

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

In re:)	
)	
Arizona Public Service Co.)	NPDES Appeal No. 19-06
)	
NPDES Permit No. NN0000019)	
)	

**ORDER GRANTING MOTION TO EXCEED WORD LIMIT AND ESTABLISHING
 DEADLINE FOR RESPONSIVE MATERIALS**

On November 15, 2019, the Dine’ Citizens Against Ruining the Environment, the San Juan Citizens Alliance, Amigos Bravos, the Center for Biological Diversity, and the Sierra Club (collectively “Petitioners”) filed a motion with the Environmental Appeals Board (“Board”) seeking leave to exceed the 14,000-word limit for their petition for review set forth in 40 C.F.R. § 124.19(d)(3). *See* Motion for Leave to Exceed Word Limitation (Nov. 15, 2019) (“Motion”). Previously, Petitioners filed a petition for review on November 1, 2019, that exceeded 20,000 words, and the Board subsequently issued an order requiring Petitioners to file either (i) a revised petition that complies with the word limitation or (ii) a motion seeking leave to exceed the word limit for the petition. Order Requiring Submission of Revised Petition or Motion for Leave to Exceed Word Limit at 2 (Nov. 13, 2019). The Board stated that any motion seeking leave to exceed the word limit must demonstrate a compelling and documented need and will only be granted in unusual circumstances. *Id.*

Petitioners state in their motion that “the extensive number of legal and technical deficiencies” in the permit “required significant briefing.” Motion at 1. They explain that this

NPDES permit has a “long and relevant history” that was important to convey in their petition for review. *Id.* Petitioners consulted with EPA prior to filing their motion and reported that EPA takes no position on it. *Id.* Petitioners request that the Board grant them leave to exceed the word limit and accept the petition for review as filed. *Id.*


Upon consideration of Petitioners’ Motion seeking leave to exceed the word limit and the representations therein, the Board GRANTS Petitioners’ Motion to exceed the word limit in its petition for review and accepts the petition filed November 1, 2019.

Responsive materials under 40 C.F.R. § 124.19(b) are due on or before **December 18, 2019.**

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: **Nov 18 2019**

By: 

Aaron P. Avila
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Granting Motion to Exceed Word Limit and Establishing Deadline for Responsive Materials* in the matter of Arizona Public Service Company, NPDES Appeal No. 19-06, were sent to the following persons in the manner indicated:

By First Class Mail:


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Dated: Nov 18 2019



Annette Duncan
Administrative Specialist