

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

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

ORDER REGARDING RESPONSE TO REGION’S MOTION TO DISMISS

On December 19, 2018, the U.S. Environmental Protection Agency (“EPA” or “Agency”) Region 9 (“Region”) filed a notice of permit withdrawal and a motion to dismiss as moot the Petition for Review filed by Dine’ Citizens Against Ruining the Environment, San Juan Citizens Alliance, Amigos Bravos, Center for Biological Diversity, and Sierra Club (collectively, “Petitioners”). *See* Notice of Withdrawal Pursuant to 40 C.F.R. § 124.19(j) (Dec. 19, 2018); Region IX’s Motion to Dismiss (Dec. 19, 2018) (“Motion”). The Region stated that the permittee, Arizona Public Service Company (“APS”), does not oppose the Region’s motion to dismiss, and that the Petitioners express no position at this time. Motion at 3.

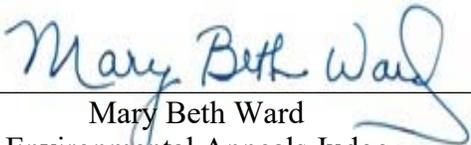
Pursuant to 40 C.F.R. § 124.19(f)(3), any party that chooses to file a response to a motion must do so within fifteen days after service of the motion. In this instance, Petitioners and APS would have needed to file a response, if any, to the Region’s motion no later than January 3, 2019. In consideration of the recent government shutdown, any party that chooses to file a

response to the Region's motion to dismiss must do so no later than **Thursday, February 7, 2019.**

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: January 31, 2019

By: 
Mary Beth Ward
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Regarding Response to Region's Motion to Dismiss* in the matter of Arizona Public Service Co., NPDES Appeal No. 18-02, were sent to the following persons in the manner indicated:

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Dated: January 31, 2019



Eurika Durr
Clerk of the Board