

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

In re:

Energy Answers Arecibo, LLC
through 13-09
(Arecibo Puerto Rico Renewable Energy Project)
Permittee

PSD Appeals Nos 13-05

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 EXTENSION OF TIME TO FILE FOR RECONSIDERATION

COMES NOW, Leonardo Ramos-Hernandez, the intervenor above captioned, and Eliza Llenza, the above captioned petitioner, filing both jointly and PRO SE, respectfully ALLEGE, EXPOUND AND PRAY:

The order of March 25 2014 is extensive (98 pages) and it is plagued with misrepresentations of the issues raised.

El Vocero is not, and was not at the time of publication of the Public Notices, a general circulation newspaper. El Vocero was, at the time, a limited distribution periodical. without fees and, during the time of publications, completely unavailable in Barranquitas and other municipalities, and totally unavailable past 7:30am in the municipalities where it was hand delivered.

The Cambalache wind data is flawed as the North Corridor, where now two thirds of the 3.8 million Puerto Rico population reside, and of which Arecibo is the geographical center, has experienced a massive ground cover replacement during the 20 years since the collection of the Cambalache data. The then agricultural usage ground cover was massively replaced with urban sprawl. Thus the convection forces wind current changes from the new urban ground cover invalidate the Cambalache data. The EPA Examiner either knew of this and corruptedly avoided using the NOAA Arecibo data or did not know but looked at the Arecibo data and corruptedly left it off the record because it invalidates Cambalache data, or acted with total incompetence and contrary to the regulation which states "in close proximity to the actual site of the source." 40 C.F.R. pt. 51 app. W § 8.3.3.1.a when it left NOAA Arecibo data off the record using San Juan, Aguadilla and US Virgin Islands NOAA data instead. This in violation of the fundamental right to a competent tribunal declared in the International Covenant of Civil and Political Rights a treaty ratified by Congress in 1993.

There is clearly no compliance with the Endangered Species Act requirement to assess all

interdependent activities affect on endangered species habitat whereas the site of ash disposal is not certain and the cooling water intake volume and periodicity from wetland originated waters is undisclosed. There is no information to ascertain whether the flood control waters suffice the cooling tower demands, potentially resulting in draining of the wet land or forced production outages in order to protect the facility from overheating.

Moreover, there is not adequate public participation on the PSD permit for yet undisclosed emissions of biogenic CO₂ whereas there is no NAAQS in place and no disclosure and/or public participation as to the current rationale for the yet undisclosed PSD Permit cap and BACT on biogenic CO₂ emissions. The proposed BACT only considers fossil fuels CO₂ emissions.

Further, there is not enough information to ascertain applicability and compliance with the Section 103 of the Marine Protection Research and Sanctuaries Act of 1972, Rivers and Harbors Act of 1899 - Sec.10, and Clean Water Act - Section 404, since the interdependent activities of cooling water intake, discharge and ash disposal are not described in the record.

Ten (10) days is insufficient time to properly present these issues before the board.

WHEREFORE we respectfully request an extension of time to file a Motion for Reconsideration of an additional ten (10) days.

In Barranquitas Puerto Rico and San Juan Puerto Rico this 4th of April 2014

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/s/ Eliza Llenza
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