

Pro Se Petitioner Celeste Draisner, 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)

MOTION REQUESTING LEAVE TO FILE PETITIONER CELESTE DRAISNER'S "Separate Petition by Appellant Celeste Draisner" - originally filed electronically by CCA on March 26, 2013

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

Petitioner Celeste Draisner seeks to comply with procedural requirements.

Petitioner Celeste Draisner requests leave to file, as an attachment, the "Copy of March 6, 2013 Email" from Region 9 representative Omer Shalev referenced in her March 26, 2013 "Separate Petition by Appellant Celeste Draisner." This email was not included, but is relevant to proving her petition.

Petitioner Celeste Draisner asserts that the available administrative record is not complete. The comments of Petitioner Celeste Draisner were severely edited and unfairly represented.

Petitioner Heidi Strand's first FOIA request was submitted to Region 9 Presiding Administrative Officer Omer Shalev on February 28, 2013. Petitioner Heidi Strand has not yet received a response.

It is the complete comments/statements and accompanying contact information of other stakeholders that Petitioners Celeste Draisner and Heidi Strand seek.

Additionally, the Board should be aware that the administrative record has been changed several times since the final issuance of PSD Permit No. SAC 12-01. The Region 9 Response to Comments ("RTC") was re-written at least once *after* being released to the public.

Region 9 also amended the RTC document to include the comments/questions of Petitioner Celeste Draisner *after* the final issuance of PSD Permit No. SAC 12-01. Her comments were also considered/answered *after* the final issuance of PSD Permit No. SAC 12-01.

On April 9, 2013, CCA received from the Board an "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”

Petitioner Celeste Draisner respectfully requests the Board consider her March 26, 2013 “Separate Petition by Appellant Celeste Draisner” for review on the merits.

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.”

Hopefully, the Board's granting of Region 9's recent request for a time extension will increase the chance that the March 26, 2013 “Separate Petition by Appellant Celeste Draisner” can be reviewed by the Board on its merits.

2. Petitioner respectfully asks to “explain the relevance of the documents”

Petitioner Celeste Draisner, a stakeholder in an Environmental Justice community, respectfully requests that Petitioner Heidi Strand's “Motion to Provide Supplemental Documentation” received and filed by the Board on April 3, 2013 be included for review by the Board and Region 9.

Petitioner Celeste Draisner respectfully requests that the above information be reviewed when considering the issues of a) lack of a public hearing in an Environmental Justice community, b) Region 9's Best Available Control Technology (“BACT”) threshold and c) Region 9's “modification” of an existing 4 Megawatt facility to build a new 31 Megawatt facility next door.

Petitioner Celeste Draisner understands all petitions must be filed within 30 days of the final permit decision. Petitioner Celeste Draisner will not expect the traditional 30 days extension formerly granted to members of Environmental Justice communities after the “Notice of Appeal” has been filed.

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

Petitioner Celeste Draisner respectfully requests leave to submit her March 26, 2013 “Separate Petition by Appellant Celeste Draisner” despite the procedural failures of her separate petition.

EPA Region 9 (“Region 9”) has been granted time to read the March 26, 2013 “Separate Petition by Appellant Celeste Draisner.” 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 confirm this.

In the “Separate Petition by Appellant Celeste Draisner,” electronically filed by CCA on March 26, 2013, Petitioner Celeste Draisner references these supplemental documents. These supplemental documents were provided to assist the Board in reviewing the issues presented in her petition.

No undue burden would fall upon either the Board or Region 9 if they review the one page email provided by Petitioner Celeste Draisner, and as referenced in her original petition.

Please allow Petitioner Celeste Draisner, a *pro se* citizen in an Environmental Justice community, a chance to submit relevant information pertaining to this permitting decision.

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

Petitioner Celeste Draisner 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,

Celeste Draisner, Citizen Activist, Citizens For Clean Air
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Date: April 21, 2013
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