March 27, 2019

Sent via e-mail

Mr. Tomás Torres
Director of the Water Division
EPA Region 9
75 Hawthorne Street
Mail Code: WTR-1
San Francisco, CA 94105
torres.tomas@epa.gov

Re: Water Quality Certification for Renewal of Four Corners NPDES Permit No. NN0000019

Dear Mr. Torres:

Arizona Public Service Company (APS) submitted a revised application to renew NPDES Permit NN0000019 in February 2013. EPA Region 9 issued a renewed NPDES Permit NN0000019 on June 12, 2018, which was challenged and then subsequently withdrawn by the Region on December 19, 2018. We understand that the Region plans to make modifications to the permit and the administrative record, as appropriate, and then issue a revised draft permit for public comment.

Although APS believes that the Clean Water Act (CWA) § 401 water quality certification requirements set forth at 40 C.F.R. Part 121 do not apply to NPDES permits, it has been argued that APS, as the applicant, is required to submit a request to start the CWA § 401 water quality certification process for the permit. Therefore, out of an abundance of caution, APS would like to formally request that EPA, as the agency with CWA § 401 water quality certification jurisdiction, either certify that the discharges to be authorized by the permit will not violate applicable water quality standards, or waive water quality certification.

We have provided all of the application materials describing the project and its impacts to Gary Sheth in your permits office. If you need additional information, please do not hesitate to contact me.

Sincerely,

Jeffrey Jenkins
Plant Manager, Four Corners Power Plant

cc: Gary Sheth (sheth.gary@epa.gov)
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