

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

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In re:	)	
	)	
Arizona Public Service Company	)	
	)	Appeal No. NPDES 18-02
NPDES Permit No. NN0000019	)	
	)	
	)	

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**REGION IX's UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE  
RESPONSES AND REPLIES**

The United States Environmental Protection Agency (“EPA”) Region 9 (“Region”) requests the Environmental Appeals Board (“EAB” or “Board”) grant the Region an extension of time to respond to National Pollutant Discharge Elimination System (“NPDES”) Permit Appeal 18-2 filed by Dine’ Citizens Against Ruining the Environment (“Dine’ CARE”), San Juan Citizens Alliance (“SJCA”), Amigos Bravos, Center for Biological Diversity (“the Center”), and Sierra Club (collectively “Petitioners.”) The Region issued NPDES Permit No. NN0000019 (“Permit”) to Arizona Public Service Company (“APS”) on June 12, 2018. For the reasons detailed below, the Region respectfully requests an extension of time to October 19, 2018, for the Region to file a comprehensive response to the Petition for Review (“Petition”) filed in the above captioned matter. In addition, the Region respectfully requests an extension of time for APS to file its notice of appearance and response to October 19, 2018, and an extension

of time for Petitioners to file any reply brief to December 14, 2018. Counsel for the Region, APS, and the Petitioners agree to the extensions requested in this Motion.

On July 16, 2018, Petitioners filed with the Board a Petition for Review in the above-captioned action. The Region received an electronic version of that Petition (without attachments) on the same day. The Petition for Review raised several issues regarding the Permit.

Pursuant to the regulations for appeals of NPDES permits, the Region is required to file a response to a petition, along with a certified index of the administrative record, and relevant portions of the administrative record within 30 days after the filing of a petition. See 40 C.F.R. § 124.19(b)(2). The Region requests an extension of time until October 19, 2018, to file the response, the certified index to the administrative record, and relevant portions of the record. The substantively complex, substantial, distinct, and varied range of issues raised in the Petition for Review filed in this matter require careful consideration by the Region, including the analysis and inclusion of technical arguments. The requested additional time for the Region to prepare and file its response will help to ensure that the relevant facts and issues are fully vetted and presented to the EAB as it considers the Petition. Preparation of the Region's response to the Petition will also require consultation and coordination by the Region with various offices within EPA Headquarters that have an interest in the matters raised in the Petition, including EPA's Office of General Counsel. In addition, several of the matters raised in the Petition involve legal or technical issues that are presently in litigation or are the subject of rulemaking by EPA. For these reasons, the Region requests an extension of time to October 19, 2018 to respond to the Petition. This extension would apply to all material required in the response as prescribed in 40 C.F.R. § 124.19(b)(2).

In an effort to coordinate filings and schedules and move towards the expeditious resolution of this Appeal, counsel for the Region, APS, and the Petitioners (collectively referred to as the “Parties”) conferred. As a result of that conference, the Region further respectfully requests that the EAB grant an extension of time to October 19, 2018, for APS to file its notice of appearance and response as described in 40 C.F.R. § 124.19(b)(3), and that the EAB grant an extension of time to December 14, 2018, for the Petitioners to file any reply pursuant to 40 C.F.R. § 124.19(b)(3). Counsel for the Region, APS and the Petitioners all agree to the extensions requested in this Motion. See Attachment 1, attached hereto.

The Region would also like to inform the Board that all parties to this matter have agreed to accept service of filings by electronic mail only, with no hard copy service by mail or similar means.

In conclusion, the Region respectfully requests an extension of time to October 19, 2018, for the Region to file a comprehensive response to the Petition for Review filed in the above captioned matter. In addition, the Region respectfully requests an extension of time for APS to file its notice of appearance and response to October 19, 2018, and an extension of time for the Petitioners, to file any reply brief to December 14, 2018.

Date: August 1, 2018

Respectfully submitted,

*/S/Thomas M. Hagler*

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**CERTIFICATE OF SERVICE**

I hereby certify that I caused a copy of the attached **MOTION FOR EXTENSION OF TIME TO FILE RESPONSES** to be served by electronic mail upon the persons listed below.

Dated: August 1, 2018

*/S/ Thomas M. Hagler*

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