

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

In re:	)	
	)	
Arizona Public Service Company	)	
	)	Appeal No. NPDES 19-06
NPDES Permit No. NN0000019	)	
	)	
	)	

**REGION IX's MOTION TO EXCEED WORD LIMITATION**

The United States Environmental Protection Agency (“EPA”) Region 9 (“Region”) respectfully moves the Environmental Appeals Board (“EAB”) to grant leave to file a response in the above-captioned matter that exceeds the 14,000-word limitation specified by 40 C.F.R. § 124.19(d)(3) — specifically, a response of up to 15,000 words.

**BASIS FOR MOTION**

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, “Petitioners”) filed the above-captioned Petition for Review (“Petition”). In its Order dated November 13, 2019, the EAB noted that the Petition was 20,000 words and requested that Petitioners either refile an appeal meeting the page limit requirements or seek leave to exceed those limits. Petitioners moved to exceed the word limit in their Motion dated November 15, 2019.

The EAB, in its Order dated November 18, 2019, granted Petitioners' motion to exceed the word limit and accept the Petition as filed.

The Region believes there is a compelling and documented need for a fully developed brief that may marginally exceed the stated word limit. The Permit at issue has a long regulatory history, and the facts of the facility are complicated. The Petition identifies a list of twelve issues for EAB review. Many of these issues involve complex technical issues and equally complex regulatory provisions. The Region believes it will benefit EAB review for the Region to respond fully to the issues raised.

The Region has discussed this motion with the parties. Neither the Petitioners nor the permittee object to the Region's motion.

Date: December 18, 2019

Respectfully submitted,

*/s/Thomas M. Hagler*

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**CERTIFICATE OF SERVICE**

I hereby certify that I caused a copy of the attached **REGION IX'S MOTION TO EXCEED WORD LIMITATION** to be served by electronic mail upon the persons listed below.

Dated: November 18, 2019

*/S/ Thomas M. Hagler*

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