

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 OF RECUSAL OF HON JUDGE KATHIE A. STEIN

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.

Those orders were issued in the absence of quorum. The grounds for reconsideration and intervention included corruption, fraud and collusion. Matters of the utmost public interest. In her opinions Judge Stein did not even mention either of those grave 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 Natural Reserve sorrounding the new source site and clear absence of information regarding potential draining and ash disposition on the protected wetland. She raised the quatum 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 falsely 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 data was corruptedly 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.

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

Judge Stein is not authorized to issue orders "in chambers" for she is not an Article III Judge and her Charter as issued by the EPA Administrator requires all Environmental Appeals Judges to only act in quorum. She needs a second judge to concur with her.

Even if Judge Stein is authorized to act "in chambers" she failed to notify the parties of her "in chambers" status and purported to act for the court without quorum.

Even further if Judge Stein acted permissibly "in chambers" she issued two dispositive orders denying standing to Leonardo Ramos-Hernandez and Reconsideration to ELiza Llenza and Leonardo Ramos-Hernandez, It is well settled law that "in chambers" orders are not permitted to dispose of pleadings that are before the court.

Judge Stein's actions particularly her rush to issue the orders without quorum cause the impression of bias on her part and an attempt to escape her duty to scrutinize the grave allegations of fraud, collusion and corruption.

The apparent attempt to escape her duty to protect the integrity of the Judicial Process is cause for initiation of disciplinary proceedings against her.

At the very least Judge Stein clearly acted in total incompetence when she knew or should have known that she was acting without quorum and in dispositive matter. As basic and fundamental matter of competency judges are required to know and understand the concepts of quorum and dispositive orders. Judge Stein demonstrated either lack of this knowledge or acted corruptly.

Either way is a violation of the International Covenant of Civil and Political Rights.

The aforesaid actions of Judge Stein violate our fundamental right to a fair, competent and impartial judge.

Wherefore I respectfully request the recusal of Environmental Appeals Judge Hon. Kathie A. Stein and her referral to proper disciplinary proceedings against her.

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

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

CERTIFICATE OF SERVICE

I CERTIFY that on this date I have notified this MOTION OF RECUSAL OF HON JUDGE  
KATHIE A. STEIN

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  
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In Bayamon Puerto Rico this 24th of April 2014

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