

ENVIRONMENTAL APPEALS BOARD
U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

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U.S. EPA, HEADQUARTERS

DEC 30 2019

In Re:

Four Corners Power Plant
NPDES Renewal Permit: NN0000019
Arizona Public Service Company (Applicant)

ENVIRONMENTAL APPEALS BOARD

NPDES Appeal No. 19-06

Petitioners' Unopposed Motion for Extension of Time to File Rely Brief

Petitioners consulted with counsel for EPA and APS prior to filing this Motion.

EPA and APS do not oppose this Motion.

1. This is an appeal of an NPDES permit issued by EPA Region 9.
2. APS and EPA filed Responses to the Petition for Review on December 18, 2019.
3. By rule, Petitioners have until January 2, 2020 to file a Reply brief.
4. At the time EPA filed its Response, it also filed an index to the administrative record for its NPDES permit issuance.
5. While EPA served with its Response a copy of the index and certain documents within the administrative record, EPA did not serve Petitioners with the entire administrative record.

6. Shortly after being served with EPA Response, Petitioners requested a copy of the entire administrative record. Petitioners need access to the entire administrative record to fully and adequately Reply to the Responses.

7. EPA did not serve the administrative record on Petitioners until December 27, 2019.

8. Petitioners need more time to review the administrative record and prepare their Reply.

9. Petitioners request 15 days from the date it received service of the administrative record to file their Reply brief—being January 13, 2020.¹ Neither EPA nor APS oppose this request.

10. Accordingly, Petitioners request that the Court grant an extension until January 13, 2020 for Petitioners to file a single consolidated Reply brief to the Responses filed by EPA and APS.

12/30/2019

Respectfully submitted,

s/ John Barth
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ATTORNEY FOR PETITIONERS

¹ Fifteen days from December 27, 2019 is January 11, 2020, which falls on a Saturday. Petitioners request until the next working day, January 13, 2020 to file its Reply.

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing **Petitioners' Unopposed Motion for Extension of Time to File Reply Brief** was served, by the method indicated, on the following persons this 30th day of December 2019:

By electronic filing and by fax (202)-233-0121:

Clerk of the Board
U.S. EPA
Environmental Appeals Board
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Washington, D.C. 20460-0001

By electronic filing and email

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DATE: 12/30/2019

s/ John M. Barth