclone would replace the existing boiler cyclone with a device of similar size, capacity, and pollution collection efficiency. As a result, no change in emissions is expected to occur."²⁷ A pre-project PTE calculated in this manner fails to account for the operational and design limitations posed by the cyclones, requiring three boilers to generate two boilers' worth of electricity. The Engineering Analysis's conclusion that the post-project PTE will not change ignores the superior capacity and pollution collection efficiency of multiclones, recognized by HSC, the District, and the EPA,²⁸ and the significant increase in maximum emissions that would occur if Boilers A, B, and C went from a rotating dyad to a full time triad.

The Boiler Annual Emissions Limits in Table 6 of the permit are the PTE of one boiler with no restrictions on operating hours.²⁹ Given the limitations posed by the cyclones, the net pre-project PTE is double this amount and the net post-project PTE is triple this amount, representing an increase of CO, PM, and NOx greater than the Significance Thresholds in District Rule 110 E.1. Table 1. These emissions would have health impacts even if local air quality remained below National Ambient Air Quality Standards ("NAAQS") because there is no floor on the health impacts of criteria pollutants and impacts are often greater at concentrations below the NAAQS.³⁰

BACT is an important tool to mitigate the health impacts caused by increased boiler operation. A survey by the California Air Resource Board of BACT emissions rates for wood burning biomass plants³¹ and BACT Guidelines for wood burning boilers from the Bay Area AQMD³² cite substantially lower emissions per mmbtu than those the permit requires HSC to meet. Since BACT is applicable and was not applied, EPA must grant the petition on this claim and object to the permit.

B. Reasonable Possibility Reporting of Post Project Emissions is Omitted from the Permit

If EPA finds that BACT is not applicable, the Reasonable Possibility Standard still applies to this project. 40 CFR § 52.21(r)(6)(iv). An ample fuel supply and high market prices for "baseload-type" renewable energy in California create a reasonable possibility that HSC would take advantage of the increase in net boiler operating hours provided by the multiclones and cause a significant emissions increase as defined in 40 CFR 52.21(b)(23). HSC's PTO already requires annual emissions reporting but specifying that this reporting requirement is associated with the Reasonable Possibility Standard

²⁷ Combined Final Sig Mod PTO. Humboldt Sawmill Co. Title V Nov 13, 2024 Engineering Analysis. pages 128-129.

²⁸ EPA Air pollution Control Technology Fact Sheet: Cyclones <https://www3.epa.gov/ttncaatl/dir1/fcyclon.pdf> and EPA Stationary Source Control Techniques Document for Fine Particulate Matter, 1998.

²⁹ Combined Final Sig Mod PTO. Humboldt Sawmill Co. Title V Nov 13, 2024 Annual Emissions Limits. Table 6. page 102.

³⁰ Wei, Y. Air Pollutants and Asthma Hospitalization in the Medicaid Population. Am J Respir Crit Care Med 2022 May 1;205(9):1075-1083. doi: 10.1164/rccm.202107-1596OC.

³¹ ARB Final Biorefinery Guidance IV Emissions Performance P. Biomass fired boilers 2011 <https://ww2.arb.ca.gov/sites/default/files/classic/fuels/lcfs/bioguidance/biodocs/finalbiorefineryguidenov2011.pdf>:

³² Bay Area Air Quality Management District. Best Available Control Technology (BACT) Guideline. Source Category Source: Boiler - Wood Fired <https://ww2.arb.ca.gov/sites/default/files/classic/technology-clearinghouse/bact/BACTID386.pdf>

and including it as an applicable requirement is important to increase the awareness of the source, the District, and the public that the District has a duty to apply BACT if HSC's reported emissions increase.

The District failed to explicitly include Reasonable Possibility Reporting in the permit's Reports and Recordkeeping Requirements section on page 12 of the permit. If EPA finds that BACT is not applicable, it must object to the permit because of this omission.

C. Annual Boiler Emissions Limits Far Exceed PSD Significance Thresholds, Don't Assure Compliance with Applicable Requirements and Mislead the Source, the District, and the Public about How Much Pollution HSC is Allowed to Emit

Under 40 C.F.R. § 70.1(b), “[a]ll sources subject to [the Title V regulations] shall have a permit to operate that assures compliance by the source with all applicable requirements.” As EPA explained when promulgating its Title V regulations, a Title V permit should “enable the source, States, EPA, and the public to understand better the requirements to which the source is subject, and whether the source is meeting those requirements.” Operating Permit Program, Final Rule, 57 Fed. Reg. 32,250, 32,251 (July 21, 1992). EPA explains that the program is “a vehicle for ensuring that air quality control requirements are appropriately applied to facility emissions and for assuring compliance with such requirements.” Order Granting in Part and Denying in Part Petition for Objection to Permit for Petition No. IX-2011-1 p. 2 (“Hu Honua Order”).

If EPA finds that BACT is not applicable on the basis of increased PTE, then HSC's avoidance of PSD and BACT applicability would be based on HSC's statement that projected actual emissions will not increase. 40 C.F.R. § 52.21. This creates an applicable requirement under New Source Review (“NSR”) that HSC not increase its emissions above PSD significance thresholds, and a need for limits in the permit which ensure compliance. The Annual Emissions Limits per individual boiler in Table 6.0 of the permit are inconsistent with this requirement and misinform the source, the District, and the public about how much HSC is allowed to emit. The EPA must object to the permit on this basis and require a facility wide limit on boiler emissions, hours of operation, or fuel combustion that will keep net boiler emissions below the PSD threshold.

D. 2029 Expiration Date Continues District's Long Standing Deprivation of Public Right to Comment on Title V Permit Renewals

HSC's Title V permit was issued in 1998 and has never been renewed. EPA District 9 informed the Petitioners and the District in November 2024 that unilaterally extending HSC's Title V permit expiration date is not a substitute for permit renewal under 40 CFR § 70.7 and that the District must act on permit renewal applications within 18 months of receipt.³³ The District's decades-long failure to renew HSC's Title V permit and provide public notification and opportunity for public comment has deprived the public of its rights under 40 CFR 70.7(h) for over 20 years.

³³ Jones, La Weeda. Response to Inquiry on Status of Title V Permit for Humboldt Sawmill Company in Scotia, CA. October 8, 2024. Acting for Gerardo Rios, Environmental Engineer, Air Permits Section (Air-3-1) Region 9 Air and Radiation Division.

It has been 19 months since HSC submitted its last permit renewal application to the District and the District recently stated that they won't renew the permit for another 12 months.³⁴ The District has yet to complete a FCE for 2021 and has used this delay to justify delaying notice of numerous high priority violations from previous years until the FCE is complete. By the time this information becomes available to the public, many violations will be beyond the statute of limitations.

It has taken years of effort for the Petitioners to uncover the District's failures to enforce state and federal regulations at HSC and bring them to public attention. Given EPA's decision not to take direct action, public pressure on the District's Board of Directors is the only reasonable avenue to improve the District's practices, since a lawsuit would exacerbate the problem by consuming more of the District's limited resources. While a 20+ year application shield technically meets the requirement of an existing permit, it would be unconscionable for the Sig Mod's 2029 expiration date to unnecessarily prolong the exclusion of the public from the permit renewal process and decrease the community's ability to address problems at the District.

The District's response to the Petitioners' comment on this topic was that the permit's modification does not represent a renewal.³⁵ While that may be technically correct, from a practical standpoint, a document entitled Permit to Operate with a 2029 expiration date displayed on the District's website as the current permit is indistinguishable from a PTO renewed for a 5 year term. It will be interpreted by the public as evidence that the permit has been renewed, relieving pressure on the District's Board of Directors to address the District's deficiencies. The Petitioners know this from experience because display of HSC's last Sig Mod permit on the District website with its expiration date of 2017 made it difficult for everyone from local elected officials to EPA Region 9 staff to accept the fact that the plant hadn't had its permit renewed in 20 years.

Public notification of and comment on the Sig Mod does not replace the public's long denied rights under 40 CFR 70.7(h) to be notified of and comment on Title V permit renewal. The Sig Mod also does not remove the District's responsibility to renew the PTO and complete regular Compliance Evaluations so that the public is aware of the facility's compliance status and can submit informed comments.³⁶

While the CAA requires a fixed term of 5 years for Title V permits, Petitioners are not aware of a fixed duration requirement for Significant Modifications. Petitioners request that EPA object to the permit on the basis of the 2029 expiration date and require an expiration date consistent with the earliest possible completion of renewal of HSC's Title V PTO.

³⁴ Eureka Times Standard, December 14, 2024. Air District Must Act on 2 Decade Old Permit Renewal <https://www.times-standard.com/2024/12/14/air-quality-district-must-act-on-2-decade-old-permit-renewal-for-scotia-biomass-mill/>.

³⁵ Combined Final Sig Mod PTO. Humboldt Sawmill Co. Title V Nov 13, 2024 . Public Comments and Response. Response #6. page 328.

³⁶ Clean Air Act Stationary Source Compliance Monitoring Strategy 2016, <https://www.epa.gov/sites/default/files/2013-09/documents/cmstrategy.pdf>.

VI. CONCLUSION

For the foregoing reasons, and as explained in Petitioner's comments, the proposed Title V permit fails to comply with the CAA and regulatory requirements. Consequently, EPA must object to this deficient permit.

Respectfully submitted this 3rd day of January 2025, on behalf of the Humboldt Coalition for Clean Energy,



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EXHIBITS TO PETITION

1. Combined Final Sig Mod PTO. Humboldt Sawmill Co. Title V Nov 13, 2024
2. Letter from Michael Richardson, Director of Operations at Humboldt Redwood to Al Steer, Compliance and Enforcement Division Manager at NCUAQMD. June 20th 2018. Followup Letter and Clarification- Title V Permit Renewal and Boiler C
3. La Weeda Jones acting for Gerardo Rios, Environmental Engineer, Air Permits Section (Air-3-1) Region 9 Air and Radiation Division. Response to Inquiry on Status of Title V Permit for Humboldt Sawmill Company in Scotia, CA. October 8, 2024.

