To: McKaughan, Colleen[McKaughan.Colleen@epa.gov]
From: Christenson, Kara
Sent: Thur 12/8/2016 6:42:22 PM
Subject: Hickman: Appeals Board Final Decision and Order

FYI

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: Christenson, Kara
Sent: Wednesday, December 07, 2016 5:18 PM
To: Jones, Joel E. <Jones.Joel@epa.gov>
Subject: RE: Appeals Board Final Decision and Order

Ex. 5 & 7

Ex. 5 & 7

Here is the Board's summary of their decision:

It is ORDERED as follows:

1. That the appeal as it relates to comments #7-#3, #5- 7 , #10 and #18 is dismissed.

2. That the appeal as it relates to comments #8, #9, #17, #I3, #14 and#17 is allowed, but evidence is limited to whether the Department properly calculated the emissions, characterized them as fugitive or point source, and, based upon the revised calculation, applied the proper permitting standards and procedures (e.g., did the source trigger a procedure other than the one that the Department used to

process the permit application and revision).

3. Based upon full consideration of the evidence, the Board finds that there is insufficient evidence for that the Department erred in treating all hen house emissions as fugitive, but that there is insufficient evidence] that the non-Title V minor permit revision procedure was proper and the Board remands, but does not vacate, the minor permit revision to the Department to clarify the basis for its position. The Department shall consider the information in this record and such additional information as it chooses to gather and shall apportion emissions as fugitive or non-fugitive and render a decision on whether Hickman's Egg Ranch is or is not a major source. If the Department determines it is not a major source, the Department shall serve that decision on the Board and Mr. Blackson, who shall have 30 days to file objections with the Board and request a hearing on the new determination. If the Department determines that Hickman's Egg Ranch is a major source, it shall revoke and reissue the minor permit revision under the Title V or other appropriate rules and Mr. Blackson or Hickman's Egg Ranch may appeal as provided by law.

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: Jones, Joel E.
Sent: Wednesday, December 07, 2016 3:38 PM
To: Christenson, Kara <Christenson.Kara@epa.gov>
Subject: FW: Appeals Board Final Decision and Order

Fyi

From: Jones, Joel E.
Sent: Tuesday, December 6, 2016 6:20 PM
To: Chan, Janice <Chan.Janice@epa.gov>; Salazar, Matt <Salazar.Matt@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Subject: Fwd: Appeals Board Final Decision and Order

Ex. 5 & 7

Sent from my iPhone

Begin forwarded message:

From: "Don't Waste Arizona" <dwaz@fastq.com>
To: "Jones, Joel E." <Jones.Joel@epa.gov>
Subject: Appeals Board Final Decision and Order

Attached is the final order in the citizen's appeal of the Hickman's-Tonopah facility's minor modification permit. The appeals board closed the issue about using ARS 49-457 section 0 for referring dust and odor complaints to ADEQ after it was shown that MCAQD was not legally justified in doing that as Tonopah is geographically outside the "regulated areas" set by the state statute. Also, now the Hickman's-Tonopah facility will be evaluated as a Title V facility.

If you have any questions, let me know.

Steve Brittle

602-881-3305