Carmel J. Angelo [Hand delivered Jan. 13, 2020]

Chief Executive Officer

Mendocino County

501 Low Gap Road, Room 1010

Ukiah, CA 95482

Barbara A. Moed [Hand delivered Jan.13, 2020)

Mendocino County Air Quality Management District, Executive Officer

306 East Gobbi Street

Ukiah, CA 95482

Dear Ms. Angelo and Mss. Moed,

Under the California Public Records Act Section 6250 et seq. I am requesting an opportunity to inspect or obtain copies of all public records pertaining to:

(1)The permitting process for the Mendocino Forest Product’s (MFP) wood pellet production plant APN # 1652211700 located at 6505 North State Street including but not limited to the permit issued for the plant by the Mendocino County Air Quality Management District (MCAQMD) and any communications between the Mendocino Planning Commission and MFP and the Mendocino County Board of Supervisors (Board of Supervisors) regarding the approval for the plant construction;

(2) Any communications with and to Consolidated Tribal Health Clinic, the Waldorf School, the Calpella Elementary School , the residents of the homes and grape producing propertiesand the Coyote Valley Band of Pomo Indians located near to the MFP wood pellet producing plant prior to and subsequent to the issuance by MCAQMD of a permit for the plant;

(3) Any and all communications to date with and to the Consolidated Tribal Health Clinic, the Waldorf School, the Calpella Elementary School, the Coyote Valley Band of Pomo Indians and the residents of the homes and grape producing properties located near to the MFP wood pellet producing plant pertaining to violations of or non-compliance with the permissible level of particulate matter pollution under the terms of the MCAQMD permit or under state law and corrective measures sought by MCAQMD and or the Board of Supervisors for such violations or noncompliance;

(4) Any and all communications or memorandums between the MCAQMD, MFP and the Board of Supervisors pertaining to violations or non-compliance by MFP found to date under the terms of the permit issued for the plant by MCAQMD or under state law for impermissible levels of pollutants being emitted from the plant;

(5) Any and all communications between MFP, MCAQMD and the Board of Supervisors regarding mitigation measures or sanctions for violations of the terms of the permit issued by MCAQMD to MFP ;

(6) All communications between the MCAQMD, the Board of Supervisors and MFP regarding the success or failure of mitigation or corrective measures required from MFP by the Board of Supervisors or MCAQMD;

(7)All test results, including gravimetric lab reports obtained by MCAQMD, for the pollution monitoring of the emissions from the MFP wood pellet production plant from its inception to present including the specific location or locations from which each sampling of particulate matter was taken and to what particulate matter level each samplings were tested, i.e. 2.5 PM or 10 PM;

(8) All communications between the MCAQMD ,the Board of Supervisors and MFP regarding efforts by MFP to modify their conduct, production levels, machinery or software in order to establish compliance with permissible levels of pollution under the permit issued to them by the Air Quality Management District or under state law;

(9) A copy of the Interim Operating Agreement mentioned at p. 4 of the Mendocino County CEO Report of April 24, 2018 in which the CEO stated: “The Calpella wood pellet mill will resume operations under an Interim Operating Agreement reached amongst the Air District, Mendocino Forest Products and Forest Energy Mendocino. The mill will operate at a reduced pellet production rate limit in order to comply with PM emission rate limits specified in its District permit”;

(10) Given that the pellet making plant smokestack has in the past and is currently operating night and day, if the Interim Operating Agreement referenced in (9) above was lifted, modified or amended please provide all communications between MCAQMD, the Board of Supervisors and MFP regarding the lifting, modification or amendments to the Interim Operating Agreement;

(11) Given that the MFP property upon which the wood pellet producing plant is now located was originally permitted solely for a storage facility for wood milled at the Mendocino Redwood Company and that shifting the land use to a wood pellet production plant with a projected production level of 1.5 to 1.75 million 40 lb. bags of wood pellets each year (30,000 to 35,000 tons annually) involved substantially increased health hazards to the surrounding neighborhood, any documents, communications or regulations and laws justifying why it was concluded by the County Planning Department and the MCAQMD that an EIS or at least some process for neighborhood notice and opportunity for public comment and input was not required for the changed use of the property prior to the issuance of a permit for the plant by MCAQMD and approval of the project by the Mendocino County Planning Department;

(12) Given the severe hazard to children’s health attributable to 2.5 particulate matter pollution, all communications between MQAQMD, MFP and the Board of Supervisors and any written justifications from MCAQMD regarding MCAQMD’s recent removal of the monitoring device for particulate matter sampling that had been stationed at the elementary school and why such removal was justified, and where the monitoring device was relocated;

(13) Any communications between MQAMD, MFP, the Board of Supervisors and the Calpella Elementary School, the Waldorf School, the Consolidated Public Health Clinic and the Coyote Valley Band of Pomo Indians regarding testing for particulate matter pollution in the neighborhood in which they and the plant are located;

(14) Based on information obtained from MCAQMD, on or about August of 2019 to address ongoing particulate matter pollution MFP was required to install software technology in an attempt to make more uniform the size of pellets being burned. Please provide copies of all communications between MCAQMD and MFP regarding this problem that MFP sought to correct with new software including the success or nonsuccess of such effort; and

(15) All communication or written materials pertaining to future testing for particulate matter pollution being emitted from the MFP wood pellet making plant including the locations and times of such proposed testing.

If there are any fees for searching or copying these records, please inform me if the cost will exceed $350. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest. Such disclosures will inform the public as to any health or environmental hazards we have faced in the past or may face in the future under the operations in process at the plant. The history of the permitting of the facility and the manner in which violations have been addressed to date has been far from transparent to the public from the inception of the plant construction to its night and day productions levels currently in place. This information is not being sought for commercial purposes but rather for ascertaining the public health hazards potentially attributable to the massive amounts of wood pellet production projected for the plant by its owners. [See October 22, 2017 Press Release from Forest Energy Corporation and Mendocino Forest Products regarding quantities of wood pellets they anticipate producing i.e. 1.5 to 1.75 million 40 lb. bags of pellets each year or 30,000 to 35,000 tons annually].

If it would help in reducing copying costs I will provide a thumb drive onto which requested information can be downloaded.

The California Public Records Act requires a response within 10 business days. If access to the records I am requesting will take longer, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feels justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for your attention to this request for information.

Sincerely,

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Priscilla Hunter, Tribal Elder Coyote Valley Band of Pomo Indians

1 Shodakai Court, Redwood Valley, CA 95470

(707) 391-6410

pchunter@coyotevalley-nsn.gov

cc: Coyote Valley Band of Pomo Indians

Consolidated Tribal Health

InterTribal Sinkyone Wilderness Council

Bradley Angel, Executive Director, Green Action for Health and Environmental Justice

Tom Wheeler, Executive Director, Environmental Protection Information Center