



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

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

ORDER GRANTING MOTION TO EXCEED WORD LIMIT

On December 18, 2019, the U.S. Environmental Protection Agency Region 9 ("Region") filed a motion with the Environmental Appeals Board ("Board") seeking leave to exceed the 14,000-word limit set forth in 40 C.F.R. § 124.19(d)(3) for their response to the petition for review in this matter. See Region IX's Motion to Exceed Word Limitation (Dec. 18, 2019) ("Motion").


The Region requests to file a response "of up to 15,000 words" and states there is a "compelling and documented need for a fully developed brief." Motion at 1, 2. Among other things, the Region cites the permit's long regulatory history, complicated facts of the facility, and many issues that raise complex technical questions in support of its request. See id. at 2. The Region consulted with the Petitioners and the permittee prior to filing this motion and state and that no party objects to the Region's motion. See id.

Upon consideration of the Region's Motion seeking leave to exceed the word limit and the representations therein, the Board GRANTS the Region's Motion to exceed the word limit in its response brief and accepts the response filed December 18, 2019.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: **Dec 23 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* 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:

Kerry McGrath
Hunton Andrews Kurth LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037
Telephone: (202) 955-1519
KMcGrath@HuntonAK.com

John Barth
Attorney at Law
P.O. Box 409
Hygiene, CO 80533
Telephone: (303) 774-8868
barthlawoffice@gmail.com

By EPA Pouch Mail:

Thomas M. Hagler
Office of Regional Counsel
EPA Region 9 (MC ORC-2)
75 Hawthorne St.
San Francisco, CA 94105
Telephone: (415) 972-3945
hagler.tom@epa.gov

Dustin Minor
Assistant Regional Counsel
U.S. EPA Region 9 (MC ORC-3)
75 Hawthorne Street
San Francisco, California 94105
Telephone: (415) 972-3888
minor.dustin@epa.gov

Elise O’Dea
Attorney-Advisor
U.S. Environmental Protection Agency
(MC 2366A)
Office of General Counsel, Water Law Office
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
Telephone: (202) 564-4201
odea.elise@epa.gov

Dated: Dec 23 2019



Annette Duncan
Administrative Specialist