



**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 REQUIRING SUBMISSION OF REVISED PETITION OR MOTION FOR
LEAVE TO EXCEED WORD LIMITATION**

On November 1, 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 referred to as “Petitioners”) filed a petition with the Environmental Appeals Board (“Board”) seeking review of a National Pollutant Discharge Elimination System (“NPDES”) permit issued by U.S. EPA Region 9 to the Arizona Public Service Company (“APS”). *See* Petition for Review by Dine’ Citizens Against Ruining the Environment, San Juan Citizens Alliance, Amigos Bravos, Center for Biological Diversity, and Sierra Club (“Petition”).

The regulations governing petitions for review of NPDES and other permits filed with the Board, provide, in relevant part, that petitions and response briefs may not exceed 14,000 words, excluding the table of contents, table of authorities, table of attachments, statement requesting oral argument, statement of compliance with the word limitation, and any attachments.


40 C.F.R. § 124.19(d)(3). The regulation further provides, “Where a party can demonstrate a compelling and documented need to exceed such limitations, such party must seek advance leave of the [Board] to file a longer brief. Such requests are discouraged and will be granted only in unusual circumstances.” *Id.* In the alternative, a petitioner may comply with a 30-page limit. *Id.*

The length of the petition in this matter is more than twice the page limitation and exceeds the 14,000-word limitation. *See generally* Petition. Because the petition exceeds the applicable word limitation and because Petitioners did not seek advance leave from the Board to exceed the limitation, Petitioners have until **November 22, 2019**, to file with the Board either (i) a revised petition that complies with the word limitation (limited to the issues and arguments raised in the November 1, 2019 Petition) or (ii) a motion seeking leave to exceed the word limit for the petition in accordance with 40 C.F.R. § 124.19(d)(3).

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: November 13, 2019

By: 

Aaron P. Avila
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing Order Requiring Submission of Revised Petition or Motion for Leave to Exceed Word Limitation 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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By EPA Pouch Mail:

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San Francisco, CA 94105-3901

Dated: **Nov 13 2019**



Annette Duncan
Administrative Specialist