



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 19, 2013

ENVIRONMENTAL APPEALS BOARD

By email and by First Class Mail, as indicated:

Heidi Strand
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Dear Ms. Strand, Mr. Coleman, and Ms. Draisner,

On Tuesday, April 16, 2013, Petitioner Heidi Strand filed a Motion for leave to file multiple documents with the Board. A member of the Board's staff attempted to reach Ms. Strand on April 17, 2013, to clarify her intent regarding these filings, given that many appeared to be duplicates of previous filings. On April 18, 2013, the Board received an email from Ms. Strand stating that she wished to be contacted only in writing. The Board also received a voicemail from Ms. Celeste Draisner stating that Ms. Strand had asked Ms. Draisner to speak with the Board on Ms. Strand's and Mr. Coleman's behalf.

Please note that the Board cannot assume that Mr. Coleman and Ms. Strand have consented to have Ms. Draisner speak on their behalf, when we have not received direction from either to that effect, and where the Board has received a previous filing from you stating that your intent was to have your petitions considered as submissions in your *individual* capacities, not as members of Citizens for Clean Air. This letter provides all parties with information regarding Ms. Strand's recent filing and seeks to clarify questions that her Motion presents.

As stated above, in addition to the April 16, 2013 Motion for leave to file, Ms. Strand also filed six documents that appear to be identical to ones filed previously with the Board.¹ Because these documents were filed previously, and the Board has not yet acted on them, I have entered the re-submission of these documents into the docket as attachments to the motion, rather than as new filings. If this was not your intent, and the documents submitted with the April 16, 2013 Motion are *not* the same as those filed previously, Ms. Strand should let the Board know in writing immediately.

Additionally, the April 16, 2013 Motion appears to be a joint motion filed on behalf of Mr. Coleman and Ms. Draisner, in addition to Ms. Strand. The submission, however, was not signed by all three petitioners, and is indicated, was filed only by Ms. Strand. In the future, motions submitted by more than one party must indicate that they are being jointly submitted (e.g., Joint Motion for Leave to File by Party A, Party B, and Party C). Any joint motion must indicate that it is being consented to by a representative for each party submitting the motion. If either Mr. Coleman or Ms. Draisner did not intend for the April 16, 2013 Motion to be treated as a joint motion, Mr. Coleman or Ms. Draisner must let the Board know in writing immediately. Otherwise, given your pro se status, the Board will consider Ms. Strand's April 16th motion to be a joint motion of all three parties, but will not presume such for any future motions that do not adhere to the above requirements.

Finally, 40 C.F.R. sections 124.19(i)(3) and (4) require that a copy of every document submitted to the Board must be served on all parties. The Board reminded Parties of this requirement in its Order Granting Region's Motion for Extension of Time, issued April 15, 2013. A certificate of service verifying that the parties have been served also is required to be submitted with every document filed. A copy of the rule is attached. An example of a certificate of service can be found in the Board's Practice Manual (*see* template No. 8), which can be found on the Board's website under guidance documents (www.epa.gov/eab). In this appeal, there are six Parties, which include the four petitioners, and representatives for the permittee (Sierra Pacific Industries) and the permitting authority (U.S. EPA Region 9). **Ms. Strand must serve the April 16, 2013 Motion on all parties according to the rule, and must submit a certificate of service to the Board as soon as possible in order for the Board to consider her April 16, 2013 motion.**

¹ The documents filed have been docketed as follows:

Docket No. 24	April 16, 2013 Motion for Leave
Docket No. 24.01	Ed Coleman's Petition for Review (Originally filed 4/16/2013)
Docket No. 24.02	Ed Coleman's Amended Petition (Originally filed 3/26/2013)
Docket No. 24.03	Ed Coleman's Second Amended Petition (Originally filed 3/30/2013)
Docket No. 24.04	Celeste Draisner's Petition for Review (Originally filed 3/26/2013)
Docket No. 24.05	Heidi Strand's Petition for Review (Originally filed 3/25/2013)
Docket No. 24.06	Heidi Strand's Motion for Extension (Originally filed 3/19/2013)

If you have any questions regarding this letter or what is required, please feel free to contact me at 202-233-0122 or by e-mail at durr.eurika@epa.gov.

Sincerely,



Eurika Durr
Clerk of the Board

cc:

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