



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

JUN 12 2018

In Reply Refer to: WTR-2-3
Certified Mail # 7006 0810 0003 9311 7356
Return Receipt Requested

Neal Brown
Department Manager
Environmental Operations
Arizona Public Service Company
400 North 5th Street, M.S. 9303
Phoenix, AZ 85004-3902

Re: Re-Issuance of NPDES NN0000019; APS Four Corners Power Plant.

Dear Mr. Brown:

Enclosed is the final re-issuance of the National Pollutant Discharge Elimination System (NPDES) permit for the APS Four Corners Power Plant, along with the accompanying fact sheet and response to comments document. EPA issued a public notice of proposed action in the *Navajo Times* and the *Farmington Daily News* on November 13, 2014. A public hearing was held on December 15 and 16, 2014 in the Navajo Nation and in Farmington, New Mexico. During the comment period, EPA received comments from the Law Office of John Barth, on behalf of San Juan Citizens Alliance, Center for Biological Diversity, Dine Citizens Against Ruining the Environment, Amigos Bravos, Sierra Club, Earthjustice, and Western Environmental Law Center, as well as from Arizona Public Service Company. All comments received during the public comment period are addressed in the attached Response to Comments document.

Within 33 days of this notice, any person who filed comments on the proposed permit conditions may petition the Environmental Appeals Board (EAB) to review the conditions of the permit. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period and a showing that the condition in question is based on: (1) a finding of fact or conclusion of law which is clearly erroneous, or (2) an exercise of discretion or an important policy consideration which the EAB should, in its discretion, review. See 40 C.F.R. §§124.19 (a) and 124.20 (d).

40 C.F.R. § 124.60 (b)(1) states that, as provided in 40 C.F.R. § 124.16 (a), if an appeal of an initial permit decision is filed under Section 124.19 of this Part, the force and effect of the contested conditions of the final permit shall be stayed until final agency action under 40 C.F.R. § 124.19 (f). In accordance with 40 C.F.R. § 124.16 (a)(1), "[i]f the permit involves a...new source, new discharger or a recommencing discharger, the applicant shall be without a permit for the

proposed new...source or discharger pending final agency action." Please review 40 C.F.R. § 124 and the revisions at 65 Fed. Reg. 30886 for a complete description of the requirements regarding appeal of NPDES permits.

If you have any questions regarding the procedures outlined above, or if you would like to review or request any documents from the Administrative Record, please contact Gary Sheth in my office at (415) 972-3516 or e-mail at Sheth.Gary@epa.gov.

Sincerely,

for 
David Smith, Manager
NPDES Permits Section (WTR-2-3)

Enclosures:

Final Permit
Final Fact Sheet
Response to Comments

cc:

Mr. John Barth (w/attachments)
Law Office of John M. Barth
P.O. Box 409
Hygiene, CO 80533

Mr. Patrick Antonio (w/o attachments)
Navajo Nation Environmental Protection Agency
P.O. Box 339
Window Rock, AZ 86515

Mr. David Berry (w/o attachments)
Regional Director
Office of Surface Mining Reclamation and Enforcement
1999 Broadway, Suite 3320
P.O. Box 46667
Denver, CO 80201-6667

Ms. Amy Lueders (w/o attachments)
Regional Director
U.S. Fish and Wildlife Service
P.O. Box 1306
Albuquerque, NM 87103-1306