PRO SE PETITIONER

Celeste Drasiner

BEFORE THE ENVIRONMENTAL APPEALS BOARD

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C.

In re: Sierra Pacific Industries – Anderson

PSD Permit No. SAC 12-01

PSD Appeal Nos. 13-01, 13-02, 13-03, & 13-04

PETIONER CELESTE DRAISNER'S REPLY TO SPI'S REPLY TO REGION 9's SUPPLEMENTAL BRIEF IN RESPONSE TO THE BOARD'S ORDERS OF MAY 16, 2013 AND MAY 28, 2013

Celeste Draisner hereby submits this Reply to the Sierra Pacific Industries (SPI) "Supplemental

Brief in Response to the Board's Orders of May 16, 2013 and May 28, 2013" submitted

by

EPA Region 9 ("Region") has denied a public hearing to the people of Shasta County. No disclosure of what the exact requirements of this discretionary threshold standard that Region believes each Presiding Administrative Officer posseses has been revealed to the public.

For the record, Petitioner Celeste Draisner does not agree with Region 9's responses as to its

interpretation of the "significant degree of public interest" standard for a public hearing

in a permit proceeding as set forth in section 124.12(a)(1) of Title 40 of the Code of

Federal Regulations, and the application of that standard in this case.

Petioner Celeste Draisner asks why review of the "significant degree of public interest" regulatory standard is inappropriate in these proceedings if the May 16 2013 Environmental Appeals Board ("Board")

"Order Dircecting Supplemental Briefing"

requested " directed Region to explain how such a regulatory standard conformed to the Clean Air Act?

If permit proceedings before the Board are not the place for a challenge to an unlawfully promulgated regulatory standard, than which environmental court would be the correct one?

Where else should Petitioners from a former Environmental Justice community go for redress of grievences, but to the Board?

Petitioners have suffered irrevokable harm as a direct result of the actions of Region. The Clean Air Act has more authority than mere regualtions, which only serve to enact the letter and intent of the law itself.

That is particularly the case here, where the Petitioners have raised this challenge to the correct authority. If the project permitting process is "already far behind schedule", than any jeopardizing of the project lies soly at the feet of Region, the permitting authority. Petitioners were denied a fair hearing, and therefore, should not be penalized for Region's failures.

Region and not Petitioners have, by their refusal to grant a simple public hearing have created this delay.

Any substantial environmental and economic benefits produced by denying our citizens their right to a fair and open desicision-making process will be but mere fruite of the poisoned tree.

EPA's application of its "significant degree of public interest" standard is a clear error under all apllicable laws and regulations. and should not be upheld.

Although the Board's review of a PSD permit determination is deferential, nowhere in the Clean Air Act is the Board encouraged to revoke the rights of citizens to public review of toxic factories without a public hearing.

It is clearly eroneous to find that each Presiding Administrative Officer may, at their sole discretion, may decide the threshold of "significant public interest" and then refuse to disclose that threshold to the public.

EIR and draft permitting process, However, the county has not permitting authority.

Opposition was not minimal, as even a vague glace at the county EIR demonstrates.

The PSD permit did not include a public hearing held by the permitting authority, Region.

Petitioners have shown that Region's application of the standard was clear error.

Petitioner Celeste Draisner urges the Board to grant our request for a public hearing.

Dated: June 21, 2013

Respectfully submitted,

Celeste Draisner

citizen activist

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