



May 22, 2020

Via Email: [Michael.Abraczinskas@ncdenr.gov](mailto:Michael.Abraczinskas@ncdenr.gov); [DAQ.publiccomments@ncdenr.gov](mailto:DAQ.publiccomments@ncdenr.gov)  
Michael Abraczinskas, Director  
Division of Air Quality  
NC Department of Environmental Quality  
Raleigh, North Carolina

Re: Public Hearing- Draft Air Permit Air No. 10636Roo Active Energy  
Renewables, Lumberton, NC wood pellet plant

Dear Mr. Abraczinskas:

On behalf of **residents of Alamac Road and South Lumberton**, the **Robeson County Branch of the NAACP**, the **North Carolina Environmental Justice Network (NCEJN)**, the **RedTailed Hawk Collective**, **Friends of the Earth**; and along with the **Robeson County Cooperative for Sustainable Development**, **Concerned Citizens of Maxton**, **Clean Air Carolina**, **Dogwood Alliance** and the **Southern Forests Conservation Coalition**, we write to again ask that you hold an in-person public hearing in Lumberton once the COVID-19 crisis has lifted regarding Active Energy Renewable Power's (AERP) proposed wood pellet manufacturing facility at 1885 Alamac Road, Lumberton, North Carolina. As our clients have shared directly with DAQ Deputy Director Michael Pjetraj, Secretary Regan, DEQ's Title VI Administrator Renee Kramer, and DEQ's Environmental Justice (EJ) and Equity Advisory Board, the recently announced June 15, 2020 "digital public hearing" fails to provide for or otherwise constitute meaningful engagement of the underserved Lumberton community. This process will in fact exclude the very residents whose health and environment will be most adversely affected by, and we write now on their behalf.

A digital public meeting cannot provide a meaningful opportunity for engagement when more than half of Robeson County residents lack broadband technology access completely. For those who do have access, service is unreliable; by way of example, Robeson County NAACP Branch president Minister Tyrone Watson attempted to phone in to the May 18 EJ Advisory Board meeting but, due to intermittent cellular service where he lives near Lumberton, he was unable to participate in or even hear much of the meeting. Children in Robeson County Schools have missed more than half a year of school over the last few years due to school closures from damage done by hurricanes and the current COVID crises. Most of them receive no instruction while schools are closed because of lack of consistent access to broadband internet and reliable digital devices.

This latest natural disaster will have long-term adverse effects on our most vulnerable residents—a large proportion of whom live in Robeson County. **Our clients have asked that you suspend the public comment period until after DEQ’s Title VI program has been completely complied with, including the additional outreach to the surrounding underserved community and assessment of the racially disparate and cumulative impacts that AERP’s novel wood pellet processing facility will cause.** We repeat that request now.

DEQ should exercise its authority under N.C.G.S. § 143 Article 21B and 15A NCAC 02Q .0306, .0307 and .0308 to take the time needed to fulfill its obligations under state law and Title VI of the Civil Rights Act of 1964 to protect the health and environment of the residents of Robeson County. The only entity that benefits from rushing this process is AERP, which may wish to move forward with construction and operation of its facility for financial reasons. Yet to proceed without providing a meaningful opportunity for public engagement and without adequate and transparent information about the black wood pellet process AERP intends to use or the volume at which it intends to use it abrogates DAQ’s statutory and regulatory responsibilities. **In light of the vulnerable health, low-wealth and disproportionately African American and Native American population within the two-mile radius of the proposed facility, DAQ’s determination to move forward anyway despite what community leaders have told DAQ has grave civil rights consequences.**

As explained in greater detail in the public comments submitted on our clients’ behalf last month, if there is any place in North Carolina whose racial and social demographics, poverty, health outcomes and existing hazardous and polluting land use justify the requested reasonable postponement due to the COVID-19 crises, it is Robeson County. Please wait and reschedule the public hearing after this unprecedented pandemic emergency has subsided and an in-person public hearing can be held in Lumberton. **In the meantime, please utilize this interim period to conduct the necessary research and analysis of disparate and cumulative impacts, taking into consideration the particular process and volume AERP intends, and provide that information to the public *before* the public hearing.**

Sincerely,



Elizabeth Haddix



Mark Dorosin

CC: Secretary Regan, Title VI Administrator Renee Kramer,  
DAQ Deputy Director Michael Pjetraj  
EJ & Equity Advisory Board Chair Jim Johnson  
Robeson County Board of Commissioners  
Lumberton City Council, City Manager, City Attorney