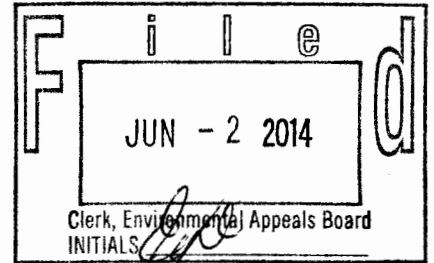


**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC**



\_\_\_\_\_) )  
In re: ) )  
Sierra Pacific Industries ) PSD Appeal No. 14-01  
 ) )  
Permit No. 94-VP-18d ) )  
\_\_\_\_\_) )

**ORDER DENYING SECOND MOTION FOR RECONSIDERATION  
AND MOTION TO FILE SUPPLEMENTAL INFORMATION**

The Environmental Appeals Board (“Board”) has previously denied Celeste Draisner’s petition for review and motion for reconsideration in the above-captioned matter. The Board now denies her second motion for reconsideration and motion to file supplemental information.

As explained in the Board’s previous two orders, the Board does not have jurisdiction to review Clean Air Act Title V operating permits issued by approved states. *In re Sierra Pacific Indus.*, PSD Appeal No. 14-01 (EAB April 10, 2014) 16 E.A.D. \_\_ (Order Dismissing Appeal For Lack of Jurisdiction); *In re Sierra Pacific Indus.*, PSD Appeal No. 14-01 (EAB May 2, 2014) (Order Denying Motion for Reconsideration and Motion for Extension of Time to Amend Motion for Reconsideration). A Title V permit issued by an approved state, however, is precisely what Ms. Draisner has asked the Board to review. Ms. Draisner’s arguments to the contrary in her second request for reconsideration lack any merit. There are simply no circumstances under

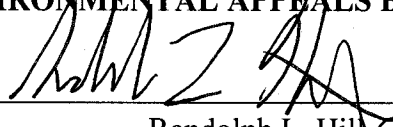
which the Board can review the September 27, 2013 permit issued by the Shasta County Air Quality Management District.<sup>1</sup>

The Board will summarily deny any further pleadings or requests for reconsideration in this matter. Motions denied.

So ordered.<sup>2</sup>

Dated:         JUN 2 2014        

**ENVIRONMENTAL APPEALS BOARD**

By:   
Randolph L. Hill  
Environmental Appeals Judge

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<sup>1</sup> Along with her first motion for reconsideration, Ms. Draisner filed a motion for an extension of time to amend her first motion for reconsideration, alleging that she was in the process of gathering additional evidence that would support her motion. The Board denied that motion on the grounds that the evidence she already had submitted was conclusive and no additional time was warranted. Her second motion for reconsideration is a clear attempt to avoid the Board's prior ruling and could be denied solely on that basis. In any event, the additional evidence submitted continues to prove that the September 27, 2013 permit is a Title V permit, not a Prevention of Significant Deterioration permit. On May 27, 2014, Ms. Draisner filed another motion to file supplemental information. That motion is denied for the same reasons.

<sup>2</sup> The three-member panel deciding this matter is composed of Environmental Appeals Judges Leslye M. Fraser, Randolph L. Hill, and Kathie A. Stein.

### CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing *Order Denying Second Motion for Reconsideration and Motion to File Supplemental Information* in the matter of Sierra Pacific Industries, PSD Appeal No. 14-01, were sent to the following persons in the manner indicated:

**By U.S. First Class Mail:**

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Marily Woodhouse  
The Battlecreekalliance.org  
P.O. Box 255  
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**By EPA Pouch Mail:**

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U.S. EPA Region 9 (ORC-2)  
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San Francisco, CA 94105

**Courtesy Copy By U.S. First Class Mail:**

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

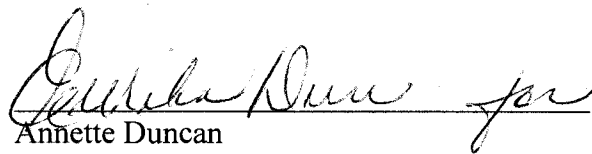
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Annette Duncan  
Secretary

Date: *June 2, 2014*