



# Ignatius Y. Ding

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Date: November 21, 2009

Subject: An Emergency Request for BAAQMD Board Intervention (re: Lehigh Southwest Title V Permit Renewal)

To: The Honorable Chairwoman Pamela Torliatt, BAAQMD Board of Directors

Cc: Members of the BAAQMD Board of Directors  
Members of the BAAQMD Advisory Council  
Mr. Gerald Rios, Permit Office Chief, Federal EPA Regions 9, San Francisco  
Ms. Kara Christenson, Federal EPA Region 9, San Francisco  
The Honorable Chairwoman Mary D. Nichols, California Air Resources Board  
The Honorable Senator Barbara Boxer, United States Senate  
The Honorable Congresswoman Anna Eshoo (CA-14), United States House of Representatives  
The Honorable Congressman Mike Honda (CA-15), United States House of Representatives  
The Honorable Congresswoman Zoe Lofgren (CA-16), United States House of Representatives  
The Honorable Senator Leland Yee, California State Senate  
The Honorable Assemblywoman Fiona Ma, California State Assembly  
The Honorable Assemblyman Paul Fong, California State Assembly  
The Honorable Assemblyman Ira Ruskin, California State Assembly  
Members of Santa Clara County Board of Supervisors  
Members of Cupertino City Council  
Cupertino Councilman-Elect Barry Chang

Bcc: Mr. Jack Broadbent, Air Pollution Control Officer, BAAQMD  
Ms. Thu Bui, BAAQMD  
Bay Area News organizations

Subject: An Emergency Request for BAAQMD Board Intervention (re: Lehigh Southwest Title V Permit Renewal)

Dear Chairwoman Torliatt,

On behalf of the residents of City of Cupertino, I am writing to request your immediate assistance to intervene in the subject matter regarding the pending renewal of the Title V permit in light of impropriety, violation of federal statutory and regulatory provisions, and breach of public trust by the Bay Area Air Quality Management District, which is, in part, stated in the attached letter from Mr. Paul Cort, staff attorney of the EarthJustice, to the BAAQMD Air Quality Control Officer, Mr. Jack Broadbent, on November 20, 2009. (“*Sierra Club v. Whitman*,” Case No. 01-01991 (ESH) (D.D.C. Jan 30, 2002)

We are requesting the BAAQMD Board of Directors to place this matter on the agenda of the next Board meeting and ask Mr. Broadbent to provide a full report to address the issues and explain the intentional violations of public trust and [The California Environmental Quality Act](#) (CEQA) by his staff:

- Disregarded substantial amount of public input and comments, and submitted an illegitimate version of Title V permit to Federal EPA for approval in violation statute and court-mandate of public hearing process.
- Unilaterally approved the requests in 2007 from Lehigh Southwest Cement plant switching from burning coal to petroleum coke without proper public notification and public hearings.
- Privately advised Lehigh Southwest Cement plant how to circumvent the CEQA requirement by taking incremental steps to apply for increasing volume of toxic fuel which is a serious violation of the state law in and by itself, let alone it was “suggested” by an employee of the agency regulating the applicant. (Please see the attached email exchanges between BAAQMD engineer Eric Chan and Lehigh consultant Doug Wolf in April 2007)

A hardcopy of this letter is to be mailed to you by certified mail.

Please let us know if you should have any question regarding this account. Thank you.

Truly Yours,



Ignatius Y. Ding

A former member of BAAQMD Advisory Council

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