

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

In re:

Energy Answers Arecibo, LLC
(Arecibo Puerto Rico Renewable Energy Project)
Permittee

PSD Appeals Nos 13-05
through 13-09

U.S. Environmental Protection Agency Region 2
EPA Examiner

Coalition of Organizations Against Incinerators (La Coalición de Organizaciones Anti-Incineración) ("Coalition");
Ms. Eliza Llenza;
Ms. Martha Quiñones;
Ms. Cristina Galán;
Mr. Waldemar Flores
and Ms. Aleida Centeno.filing jointly
Petitioners

Leonardo Ramos-Hernandez
Party with interest.

MOTION OF RECUSAL OF THE FULL PANEL
AND REQUESTING REHEARING BY THE EPA ADMINISTRATOR

TO THE HONORABLE BOARD MEMBERS:

COMES NOW, Leonardo Ramos-Hernandez, the party with interest above captioned, filing PRO SE, respectfully ALLEGE, EXPOUND AND PRAY:

On April 11th 2014 Judge Stein issued two dispositive orders denying reconsideration and intervention solely signed by her without concurrence of any other Environmental Appelas Judge and failing to otherwise assert Quorum.

On April 24th 2014 I filed for recusal of Judge Stein and Rehearing. On response, the full panel considered and denied both the Recusal and Rehearing. In their responsive order the full panel clarified that prior to the April 11th 2014 order, the full panel received the then pending motions, they met in quorum and deliveredated a course of action and commonly agreed to delegate on Judge Stein the writing of executing orders. All these steps with quorum. Then in chambers and in absence of quorum, Judge Stein wrote the executing orders failing to insert the corresponding footnote asserting quoring in the written orders. And finally, the panel implies, Judge Stein then circulated among the other panel members the Orders drafts that ommitted the quorum asserting footnotes, and consequently the other panel members read and approoved Judge Stein's April 11th orders without any of then noticing the absence of assertions of quorum.

Today I file for recusal of the full panel on the following grounds:

The panel members admitted being sloopy in violation of the competency requirement of the International Covenant of Civil and Political Rights

The panel members are in violation of Ku Klux Klan Act

The panel members actions cause the impression of illegality and/or impropriety ("get out of jail free" card)

The panel members do not understand the concept of quorum in violation of the competency requirement of the International Covenant of Civil and Political Rights

The panel members have engaged in a pattern of failure to expound - "unpersuaded" "myriad"

The panel members have showed a pattern of bias "assertion of new information" refusal to expound refusal to acknowledge

The panel members admitted being sloppy in violation of the competency requirement of the International Covenant of Civil and Political Rights

The panel members admitted the orders of April 11th 2014 are missing a footnote asserting the occurrence of quorum in the deliverance of the orders. They nevertheless assert that in truth, they all read and approved the orders before they were entered by Judge Stein. Yet none of them noticed the omission of the footnote that asserts the quorum.

The panel members, at best, admitted being sloppy. At worst, they allowed the omission in the hope to pass unnoticed by others. Have the omission been unnoticed by the undersigner and a future jury find Judge Stein civil or criminally liable under the Ku Klux Klan Act or otherwise, the two other judges would be able to escape prosecution based on such absent footnote.

This sloppiness contravenes the basic competency demanded by the "right to a competent tribunal" proclaimed in the International Covenant of Civil and Political Rights (ICCPR) treaty and enforceable as a fundamental right via the Fifth Amendment "Due process" clause. A sloppy person is not a competent professional person.

The panel members are in violation of Ku Klux Klan Act

The Ku Klux Klan Act places upon the panel members the obligation to stop a Ku Klux Klan like conspiracy to violate civil rights if they have authority to do so. The panel members admitted on the April 11th 2014 Order Denying Motion to Intervene, they have discretionary authority to allow the undersigner to intervene and brief the board on the existence of a Ku Klux Klan like criminal organization that operates in Puerto Rico and, like the Ku Klux Klan, has corrupting pervasive membership powers to corruptedly influence the outcome of judicial process and that the parties Energy Answers, LLC and the counsel for the Coalition Against Incinerators which filed a frivolous claim in alleged opposition of Energy Answers LLC are not independent of each other, are controlled by said Ku Klux Klan like criminal organization, and are colluding in order to defraud the EPA PSD Permit Process and violate the civil rights of the undersigner and the Puerto Rico community. Yet the panel members opted to disallow such intervention in plain violation of the Ku Klux Klan Act.

The board members need not make a finding of the existence of a Ku klux Klan like criminal organization, until proper evidence is presented. But they may not shut the doors of justice in face of such grave allegations.

The panel members actions cause the impression of illegality and/or impropriety ("get out of jail free" card)

The panel members, at best, admitted being sloppy. At worst, they allowed the omission of an assertion of quorum is in the hope to pass unnoticed by others. Have the omission been unnoticed by the undersigner and a future jury find Judge Stein civil or criminally liable under the Ku Klux Klan Act or otherwise, the two other judges would be able to escape prosecution based on such absent footnote. An omission of an assertion of quorum is effectively a "get out of jail free" card.

Clearly a "get out of jail free" card is both illegal and improper. But rather than accept the recusal of the implicated Judge Stein as preventive measure, the full panel adopted a bizarre "closed ranks" posture defending the omission as an unimportant typographical mistake. Ignoring the grave consequences of the matter. The fact that the panel found no governing authority to support their bizarre posture speaks volumes of its impropriety. The panel needed not refer Judge Stein to disciplinary action since, as they clarified, there was no evidence of foulplay. But recusal of Judge Stein was unavoidable to avoid further harm to the legitimacy of the court as orders were entered without any assertion of quorum.

The panel members do not understand the concept of quorum in violation of the competency requirement of the International Covenant of Civil and Political Rights

Rather than allowing a rehearing when faced with the omission of the assertion of quorum, the panel members opted for the unprecedented position of entering a retroactive assertion of quorum. They cite no authority to support their bizarre posture.

Quorum is required. Quorum is never assumed. Quorum cannot be asserted retroactively.

The fact that the panel members were unable to cite any governing authority in support of their bizarre retroactive assertion of quorum speaks volumes of the impropriety of such unprecedented action.

The understanding of the concept of quorum is paramount to competency of judges. Failure to understand the concept of quorum violates the right to a competent tribunal proclaimed in the ICCPR treaty and enforceable as a fundamental right via the Fifth Amendment "Due process" clause.

The panel members have engaged in a pattern of failure to expound

The panel members have engaged in a pattern of failure to expound the law. They have used vague words like using "unpersuaded" to describe their action leaving up to the reader to interpret whether they have decided solely on standing or decided on the merits of the Pro Se claims; and "myriad" to avoid speech of corruption, collusion and fraud. Failure to address the Motion For Extension of Time to File A Motion to Reconsider as a Motion to Reconsider. Once denying the extension of time to file for reconsideration the panel is ambiguous as to whether they refused to accept the motion as a Motion of Reconsideration or if they took it as such and considered the merits of the claims, being unpersuaded opted to not expound the rationale for denial. These repeated failures to expound the law constitute abdication of duty as it is their duty to expound the law. This abdication of duty violates the ICCPR right to a competent tribunal as a tribunal that fails its duty to expound the law is not a competent tribunal.

The panel members have showed a pattern of bias "assertion of new information" refusal to expound refusal to acknowledge

The aforesaid actions combined with the assertion that the Wind Pattern data of the Arecibo NOAA station appears to be new data and the panel's refusal to reconsider such position in light of the CFR requirement to use site proximate data as opposed to San Juan, Aguadilla, and Virgin Islands data show a persistent pattern of bias on the part of the panel members. It is bizarre and mindboggling that the board accepts San Juan, Aguadilla, and Virgin Islands entries of the NOAA Wind Data Collection and in the same breath asserts Arecibo entries of the same NOAA Wind Data Collection was "new and previously unavailable" to the EPA Examiner.

Wherefore I respectfully request the recusal of the Environmental Appeals Panel and the referral to proper of the case at bar to the EPA Administrator for Rehearing of the April 11th orders.

In Bayamon Puerto Rico and San Juan Puerto Rico this 12th of May, 2014

/s/ Leonardo Ramos-Hernandez
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CERTIFICATE OF SERVICE

I CERTIFY that on this date I have notified this MOTION OF RECUSAL OF THE FULL PANEL
AND REQUESTING REHEARING BY THE EPA ADMINISTRATOR

Via email as follows:

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In Bayamon Puerto Rico this 12th of May 2014

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