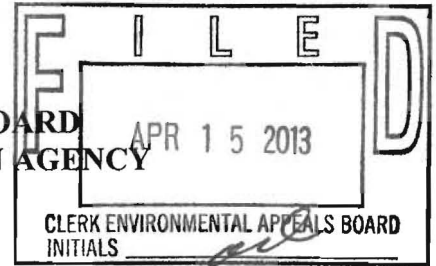


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____)
In re: _____)
_____)
Sierra Pacific Industries _____)
_____)
PSD Permit No. SAC 12-01 _____)
_____)

PSD Appeal Nos. 13-01, 13-02,
13-03 & 13-04

ORDER GRANTING REGION'S MOTION FOR EXTENSION OF TIME

On April 12, 2013, U.S. EPA Region 9 ("Region") filed a motion with the Environmental Appeals Board ("Board") requesting additional time to file its response in the above-captioned permit appeal. *See* Motion for Extension of Time to File Response to Petitions for Review ("Motion"). Currently, the Region's response is due on April 17, 2013. The Region requests an additional week, until April 24, 2013, in which to file its response. *Id.* at 1.

In the Motion, counsel for the Region states that late last week, while preparing the response brief addressing the four petitions mentioned in the Board's March 27, 2013 letter, she discovered that two "amended petitions" had been filed on March 26, 2013, one by Edward Coleman and the other by Celeste Draisner.¹ *Id.* The Motion notes that these petitions were not addressed in the Board's March 27, 2013 letter, nor posted on the Board's on-line docket until last week, and in particular, Ms. Draisner's petition was not posted until Friday, April 12, 2013.

Id. at 2. The Motion further states that the Clerk of the Board had acknowledged that the Board's

¹ Mr. Coleman's March 26, 2013 filing was styled as an amended petition. *See* Amended Petition by Appellant Ed W. Coleman (Dkt. # 14); *see also* Order Concerning Board Procedures at 1 n.2 (Apr. 9, 2013) (noting that Mr. Coleman had filed an Amended Petition on March 26, 2013). Ms. Draisner's March 26, 2013 filing was a petition following up on a notice of appeal she had filed on March 22, 2013, which essentially reads as an amended petition. *See* Separate Petition by Appellant Celeste Draisner (Dkt. # 15). Consequently, the Board refers to these filings as "amended petitions."

public website recently had experienced technical difficulties that impacted the Board's posting of documents. *Id.* The Region further states that the petitioners failed to comply with the requirements to serve their petitions on the Regional Administrator and the permit applicant and to attach proof of such service to their filings as required by 40 C.F.R. § 124.19(i)(3)-(4). *Id.* at 3. This service requirement is contained in the Agency's recent rule revising part 124, which took effect on March 26, 2013, the date these two documents were filed. *See* 78 Fed. Reg. 5281 (issued Jan. 25, 2013) (codified at 40 C.F.R. § 124.19).

Accordingly, for good cause shown and in light of a recent motion filed by Petitioner Heidi Strand,² the Board GRANTS the Region's motion for an extension of time. The Region's response therefore is due on Wednesday, April 24, 2013. The Board REMINDS all parties that they must comply with the recently revised part 124 rule, which in part requires service of any pleading on all parties in this matter.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Date: *April 15, 2012*

Leslye M. Fraser

Leslye M. Fraser
Environmental Appeals Judge

² On April 3, 2013, Ms. Strand filed a motion requesting approval to provide supplemental documentation. The Board notes that the Region also may decide to address this motion in its response.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Motion for Extension of Time in the matter of Sierra Pacific Industries, PSD Appeal Nos. 13-01 through 13-04, were sent to the following persons in the manner indicated:

By First Class Mail:

Ed W. Coleman
P.O. Box 1544
Shasta Lake City, CA 96019

Celeste Draisner
1000 Shepard Court
Redding, CA 96002

Heidi Strand
P.O. Box 1544
Shasta Lake City, CA 96019

Rob Simpson
Helping Hand Tools
27126 Grandview Avenue
Hayward, CA 94543

By Pouch Mail:

Deborah Jordan, Director
Air Division
U.S. Environmental Protection Agency,
Region 9
75 Hawthorne Street
San Francisco, CA 94105


Nancy J. Marvel, Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency,
Region 9
75 Hawthorne Street
San Francisco, CA 94105

Courtesy Copies to:

Sierra Pacific Industries
P.O. Box 496028
Redding, CA 96049-6028

Air Pollution Control Officer
Shasta County Air Quality Management District
1855 Placer Street, Suite 101
Redding, CA 96001

Dated: APR 15 2013


Annette Duncan
Secretary