

Clerk of the Board,
Environmental Appeals Board
U.S. Environmental Protection Agency
200 Pennsylvania Avenue, NW (1103M)
Washington, DC 20460-0001

Dear Clerk of the Board,

We have submitted our MOTION TO RECONSIDER and supporting documents electronically with the Board. Like Region, we are having difficulties scanning our documents. We ask permission to FAX the signed copies to your office, since this is an important part of your procedural requirements.

All parties have been FAXed signed copies of the following documents.

Please forgive any inconvenience.

Sincerely,



Celeste Draisner

Date: April 19, 2014

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2014 APR 21 AM 9:39
ENVIR. APPEALS BOARD

PRO SE Petitioner Celeste Draisner

BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

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ENVIR. APPEALS BOARD

In re: Sierra Pacific Industries)	
)	
PSD Permit No. 94-VP-18b)	Docket No. 14-01
PSD Permit No. 94-PO-18)	
)	
)	
Respondent: EPA Region 9,)	
Shasta County Air Quality Mgmt Dist.)	

MOTION REQUESTING LEAVE TO FILE MOTION FOR EXTENSION OF TIME

Petitioner Celeste Draisner seeks to comply with procedural requirements and requests leave to file a MOTION FOR EXTENSION OF TIME.

Petitioner Celeste Draisner asserts that Citizens For Clean Air's first Freedom of Information Act ("FOIA request") was submitted by Heidi Strand to EPA Region 9 ("Region") Presiding Administrative Officer Omer Shalev on February 28, 2013. Region has not complied with this FOIA request.

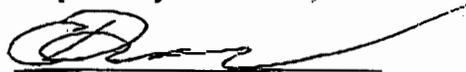
It is critical to the public good and Petitioner's case to receive the completed FOIA request from. One of the requests was for PSD/permit to operate No. 94-PO-18. This initial PSD permit issued by the Shasta County AQMD authenticates Petitioner's claim the Board is the correct court to review this PSD permitting matter.

On April 9, 2013, Citizens For Clean Air received from the Board an "ORDER CONCERNING BOARD PROCEDURES."

All efforts are being made by Petitioner and Citizens For Clean Air to comply with this order. Petitioner respectfully seeks permission from the Board to file these documents for review on the merits.

Petitioner Celeste Draisner promises to comply with procedural requirements and limitations issued by the Board. It is understood that all documents submitted must comply with Board rules.

Respectfully Submitted,



Date: April 19, 2014

Celeste Draisner
Citizens For Clean Air
P.O. Box 172,
Whitmore, CA 96096
Phone: (530) 223-0197

PRO SE Petitioner Celeste Draisner

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:)
Sierra Pacific Industries, Anderson)
) Appeal No. 14-01
PSD Permit 94-VP-18b)
PSD Permit 94-PO-18)
)

MOTION FOR EXTENSION OF TIME

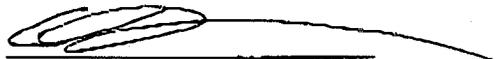
Petitioner Celeste Draisner respectfully requests that the Environmental Appeals Board ("Board") grant a two week extension of time from the date EPA Region 9 ("Region") provides critical information requested per a FOIA emailed and faxed to them on April 16th, 2014.

Petitioner is waiting on Region for data that goes to the heart of her Motion to Reconsider. Petitioner was denied standing before the Board based on failures by Region to grant access to important data. Petitioner, with documents provided by Region, intends to prove that Region is tied to all permitting actions relating to PSD Permit 94-PO-18 and PSD Permit 94-VP-18b (94-VP-18d).

If Petitioner provides proof Region is currently attempting to modify a federal PSD permit, this could clarify the Board's responsibility regarding this case.

For the foregoing reasons, and in the interest of public policy, Petitioner Celeste Draisner makes this request.

Respectfully submitted,



Celeste Draisner
Citizens for Clean Air
P.O. Box 172,
Whitmore, California 96096
(530) 223-0197

Date: April 19, 2014

PRO SE Petitioner Celeste Draisner

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:)
)
Sierra Pacific Industries, Anderson)
)
PSD Permit 94-VP-18b)
PSD Permit 94-PO-18)

Appeal Nos. 14-01

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ENVIR. APPEALS BOARD

MOTION TO RECONSIDER

Petitioner Celeste Draisner respectfully requests that the Environmental Appeals Board ("Board") reconsider their decision, based upon new evidence revealed on April 17, 2014 by Shasta County Air Quality Management District ("Shasta County AQMD").

Provided for your consideration is the original preconstruction permit in question (issued on June 15, 1995): 94-PO-18, submitted as exhibit A.

Also provided for your consideration is the original permit to operate (issued on January 29, 1998): 94-PO-18, submitted as exhibit B.

Citizens For Clean Air originally asked for these documents from EPA Region 9 ("Region") last year in an official FOIA request, but Region failed to provided them. Petitioner received these documents a few days ago from Shasta County AQMD.

These documents are critical for a complete understanding of this case, and may help demonstrate why Petitioner seeks jurisdiction from the Board.

The Clean Air Act (CAA) allows EPA to approve delegates in the issuance of PSD Permits. According to the CAA, a PSD Permit is also a federal authority to construct permit.

In 1994, Shasta County AQMD issued Sierra Pacific Industries-Anderson PSD Permit 94-PO-18.

In 1998, Shasta County AQMD later approved the Anderson facility for a Title V Permit 94-PO-18.

In 2006, Shasta County AQMD incorporated the Title V Permit into the existing PSD Permit and rnumbered it Permit 94-VP-18b.

Note the timeline and the similarity in the permit numbers.

This is explained by Shasta County AQMD in their December 12, 2012 Draft Evaluation SCAQMD (page 7):

Prevention of Significant Deterioration (PSD) Permitting

This regulation sets the procedure for the review of new sources or modifications to existing major stationary emissions sources. Since the Wellons Wood-fired boiler was issued a PSD permit as the Authority to Construct for the facility, the conditions of the Authority to Construct are incorporated in the proposed Title V permit unless a specific condition was revised (or added) in subsequent issued permits to operate. [emphasis added]

In 2003, Region revoked and rescinded Shasta County AQMD's authority to modify existing facilities or issue new PSD Permits.

In 2006, Shasta County AQMD had no authority to grant Permit 94-VP-18b because this PSD/Title V permit expired three years earlier.

Now, Region claims this PSD/Title V renewal process is a separate "state permitting procedure" denying the Board jurisdiction.

Shasta County AQMD's December 12, 2012 Draft Evaluation Report states:

The District had initially planned to renew the Title V Operating Permit in conjunction with the permitting process of a new, proposed cogeneration facility at the same location. The permitting process for the new cogeneration plant has not been completed by EPA. As a result this Title V permitting action has been slowed...

If this were a separate (state) permitting action, why was the "process" delayed by Region?

If Region is claiming they revoked *existing* PSD Permits in 2003, then they should provide the Board with the replacement permit that was issued for the Anderson facility by Region in 2003.

If renewing PSD Permit 94-VP-18b is a separate (state) action and only a Title V renewal, what happened to the original PSD permit? Which PSD permit is Region planning to modify?

The Board in their April 10, 2014 "Order Dismissing Appeal for Lack of Jurisdiction" states:

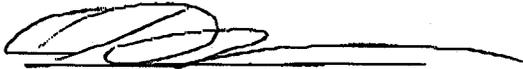
'This appeal centers around two types of Clean Air Act permits: PSD preconstruction permits and Title V operating permits. Because Petitioner appears confused about the difference between these two types of permits and about who issues these permits in Shasta County, the Board provides history about each ... Under the Clean Air Act, persons who wish to construct "major emitting facilities" in areas classified as in attainment or which can not be classified as in attainment or nonattainment must obtain preconstruction approval in the form of a "PSD permit" to build such facilities ...'

Petitioner concedes confusion in this permitting process.

How can the PSD Permit (preconstruction) and the Title V (operating permit) both share the same number and yet be separate permits?

How could Shasta County AQMD grant 94-VP-18b in 2006, when their federal authority was revoked in 2003 and the original 94-PO-18 expired 3 years earlier?

Respectfully submitted,



Dated: April 19, 2014

Celeste Draisner
Citizens for Clean Air
P.O. Box 172,
Whitmore, California 96096
(530) 223-0197

~ Citizens For Clean Air (CCA) ~
CERTIFICATE OF SERVICE

I hereby certify, under penalty of perjury, that copies of the foregoing in the matter of Sierra Pacific Industries PSD Permit No. 94-VP-18b /94-PO-18 were sent to the following Respondents/Interested Parties in the manner indicated:

- 4.19.14 MOTION FOR LEAVE TO FILE MOTION FOR EXTENSION OF TIME
- 4.19.14 MOTION FOR EXTENSION OF TIME
- 4.19.14 MOTION TO RECONSIDER
- 4.19.14 Exhibit A
- 4.19.14 Exhibit B

Service by FAX

Patti Pomerantz, Assistant to William M. Sloan
 MORRISON | FOERSTER
 425 Market Street
 San Francisco | California | 94105-2482
 Fax 415.268.7522 |
 Email: ppomerantz@mofocom

Kieran Suckling,
 Executive Director, Cofounder
 Center for Biodiversity
 351 California St., Ste. 600
 San Francisco, CA 94104
 fax: (415) 436.9683
center@biologicaldiversity.org

Deborah Jordan, Director
 Air Division, EPA Region 9
 75 Hawthorne St.
 San Francisco, Ca 94105
 fax (415) 947-3583

(with cover letter. Attn: Deborah Jordan)

Rick Simon, Air Pollution Control Officer
 Shasta County Air Quality Mgmt District
 1855 Placer St., Suite 101
 Redding, CA 96001 fax (530) 225-5237

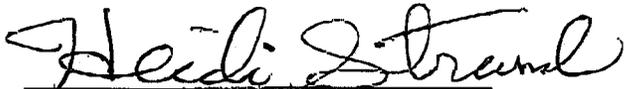
Clerk of the Board,
 Environmental Appeals Board
 U.S. Environmental Protection Agency
 200 Pennsylvania Avenue, NW (1103M)
 Washington, DC 20460-0001

(202) 233-0121

Kara Christenson, Regional Counsel
 Office of Regional Council, EPA Region 9
 75 Hawthorne St.
 San Francisco, Ca 94105
 fax (415) 947-3583

(with cover letter, Attn: Kara Christenson)

Chairman Mary D. Nichols
 Air Resources Board
 1001 "P" Street
 Sacramento, CA 95812 fax (916) 445-5025



Heidi Strand Executed: 4/19/2014