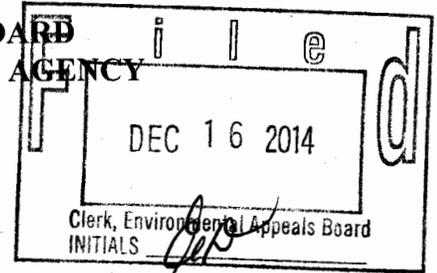


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)

Energy Answers LLC)
(Arecibo Puerto Rico Renewable)
Energy Project))

PSD Appeal No. 14-07

**ORDER DISMISSING APPEAL
FOR LACK OF JURISDICTION**

On November 14, 2014, Mr. Leonardo Ramos-Hernandez submitted a "Petition for Review" to the Environmental Appeals Board, seeking review of a permit the Puerto Rico Environmental Quality Board issued to Energy Answers LLC in October 2014. Mr. Ramos-Hernandez characterized the permit as a "PSD" or "Prevention of Significant Deterioration" permit under the Clean Air Act. The Puerto Rico Environmental Quality Board lacks authority, however, to issue PSD permits. Instead, the permit in question is an "Air Quality Location and Construction Final Permit," issued in accordance with Rules 201 and 203 of Puerto Rico's Air Pollution Control Regulations. See <http://www.jca.pr.gov/> (R-14-39-1, Resolution and Notice (issued Oct. 25, 2014); Final Permit (issued Nov. 8, 2014)).

The Environmental Appeals Board lacks jurisdiction under 40 C.F.R. part 124 to adjudicate challenges to state-issued permits of this kind. The Petition for Review is hereby **DISMISSED.**

So ordered.¹

ENVIRONMENTAL APPEALS BOARD

Dated: December 16, 2014

By: Kathie A. Stein
Kathie A. Stein
Environmental Appeals Judge

¹ The three-member panel deciding this matter is comprised of Environmental Appeals Judges Leslye M. Fraser, Randolph L. Hill, and Kathie A. Stein. See 40 C.F.R. § 1.25(e)(1).

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Dismissing Appeal for Lack of Jurisdiction** in the matter of *Energy Answers LLC*, PSD Appeal No. 14-07, were sent to the following persons in the manner indicated:

By First Class U.S. Mail, Return Receipt Requested:

Leonardo Ramos-Hernandez
HC 4 Box 2925
Barranquitas, Puerto Rico 00794

Puerto Rico Environmental Quality Board
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Don J. Frost
Henry C. Eisenberg
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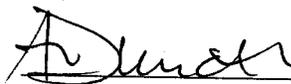
By EPA Pouch Mail:

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Washington, D.C. 20460

Dated: DEC 16 2014



Annette Duncan
Secretary