

EXHIBIT 3



John Barth <barthlawoffice@gmail.com>

Re: FOIA Response for EPA-R9-2013-002707; Four Corners Pwr Plant 2 of 8

4 messages

Tinger.John@epamail.epa.gov <Tinger.John@epamail.epa.gov>

Tue, Feb 19, 2013 at 12:54 PM

To: John Barth <barthlawoffice@gmail.com>

Cc: Sheth.gary@epa.gov

Hi John , For the four corners npdes permit, we are currently seeking and will, when received, review the revised permit renewal application from APS in order to draft a proposed renewed NPDES permit within 6 months after that. The proposed permit will incorporate information from the permittee about all the relevant process and operational changes that have occurred as well as those likely to occur over the next permit cycle.

- John

John Tinger
U.S. EPA Region IX
NPDES Permits Branch
(415) 972-3518

-----John Barth <barthlawoffice@gmail.com> wrote: -----

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To: John Tinger/R9/USEPA/US@EPA
From: John Barth <barthlawoffice@gmail.com>
Date: 02/13/2013 10:03PM
Cc: meisenfeld@frontier.net
Subject: Re: FOIA Response for EPA-R9-2013-002707; Four Corners Pwr Plant 2 of 8

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Mr. Tinger

Thank you again for sending me the response to our Four Corners Power Plant FOIA request. Could you please also tell me the status of the renewal of the NPDES permit for the facility. The current permit was issued in 2001 and expired in 2006. Thus, it have been almost 12 years since EPA renewed an NPDES permit for the facility. Please let me know your timeline for issuing a draft renewal permit. Thank you.

John Barth
Attorney at Law
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