To: Christenson, Kara[Christenson.Kara@epa.gov]
From: McKaughan, Colleen
Sent: Tue 12/6/2016 10:19:56 PM
Subject: RE: Status Re: Maricopa County air permit modification permit appeal documents for Hickman operation

Ex. 5 & 7

From: Christenson, Kara
Sent: Tuesday, December 06, 2016 2:43 PM
To: McKaughan, Colleen <McKaughan.Colleen@epa.gov>
Subject: FW: Status Re: Maricopa County air permit modification permit appeal documents for Hickman operation

Have you been following appeal of Maricopa's permit to Hickman? Here is the Board's decision (received yesterday).

This email, including attachments, may contain information that is confidential and/or protected by the attorney/client or other privileges. If you are not an intended recipient, please delete this email, including attachments, and notify me by email or at (415) 972-3881.

Kara Christenson

Senior Counsel

U.S. EPA Region 9

75 Hawthorne Street, 12th Floor

San Francisco, CA 94105

phone: 415 972-3881

christenson.kara@epa.gov

From: Alkon, Margaret
Sent: Monday, December 05, 2016 4:26 PM
To: Christenson, Kara <Christenson.Kara@epa.gov>
Subject: FW: Status Re: Maricopa County air permit modification permit appeal documents for Hickman operation

The latest development:

"the Board remanded the air permit modification back to the County to reassess emissions at the facility to determine if it is a "major source" triggering different permitting requirements."

From: Chan, Janice
Sent: Monday, December 5, 2016 3:32 PM
To: Alkon, Margaret <Alkon.Margaret@epa.gov>
Subject: FW: Status Re: Maricopa County air permit modification permit appeal documents for Hickman operation

FYI.

From: Danielle Diamond [mailto:danielled@sraproject.org]
Sent: Monday, December 05, 2016 3:19 PM
To: Chan, Janice <Chan.Janice@epa.gov>
Subject: Status Re: Maricopa County air permit modification permit appeal documents for Hickman operation

Ms. Chan

Please find the attached transcript from the Nov. 7th MCAPCB hearing, as well as the order the Board issued on Dec. 2nd on the matter.

You will see in the order that the Board remanded the air permit modification back to the County to reassess emissions at the facility to determine if it is a "major source" triggering different permitting requirements.

I do not agree with the County's perspective that some of the emissions escaping the large openings at the ends of the barns could be found to "fugitive" as there seems to be a good amount of case law that contradicts this position, but hopefully it will not be an issue after the County reevaluations the operation.

Danielle Diamond

Danielle Diamond, Executive Director

Socially Responsible Agriculture Project

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On Wed, Nov 16, 2016 at 12:26 PM, Chan, Janice <Chan.Janice@epa.gov> wrote:

> Thanks for sending this to me. I may ask for some of the exhibits if I'm unable to track them down on my own.
>
> I will like to know what MCAPCD decides on Thursday.
>
> I'm curious whether there's any appeal or statements made otherwise by MCAPCD or ADEQ about the Arlington facility.

Janice

Janice Chan

U.S. EPA - R9

Enforcement Division

Air & TRI Section (ENF-2-1)

P: 415-972-3308

F: 415-947-3519

Chan.Janice@epa.gov

From: Danielle Diamond [mailto:danielled@sraproject.org]
Sent: Friday, November 04, 2016 8:56 PM
To: Chan, Janice <Chan.Janice@epa.gov>
Subject: Maricopa County air permit modification permit appeal documents for Hickman operation

Ms. Chan

Attached are some documents related to the air modification permit appeal hearing scheduled for Monday, Nov. 7th. Let me know if you would like any of the exhibits. I have those too, but the files are quite large and may be too big to send via email.

Danielle Diamond

Danielle Diamond, Executive Director

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