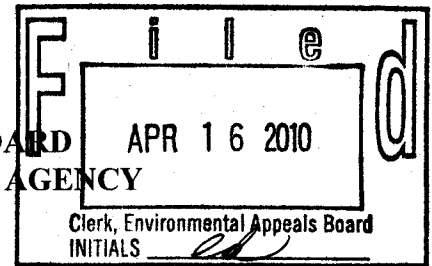


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



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

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

By motion filed April 15, 2010, the Navajo Nation Environmental Protection Agency (“Navajo Nation EPA”) and Peabody Western Coal Company (“Peabody”) jointly request a third 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 by Friday, April 30, 2010. The parties report that they, along with the U.S. Environmental Protection Agency (“USEPA”), have conferred about their differences and proposed various solutions. Negotiations continue, and the parties expect to settle their dispute in the next few months, without need for further extensions of time. They seek an extension until July 6, 2010, to file the response and report that USEPA concurs in their motion for additional time.

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 **Tuesday, July 6, 2010**.

So ordered.  
Dated: April 16, 2010

**ENVIRONMENTAL APPEALS BOARD**  
By: Anna L. Wolgast  
Anna L. Wolgast  
Environmental Appeals Judge

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Granting Third 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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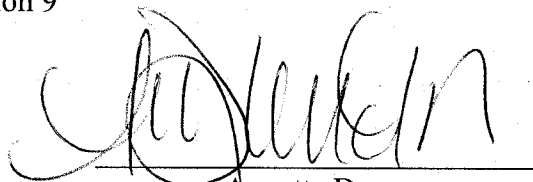
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Annette Duncan  
Secretary