



Public Notice

PROPOSED REVISIONS TO CLEAN AIR ACT PART 71 PERMIT
PEABODY WESTERN COAL COMPANY
LOCATED IN KAYENTA, ARIZONA



The Navajo Nation Environmental Protection Agency (NNEPA), Navajo Air Quality Control Program (NAQCP), Operating Permit Program (OPP) Section is accepting written comments on proposed revisions to portions of the Part 71 permit for Peabody Western Coal Company - Black Mesa Complex. The Black Mesa Complex is located 20 miles southwest of Kayenta, Arizona on the Navajo Nation and consists of two surface coal mines, the Black Mesa Mine and the Kayenta Mine; coal preparation and sampling facilities at the Black Mesa Mine; coal processing and overland conveyor systems at the Kayenta Mine; and various petroleum and other storage tanks.

Pursuant to the Order of the Environmental Appeals Board issued on August 13, 2010 in *Peabody Western Coal Co.*, CAA Appeal No. 10-01, NNEPA has reconsidered and is proposing revisions to portions of the permit to clarify the sources of legal authority for those portions of the permit. These proposed revisions do not affect the substantive provisions of the permit relating to air pollution control. Instead, the proposed revisions clarify that the provisions of Navajo law cited in the permit are tribally enforceable only. They also provide for the same schedule for compliance certifications to both NNEPA and USEPA. The permit provisions affected are III.B (Reporting Requirements), IV.A (Fee Payment), IV.B (Blanket Compliance Statement), IV.C (Compliance Certifications), IV.D (Duty to Provide and Supplement Information), IV.E (Submissions), IV.G (Permit Actions), IV.H (Administrative Permit Amendments), IV.I (Minor Permit Modifications), IV.K (Significant Permit Modifications), IV.L (Reopening for Cause), and IV.Q (Off Permit Changes).

NNEPA will consider comments only on the provisions of the permit that are proposed to be revised, as these are the only portions of the permit affected by this proposed action. Written comments, written requests for a public hearing, written requests for notification of the final decision regarding this permit action, or inquiries or requests for additional information regarding this permit action may be submitted to Charlene Nelson (Program Supervisor) at NAQCP, OPP Section, P.O. Box 529, Fort Defiance, AZ 86504. **Written comments and/or written requests must be received by 5:00 p.m., December 20, 2010.** NNEPA will consider these written comments prior to issuing a final permit decision.

If NNEPA finds a significant degree of public interest, a public hearing will be held. NNEPA will send notification of the final permit decision to the permittee and to each person who has submitted written comments or a written request for notification of the final decision.

The proposed revisions to the permit and revised statement of basis are available for review at NNEPA, NAQCP, OPP Section, Fort Defiance, AZ 86504. Viewing hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday (except holidays). Inquiries or requests for additional information, including copies of the draft permit and statement of basis, should be directed to Charlene Nelson (Program Supervisor) at the above address, by phone at (928) 729-4247 or by email sent to charlenenelson@navajo.org.

This notice of proposed revisions to portions of a Clean Air Act Part 71 permit fulfills the public notice requirements of Part 71 and the Navajo Nation Operating Permit Regulations. Persons wishing to be included on the NAQCP permit public notice mailing list should contact Ms. Angie Frank in writing at NAQCP, OPP Section, at the above address, by phone at (928) 729-4096, or by email at nnepanilchi@navajo.org. E-files of permit public notices and permits can be requested from NNEPA (NAQCP) by email request at nnepanilchi@navajo.org.