

*Pro Se* Petitioner Ed W. Coleman, Citizens For Clean Air

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

In re: Sierra Pacific Industries )

PSD Permit No. SAC 12-01 )

Docket No. SAC 12-01 )

Respondent: EPA Region 9 )

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MOTION REQUESTING LEAVE TO FILE ED W. COLEMAN'S "2<sup>nd</sup> Amended Petition" -  
electronically filed by CCA on March 30, 2013

Ed W. Coleman (PSD 13-01), Heidi Strand (PSD 13-02) and Celeste Draisner (13-03) are members of  
Citizens for Clean Air. Each Petitioner has filed separate Petitions.

On April 9, 2013, Citizens For Clean Air ("CCA") received the Environmental Appeals Board  
("Board") "ORDER CONCERNING BOARD PROCEDURES."

All efforts are being made to comply with this order.

**1. Petitioner respectfully "seek(s) permission from the Board to file the documents"**

Ed W. Coleman, Co-coordinator of Citizens For Clean Air, respectfully requests the Board consider his  
Motion Requesting Leave To File Ed W. Coleman's "2<sup>nd</sup> Amended Petition."

Region 9's April 12, 2013 "Motion for Extension of Time to File Response to Petitions for Review"  
states "Region 9 acknowledges the *pro se* nature of Petitioners Coleman and Strand, and would not  
necessarily object to a technical procedural deficiency, particularly one that is so recent."

**2. Petitioner respectfully asks to "explain the relevance of the documents"**

Ed W. Coleman, a stakeholder in an Environmental Justice community, respectfully requests the  
opportunity to amend his original Petition electronically filed by CCA on March 22, 2013. He  
respectfully seeks an opportunity to present a document that is clean and professional in appearance.

Ed W. Coleman understands all petitions must be filed within 30 days of the final permit decision. Ed  
W. Coleman will not expect the traditional 30 days extension formerly granted to members of  
Environmental Justice communities after the "Notice of Appeal" has been filed.

The only changes in Ed Coleman's "2<sup>nd</sup> Amended Petition" are a more complete and accurate list of  
statutes, cases and executive orders; and references are made to the modification issue raised by  
Petitioner Celeste Draisner.

Ed W. Coleman respectfully asks for issue preservation regarding the lack of a public hearing. If the Board wishes, the modification issue need not be addressed in his Petition. Rather, the Board may address only the modification arguments raised elsewhere.

**3. Petitioner respectfully asks to explain “why they [documents] are being submitted beyond the petition deadline.”**

EPA Region 9 (“Region 9”) has had time to read this corrected document, which does not raise any untimely issues.

The only significant changes are references to the modification argument/issue brought up in “Separate Petition by Appellant Celeste Draisner” which the Board stated in their March 27, 2013 letter as having “received four petitions from the following ... Celeste Draisner. Citizen Activist, CCA (PSD 13-03, filed on March 22, 2013.”

CCA electronically filed Petitioner Celeste Draisner's “Notice of Appeal” on March 19, 2013. CCA electronically filed “ Separate Petition by Appellant Celeste Draisner” on March 26, 2013. The CDX tracking number records prove this.

Region 9 appears to assert in their April 12, 2013 “Motion for Extension of Time to File Response to Petitions for Review” that Region 9 also found the Board's April 26, 2013 rules transition confusing.

In this request for a time extension, Region 9 states, “In the course of discussing the Board's on-line docket with her client, counsel learned that Edward Coleman and Celeste Draisner had filed petitions on March 26, 2013, but that neither petition was posted on the Board's on-line docket until this week, and that Draisner's in particular was not posted until today [April 12]. Counsel immediately called for the Clerk of the Board, who acknowledged recent technical difficulties with posting documents on the Board's website and stated that Region 9 could request an extension of time to file its Response...”

The main purpose of Ed W. Coleman's “2<sup>nd</sup> Amended Petition” is to present a clean and professional document for EPA review. No undue burden would fall upon either the Board or Region 9 if they read this amended petition.

Please allow Petitioner Ed W. Coleman, a *pro se* citizen in an Environmental Justice community, to amend his grammar errors and correct typos.

**4. Petitioner promises not to send “additional documents at some undetermined point in the future.”**

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

Respectfully Submitted,

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Ed W. Coleman, Co-coordinator, Citizens For Clean Air  
Date: April 21, 2013  
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