

Press Release from the Environmental Integrity Project and Southern Environmental Law Center

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Clean Air Carolina Challenges Air Permit for Enviva Hamlet Expansion in Richmond County

CHAPEL HILL, N.C. – The Southern Environmental Law Center and the Environmental Integrity Project, on behalf of their client Clean Air Carolina, today challenged the North Carolina Department of Environmental Quality’s issuance of an air quality permit to Enviva Hamlet, a wood pellet manufacturing facility currently under construction in Richmond County, North Carolina.

DEQ failed to ensure that the increases in air pollution associated with this facility did not violate the Clean Air Act in its January 14, 2019, permit allowing Enviva Hamlet to expand and modify its operations by, among other things, significantly increasing the facility’s production of wood pellets.

“DEQ greatly underestimated the amount of air pollution that will be released from the Hamlet Plant,” said Heather Hillaker, associate attorney with the Southern Environmental Law Center. “As a result, Enviva Hamlet was able to bypass the more stringent air pollution control requirements that apply to major sources of air pollution, like the requirement to use best available control technology.”

Clean Air Carolina’s challenge focuses specifically on emissions of volatile organic compounds (“VOCs”), a group of air pollutants that contribute to smog and can cause breathing issues for the elderly, young children, and those with lung disease such as asthma.

“Richmond County currently has one of the poorest health ratings in the state,” said June Blotnick, Executive Director of Clean Air Carolina. “Residents around the Enviva Hamlet facility deserve air pollution controls that protect the health of workers and the community.”

Last November, SELC and EIP submitted formal comments on the draft Enviva Hamlet air permit, on behalf of Clean Air Carolina and several other North Carolina and national groups. Those comments demonstrated that the emission estimates Enviva submitted, and which DEQ relied on in classifying the facility as “minor,” were inaccurate and severely underestimated.

“When you look at the underlying data, Enviva’s numbers are literally too good to be true,” said Patrick Anderson, associate attorney with the Environmental Integrity Project. “Every data point in the public record shows that Enviva will violate the Clean Air Act the moment it starts operating.”

The groups' comments also called on DEQ to scrutinize Enviva's emission estimates and revise the permit accordingly. "This industry consistently underestimates emissions, so it is especially vital that agencies like DEQ verify the accuracy of the industry's emissions data," said Keri Powell, attorney with the Environmental Integrity Project. "DEQ didn't do its homework. Instead, DEQ just accepted Enviva's outrageously low air pollution estimates without questions."

Although DEQ did improve the final permit by implementing stricter testing requirements, the final permit still suffered from the same fundamental flaws identified during the public comment period. Of the new testing requirements, Hillaker explained, "we certainly agree with DEQ that more emissions testing in this industry is necessary, but after-the-fact testing does not satisfy the Clean Air Act's preconstruction permitting program, which is meant to ensure that facilities like Enviva Hamlet assess their air pollution impacts and install up-to-date air pollution controls before they start operating."

SELC and EIP filed a petition for contested case in the Office of Administrative Hearings to challenge DEQ's issuance of Enviva Hamlet's permit in violation of state and federal law.

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*For more than 30 years, the Southern Environmental Law Center has used the power of the law to champion the environment of the Southeast. With over 70 attorneys and nine offices across the region, SELC is widely recognized as the Southeast's foremost environmental organization and regional leader. SELC works on a full range of environmental issues to protect our natural resources and the health and well-being of all the people in our region.
www.SouthernEnvironment.org*

*The Environmental Integrity Project is a non-profit, non-partisan watchdog organization that advocates for effective enforcement of environmental laws. EIP has three goals: (1) to illustrate through objective facts and figures how the failure to enforce and implement environmental laws increases pollution and harms public health; (2) to hold federal and state agencies, as well as individual corporations accountable for failing to enforce or comply with environmental laws; and (3) to help communities obtain protections guaranteed by environmental laws.
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