

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)

PSD Appeals Nos 13-05 through 13-09

MOTION TO QUASH

TO THE HONORABLE BOARD MEMBERS:
COMES NOW, Leonardo Ramos-Hernandez, filing PRO
SE, respectfully ALLEGE, EXPOUND AND PRAY:

On April 10th 2014 the Board entered two orders Denying Extension of Time to File to Reconsider and Denying Intervention (collectively calles the April 10th orders) both failing to disclose the composition of the executing court beyond the signature of Hon Judge Stein.

The legal requirement to disclose composition of the trial as panel is as follows:

40 C.F.R. § 1.25(e)(1)

"The Board typically shall sit on matters before it in three-Member panels, and shall decide each matter by a majority vote. In the event that absence or recusal prevents a three-Member panel, the Board shall sit on a matter as a panel of two Members, and two Members shall constitute a quorum under such circumstances. "

The parties have a right to know the composition of the trial panel (see NGUYEN v. UNITED STATES 539 U.S. 69 (2003))

The board has argued that because it has discretion to decide in what manner it will disclose the composition of the trial panel (either by a footnote or actual signatures), it thus has discretion to make the disclosure or not at all. The board is mistaken as the Writ itself must expound proper authority as required by **40 C.F.R. § 1.25(e)(1)**.

The April 10th orders are defective on their face for failing to disclose proper authority compliant with **40 C.F.R. § 1.25(e)(1)** within its four corners.

WHEREFORE I respectfully request the April 10th orders be Quashed.

In Barranquitas PR this 12 of June 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 TO QUASH

Via email as follows:

Christopher D. Ahlers
Environmental and Natural Resources Law Clinic
Vermont Law School
chrisahlers@vermontlaw.edu

Martha G. Quinones Dominguez
quinones.martha@gmail.com

Eliza Llenza
elizallenza@yahoo.com

Aleida Centeno Rodriguez
karsicamontuna@gmail.com

Fermin Arraiza Navas
Fermin_ns@hotmail.com

Skadden, Arps, Slate, Meagher & Flom, LLP
Henry C. Eisenberg
henry.eisenberg@skadden.com

Don J. Frost
don.frost@skadden.com

Joseph A. Siegel
Assistant Regional Counsel
U.S. EPA Region 2
siegel.joseph@epa.gov

Brian L. Doster
Air and Radiation Law Office
Office of General Counsel
Doster.Brian@epa.gov

Cristina Galan
christina_galan@hotmail.com

And US Mail to Waldemar Natalio Flores Flores at Calle 4 B-20 Forrest Hills Urb Bayamon PR 00959.

In Bayamon Puerto Rico this 12th of June 2014

/s/ Leonardo Ramos-Hernandez
Leonardo Ramos-Hernandez
HC 4 Box 2925
Barranquitas PR 00794
ramosL8029@gmail.com