

STATE OF NORTH CAROLINA

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
17 EHR 04540, 17 EHR 03071

COUNTY OF RICHMOND

Concerned Citizens of Richmond County,)
Petitioner,)
)
v.)
)
North Carolina Department of Environmental)
Quality, Division of Air Quality,)
Respondent,)
)
Enviva Pellets Hamlet, LLC,)
Respondent-Intervenor.)
)

PETITIONER’S COMBINED
PREHEARING
STATEMENT

Pursuant to 26 N.C. Admin. Code 03 .0104, N.C. Gen. Stat. § 150B-23(a2), and the Amended Scheduling Order entered in consolidated contested case 17 EHR 04540 and 17 EHR 03071, Petitioner Concerned Citizens of Richmond County (“Concerned Citizens”) respectfully submits the following Combined Prehearing Statement challenging the actions of the North Carolina Department of Environmental Quality, Division of Air Quality (“the Department”) in issuing Air Quality Permit No. 10365R01 (“R01 Permit”) to Enviva Pellets Hamlet, LLC (“Enviva”) on April 7, 2017, and in issuing Air Quality Permit No. 10365R02 (“R02 Permit”) to Enviva on June 8, 2017 for construction of a major new source of air pollution, without proper public notice and participation opportunities.

I. Issues to be Resolved

The Department has exceeded its authority and jurisdiction, acted erroneously, failed to use proper procedure, acted arbitrarily and capriciously, and failed to act as required by law by:

- 1) Issuing the R01 and R02 Permits with new physical addresses for a major new source of air pollution, without providing any public notice or opportunity for comment; and

- 2) Issuing the R01 and R02 Permits without providing for the required public hearing to afford the public an opportunity to voice their concerns and provide input.

II. Statement of Facts and Arguments in Support of Concerned Citizens' Claims

The following is a brief statement of the facts and arguments supporting Concerned Citizens' claims. Concerned Citizens anticipates that it will obtain additional information in the course of discovery and case development and therefore reserves the right to present additional facts and reasons at the hearing.

A. Petitioning Party

North Carolina's Administrative Procedure Act provides that a contested case may be brought by a "person aggrieved." N.C. Gen. Stat. § 150B-23(a). A "person aggrieved" is "any person or group of persons of common interest directly or indirectly affected substantially in his or its person, property, or employment by an administrative decision." *Id.* § 150B-2(6). A "person" is "any natural person, partnership, corporation, body politic and any unincorporated association, organization, or society which may sue or be sued under a common name." *Id.* § 150B-2(7).

Concerned Citizens of Richmond County is a person aggrieved under the statute. Concerned Citizens is a non-profit membership organization based in Richmond County, North Carolina and headquartered in Hamlet, North Carolina. It advocates for clean air, clean water, and environmental justice in Richmond County. Concerned Citizens is a local group with members and supporters in Richmond County, many of whom live, work, and recreate in close proximity to the address listed in the R02 Permit for the proposed Enviva facility. These members will breathe air contaminated by the Enviva facility's emission of pollutants that are known to cause health problems and aggravate pre-existing medical conditions. They will suffer

from increased health risks as a result of this pollution. Members of Concerned Citizens are worried about the adverse health and environmental impacts that the proposed facility would have on their communities.

Concerned Citizens has an interest in ensuring that its members have the opportunity to voice their input and concerns about the proposed Enviva facility, and that the Department provides for public participation as required by law. The Department has substantially prejudiced Concerned Citizens' rights by issuing the permits for a major new source of air pollution without providing proper notice and participation opportunities. Concerned Citizens is therefore a person aggrieved entitled to bring this contested case challenging the R01 and R02 Permits.

B. Statement of Facts

The proposed Enviva facility, a wood pellet manufacturing plant, would be a major new source of air pollution. The facility would emit hundreds of thousands of tons of pollutants each year, including volatile organic compounds, nitrogen oxides, hazardous air pollutants, and particle pollution. These pollutants are regulated under state and federal law due to their harmful health effects. Volatile organic compounds react with nitrogen oxides to form ground-level ozone, which can cause premature death, asthma, coughing, throat irritation, bronchitis, and other health problems. *National Ambient Air Quality Standards for Ozone*, 80 Fed. Reg. 65,291 (Oct. 26, 2015). Some volatile organic compounds are also regulated as hazardous air pollutants due to their toxic or carcinogenic effects. Particle pollution, including coarse particulate matter and fine particulate matter, can cause health problems such as irritation of the airways, coughing, difficulty breathing, decreased lung function, aggravated asthma, development of chronic

bronchitis, irregular heartbeat, heart attacks, and premature death. *National Ambient Air Quality Standards for Particulate Matter*, 78 Fed. Reg. 3085 (Jan. 15, 2013).

Pollution control devices and processes are widely available and used by other wood pellet plants to reduce emissions of these pollutants. However, the Department did not require Enviva to use the full suite of available pollution controls to minimize air pollution at the Hamlet plant. For example, the Department did not require Enviva to use pollution controls that would reduce volatile organic compounds by 90 percent. The Department also failed to require Enviva to take any steps to reduce the risk of avoidable emissions from dust fires and explosions, which are known problems at wood pellet plants. In fact, in June of 2017, one of Enviva's other wood pellet plants caught fire in Cottdale, Florida, sending unnecessary smoke and other pollutants into the air that people breathe.

The address listed in the R02 Permit for the proposed Enviva facility is just over three miles from the Dobbins Heights community, which is predominantly African American, and next to another neighborhood that is also predominantly African American. These communities are already exposed to numerous nearby industrial sources of air pollution, including natural gas combustion turbines, a pesticide manufacturer, a chlorine manufacturing plant, and an asphalt plant. The Department did not put forward any environmental justice analysis as part of the air permitting process for the proposed Enviva facility, despite its longstanding policy that it will:

Address environmental equity issues in permitting decisions for projects potentially having a disparate impact on communities protected by Title VI of the Civil Rights Act of 1964, [and]

...

Use demographic information to determine whether there is: 1) a need for greater outreach to community in order to encourage more meaningful participation, or 2) special health risks based on the nature of the population”

Environmental Equity Initiative Policy (Oct. 19, 2000).

The Department released a draft air construction permit for the facility in September of 2015. The public notice listed the address of the facility as “Highway 177 Hamlet, NC”—with no street number, and no indication that the facility would actually be located on *North* Highway 177, near the Dobbins Heights community and next to a predominantly African American neighborhood. To make matters worse, the draft permit listed an address for the facility that simply does not exist, with a street address in Hamlet and a zip code many counties away. The zip code included in the draft permit was 28341, which is located in Sampson and Duplin counties, rather than 28345, which is located in Richmond County. In addition, the Department never held the public hearing that is required before issuing a permit for a major new source of air pollution.

The Department issued a final permit in March of 2016 without correcting these errors. Permit No. 10365R00 (Mar. 29, 2016) (“R00 Permit”). The R00 Permit states that “[a] new air permit shall be obtained by the Permittee prior to establishing, building, erecting, using, or operating the emission sources or air cleaning equipment at a site or location not specified in this permit.” *Id.* at 14.

On April 7, 2017, the Department acknowledged that the address in the first permit was incorrect by quietly issuing a new permit with a different address: 1039 North NC Highway 177, Hamlet, Richmond County, North Carolina, 28345. R01 Permit at 1. Yet the Department provided no notice of this new permit before it was issued, and no opportunity for the public to comment on the new address. When it issued the final R01 Permit, the Department did not provide any notice to affected individuals, communities, and groups of their right to challenge the Department’s issuance of the permit.

Despite issuing a new permit with a new physical address, the Department nevertheless failed to accurately identify where this new polluting Enviva facility would actually be located. At an unofficial community meeting on May 11, 2017, an Enviva representative confirmed that the physical address listed in the R01 permit issued in April of this year “is incorrect.” Indeed, according to Richmond County’s website, the address in the R01 Permit is a three-acre parcel occupied by a family and owned by an individual with no apparent connection to Enviva. The parcel is not zoned for industrial use, and instead is zoned for residential use. The address in the R01 Permit is wrong, adding to the longstanding confusion about where this major source of new air pollution will be located.

Concerned Citizens brought this error to the Department’s attention and urged the Department to provide proper public notice of the facility’s true location, a public comment period, and a public hearing to allow the affected communities to voice their concerns and provide input. Instead, on June 8, 2017, the Department issued another new air permit re-locating the proposed facility from **1039** to **1125** North NC Highway 177, Hamlet, Richmond County, North Carolina, 28345. Once again, the Department did not provide any public notice, opportunity for public comment, or public hearing.

Following the Department’s failure to provide proper public notice and a public hearing on the draft R00 Permit, Concerned Citizens was not aware of this proposed major source of pollution until after the Department had issued the final R00 Permit to Enviva in 2016. Since that time, Concerned Citizens has been actively engaged in exercising its rights regarding this large, polluting wood pellet plant that would be built in their community. Representatives of Concerned Citizens met with and wrote to the Secretary and other representatives of the Department, alerting them to the defects in the address, in the public notice, and in the public

participation process for the 2016 permit. Instead of correcting these important substantive and procedural errors, the Department issued the R01 Permit on April 7, 2017 without any public notice, public comment period, or public hearing, and with yet another incorrect address for the proposed facility. Then, on June 8, 2017, the Department issued yet another permit—the R02 Permit—providing yet another address for the facility’s physical location, once again without the required opportunities for public participation.

Had the Department provided proper notice of the proposed facility’s actual location, Concerned Citizens and its members would have taken full advantage of their right to public participation by providing their own comments, signing on to comments submitted by other organizations, and participating in a public hearing on the permit. Concerned Citizens’ comments would have discussed the various negative impacts that Enviva’s proposed facility would have on their lives, and would have clearly demonstrated their desire for robust pollution controls, protective pollution limits, preventative steps to avoid unintended fires and explosions, and other measures to lessen the impact of this major source of air pollution on their communities.

Concerned Citizens challenged the R01 Permit through a petition for contested case hearing filed on May 5, 2017, and challenged the R02 Permit through a petition for contested case hearing filed on July 7, 2017. The contested cases were consolidated on August 8, 2017.

C. Legal Background

In North Carolina, “the water and air resources of the State belong to the people.” N.C. Gen. Stat. § 143-211(a); *see also* N.C. CONST. Art. XIV, § 5 (“It shall be the policy of this State . . . to control and limit the pollution of our air and water . . .”). The North Carolina Air

Pollution Control Act was enacted “to achieve and to maintain for the citizens of the State a total environment of superior quality” and to ensure that standards and programs are designed

to protect human health, to prevent injury to plant and animal life, to prevent damage to public and private property, to insure the continued enjoyment of the natural attractions of the State, to encourage the expansion of employment opportunities, to provide a permanent foundation for healthy industrial development and to secure for the people of North Carolina, now and in the future, the beneficial uses of these great natural resources.

N.C. Gen. Stat. § 143-211 (emphasis added); *id.* § 143-215.105 (explaining that the declaration of public policy set forth in N.C. Gen. Stat. § 143-211 applies to the Air Pollution Control Act provisions).

Through the Air Pollution Control Act and its regulations, the Department also implements the federal Clean Air Act in North Carolina, as approved by the U.S. Environmental Protection Agency in North Carolina’s State Implementation Plan. *See* 15A N.C. Admin. Code 02D .0530. North Carolina’s State Implementation Plan must ensure compliance with the federal Clean Air Act, and incorporates significant portions of the Clean Air Act’s implementing regulations directly. *Id.*; 42 U.S.C. § 7410.

The federal Clean Air Act establishes a program “to protect public health and welfare from any actual or potential adverse effect” from air pollution in areas that currently meet national ambient air quality standards. 42 U.S.C. § 7470(1). This program is known as the prevention of significant deterioration program. One of its primary purposes is “to assure that any decision to permit increased air pollution in any area to which this section applies is made only after careful evaluation of all the consequences of such a decision *and after adequate procedural opportunities for informed public participation in the decisionmaking process.*” *Id.* § 7470(5) (emphasis added). To this end, the Clean Air Act and the federal and state regulations implementing it set out fundamental requirements for public participation that must

be met before the Department issues a permit for a major new source of air pollution. The Department failed to comply with these basic requirements before issuing the R01 and R02 Permits, as set out in the following section.

D. Legal Claims

1. *The Department failed to provide the public with the required notice and comment period before issuing the R01 and R02 Permits.*

The Department must provide public notice and a comment period before issuing a new permit for a major new source of air pollution. North Carolina’s regulations mandate that “[t]he Director shall provide for public notice for comments . . . on draft permits for the following: . . . a source to which 15A NCAC 02D .0530 or .0531 applies.” 15A N.C. Admin. Code 02Q .0306(a)(2), Permits Requiring Public Participation. The proposed Enviva facility is subject to 15A N.C. Admin. Code 02D .0530, which sets out requirements for major new sources of air pollution. Therefore the Department should have provided notice and an opportunity to comment before issuing the new final permits with new addresses on April 7, 2017 and June 8, 2017.

The R00 Permit requires Enviva to obtain a new air permit before “establishing, building, erecting, using, or operating the emission sources or air cleaning equipment *at a site or location not specified in this permit.*” R00 Permit at 14 (emphasis added). Based on the plain language of the permit, if Enviva plans to build and operate at a location not specified in the R00 Permit, it must obtain a new air permit. The Department cannot use an administrative amendment or revision to the air permit in order to allow Enviva to build and operate in a different place, without any opportunity for public input.¹

¹ Other sections of the Air Pollution Control Act recognize the difference between “the issuance of new permits and the reissuance of existing permits.” N.C. Gen. Stat. § 143-215.3(a)(1b).

This provision of the air permit reveals the importance of specifying the correct location for major new sources of air pollution. When the permit gives the wrong address for the facility, it frustrates the entire permitting process. Those who are most likely to be harmed by a new source of pollution are unlikely to find out about their new industrial neighbor and take advantage of their rights to participate in the permitting process. When the location specified in a permit is incorrect, the Department must issue a new permit that provides adequate procedural opportunities for informed public participation, including public notice of the correct address of the facility, a public comment period, and a public hearing. The Department recognized that the location specified in the R00 permit for the proposed Enviva facility was incorrect by issuing the R01 and R02 permits that identified different physical addresses. Yet it failed to provide the requisite public notice and comment opportunity before issuing the new air permits for this major source of pollution.

The content and procedures of public notice for major new sources of air pollution are governed by the federal Clean Air Act regulations, which are incorporated by reference into North Carolina's regulations. 15A N.C. Admin. Code 02Q .0307(a), Public Participation Procedures ("For sources subject to the requirements of 15A NCAC 2D .0530 or .0531 or Appendix S of 40 CFR Part 51, the procedures in 15A NCAC 2D .0530 or .0531 or Appendix S of 40 CFR Part 51 shall be followed, respectively."); 15A N.C. Admin. Code 2D .0530(r) (incorporating the procedures in 40 C.F.R. § 51.166(q)). The public must be notified by "advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed."² 40 C.F.R. § 51.166(q)(2)(iii). This notification must identify the permit application, the reviewing agency's preliminary determination, the degree of increment

² The permitting authority may alternatively provide notice "on a public Web site identified by the reviewing authority," as long as the agency uses a consistent noticing method for all permits. 40 C.F.R. § 51.166(q)(2)(iii). However, no such web site is identified in the relevant North Carolina regulations.

consumption that is expected from the source, and the opportunity for comment at a public hearing and written comment. *Id.* The Department neglected to provide any of this information to the public before issuing a permit with a new address on April 7 and again on June 8, 2017.

These regulations are part of North Carolina’s approved state implementation plan, which allows the state agency to implement the federal Clean Air Act in North Carolina. One of the core purposes of the federal Clean Air Act’s prevention of significant deterioration program is “to assure that any decision to permit increased air pollution in any area to which this section applies is made only after careful evaluation of all the consequences of such a decision and *after adequate procedural opportunities for informed public participation* in the decisionmaking process.” 42 U.S.C. § 7470(5) (emphasis added).

Instead of providing adequate procedural opportunities for informed public participation in the permitting process for the proposed Enviva facility, the Department obscured the location of the facility in the public notice for the R00 Permit, denied the public the required public hearing, issued a permit with an invalid address, and then acknowledged that error by issuing the R01 Permit (which also contained an incorrect address) and the R02 Permit—but without any public notice, comment period, or hearing.

The Department has wrongly asserted that public notice and comment was not required before it changed the location of the facility in the R01 and R02 Permits because the Department designated those changes to be ‘administrative amendments.’ But a facility cannot be re-located under the guise of an administrative amendment. North Carolina regulations provide that an administrative permit amendment means “a permit revision that . . . identifies a change in the name, address or telephone number of *any individual* identified in the permit, or provides a similar *minor* administrative change at the facility.” 15A N.C. Admin. Code 02Q .0316(a)(2)

(emphasis added). With these new permits, the Department changed the physical address of the facility itself, not merely the contact information for an individual named in the permit or at the facility. Re-locating a major new source of air pollution is not a minor administrative amendment. Otherwise the Department could evade public scrutiny of any permit for a major new source of air pollution by noticing a vague or incorrect location of the facility, and then reveal the true location of the facility through an administrative amendment with no public notice or opportunity for input.

The U.S. Environmental Protection Agency has interpreted similar language to mean that administrative amendments include “changes in mailing address.” EPA, Operating Permit Program, 56 Fed. Reg. 21,712, 21,747 (proposed May 10, 1991) (interpreting administrative amendments under the Title V program, which are defined to include a permit revision that “[i]dentifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source”. 40 C.F.R. § 70.7(d)(1)(ii)). A change in mailing address, which has no bearing on the location of the source of new pollution itself, is a minor administrative change. Re-locating a major source of air pollution is not.

The latest Enviva permit changes the “facility site location” from one parcel to another: from **1039** North NC Highway 177 Hamlet, Richmond County, North Carolina, 28345, to **1125** North NC Highway 177 Hamlet, Richmond County, North Carolina, 28345. This is not a minor administrative change like a change in telephone number or mailing address, and therefore it cannot be made without proper public notice and input.

The importance of public notice of the actual location of the facility is further underscored by the Department’s duty to ensure that the parcel where the facility will be located

meets the zoning requirements for major industrial sources of air pollution. N.C. Gen. Stat. § 143-215.108(f). If the proposed facility does not meet the requirements of all local ordinances, the agency must attach a condition to the permit prohibiting construction until the permittee complies with all local ordinances. *Id.*

Yet according to the Richmond County zoning map, the location listed for the Enviva facility in the R01 Permit is zoned for residential use, not heavy industrial use. Had the Department solicited input from the public and local authorities, it could have avoided the mistake of issuing a permit allowing Enviva to construct a major source of air pollution on a site currently occupied by a family and zoned for residential use. The Department added to this mistake by issuing the R02 Permit, once again without any input from the public or any apparent input from local officials on the new address. All of these errors are further compounded by the Department's failure to identify the location of the Enviva facility when it issued a public notice for the draft R00 Permit in 2015.

In a situation virtually identical to this one, the Department recently provided a new public notice and comment period when it changed the physical address for another major new source of air pollution, known as the Reidsville Energy Center. The first public notice for the Reidsville Energy Center issued on April 26, 2017 identified the location of the facility as "NC Highway 65 Reidsville, North Carolina 27375 Rockingham County." This nonspecific location was much like that given in the public notice for the draft R00 Permit that identified the location of the facility as merely "Highway 177 Hamlet, NC". On June 5, 2017, the Department issued a new public notice for the Reidsville Energy Center, this time identifying the physical address where the facility would be located, and it provided a new 30-day comment period. The new public notice specified the location of the facility as follows:

The Facility will be located at:
4563 NC Highway 65
Reidsville, North Carolina 27320
Rockingham County

In addition, the following information is provided regarding the site location;

1. Turbine Stack UTM Coordinates (NAD83, Zone 17): Easting (X)-604782.56 meters and Northing (Y)-4021716.98 meters
2. Power Island Latitude and Longitude: 36.3342715, -79.832167
3. Rockingham County Parcel Identification Numbers:
 - a) Parcel ID 129944 (Long PIN 795400620279)-Entire Parcel
 - b) Parcel ID 178012 (Long PIN 795400316118)-Entire Parcel
 - c) Parcel ID 178009 (Long PIN 795400419317)-Portion of Parcel

The exact parcels can be reviewed at www.webgis.net/nc/Rockingham by inserting the Long PIN and Parcel ID numbers above.

The Department's provision of a new public notice and comment period for the Reidsville facility is further evidence that the agency considers a change or clarification of the location of the facility to be more than a minor administrative amendment.

Three days *after* the issuance of the new draft permit for the Reidsville facility, the Department issued the R02 Permit with a new address for the Enviva Hamlet plant. In contrast to the Reidsville process, the Department provided no public notice of the new Enviva permit, and no public comment period.

While the Enviva plant would be located next to predominantly African American communities, the Reidsville facility would be located next to communities with African American populations of less than 10 percent. The communities that will be exposed to the pollution from the Enviva plant deserve no less public notice and participation opportunities than other communities have received in North Carolina, and that they are entitled to under the Clean Air Act and regulations. The Department's inconsistent treatment of these communities also contradicts its longstanding Environmental Equity Initiative Policy, which calls for *more* public

notice and involvement—not less—when a major new source of air pollution is sited near an environmental justice community.

2. *The Department failed to provide the required public hearing before issuing the R01 and R02 Permits.*

The Department also erred by failing to provide a public hearing before issuing the R01 and R02 Permits. The federal Clean Air Act mandates that a public hearing must be held before a major new source of air pollution is constructed in a prevention of significant deterioration area: “[n]o major emitting facility on which construction is commenced after August 7, 1977, may be constructed in any area to which this part applies *unless . . . a public hearing has been held* with opportunity for interested persons including representatives of the Administrator to appear and submit written or oral presentations on the air quality impact of such source, alternatives thereto, control technology requirements, and other appropriate considerations.” 42 U.S.C. § 7475(a)(2) (emphasis added).

The Clean Air Act regulations, incorporated by reference into North Carolina’s regulations, consequently require that the permitting authority “[p]rovide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations.” 40 C.F.R. § 51.166(q)(v) (emphasis added) (incorporated by reference into 15A N.C. Admin. Code 2D .0530(r)); *see also* 15A N.C. Admin. Code 02Q .0307(a) (governing public participation procedures, and stating that sources subject to 15A N.C. Admin. Code 2D .0530 must follow the procedures in that section).

The proposed Enviva facility is a major new source of air pollution subject to these requirements. Under the Clean Air Act, Enviva cannot commence construction of the Hamlet facility until the Department has held a public hearing. Yet the Department has never held the

required public hearing for this proposed pollution source. The failure to provide a public hearing before issuing the R01 and R02 Permits compounds the public notice deficiencies identified above.

The mandate to hold a public hearing serves a key role under the Clean Air Act. This requirement reflects the importance of ensuring that the public has a voice in the decision-making process for a major new source of air pollution. Before a decision is made to allow a new industry to emit significant quantities of pollution in a community, the Department needs to hear from the people who live, work, and play in the vicinity of the proposed pollution source. As Congress recognized in the Clean Air Act, the public hearing can offer valuable information on the air quality impacts—and measures to reduce or eliminate those impacts—for communities that will be most impacted by the emissions from the proposed source. The requirement to hold a public hearing ensures that a permitting decision for a major new source of air pollution is made only after careful consideration of the consequences of that decision.

In accordance with its longstanding Environmental Equity Initiative Policy, the Department must also “[u]se demographic information to determine whether there is: 1) a need for greater outreach to community in order to encourage more meaningful participation” Environmental Equity Initiative Policy (Oct. 19, 2000). Instead of evaluating demographic information to determine whether there is a need for *greater* outreach to the community that will be exposed to Enviva’s pollution, the Department instead neglected to comply with minimum public notice, comment, and hearing requirements.

To correct these public participation and permitting errors, the Department must revoke the Permit, issue a public notice that identifies the correct address of the facility, give the public

an opportunity to comment and provide input after notification of the correct address of the facility has been published, and hold a public hearing for the public to voice their concerns.

III. List of Proposed Witnesses

Petitioners may call some of the following individuals as witnesses. However, Petitioners have not yet compiled a complete list of witnesses or determined expert witnesses it may call in this matter and reserve the right to call witnesses and present evidence from witnesses other than those listed below. During discovery and case development, Petitioners will determine who, including individuals yet to be identified, will actually be called at the hearing of the matter.

- Kevin Godwin, Department of Environmental Quality
- Michael Pjetraj, Department of Environmental Quality
- William Willets, Department of Environmental Quality
- Sheila Holman, Department of Environmental Quality
- Mike Abraczinskas, Department of Environmental Quality
- Client representatives and standing witnesses for Concerned Citizens
- Any witnesses called or named by Respondent or Respondent-Intervenor
- Witnesses necessary to address any issue raised by Respondent or Respondent-Intervenor

IV. Proposed Discovery

Petitioners propose to serve interrogatories, requests for production of documents, and requests for admissions, and to take depositions of fact and expert witnesses, if any. Petitioners estimate three months will be needed for discovery.

V. **Venue**

Petitioners do not object to the designation of High Point, North Carolina as the venue.

VI. **Estimated Length of the Hearing**

Petitioner anticipates that the hearing of this matter should take less than one court day.

VII. **Name, Address, and Telephone Number of Attorneys of Record**

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VIII. **Hearing Date**

Petitioner is available for a hearing of this matter no sooner than the week of November 27, 2017, as provided by the Scheduling Order entered August 8, 2017.

Respectfully submitted,



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*On behalf of Concerned Citizens of
Richmond County*

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing **Petitioner's Combined Prehearing Statement** has been served on counsel for Respondent and Intervenor-Respondent through the OAH e-filing system:

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This the 14th day of August, 2017.



Myra Blake
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