

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; and, filing jointly,  
Mr. Waldemar Flores  
and Ms. Aleida Centeno.  
Petitioners

Leonardo Ramos-Hernandez  
Intervenor

MOTION REQUESTING LEAVE TO INTERVENE

COMES NOW, Leonardo Ramos-Hernandez, the intervenor above captioned, and, filing PRO SE, respectfully ALLEGES, EXPOUNDS AND PRAYS:

I hereby request leave to intervene in the case at bar in order to file a Motion of Reconsideration of the March 25 2014 order and to raise jurisdictional and due process issues on Reconsideration and to solicit reconsideration of the exclusion of public comments from the PSD Biogenic CO2 emissions permit.

I have standing to intervene because I am a citizen concerned with the permitting of Green House Gases emissions (GHG) and whereas the Permittee was covered under a Deferal Rule at the time of issuance of the Final Permit on June 2013 regarding biogenic CO2 emissions. Thus the commenting of permitting of biogenic CO2 emissions was not available prior to the March 25 2014 order remanding. The 40 CFR 124.19 (a) allows a person who has not previously appear before the EPA "... may petition for administrative review only to the extent of the changes from the draft to the final permit decision." Since the case is being remanded to make changes not provided in the draft, I now have standing to enforce my due process rights challenging the Board order to exclude public comments from the Biogenic CO2 emissions PSD permit.

The proposed change to the PSD permit will add a new pollutant biogenic CO2 emissions to the PSD permit. Ordinarily the addition of a pollutant to a PSD permit will trigger a new PSD public comment process. But the board resolved that the EPA will not need to allow public comment on the regulation of the new pollutant. The board decision to exempt biogenic CO2 emissions from PSD public comment procedure is completely unforeseen and would not require this petitioner to have raised the matter prior to the March 25th ruling.

I have standing to raise new jurisdictional and due process issues because once having standing to intervene as explained above it carries over to any and all fundamental rights that can be raised at any time by any party.

Alternatively I have the right to intervene as Amicus Curiae in order to raise fundamental rights of the parties and in the protection of the court itself.

Alternatively I assert that the Coalition, an unincorporated group, with loose underterminate membership which does not possess a Constitutional Deed, has been representing me before the EPA, that I am no longer satisfied with the Coalition's representation of my personal interest and opt out of that representation by filing independently a Motion of Reconsideration.

I will not be satisfied by the Coalition's representation because it has been a willing and instrumental participant in the appalling theatrical of falsely raising the flags of abuse for the false allegation that lead emissions will pass unregulated. It begs to question what kind of law they teach in Vermont and why has this Board not punished such outrageous and malicious claim coming from a licensed School of Law.

Leonardo Ramos-Hernandez attended a Coalition Against "Incinerators booth at Casa Pueblo in Adjuntas Puerto Rico on spring 2012 where the Coalition was gathering signatures from citizens to be presented to the EPA. To the best of his recollection, Leonardo Ramos-Hernandez signed the mass petition. Thereafter Leonardo Ramos-Hernandez did not have ready access to the EPA Public Comments to verify his signature was indeed included in the EPA record, but as supporter he had all reason to believe the Coalition was representing him in the EPA Proceedings. The Coalition filed Public Comments and appeared before the Board of Appeals. Therefore Leonardo Ramos-Hernandez either participated directly by signing the Mass Petition or by proxy via the Coalition appearance.

The issues to be raised on reconsideration are as follows:

#### DUE PROCESS

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 or acted with total incompetence 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 resultinig in draining of the wet land or forced production outages in order to protect the facility from overheating. The Board misconstrued by merging Ms Quinones two separate claims "Ms. Quiñones argues that information about "the intake of water for cooling process," *including fugitive emissions from* "its operation," is missing from the record." ( Order at 72.enphasis added). When in fact her claims were "[T]he intake of water for cooling process is

propose[d] to be located at Jariales Pump Station, connected to the stack area with pipes. *This part of the project and fugitive emissions of [its] operation ha[ve] not been describe[d] in any part of documents in [the] administrative record.*" (order at 72 footnote, emphasis added). The Board wrongly resolved the record "described the water source [as being brackish] for the cooling tower and the location of the water intake." defeated the Quinones claim; this description is insufficient as stated above. But the real issue here is weather the Fish and Wildlife Service in Puerto Rico issued its concurrence "it does not anticipate adverse effects for species under its jurisdiction." (order at 76) either corruptedly or in display of total incompetence that violates the fundamental right to a competent tribunal. Since it contravenes Final ESA Section 7 Consultation Handbook, March 1998 at 3-12: "The analysis, based on review of all potential effects, direct and indirect, is documented in the concurrence letter. If the nature of the effects *cannot be determined*, benefit of the doubt is given to the species. *Do not concur in this instance.*(emphasis added).

Moreover, there is not adequate public participation on the PSD permit for the yet undisclosed emmissions 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 a Racketeering Influence Corrupt Organization Criminal Enterprise (RICO Enterprise) operating in Puerto Rico with broad powers akin to the Ku Klux Klan (KKK), with comparable membership to the KKK, whose modus operandi include the identification of oposition vaccums and the ocupation of such oposition vaccums with false oposition organizations in order to fraudulently and corruptedly grab and maintain control of the public and/or adversarial speech. In particular the Coalition and Permittee fit this modus operandi dicotomy.

#### JURISCDICTIONAL:

As result of the crimes and protection of the RICO Enterprise the Alejandro Garcia-Padilla Administration has not been constitutionally vested with the Sovereign Powers of the People of Puerto Rico whereas Garcia-Padilla, fraudulently and in order to gain access to the November 2012 ballot, proclaimed he was the only member of the Popular Democratic Party (PDP) to put forward his nomination for the PDP candidacy for Governor of Puerto Rico when in fact Leonardo Ramos-Hernandez properly put his nomination forward. Thus the Puerto Rico Environmental Qulity Board (PREQB) is an usurping government and lacks jurisdiction to enforce Clean Air Act Part D.

WHEREFORE I respectfully request this Motion to Intervene is GRANTED to allow me pursue the abve mentione issues.

In Barranquitas Puerto Rico this 4th of April 2014

/s/ Leonardo Ramos-Hernandez  
Leonardo Ramos-Hernanez  
HC 4 Box 2925  
Barranquitas PR 00794