

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

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<b>In Re:</b>		)
		)
<b>Four Corners Power Plant</b>		)
<b>NPDES Renewal Permit: NN0000019</b>	<b>NPDES Appeal No. 19-06</b>	)
<b>Arizona Public Service Company (Permittee)</b>		)
		)
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**ARIZONA PUBLIC SERVICE COMPANY'S RESPONSE TO  
PETITION FOR REVIEW**

**ATTACHMENT 9**



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION IX**  
75 Hawthorne Street  
San Francisco, CA 94105-3901

**MEMORANDUM**

**DATE:** July 20, 2017

**SUBJECT:** Morgan Lake Status

**FROM:** Gary Sheth

**TO:** Administrative Record for NPDES Permit NN0000019 and NPDES Permit NN0028193

**Background**

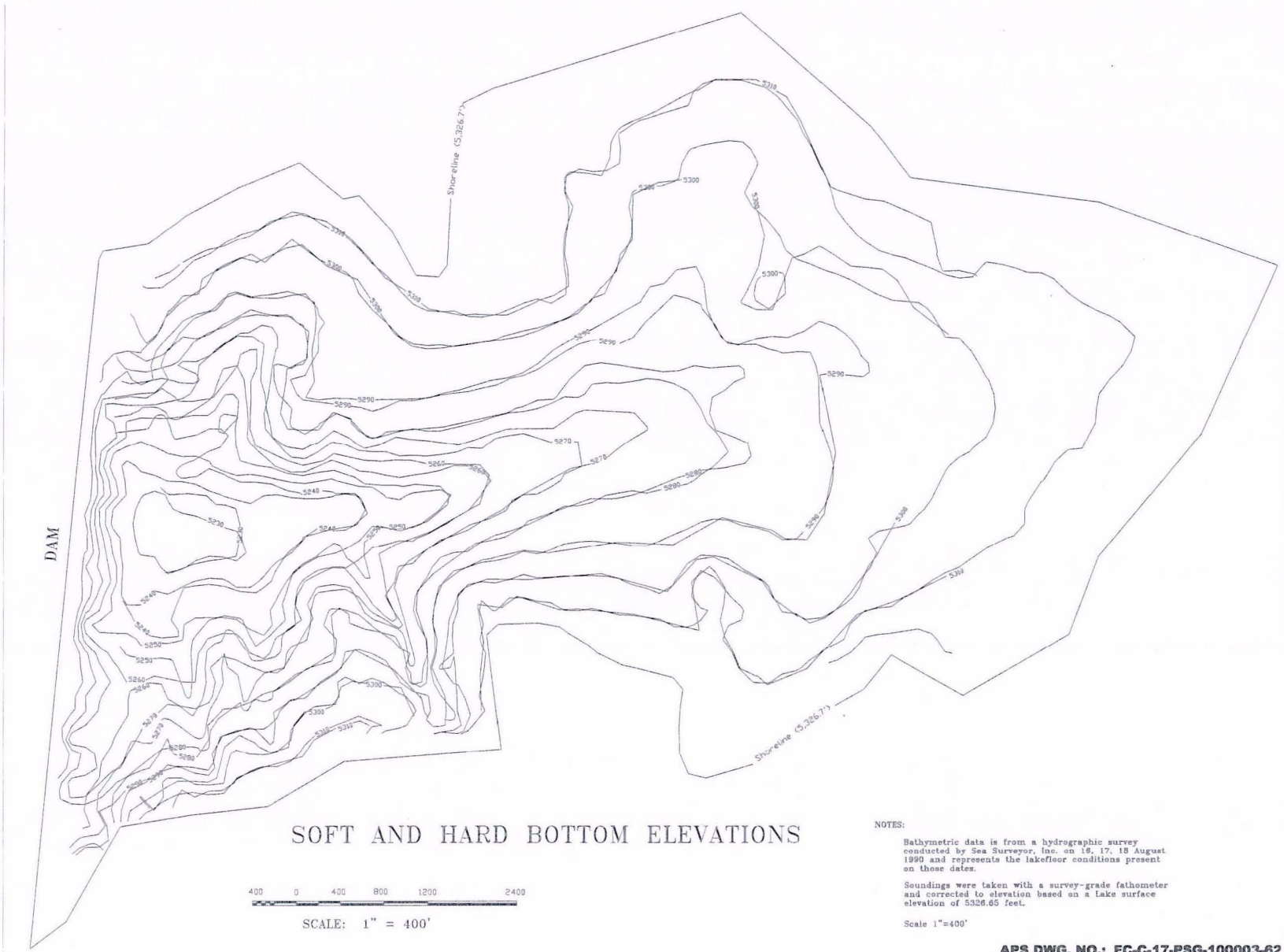
The current Arizona Public Service Company (APS) NPDES permit for the Four Corners Power Plant (NN0000019) permit and the current Navajo Transitional Energy Company (NTEC) NPDES permit for the Navajo Mine (NN0028193) expired in April 2006 and April 2013 respectively. With timely submittal of permit renewal applications both permits are currently administratively extended and draft permits were public noticed in December 2014 and August 2015 respectively. The final renewal permits are yet to be issued. Both facilities discharge into Morgan Lake, a cooling lake adjacent to the power plant and the mine. The current Power Plant permit imposes limits at the outfall from Morgan Lake, while the current Navajo Mine permit imposes limits an outfall into Morgan Lake. This has caused some confusion as to the status of Morgan Lake and whether it should be considered a Water of the United States.

**Review and Conclusion**

On or about March 17, 2017 in response to a request by EPA, APS provided several topographical maps of the area containing Morgan Lake and the downgradient zone extending to the Chaco Wash. APS also provided four photographs of the area that now contains Morgan Lake, which were taken during construction of the dam and the lake. Based on the topographic maps, as well as the photographs submitted it appears that Morgan Lake is a man-made water body constructed wholly in upland areas, and which did not impound any existing Water of the United States. Therefore, Morgan Lake should not be considered a Water of the United States.

WLD 1514 UAG-S  
No. 13426 152.81





SOFT AND HARD BOTTOM ELEVATIONS

NOTES:  
 Bathymetric data is from a hydrographic survey conducted by Sea Surveyor, Inc. on 18, 17, 18 August 1990 and represents the lakefloor conditions present on those dates.  
 Soundings were taken with a survey-grade fathometer and corrected to elevation based on a Lake surface elevation of 5326.65 feet.  
 Scale 1"=400'

Arizona Public Service Co.  
 Fruitland, New Mexico

KEY:  
 — Soft Bottom Contour Lines  
 — Hard Bottom Contour Lines

LAKE MORGAN, NEW MEXICO  
 Four Corners Steam Electric Station

APS DWG. NO.: FC-C-17-PSG-100003-62  
 Sea Surveyor, Inc.  
 Precision Marine Surveying  
 for the Engineering Community  
 4576 East Second Street, Ste. G  
 Benicia, CA 94510 (707) 746-1853

TOPOGRAPHIC MAP  
 ASH POND/EVAPORATION POND AREAS  
 FOUR CORNERS STEAM ELECTRIC STATION  
 PHOENIX, ARIZONA  
 ARIZONA PUBLIC SERVICE COMPANY

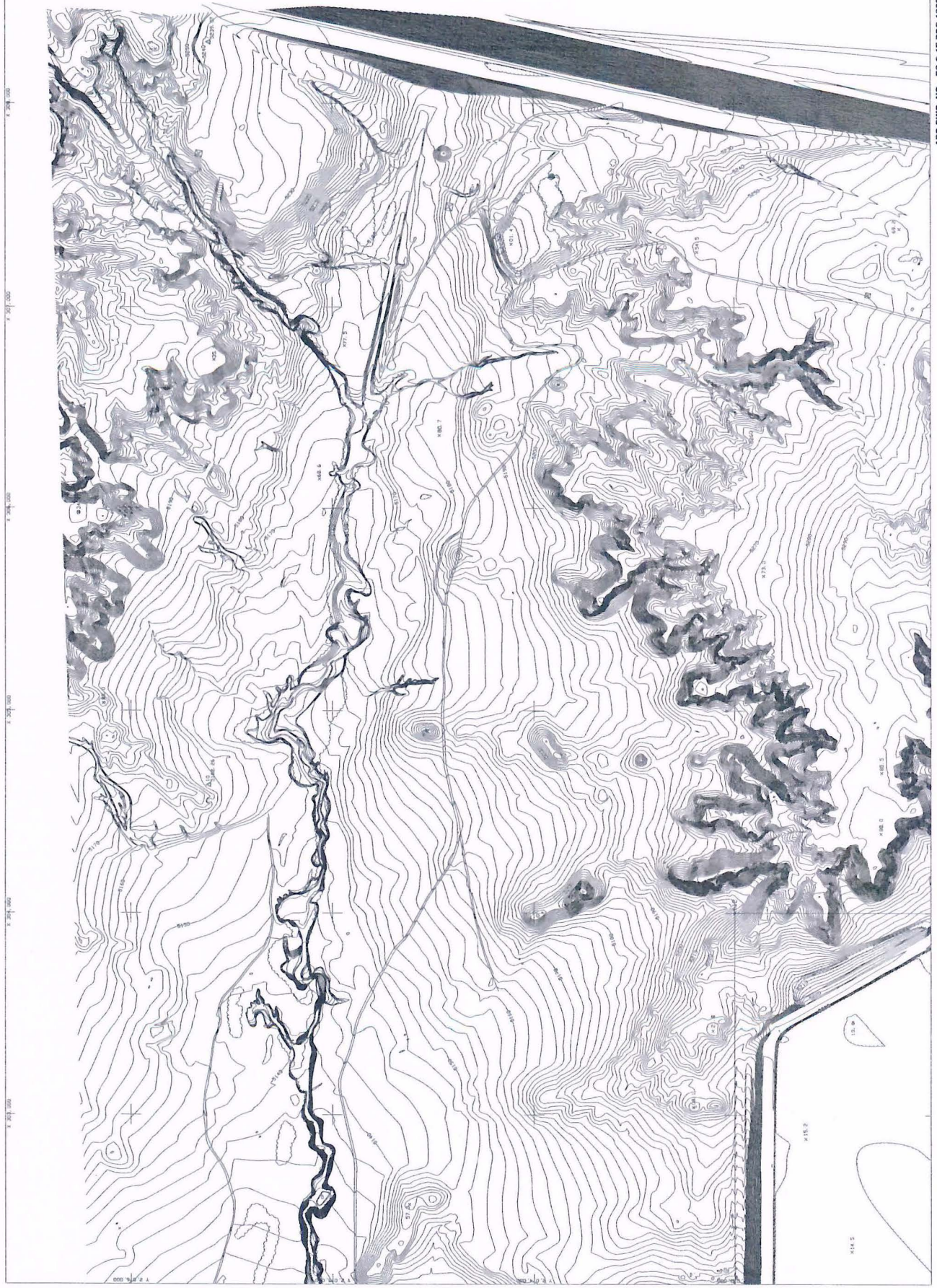


GENERAL NOTES:  
 THIS MAP WAS COMPILED FROM U.S. GEOLOGICAL SURVEY DATA FOR THE YEAR 1968.  
 PHOTOGRAPHIC ACQUIRED DECEMBER 13, 1968.  
 THIS MAP COMPARES WITH NATIONAL MAP  
 ACQUISITION NUMBER FOR 1:50,000, 2  
 INTERVAL, HORIZONTAL SCALE RELATED TO THE  
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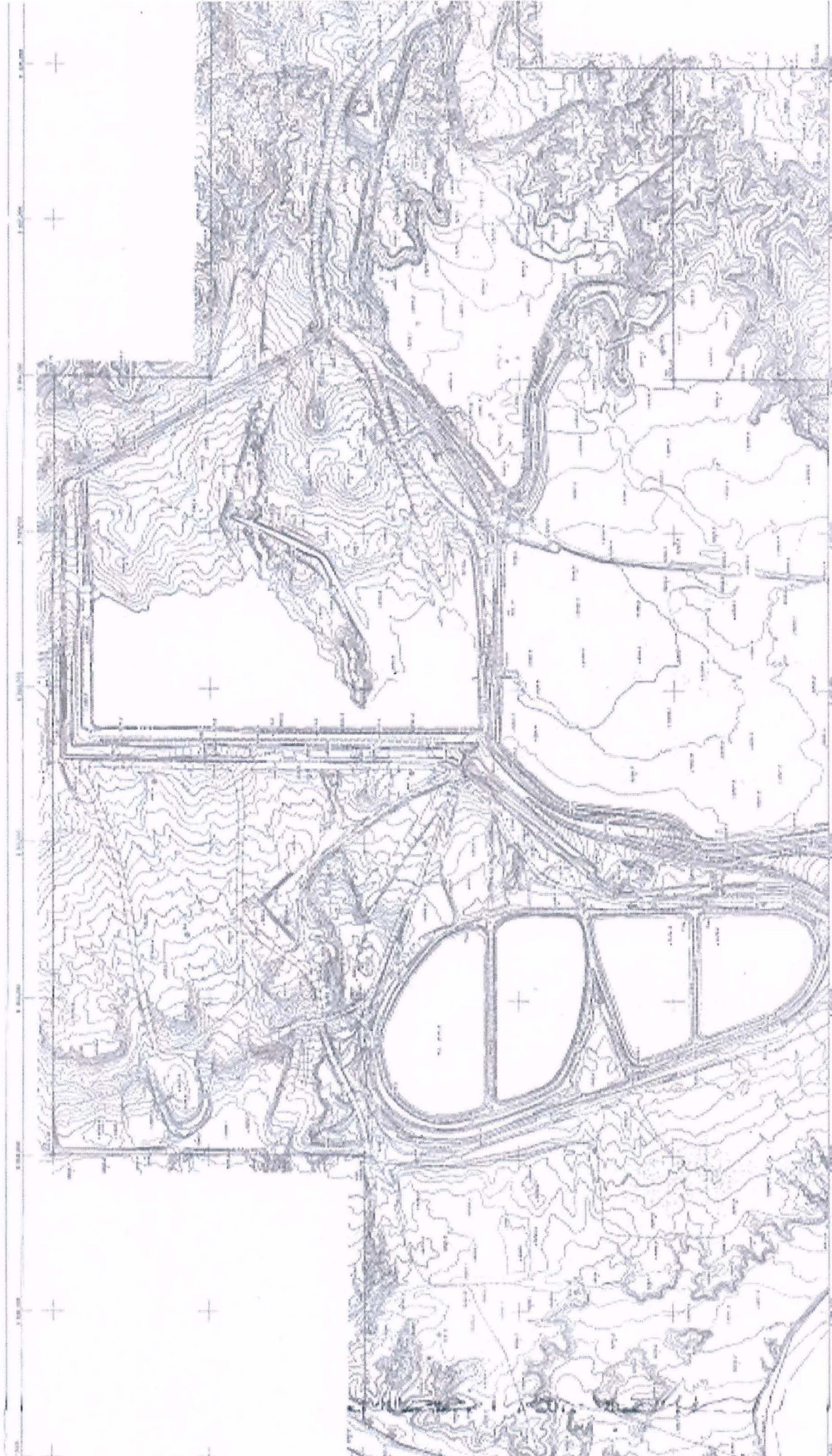
CONTROL NOTES:  
 THIS MAP WAS COMPILED FROM U.S. GEOLOGICAL SURVEY DATA FOR THE YEAR 1968.  
 PHOTOGRAPHIC ACQUIRED DECEMBER 13, 1968.  
 THIS MAP COMPARES WITH NATIONAL MAP  
 ACQUISITION NUMBER FOR 1:50,000, 2  
 INTERVAL, HORIZONTAL SCALE RELATED TO THE  
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**PWT**  
 PACIFIC WESTERN TECHNOLOGICAL, LTD.  
 1000 WEST 10TH AVENUE  
 DENVER, COLORADO 80202  
 SCALE: 1" = 4000'  
 CONTAINING INTERVAL: 2 FEET

SHEET  
 2 OF 6



APS DWG. NO. FCC-17-988-10003-54

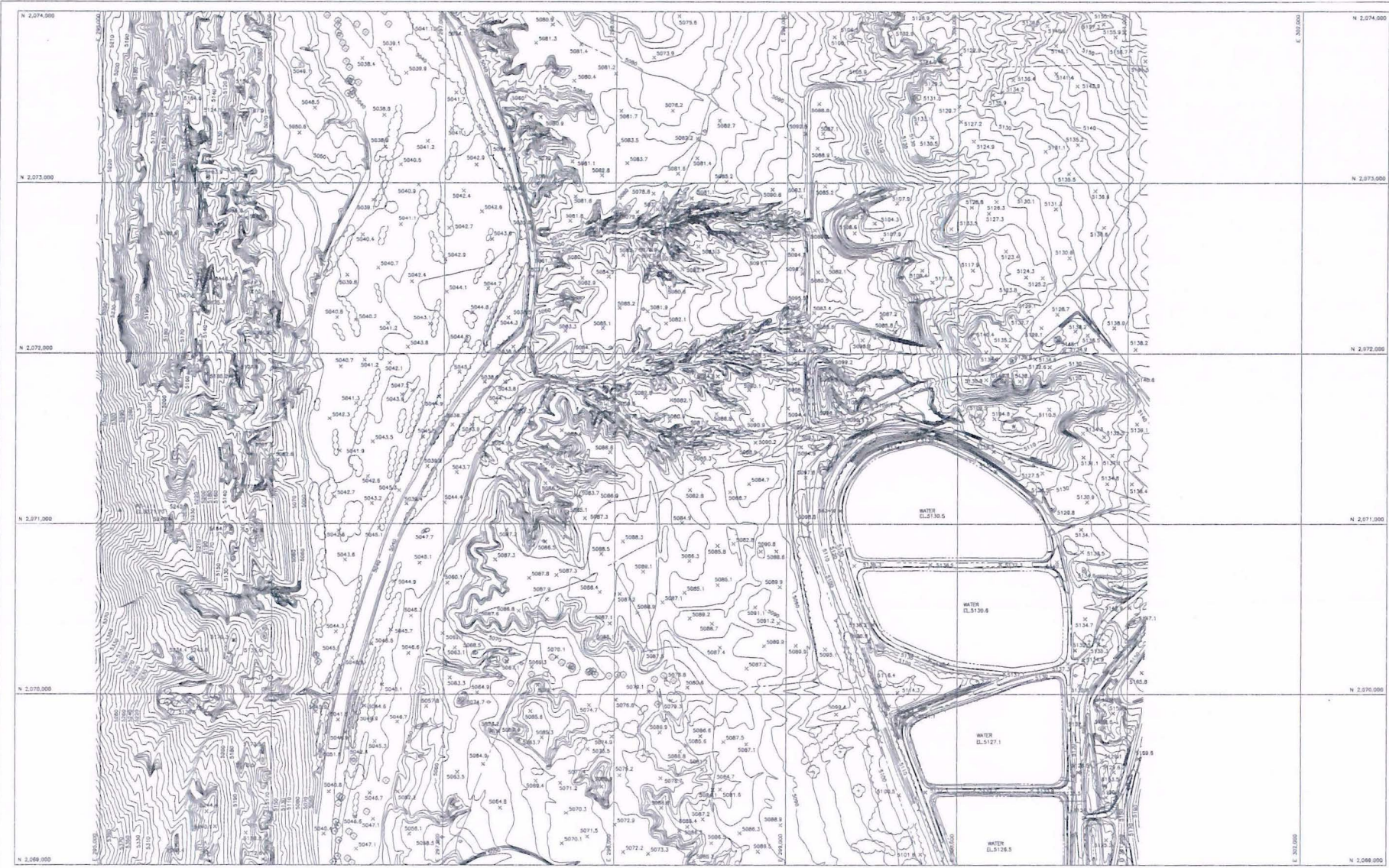


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Scale 1:50,000  
Vertical Exaggeration 1:10,000  
Horizontal Exaggeration 1:50,000



Topographic Map  
of  
Four Corners Area  
Arizona, New Mexico,  
Colorado, and Utah



WESTERN AIR MAPS, INC.  
 1988 - 1998

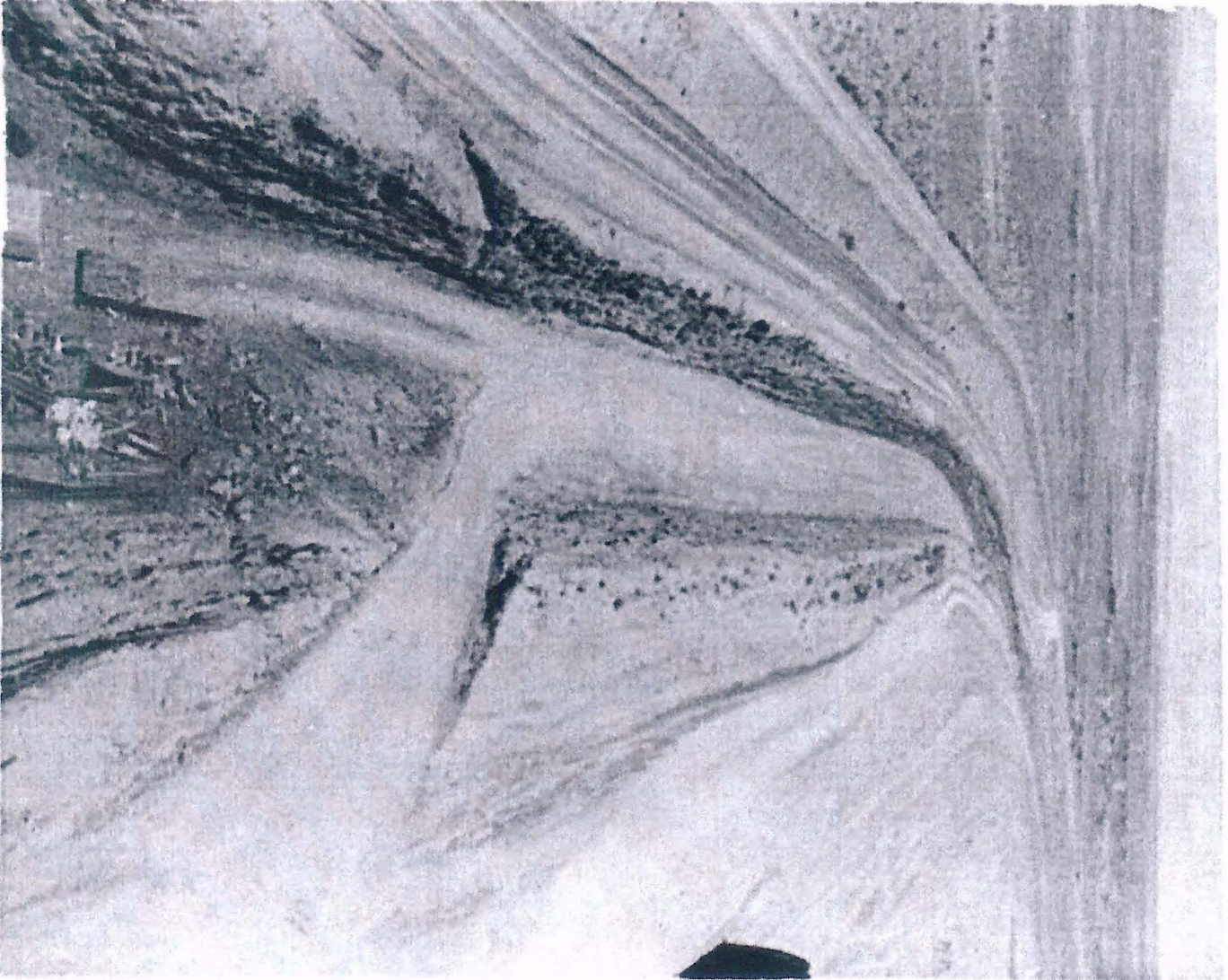
200 100 0 100 400  
 SCALE CONTOUR INTERVAL 1"=300'  
 DATE OF PHOTOGRAPHY 6/3/92

TOPOGRAPHIC MAP  
 OF  
 FOUR CORNERS STEAM ELECTRIC STATION  
 PREPARED FOR  
 ARIZONA PUBLIC SERVICE

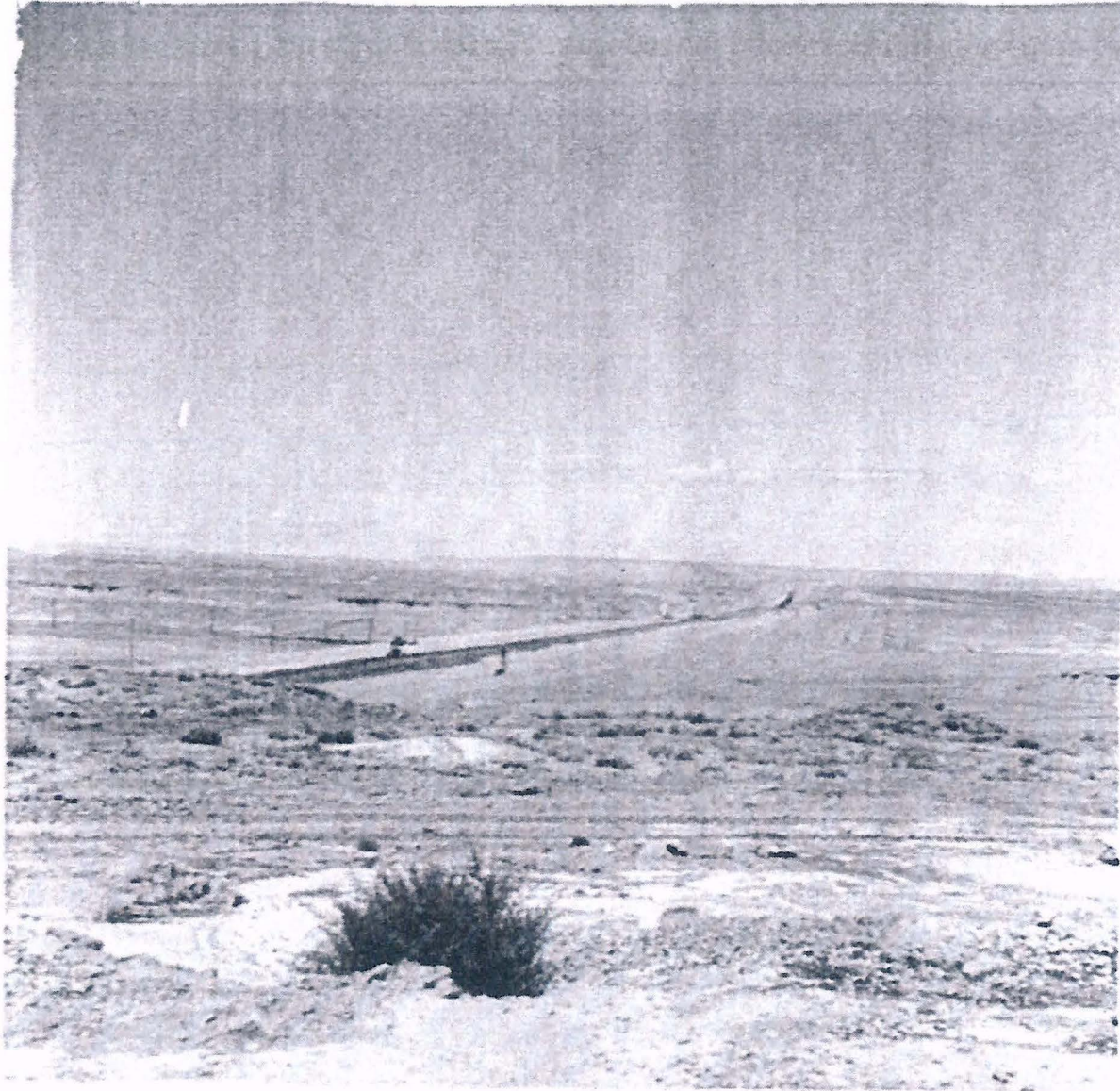


Excavation for Morgan Lake Dam. To the right of the cut (East) will become Morgan Lake. 5/17/61

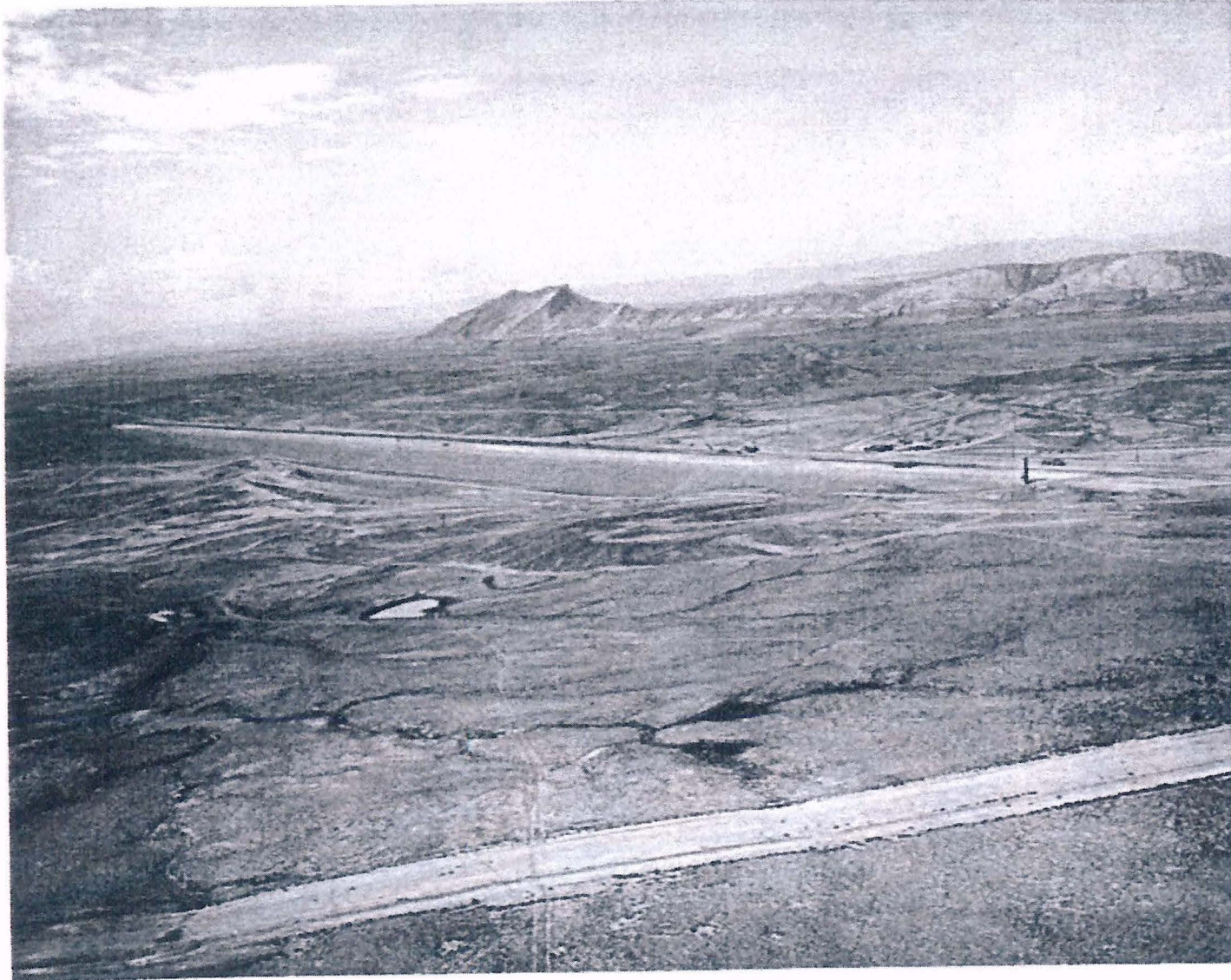




Construction of cooling water discharge canal. To the left (North) will become Morgan Lake. 8/10/61



Morgan Lake Dam 73 % complete  
viewed from high point. To the  
right (East) will become Morgan  
Lake. 8/30/61



Morgan Lake Dam 80 % complete. Left part of photo (East) will become Morgan Lake. Small pond at lower left center is likely a stock tank constructed to catch rain water for stock watering. 9/14/61