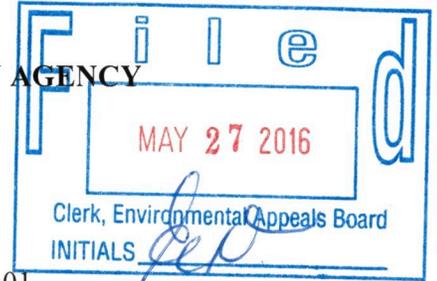


**ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**



\_\_\_\_\_  
In re: )  
 )  
Salt River Project Agricultural )  
Improvement and Power District - )  
Navajo Generating Station )  
 )  
Tribal NSR Permit No. T-0004-NN )  
\_\_\_\_\_

NSR Appeal No. 16-01

**SCHEDULING ORDER**

On April 20, 2016, the United States Environmental Protection Agency, Region 9 (“Region”) issued a Minor New Source Review (“NSR”) permit to Salt River Project Agricultural Improvement and Power District (“SRP”) authorizing the construction and operation of a refined coal treatment system at its existing Navajo Generating Station on the Navajo Indian Reservation in Coconino County, Arizona. The NSR permit modifies SRP’s existing Prevention of Significant Deterioration Permit last issued in February 2012. On May 23, 2016, Mr. Shawn Dolan (“Petitioner”) filed a petition for review of the NSR permit. Petitioner argues that the permit’s test method to monitor for opacity, EPA Test Method 9, is inadequate and that the permit should be revised to allow for the use of the “Digital Camera Opacity Technique” (referred to as “Alternative Method 082”) as means to monitor opacity. Shawn Dolan Petition at 5.

As this Board has made clear in its March 27, 2013 Standing Order Governing Petitions for Review of Clean Air Act New Source Review Permits,<sup>1</sup> NSR permits are time sensitive because new source construction cannot begin before a final permit is issued and a permit is not effective until completion of the appeals process. *See* Clean Air Act § 165(a), 42 U.S.C. § 7475(a); 40 C.F.R. § 49.159(a); *see also* 40 C.F.R. § 124.19 (governing appeals of NSR permits). In accordance with the Standing Order, the Board is setting a deadline of June 16, 2016 for the Region to file a brief responding to the Petition for Review. The Region's brief may not exceed 14,000 words and must include a statement of compliance with the word limitation.<sup>2</sup> Further, the Region's response must include relevant portions of the administrative record, as well as a certified index of the entire administrative record. The Region is encouraged to file the index to the record, preferably electronically, as soon as possible, but no later than June 16, 2016.

If it wishes, SRP may file a notice of appearance in this matter and a response brief no later than June 16, 2016, subject to the above word limitations. Because of the time-sensitive

---

<sup>1</sup> This and other Standing Orders are available on the Environmental Appeals Board's website at [www.epa.gov/eab](http://www.epa.gov/eab).

<sup>2</sup> The Region may rely on the word-processing system used to determine the word count. In lieu of a word limitation, the Region 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.

nature of this NSR matter, the Board will apply a presumption against oral argument as well as the filing of reply briefs and sur-replies.

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: May 27, 2016

By: Kathleen A. Steen for Mary Kay Lynch  
Mary Kay Lynch  
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that the foregoing Scheduling Order in the Matter of Salt River Project Agricultural Improvement and Power District - Navajo Generating Station, NSR Appeal Nos 16-01, were sent to the following parties in the manner indicated below:

**Via Inter-Office Mail:**

Lorie Schmidt (MC-2344A)  
Office of General Counsel

Brian Doster (2344A)  
Office of General Counsel

**Via EPA Pouch Mail:**

Sylvia Quast (ORC-1)  
Regional Counsel  
U.S. EPA Region 9  
75 Hawthorne St.  
San Francisco, CA 94105

Ann Lyons (ORC-2-2)  
Office of Regional Counsel  
U.S. EPA Region 9  
75 Hawthorne St.  
San Francisco, CA 94105

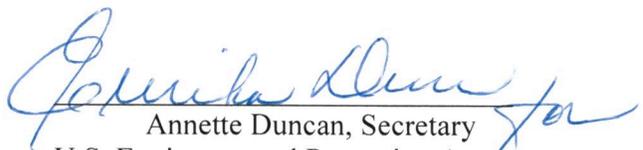
Lawrence Maurin  
Air Permits Office (AIR-3) U.S. EPA Region 9  
75 Hawthorne St.  
San Francisco, CA 94105

**Via First Class Mail:**

Eugenia Quintana  
Environmental Department Manager  
Navajo Nation EPA  
P.O. Box 9000  
Window Rock, AZ 86515

Kyle Heckel  
Salt River Project  
Senior Environmental Engineer  
Mail Station PAB352  
P.O. Box 52025  
Phoenix, AZ 85072

Dated: May 27, 2016

  
Annette Duncan, Secretary  
U.S. Environmental Protection Agency  
Environmental Appeals Board