

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

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

**ORDER REQUIRING DOCUMENTS TO BE INCLUDED  
IN THE ADMINISTRATIVE RECORD**

The contents of an administrative record for any final permit when the U.S. Environmental Protection Agency is the permitting authority are set forth in 40 C.F.R. § 124.18(b). In relevant part, that provision specifies that “[t]he administrative record for any final permit shall consist of the administrative record for the draft permit and \* \* \* [t]he response to comments required by § 124.17 and any new material placed in the record under that section[.]” 40 C.F.R. § 124.18(b)(4). Section 124.17 requires the Region to include “any documents cited in the response to comments.” *Id.* § 124.17(b).

The following table lists five documents that the Region cited in its Response to Comments in this permit proceeding that do not appear to be included in the administrative record for the proceeding. *Compare* Region 9, *Administrative Record Index for NPDES Permit NN0000019* (Jan. 13, 2020) (revised) *with* Region 9, *Response to Comments Document, APS Four Corners Power Plant* (Sept. 30, 2019).

<b>DOCUMENTS TO BE ADDED TO THE ADMINISTRATIVE RECORD</b>		
<i>Document Name</i>	<i>Document Date</i>	<i>Citation Page in the Response to Comments</i>
Decision Document: Approval of the Navajo Nation Application for Treatment in the Same Manner as a State for Sections 303(c) and 401 of the Clean Water Act	Jan. 20, 2006	8
Letter from The Navajo Nation to Wayne Nastri, EPA Regional Administrator.	Oct. 31, 2005	8
Navajo Irrigation Improvement Project Biological Opinion	2018	92
US Fish and Wildlife Service Concurrence of Not Likely to Adversely Affect with regards to San Juan Mine Deep Lease Extension	June 25, 2018	92
San Juan River Basin Recovery Implementation Program Sufficient Progress Memorandum	Feb. 26, 2019	92

The Region must include these five documents, including any appendices or attachments to the documents, in the administrative record for this permit proceeding. 40 C.F.R. § 124.17(b). Additionally, the Region must amend the certified index of the administrative record and file and serve the amended certified index and electronic copies of the five documents, including any appendices or attachments to the documents, with the Board. These actions must be completed by **Monday, August 24, 2020**.

This order is being issued subject to objections from petitioners Dine' Citizens Against Ruining the Environment, the San Juan Citizens Alliance, Amigos Bravos, the Center for

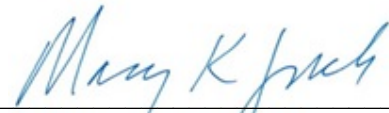
Biological Diversity, and the Sierra Club, or from the permittee, Arizona Public Service. If petitioners or the permittee wish to file any objection to the order, that objection must be filed with the Board by **Monday, August 17, 2020**.

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: August 10, 2020

By: \_\_\_\_\_



Mary Kay Lynch  
Environmental Appeals Judge

## CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Requiring Documents to be Included in the Administrative Record* in the matter of Arizona Public Service Company, NPDES Appeal No. 19-06, were sent to the following persons by email:

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Dated: August 10, 2020



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Eurika Durr  
Clerk of the Board