

LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

August 25, 2015

Via Certified Mail (Return Receipt Requested)

Administrator Gina McCarthy
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Sixty Day Notice of Intent to File Clean Air Act Citizen Suit Based On Failure of EPA Administrator to Take Timely Final Action Regarding Petition to Object to Georgia Permit No. 4911-171-0014-V-02-0 (Title V)

Dear Administrator McCarthy:

This office represents Partnership for Policy Integrity ("Petitioner" or "PFPI") in a matter before you concerning the Title V air pollution permit issued by the Georgia Environmental Protection Division of the Clean Air Branch ("EPD"), of the Georgia Department of Health. Permit No. 4911-171-0014-V-02-0 ("Permit") reauthorizes the operation of a 60.5 megawatt (MW) steam-turbine generator powered by a 700 MM/Btu/hr biomass boiler owned and operated by Piedmont Green Power, LLC Facility ("PGP" or "Facility") in the City of Barnesville, Lamar County, State of Georgia.

PFPI is a public benefit non-governmental organization organized to ensure education about and enforcement of air pollution control laws to protect the health and well being of, inter alia, residents of Barnesville, a disproportionate number of whom are low income and minority ethnic persons, from industrial and similar activities that adversely affect the health and well being of residents of and visitors to the Barnesville community. The Permit would result in excessive emissions of air pollutants, including hazardous air pollutants, in violation of the Clean Air Act, degrade air quality in the Barnesville community and cause adverse health effects to its residents and visitors, including Petitioner and their members.

Pursuant to Section 304(b)(2) of the Clean Air Act, 42 U.S.C. § 7604(b)(2), and in accordance with 40 C.F.R. Part 54, Petitioners hereby submit this Notice of Intent to Sue. If no further action is forthcoming in the interim, sixty days after the date of this letter, we intend to file suit in U.S. District Court to redress the agency's failure to take timely final action in response to the Petition submitted by this office on May 26, 2015 concerning the PGP Title V Permit No. 4911-171-0014-V-02-0.

Petitioners and other members of the public commented on EPD's proposed action on the Permit, raising a number of issues concerning the adequacy of the analysis and the technical

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information and assumptions employed in calculating the emissions associated with the proposed activity, which were set at just below the major source thresholds. Evidence shows that the PGP has in the past and/or is reasonably expected to exceed these thresholds and, as a result of its excess emissions, should be categorized and regulated as a major source of air pollution under the Clean Air Act and the Georgia SIP. Comments by the public and EPA were not properly addressed and issues identified therein remain unresolved. Section 505(b)(1) of the Clean Air Act and 40 C.F.R § 70.8(d) require EPA to review the draft permit to determine if the permit contains provisions that are not in compliance with the Clean Air Act, and if EPA determines the permit is not in compliance, the Administrator shall object in writing within 45 days of receiving the proposed permit. If EPA does not object in the 45-day period, any person may petition the Administrator to object to the permit. The petition must be filed within 60 days of the end of the 45-day review period, and once filed, the Administrator must grant or deny such a petition within 60 days. § 505(b)(2).

When the Administrator took no action on the Permit within the 45-day review period, Petitioner timely submitted on May 26, 2015 a petition under § 505(b)(2) asking the Administrator to review the permit and grant their petition. The Administrator has taken no action by the 60th day following such submittal, and as such, has failed to perform a nondiscretionary duty imposed by the Clean Air Act. This letter formally notices the Administrator of Petitioner's demand for timely action on the PFPI petition for review of the PGP Title V permit No. 4911-171-0014-V-02-0, and, if no action is timely taken, the intention to file legal action to enforce the Administrator's obligations in this regard.

This Notice is submitted on behalf of Partnership for Policy Integrity, 54 Arnold Rd., Pelham, MA 01002. The full name and address of the person giving Notice is Marc Chytilo, Law Office of Marc Chytilo, Post Office Box 92233, Santa Barbara, California 93190, 805.682-0585, fax 805.682-2379, Email marc@lomcsb.com.

Sincerely,



Marc Chytilo

CC: Ms. Heather McTeer Toney, Regional Administrator, USEPA Region IV
Clients