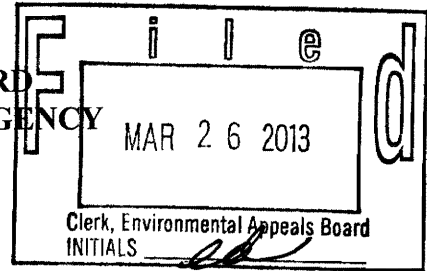


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



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

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

**ORDER CLARIFYING DOCKET AND DENYING MOTIONS
FOR EXTENSION OF TIME**

On March 21, 2013, the Environmental Appeals Board (“Board”) issued an Order denying Petitioner Citizens for Clean Air’s request for an extension of time in which to file an appeal brief. *See generally In re Sierra Pac. Indus.*, PSD Appeal No. 13-01, Order Denying Extension of Time to File Appeal Brief (“Order of March 21, 2013”). In that Order, the Board mentioned three documents Citizens for Clean Air had filed in connection with its appeal seeking review of the Prevention of Significant Deterioration (“PSD”) permit that U.S. EPA Region 9 (“Region”) issued to Sierra Pacific Industries (“Sierra Pacific”) on February 20, 2013. *See id.* at 1 & n.1. The Board noted that Ed W. Coleman, co-coordinator of Citizens for Clean Air, had filed a “Notice of Appeal,” seemingly on behalf of Citizens for Clean Air, on February 24, 2013. *See id.* at 1 n.1; *see also* Notice of Appeal (Docket Entry 1) at 1 (referring to Citizens for Clean Air as the “Appellant”). The Board also explained that on March 19, 2013, it had received another “Notice of Appeal” from Petitioner. *See* Order of March 21, 2013 at 1. Heidi Strand, “co-chair of [Citizens for Clean Air],” had filed this document, seemingly on behalf of Citizens for Clean Air. *See* Notice of Appeal (Docket Entry 2.01) at 1 (referring to Citizens for Clean Air as the “Appellant”). The Board also discussed Citizens for Clean Air’s motion requesting an

extension of time to file an appeal brief in this matter, which Ms. Strand had filed at the same time she filed the second notice of appeal, also seemingly on behalf of Citizens for Clean Air. *See* Motion for Extension of Time to File Appeal Brief at 1. The Board's Order of March 21, 2013, addressed this latter motion, denying the request for an extension. On March 21, 2013 (and again on March 22, 2013), the Board unsuccessfully attempted to send, by facsimile, a copy of the Order to Citizens for Clean Air at the number Mr. Coleman had provided.

On the following day, March 22, 2013, Ms. Strand sent several documents to the Board via facsimile: a cover letter; a Motion for Extension of Time to File Appeal Brief (signed by Ms. Strand); a Notice of Appeal (signed by Ms. Strand); and a Notice of Appeal (signed by Celeste Draisner). The cover letter noted that Ms. Strand had had difficulties with document conversion. The notice of appeal and motion submitted by Ms. Strand are identical to the notice of appeal and motion that she submitted on March 19, 2013. The Notice of Appeal signed by Ms. Draisner, however, had not been submitted previously to the Board. Later that same day, Ms. Strand electronically filed another motion requesting additional time to file an appeal brief. *See* Motion for Extension of Time to File Appeal Brief (Docket Entry 9). This third motion, while similar to the previous two motions, is not identical. Significantly, it states: "My petition (Heidi Strand), Celeste Draisner and Ed Coleman's are separate petitions needing separate docket numbers." *Id.* at 1. Additionally, on March 25, 2013, Mr. Coleman and Ms. Strand each electronically filed separate petitions for review with the Board.¹

¹ On March 25, 2013, the Board also received a fourth petition, this one from Rob Simpson and Helping Hand Tools. This appeal was assigned PSD Appeal Number 13-04.

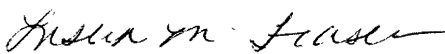
Upon review of these filings, the Board concludes that the three members of Citizens for Clean Air who have filed documents in this permit appeal – Ed Coleman, Heidi Strand, and Celese Draisner – each intended to file petitions for review as individuals and not on behalf of Citizens for Clean Air. Accordingly, the Board directed the Clerk of the Board to assign PSD Appeal Number 13-01 to Mr. Coleman’s petition, PSD Appeal Number 13-02 to Ms. Strand’s petition, and PSD Appeal Number 13-03 to Ms. Draisner’s notice of appeal. The Board will consider documents previously submitted by these petitioners, which the Board had considered to be Citizens for Clean Air’s submissions, to be those of the individual who submitted them.

Because there may be some confusion about the applicability of the Board’s Order of March 21, 2013, to Ms. Strand’s second and third motions for extension of time, the Board addresses her two motions here. In her latest motions, Ms. Strand has not provided any significant, additional information or circumstances that would warrant relaxing the appeal deadline in this PSD appeal. She primarily reiterates the argument she presented in her first motion, which the Board addressed in its Order of March 21, 2013. Thus, for the same reasons articulated in the Board’s Order of March 21, 2013, Ms. Strand’s second and third motions for extension of time are denied.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Date: *March 26, 2013*



Leslye M. Fraser
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Clarifying Docket and Denying Motions 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

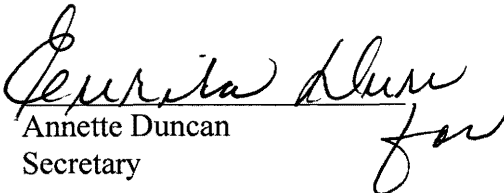
Nancy J. Marvel, Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency,
Region 9
75 Hawthorne Street
San Francisco, CA 94105

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: *3/26/2013*


Annette Duncan
Secretary