

Brian Dunfee
Team Leader, Environmental Engineering
Peabody Western Coal Company
P.O. Box 605
Kayenta, AZ 86033-0605

Re: Issuance of Title V Operating Permit for the Black Mesa Complex

Dear Mr. Dunfee:

In accordance with provisions of the Clean Air Act, as amended (42 U.S.C. 7401 et seq.), the Environmental Protection Agency has reviewed the application for a Title V permit to operate submitted by Peabody Western Coal Company for the Black Mesa Complex.

A request for public comment regarding EPA's draft Title V permit to operate was published on July 25, 2002. We have enclosed a copy of the EPA's response to comments received on the draft Title V permit to operate. After consideration of the comments of all interested persons (including State, local, and Tribal agencies), and pertinent Federal statutes and regulations, EPA hereby issues a Title V permit to operate.

Any person may petition the Environmental Appeals Board to review the Environmental Protection Agency permit decision. Such a 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 to the extent required by 40 CFR §71.11 and, when appropriate, a showing that the condition in question is based on:

- (1) A finding of fact or conclusion of law which is clearly erroneous;
- (2) An exercise of discretion or an important policy consideration which the Environmental Appeals Board should, in its discretion, review.

An appeal to the Environmental Appeals Board for review of the permit decision along with an original and five copies must be filed not later than thirty days from the date the final permit is issued with the Hearing Clerk at the following address:

Environmental Appeals Board
MC 1103B
U.S. Environmental Protection Agency
401 M Street, SW
Washington, DC 20460

This permit shall become effective 30 days after it is signed, unless a petition is filed to review any conditions of this permit as described above (in which case the specific terms and conditions of the permit which are the subject of the request for review will be stayed). This permit is valid for a period of five years and shall expire at midnight on the date five years after its effective date unless a timely and complete renewal application has been submitted at least six months, but not more than 18 months, prior to the date of expiration of the permit.

If you have any questions regarding this matter, please contact Roger Kohn of the Air Division Permits Office at (415) 972-3973 or kohn.roger@epa.gov.

Sincerely,

Jack P. Broadbent
Director, Air Division

Enclosures

cc: Wilson Laughter, Navajo Nation EPA
Steve Blodgett, Hopi Tribe