

STATE OF NORTH CAROLINA  
COUNTY OF (1) Richmond

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS

(2) Clean Air Carolina )  
)  
)  
(your name) PETITIONER, )  
)  
v. )  
)  
(3) North Carolina Department of Environmental Quality, Division of Air )  
Quality )  
)  
RESPONDENT. )  
(The State agency or board about which you are complaining) )

**PETITION  
FOR A  
CONTESTED CASE HEARING**

I hereby ask for a contested case hearing as provided for by North Carolina General Statute § 150B-23 because the Respondent has:

(Briefly state facts showing how you believe you have been harmed by the State agency or board.)

Clean Air Carolina hereby requests a contested case hearing as provided for by North Carolina General Statutes § 143-215.108(e1) and § 150B-23 to challenge the actions of the North Carolina Department of Environmental Quality, Division of Air Quality in issuing Air Quality Permit No. 10365R03 to Enviva Pellets Hamlet, LLC, a wood pellet manufacturing facility currently under construction in Richmond County, North Carolina. The Department violated the North Carolina Air Pollution Control Act, the federal Clean Air Act, implementing regulations, and other applicable laws and standards by, among other things: improperly classifying Enviva Pellets Hamlet as a minor source of air pollution and therefore failing to require Enviva Pellets Hamlet to obtain a major source construction permit under North Carolina's Prevention of Significant Deterioration program at 15A NCAC 02D .0530, failing to incorporate enforceable permit conditions pursuant to 15A NCAC 02Q .0315 and 15A NCAC 02Q .0317 that are sufficient to limit the potential to emit of the facility to below the threshold triggering applicability of North Carolina's Prevention of Significant Deterioration Program at 15A NCAC 02D .0530, arbitrarily relying on the emission estimates included in Enviva Pellets Hamlet's air permit application without analyzing the stack test results on which the estimates were based, and arbitrarily failing to provide a reasoned response to significant public comments submitted by Petitioner and others. The fundamental issue underlying this Petition is the fact that, under the terms of Permit No. 10365R03, the Enviva facility has the potential to emit volatile organic compounds at rates that exceed the 250 ton per year major source threshold for North Carolina's Prevention of Significant Deterioration Program at 15A NCAC 02D .0530; as such, the facility must be permitted as a major source rather than a minor source.

(4) Amount in controversy \$ \_\_\_\_\_ (if applicable)  
(If more space is needed, attach additional pages.)

(5) Because of these facts, the State agency or board has: (check at least one from each column)  
\_\_\_\_\_ deprived me of property;  exceeded its authority or jurisdiction;  
\_\_\_\_\_ ordered me to pay a fine or civil penalty; or  acted erroneously;  
 otherwise substantially prejudiced my rights; **AND**  failed to use proper procedure;  
 acted arbitrarily or capriciously; or  
 failed to act as required by law or rule.

(6) Date: February 13, 2019 (7) Your phone number: (919) 967-1450

(8) Print your full address: 601 West Rosemary Street, Suite 220, Chapel Hill, NC 27516  
(street address/p.o. box) (city) (state) (zip)

(9) Print your name: Heather Hillaker, Attorney for Petitioner

(10) Your signature: Heather Hillaker

You must mail or deliver a COPY of this Petition to the State agency or board named on line (3) of this form. You should contact the agency or board to determine the name of the person to be served.

**CERTIFICATE OF SERVICE**

I certify that this Petition has been served on the State agency or board named below by depositing a copy of it with the United States Postal Service with sufficient postage affixed **OR** by delivering it to the named agency or board:

(11) Bill Lane  
(name of person served)

(12) Department of Environmental Quality  
(State agency or board listed on line 3)

(13) 217 West Jones Street, Raleigh, NC 27603  
(street address/p.o. box) (city) (state)(zip code)

(14) This the 13<sup>th</sup> day of February, 2019

(15) Heather Hillaker  
(your signature)

When you have completed this form, you **MUST** mail or deliver the **ORIGINAL** to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6700.

**This box for OAH use only.**

<p>Amount Paid \$ _____</p> <p><input type="checkbox"/> Cash – receipt number _____</p> <p><input type="checkbox"/> Money Order <input type="checkbox"/> Certified Check <input type="checkbox"/> Attorney Trust Account</p> <p>Check number _____</p>	<p><input type="checkbox"/> Indigent (must complete form HOI )</p> <p><input type="checkbox"/> Mandated federal cause of action</p> <p><b>Received by:</b> _____</p>
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