



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

ENVIRONMENTAL APPEALS BOARD

MAR 27 2013

Nancy J. Marvel, Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Re: Sierra Pacific Industries
Permit Number: SAC 12-01
Appeal Numbers: PSD 13-01; PSD 13-02; PSD 13-03; & PSD 13-04

Dear Ms. Marvel:

This is to advise you that the Environmental Appeals Board (the "Board" or "EAB") received four petitions from the following: Ed W. Coleman, Co-Coordinator, CCA (PSD 13-01), on March 25, 2013; Heidi Strand, Co-Chair, CCA, (PSD 13-02), filed on March 25, 2013; Celeste Draisner, Citizen Activist, CCA (PSD 13-03), filed on March 22, 2013; and Rob Simpson and Helping Hand Tools (PSD 13-04), filed on March 25, 2013. The petitions ask the Board to review a PSD determination by the U.S. Environmental Protection Agency, Region 9.

Copies of the petitions can be found on the Board's website at www.epa.gov/eab. Click on "EAB Dockets" in the left-hand menu, then click on the "Active Dockets" link, and then click on the appropriate case name. If you have any difficulty accessing this document, please let me know.

IMPORTANT NOTE: On January 25, 2013, the U.S. Environmental Protection Agency ("EPA") published a rule in the Federal Register revising the part 124 permit appeal procedures. 78 Fed. Reg. 5281. **On March 26, 2013, this rule will take effect, and all documents filed with the Board on or after this date become subject to the revised provisions. Consequently, if you file any documents in this proceeding on or after March 26, 2013, you must follow the procedures prescribed by the revised rule.** The text of the rule and additional information regarding the rule are available through the Board's Web site at the "Regulations Governing Appeals" Web page.

To assist the Board in deciding whether the matters raised by Petitioners should be reviewed, please have your staff prepare a response that addresses Petitioners' contentions and

whether Petitioners have satisfied the requirements for obtaining review under 40 C.F.R. section 124.19. Your response to the petitions must be received no later than April 17, 2013.

A copy of this letter is being sent to the permittee, Sierra Pacific Industries, as notification of these petitions and these filing requirements. If the permittee chooses to file a response, it must be received by **April 17, 2013**, and comply with the filing instructions provided below. A copy of this letter is also being sent to the petitioners as notification of these filing requirements.

Any response brief filed may not exceed 14,000 words.¹ Include with your response relevant portions of the administrative record, together with a certified index of the entire administrative record. The permit issuer is encouraged to file the index to the record, preferably electronically, as soon as possible after receiving notification of this appeal. Early filing of the certified index enables the Board to begin prompt review of the record even before all of the briefs are filed.

Due to the time-sensitive nature of PSD permit appeals, the Board will apply a presumption against the filing of reply briefs and sur-replies. Oral argument in PSD appeals is also disfavored. The Board may use scheduling and status conferences to narrow the issues on appeal or otherwise facilitate the expeditious resolution of this case. For additional information relevant to PSD permit appeals, please refer to the Board's April 19, 2011 Order Governing Petitions for Review of Clean Air Act New Source Review Permits available at <http://www.epa.gov/eab> (Click "Standing Orders" on sidebar).

Filing Requirements

Filing may be accomplished electronically pursuant to the Board's Order of January 28, 2010.² Alternatively, filing may be accomplished by filing a paper original (signed in blue ink) and two copies of these materials with the Board (at the address shown below) by the date specified above. A copy must be sent to Petitioners, and a certificate of service showing the date and method of service should be included with the filing.

¹ Filers may rely on the word-processing system used to determine the word count. In lieu of a word limitation, parties may comply with a 30-page limit. Headings, footnotes, and quotations count toward the word limitation. A table of contents, table of authorities, statement requesting oral argument, statement of compliance with the word limitation, exhibits, or any addendum does not count toward the word limitation.

² The Board has issued an Order authorizing the electronic filing of documents in cases involving permit appeals. See Order Authorizing Electronic Filing in Proceedings Before the Environmental Appeals Board Not Governed by 40 C.F.R. Part 22 (Jan. 28, 2010), *available at* <http://www.epa.gov/eab> (click "Standing Orders" on sidebar). Instructions on registration and document filing are available by using the "Electronic Filing" link on the Board's website. Documents containing confidential business information should not be filed electronically as the Board considers business confidentiality claims waived when a document is electronically filed. *Id.* at 5-6. Anyone electronically filing exhibits or attachments in support of a brief, motion, or other document should submit them separately from the associated brief or motion. *Id.* at 3.

IMPORTANT: All documents filed must reference the appeal number and the name, address, and telephone number of the filer. If available, the filer should also provide a fax number and an email address. **In addition, any envelope or other packaging containing documents sent through the U.S. Postal Service, Express Mail, hand-delivered or via Courier must bear a complete and accurate return address in the upper left hand corner. The envelope or packaging must also clearly state the case name and case identifier in the lower left hand corner.**³

Documents that are sent through the U.S. Postal Service (except by Express Mail) **MUST** be addressed to the Environmental Appeals Board's mailing address which is:

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board, 1103M
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Documents that are sent to the Environmental Appeals Board's hand-delivery address through the U.S. Postal Service (except by Express Mail) will be returned to the sender and shall not be considered as filed.

Hand Delivery Address

Documents that are **hand-carried**, delivered via Courier, mailed by Express Mail or delivered by a non-U.S. Postal Service carrier (e.g., Federal Express or UPS) **MUST** be delivered to:

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
East Building, Room 3334
Washington, D.C. 20004

³ All mail sent to the Environmental Protection Agency may be delayed by a random sterilization procedure. Parties are encouraged to utilize the Board's e-filing system or hand or courier delivery when filing pleadings with the Board. Additional information regarding mail delivery to the Board is available on the Environmental Appeals Board website (www.epa.gov/eab) at the Clerk of the Board or Frequently Asked Questions links. <http://www.eab.gov>

The contact number for hand delivery is (202) 233-0122. Such documents may be delivered from 8:30 a.m. to 4:30 p.m., Monday through Friday (excluding federal holidays). Documents filed electronically may be filed at any time up to 11:59 p.m. Eastern Time on the day the document is required to be filed with the Board.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eurika Durr".

Eurika Durr
Clerk of the Board

cc: Ed W. Coleman, Co-Coordinator CCA
P.O. Box 1544
Shasta Lake City, CA 96019

Heidi Strand, Co-Chair, CCA
P.O. Box 1544
Shasta Lake City, CA 96019

Celeste Draisner, Citizen Activist, CCA
1000 Shepard Court
Redding, CA 96002

Rob Simpson
Helping Hand Tools
27126 Grandview Avenue
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Deborah Jordan, Director
Air Division
U.S. EPA, Region 9
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Air Pollution Control Officer
Shasta County Air Quality Management District
1855 Placer Street, Suite 101
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