

IN THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D C

IN RE ENERGY ANSWERS LLC
(Arecibo Puerto Rico Renewable Energy Project)
Permittee

PSD APPEAL NO

Puerto Rico Environmental Quality Board
EPA Examiner

Leonardo Ramos-Hernandez,

Petitioners

PETITION FOR REVIEW

TO THE HONORABLE BOARD MEMBERS:

COMES NOW Leonardo Ramos-Hernandez, filing pro se, RESPECTFULLY ALLEGE, EXPOUND AND PRAY:

On October 22nd 2014 Puerto Rico Environmental Quality Board issued PSD permit to Energy Answers LLC for their Waste to Energy Project in Arecibo Puerto Rico (Arecibo Puerto Rico Renewable Energy Project).

Petitioner complies with participation in public comments as Waldemar Natalio Flores Flores and/or the Coalition Against Incinerator made comments on behalf of Leonardo Ramos-Hernandez.

Alternatively Leonardo Ramos-Hernandez is exempted from participation in public comment period for the Public Notices are deficient and failed to provide actual notice to all potentially interested parties. Alternatively Leonardo Ramos-Hernandez is exempted from participation in public comment period for the Permittee and the EPA Examiner failed to notify him of the initiation of the commenting period when Permittee already knew Leonardo Ramos-Hernandez was an interested party for Leonardo Ramos-Hernandez has participated in the EAB cases PSD 13-05 thru 09 and PSD 14-5 regarding the project at bar and Permittee was repeatedly notified before commencement of commenting period.

PETITION

Petitioner hereby petitions the Environmental Appeals Board for review of the aforesaid October 22nd 2014 Puerto Rico Environmental Quality Board Energy Answers, LLC PSD permit for the following issues:

The Public Notices failed to provide actual notice to persons impacted by the project. 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. El Norte weekly periodical was not circulated in Barranquitas and is a limited circulation publication handed without a fee.

The EPA Examiner failed to publish all public comments in all the locations where the preconstruction documents were published. The EPA Examiner failed to publish the whole record in an internet website. Thus preventing, interfering and disrupting public discourse and participation of the issues made by the public.

The Public Notices failed to disclose the potential of impact on endangered species habitat or the legal requirement of the concurrence of Fish and Wildlife Service on the "no impact on habitat" assessment

or that the project site is in the vicinity of a protected Natural Reserve and wetland, or that the project proposed to extract cooling waters from the protected Natural Reserve or wetland. Thus failing to give actual notice to all potentially interested parties.

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 wind 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 wind 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.

The Cambalache wind data is flawed because the Permittee did not have a Quality Assurance Program validating the data collected.

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.

There is no disclosure of a rationale, much less a rationale sustained by evidence of the adequacy of BACT analisis on the Lead contaminant.

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.

JURISDICTIONAL:

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 opposition vaccums and the ocupation of such opposition 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.

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 Non Party Movant in order to raise fundamental rights of the parties and in the protection of the court itself. Including enforcement of the Board's appellate jurisdiction via the issuance of a Writ of Quo Warranto under theAll Writs Act.

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 Examiner, that I am no longer satisfied with the Coalition's representation of my personal interest and op out of that representation by filing independently this petition.

I will not be satisfied by the Coalition's reppresentation because on EAB PSD 13-5 thru 09 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 emssions 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 Examiner Public Comments to verify his signature was indeed included in the EPA Examiner record, but as supporter he had all reason to believe the Coalition was representing him in the EPA Examiner 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.

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 Quality Board (PREQB) is an usurping government and lacks jurisdiction to enforce Clean Air Act Part D.

Petitioners will file a brief in support of this Petition separate of this Petition and Notice of Appeal in due course.

WHEREFORE we respectfully request the issuance of a Writ of Quo Warranto to remove the usurping Garcia Padilla Administration and a later remand to Puerto Rico Environmental Quality Board of the aforesaid Energy Answers LLC Final PSD Permit for consideration of the aforesaid issues and new public comment period be established upon a new draft permit be issued correcting the issues and deficiencies hereby raised.

In Barranquitas Puerto Rico this 14th of November 2014

/s/ Leonardo Ramos-Hernandez
Leonardo Ramos-Hernandez
HC 4 Box 2925
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CERTIFICATE OF SERVICE

I CERTIFY that on this date I have notified this PETITION FOR REVIEW

Via email as follows:

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In Barranquitas Puerto Rico this 14th of November 2014

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