**Memo:**

**To: Coyote Valley Band of Pomo Indians, Consolidated Tribal Health Clinic, SEIJ, Mendocino Climate Action, the Willits Environmental Center, the Inter Tribal Sinkyone Wilderness Council, Green Action for Health and Environmental Justice, Gary Graham Hughes and Redwood Nation Earth First**

**From: Polly Girvin**

**Re: Update on SEIJ and Coyote Valley Band of Pomo Indian’s research regarding particulate matter pollution from the Mendocino Forest Product’s Calpella wood pellet making plant.**

**Date: February 8, 2020**

1. **Phone Consultation with staff members and the Native American Liaison for the California Air Resource Board**

On January 28, 2020Priscilla Hunter, Elder of the Coyote Valley Band of Pomo Indians, Polly Girvin of the Alliance for Social, Environmental and Indigenous Justice (SEIJ), Gary Graham Hughes former director of the Environmental Protection and Information Center (EPIC) , Sheridan Noelani Enomoto of Green Action for Health and Environmental Justice and Rosamond Crowder of the Willits Environmental Center participated in a phone consultation with the California Air Resources Board (CARB) convened by CARB’s Native American Liaison

The EPA and CARB sets Ambient Air Quality Standards, the various Air Districts (and Air Basins) of California are monitored to determine if they meet (attain) or do not meet (exceed) the AAQS**.** After auditing and reviewing the monitoring data, EPA and CARB then determine the attainment status of the air district. According to the phone consultation with CARB on January 28th 2020 the Native American liaison for CARB told us that **although MCAQMD has been determined to be in attainment for all federal air quality standards it is not in attainment of state air quality standards for particulate matter pollution which are stricter than the federal standards.** Subsequent to the phone consultation she emailed a January 2005 MCAQMD Particulate Matter Attainment Plan which was entitled a Draft and non-executed.

**The Draft 2005 Particulate Matter Attainment Plan states in its Executive Summary Section at p.2 that, “**The Mendocino County Air Quality Management District is designated as non-attainment for the State Standard for Airborne Particulate Matter less than 10 microns in size (PM10**).** The California Clean Air Act of 1988 requires that any District that does not meet the PM10 standard make continuing progress to attain the standard at the earliest practicable date”. [Emphasis supplied]

NOTE The Native American liaison to the CA Air Quality Resources Board told us that MCAQMD is currently in non -compliance with state air quality standards for airborne particulate matter. Given that MCAQMD was found to be in noncompliance with state standards for Particulate Matter pollution as far back as 2005 and according to CARB continues to be in noncompliance with such standards now more than 15 years later, it would appear that MCAQMD is in flagrant violation of the CA Clean Air Act requirement stated above that it make “continuing progress to attain the standard at the earliest practicable date”.

The Draft 2005 Particulate Matter Attainment Plan concluded that “While PM levels have dropped over the last 20 years, the District still exceeds the state standard several times a year.”. We need to find out the monitoring history for particulate matter pollution required by the state for the MCAQMD from 2005 to present and whether there have been amendments or modifications to the 2005 Air Quality Attainment Plan. And further we need copies of the Air Quality Attainment Plan or Plans that are fully executed documents not just documents ” Drafts”.

1. **Response to date to CA Public Records Act request for Information to the Board of Supervisors and MCAQMD from Priscilla Hunter, Elder Coyote Valley Band of Pomo Indians**

On February 6, Priscilla Hunter heard from Deputy County Council, Matthew Kiedrowski, informing her that he had responsive documents to her request for information, including 600 emails, that he needed more time to review for exemptions under the CA Public Records Act and whether there were trade secrets contained in the documents that needed to be redacted or excluded. She agreed to an extension of time to respond until February 21st.

He also noted that he needed to search for documents reflecting any communication with the county Elementary School located nearby the wood pellet plant. He also admitted he had not looked at all for any documents reflecting communication with the private Waldorf School which I indicated to him was located even closer to the plant than the county elementary school. He stated that he would now look for any communications from the County to the Waldorf School pertaining to wood pellet making plant.

Being unable to access her emails at her office at this time as Priscilla is sick at home, I am unable to determine the response from MCAQMD to Priscilla’s CA Public Records Act request for documents. We were informed by the Deputy County Counsel that MCAQMD has its own separate legal counsel from the County Counsel. It is likely an extension of time in which to respond has been requested by MCAQMD as well.

All responses to Priscilla Hunter’s CA Public Records Act will be reviewed by Green Action for Health and Environmental Justice expert staff.