

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
Intervenor

MOTION REQUESTING REHEARING

TO THE HONORABLE BOARD MEMBERS:

COMES NOW, Leonardo Ramos-Hernandez, the intervenor 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 Appeals Judge. These orders were issued in absence of Quorum.

In her opinions Judge Stein did not even mention most of our allegations. The only allegation for reconsideration that she did mention was the fact that El Vocero was not a general circulation newspaper and claimed that it was not critical to the board's decision on the propriety of public notification, again without concurrence from any other judge, and without addressing the prejudice on parties concerned with the Endangered Species Habitat on the Class I Natural Reserve surrounding the new source site and clear absence of information regarding potential draining and ash disposition on the protected Class I wetland. She raised the quantum of proof well beyond the natural "plausible claim" standard required of such motion in face of no potential prejudice to an opposing party.

Moreover Judge Stein asserted that the permittee would be withheld from initiating construction if those matters were properly briefed on the Reconsideration Stage whereas 40 CFR 124.19(g) makes it clear that a filing of a Motion Reconsideration will not affect the validity of a ruling:

"A motion for reconsideration shall not stay the effective date of the final order unless specifically so ordered by the Environmental Appeals Board."

Judge Stein failed to mention the other factual challenge to the critical assertion that wind

currents in the Carribean did not changed in the 20 years since the modeled wind pattern data was obtained whereas the available vicinity data was left off the record and there was an historical massive (2/3rds of 3.8 million people) migration and ground cover replacement of agricultural land to urban sprawl during that 20 years lapse directly around the new source site.

Judge Stein asserted that Leonardo Ramos-Hernandez learned about the PSD proceedings in spring of 2012. Leonardo Ramos-Hernandez only learned of the existence of the Coalition Against Incinerators and their oposition to an incinerator proposal and their eventual participation on behalf of all citizens in an eventual EPA proceedings. Leonardo Ramos-Hernandez had no reason to know or notice to learn about actual PSD proceedings by the Permittee Energy Answers LLC. Leonardo Ramos-Hernandez first learned about these PSD Proceedings on March 26th 2014 due to a media tour of the Permittee flaunting their victory on the March 25 2014 ruling. At best the biogenic CO2 emissions issues was first ascertainable in November 2013 when the EPA Examiner solicited voluntary remand. Long after the expiration of the 21 days allowed to petition for Amicus status.

Finally Judge Stein asserted that Leonardo Ramos-Hernandez has not challenged the Board's jurisdiction but he squarely raised the issue of collusion which implies damage to the Board's processes and implies due process damage inflicted upon him for his illusion of perceiving the issues were adequately defended. The issue of collusion was not reasonably available until days after the March 25th 2014 ruling when it became clear no Reconsideration was to be pursued by other parties.

Further Judge Stein refused to consider the ProSe filed Motion Requesting Extension of Time to file for Reconsideration itself as a Motion of Reconsideration.

WHEREFORE we respectfully request a rehearing with Quorum of the Motion Requesting Extension of Time to File a Motion for Reconsideration and Motion to Intervene.

In Bayamon Puerto Rico and San Juan Puerto Rico this 24th of April 2014

/s/ Leonardo Ramos-Hernandez
Leonardo Ramos-Hernanez
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CERTIFICATE OF SERVICE

I CERTIFY that on this date I have notified this MOTION REQUESTING REHEARING

Via email as follows:

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And hand delivered to Waldemar Natalio Flores Flores at Calle 4 B-20 Forrest Hills Urb Bayamon PR 00959.

In Bayamon Puerto Rico this 24th of April 2014

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