

**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)
Appeal No. _____)

MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR REVIEW

The Coalition of Organizations Against Incinerators (La Coalicion de Organizaciones Anti-Incineracion) (“the Coalition”) requests that the Environmental Appeals Board (“EAB”) grant an extension of the deadline to file a Petition for Review in the above-captioned matter, so that the deadline will be 60 days after the date of publication of a Spanish translation of the Final PSD Permit issued by the EPA on June 11, 2013. (The final permit is attached in Exhibit 1). The current appeal deadline is July 11, 2013.

The Coalition is an association of organizations comprised of residents of Puerto Rico. Many members of the community who have participated in the permit proceedings to this point have limited English speaking abilities, and they are therefore unable to read and understand the PSD permit. Therefore, they are unable to participate at this crucial stage.

Extending the appeal deadline to 60 days after the date of publication of a Spanish translation will allow the Coalition to prepare and submit an adequate petition, and will not prejudice the company or EPA.

In accordance with Section 124.19(f)(2), the Coalition contacted the company by telephone on June 28, 2013 to determine whether it would concur or object to the motion. In

addition, the Coalition contacted EPA by letter on June 26, 2013 to request its consent.

Although it has not yet received a specific response from either the company or EPA, it is filing this motion now due to its time-sensitive nature and the upcoming federal holiday (Independence Day).

The final permit was issued in English, but not translated into Spanish. EPA has issued other documents in this matter in both English and Spanish. For example, the Response to Public Comments and Press Release announcing the final permit are available in both languages. At this critical stage, translating the final permit into Spanish would be consistent with other EPA actions.

Although extending the appeal deadline is infrequent, the EAB has done this under appropriate circumstances. It granted an extension for filing a petition for review of a permit, due to a hurricane that struck Puerto Rico several days after EPA Region II issued a permit. *In Re: Aes Puerto Rico L.P.*, 8 E.A.D. 324 (E.P.A. May 27, 1999).

Applying Executive Order 12898, EPA should translate the permit. The purpose of the Executive Order is to provide minority and low-income communities access to information and opportunity for public participation. E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 Fed. Reg. 7629 (February 11, 1994). Section 5-5 of the Executive Order allows EPA to translate crucial public documents for limited English speaking populations “whenever practicable and appropriate.” It is practicable and very appropriate for EPA to provide a translation here, because this matter involves the Puerto Rican community, which has a limited English speaking population. The overwhelming majority of the potentially affected population is Spanish speaking, thereby heightening the need for compliance with the executive order.

For the reasons set forth above, the Coalition respectfully requests that its Motion for Extension of Time be granted, that EPA be ordered to translate the Final PSD Permit into Spanish, and that the EAB extend the deadline for the filing of an appeal.

Respectively submitted,

The Coalition of Organizations Against Incinerators
(La Coalicion de Organizaciones Anti- Incineracion)

Date: June 28, 2013

BY: _____
Christopher D. Ahlers
Environmental and Natural Resources Law Clinic
Vermont Law School
P.O. Box 96, 164 Chelsea Street
South Royalton, VT 05068
Tel: (802) 831-1624
Fax: (802) 831-1631
chrisahlers@vermontlaw.edu
Counsel for Appellants

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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing Motion for Extension of Time, on this 28th day of June, 2013, via USPS Priority Mail to the following:

Judith A. Enck, Regional Administrator
U.S. EPA Region 2
290 Broadway
New York, New York 10007

Patrick Mahoney, President
Energy Answers, LLC
79 North Pearl Street
Albany, New York 12207

Dated at South Royalton, Vermont on June 28, 2013.

BY: s/s Christopher D. Ahlers
Christopher D. Ahlers
Environmental and Natural Resources Law Clinic
Vermont Law School
P.O. Box 96, 164 Chelsea Street
South Royalton, VT 05068
(802) 831-1624
chrisahlers@vermontlaw.edu
Counsel for Appellants