

PLEASE PRINT CLEARLY OR TYPE

STATE OF NORTH CAROLINA

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS

COUNTY OF (1) Richmond

(2) Concerned Citizens of Richmond County)
)
)
 _____)
 (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.)

Concerned Citizens of Richmond County hereby requests a contested case hearing as provided for by North Carolina General Statute § 143-215.108 and § 150B-23 to challenge the actions of the North Carolina Department of Environmental Quality, Division of Air Quality in issuing Permit No. 10365R01 to Enviva Hamlet Pellets, LLC on April 7, 2017 for a major new source of air pollution without proper public notice and opportunities for public participation. The Department violated the North Carolina Air Pollution Control Act, the federal Clean Air Act, implementing regulations, and other applicable law and standards by, among other things: failing to provide the required public notice, opportunity for comment, and public hearing on the permit that the Department issued on April 7, 2017; and failing to provide adequate procedural opportunities for informed public participation on the draft permit that the Department proposed for the facility in September 2015 by vaguely identifying the location of the facility as "Highway 177 Hamlet, NC"; failing to hold the required public hearing on this major new source of air pollution; and identifying an invalid address for the facility in the proposed permit, with a street address in Hamlet and a zip code from another county. The Department finalized the permit without correcting these deficiencies in March 2016. The Department acknowledged the erroneous address by issuing a new final permit for the facility on April 7, 2017 that contained a new address for the facility (1039 North NC Highway 177 Hamlet, Richmond County, North Carolina, 28345), yet the Department again failed to provide the required public hearing, and failed to provide *any* public notice or opportunity for comment.

(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;		_____ <input checked="" type="checkbox"/> exceeded its authority or jurisdiction;
_____ ordered me to pay a fine or civil penalty; or		_____ <input checked="" type="checkbox"/> acted erroneously;
_____ <input checked="" type="checkbox"/> otherwise substantially prejudiced my rights;	AND	_____ <input checked="" type="checkbox"/> failed to use proper procedure;
		_____ <input checked="" type="checkbox"/> acted arbitrarily or capriciously; or
		_____ <input checked="" type="checkbox"/> failed to act as required by law or rule.

(6) Date: May 5, 2017 _____ (7) Your phone number: (919) 967-1450 _____

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

(9) Print your name: Myra D. Blake _____

(10) Your signature:  _____

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) North Carolina 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 5th day of May, 2017.

(15) 
(your signature)

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

This box for OAH use only.

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