

SENT VIA EMAIL

November 22, 2022

Secretary Elizabeth Biser
N.C. Department of Environmental Quality
217 W. Jones Street
Raleigh, N.C. 27603

Dear Secretary Biser:

Thank you for your demonstrated support of your Environmental Justice and Equity Advisory Board's (EJEAB) special session on biomass, which was held in DEQ's Green Square Training Room on November 17, 2022. We received public comments from members of a broad range of North Carolina communities, including residents of Ahoskie, which were both compelling and alarming.

Following a presentation from DEQ Air Quality Division Director Michael Abraczinskas on the permitting process and prior to the public comment period, we heard from Dr. Ruby Bell of The Impacted Communities Against Wood Pellets Coalition and from Professor La'Meshia Whittington, our own EJEAB member, regarding the harmful impacts of the wood pellet industry on EJ communities. We attach both presentations for your information, review, and consideration.

Suffice it to state here that Dr. Bell and Professor Whittington both presented persuasive, evidenced-based information that the EJEAB believes requires further consideration before the Ahoskie plant permitting decision is made. The key takeaways from their presentations included information that strongly suggest:

- DEQ's nonenforcement of air quality regulations.
- An inoperable DEQ-installed air monitoring device—over a lengthy period—in an impacted EJ community.
- Once a year air quality monitoring which does take into consideration environmentally induced fluctuations in the quality and reliability of data collected.
- DEQ's failure to consider disproportionate impacts when granting wood pellet industry permits—a violation of Title 6 of the Civil Rights Act of 1964.
- Outdated information relied upon to determine the environmental health impacts of pollutants.
- Inadequate attention devoted to monitoring the health effects of fugitive dusts. (Compelling examples were provided along with IARC categorization of hard wood dust as a carcinogen.)
- Failure to acknowledge the correlation between increased wood pellet operations and increased asthma related emergency department visits in Eastern NC Carolina as compared to Western NC where wood pellet operations are nonexistent (NC IOM study).
- Absence of air monitoring devices throughout impacted EJ communities.
- Lack of a clearly defined process of monitoring permitted wood pellet operations to ensure they stay within the limits of their permit; and clearly defined and expedient enforcement or retraction of the permit if the operation violates permit limits.

- Neglect of noise pollution as a concern of air pollution in considering permits, pursuant of the Title 42- The Public Health and Welfare Chapter 85 - Air Pollution Prevention and Control Subchapter IV - noise pollution.
- Inattention to adverse health impacts of increased truck traffic and noise pollution.
- Missteps in assessing the cumulative impacts of concentrating noxious facilities and land-uses in EJ communities.
- Failure to consider in permitting decisions the apparent limited longevity of the wood pellet industry and how its demise will negatively impact EJ communities—economically and environmentally.

While the hearing was convened to address the November 28 permitting decision of the Ahoskie plant, public comments about ongoing negative impacts of the wood pellet industry in other NC communities were nearly identical to commentaries of Ahoskie residents. Thus, those comments from community members external to Ahoskie are, in our judgement, extremely relevant to granting the Ahoskie permit.

Against the backdrop of the expert testimony and public comments we received in our November 17 special session, we, the members of your EJEAB Advisory Board, respectfully request that the November 28 permitting decision be delayed for 60 days so that the EJEAB can have time to address the compelling concerns presented. We think 60-days is reasonable given the holiday season is upon us, which will impact the Board's ability to adequately investigate these issues in a timely manner.

The Environmental Management Commission adopted a rule change on September 1, 2022. The older version of 15A NCAC 2Q.0518(b) included this sentence: *"The Director shall issue the permit or permit revision within five days of receipt of notification from EPA that it will not object to issuance or of the expiration of EPA's 45-day review period, whichever occurs first."* This presented a mandatory final action deadline tied to the EPA's 45-day review period. However, the EMC just completed a rulemaking process that removed this requirement. The current language in the Administrative Code does not mandate action after that 15-day period, it just prohibits action sooner.

Additionally, DAQ responded to an EPA review of North Carolina's Title V permitting program with a recommendation that reads as follows: *"NCDAQ should proceed to revise the provisions of 15A NCAC 02Q.0525, .0527, and .0516 to clarify and ensure that final actions on initial and renewal permits take place within the 18-month timeframe outlined in 40 CFR§ 70.7(a)(2) and that the majority of significant modifications are processed within 9-months per 40 CFR §70.7€(4)(ii), including a corresponding update to the North Carolina Attorney General's opinion, which is related to these provisions."*

The EJEAB seeks clarification as to which of the two versions of the rule applies. Is it the version of the rule that was on the books when Enviva applied for modification, or instead the version that's on the books now as DAQ is considering its final decision?

In addition to delaying the decision on permitting, the EJEAB recommends that DEQ take the following action to assure that the community affected by production at the Ahoskie Enviva plant is protected.

1. Require Enviva to strengthen their fugitive dust plan.
2. Install an air quality monitoring system that is operated by NC DEQ within ¼ mile of the Ahoskie facility.
3. Require Enviva to implement Continuous Emissions Monitoring (CEMS) for Volatile Organic Compounds (VOCs).

4. Require Enviva to consult with the Meherrin Tribe during the application review process.
5. Require Enviva to limit nighttime operations while nearby residents are sleeping (10pm - 7am) and/or coordinate with the Town of Ahoskie in investigating potential violations of the town's noise ordinance.

Finally, while we were extremely distressed by the many deleterious comments presented by diverse community stakeholders, we appreciated the large number of speakers that came out to advocate on behalf of their communities. And given that the level of public interest forced us to extend the time initially allotted for this information-gathering session, we were also grateful for the steadfast grace and calm of DEQ staff who scheduled and handled the on-site and call-in speakers so that we were assured that every commentary was heard.

Respectfully submitted on the behalf of the EJAEB Leadership Team,

James H. Johnson Jr., Ph.D., Chair
Marian Johnson-Thompson, Ph.D., Vice Chair
DEQ Environmental Justice & Equity Advisory Board

CC: EJE Advisory Board