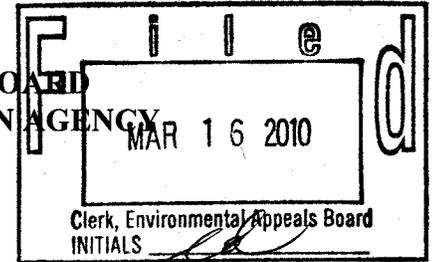


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
)
Peabody Western Coal Company) CAA Appeal No. 10-01
)
)
CAA Permit No. NN-OP-08-010)
)

**ORDER GRANTING SECOND JOINT MOTION
FOR EXTENSION OF TIME TO FILE RESPONSE**

By motion filed March 11, 2010, the Navajo Nation Environmental Protection Agency (“Navajo Nation EPA”) and Peabody Western Coal Company (“Peabody”) jointly request a second thirty-day extension of time for the Navajo Nation EPA to file a response to Peabody’s petition for review in the above-captioned case. At present, the response is due to be filed with the Environmental Appeals Board (“Board”) on or before Wednesday, March 31, 2010. The parties report that they have conferred about their differences, during which time Peabody made a proposal that NNEPA would like additional time to consider in-house and externally with the U.S. Environmental Protection Agency. The parties continue to report that they might be able to settle their dispute without further litigation.

For good cause shown, the motion for an extension of time is hereby **GRANTED**. The Navajo Nation EPA must file its response to the petition for review on or before **Friday, April 30, 2010**.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: 3/16/2010

By: Anna L. Wolgast
Anna L. Wolgast
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Granting Second Joint Motion for Extension of Time to File Response** in the matter of *Peabody Western Coal Company, CAA* Appeal No. 10-01, were sent to the following persons in the manner indicated:

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Annette Duncan
Secretary