

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

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

Declaration of John Barth

1. I, John Barth, am over the age of 18, am competent, and have first hand knowledge of the statements herein.
2. I am counsel for Petitioners in this NPDES Permit appeal.
3. On or about September 19, 2018, EPA Region 9's Regional Counsel's Office called me to consult regarding a unilateral motion EPA intended to file to withdraw the entire 2018 NPDES Permit for the Four Corners Power Plant (NPDES Permit No. NN0000019).
4. EPA informed me that the agency planned to file a unilateral motion to withdraw the entire 2018 Permit sometime during the week of September 24, 2018.

The statements herein are true to the best of my knowledge and recollection.

10/17/18

s/ John Barth