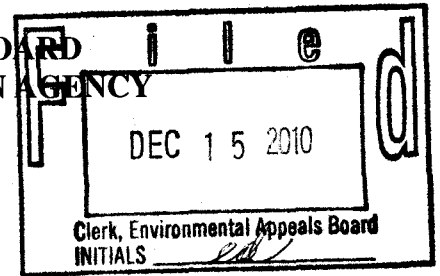


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



\_\_\_\_\_  
In re: )  
)  
)

Peabody Western Coal Company, )

NPDES Permit No. NN0022179 )  
\_\_\_\_\_)

NPDES Appeal Nos. 10-15 & 10-16

**ORDER GRANTING REGION AND PERMITTEE  
ADDITIONAL TIME TO RESPOND TO PETITIONS**

On October 18, 2010, the Environmental Appeals Board received two petitions requesting review of a National Pollutant Discharge Elimination System (“NPDES”) permit, Permit No. NN002219, U.S. EPA Region 9 (the “Region”) issued to Peabody Western Coal Company (“Peabody”). The first petition was filed by Black Mesa Water Coalition, Dine C.A.R.E., To Nizhoni Ani, Center for Biological Diversity and Sierra Club (hereinafter “BMWC Petitioners”). The second petition was filed by Ben Nuvamsa and Californians for Renewable Energy (hereinafter “Nuvamsa Petitioners”). The Board also granted Peabody’s request for leave to respond to the petitions, and the Board requested a response from the Region.

Before the Board at this time are the motions filed by the Region and Peabody requesting additional time through January 14, 2011, to file responses to the petitions. Both motions state that no party objects to the requested extension of time and that additional time is needed due to holiday leave and travel schedules and the complexity of the issues. The Region also states that additional time is necessary due to on-going illness of relevant staff.

Upon consideration, the Board finds good cause to grant the requested extension of time. Accordingly, both the Region and Peabody shall file their responses and other documents on or before Friday, January, 14, 2011.

So ordered.

Dated: *December 15, 2010*

ENVIRONMENTAL APPEALS BOARD

By:

*Anna L. Wolgast*

Anna L. Wolgast

Environmental Appeals Judge

## CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Granting Region and Permittee Additional Time to Respond to Petitions in the matter of Peabody Western Coal Company, NPDES Appeal Nos. 10-15 & 10-16, were sent to the following persons in the manner indicated:

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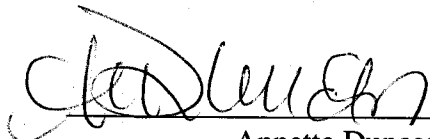
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Dated: DEC 15 2010

  
\_\_\_\_\_  
Annette Duncan  
Secretary