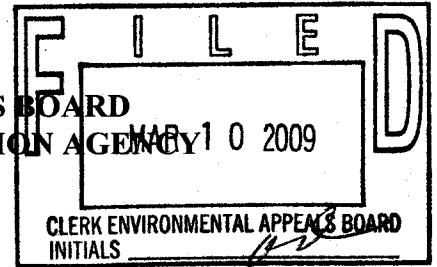


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
Desert Rock Energy Company, LLC)
)
PSD Permit No. AZP 04-01)
)

PSD Appeal Nos. 08-03, 08-04,
08-05 & 08-06

**ORDER GRANTING MOTION TO SUPERSEDE PREVIOUS
FILING OF NONPARTY BRIEF**

On March 5, 2009, the Navajo Nation filed a motion with the Environmental Appeals Board ("Board") requesting that it be allowed to supersede a brief it had filed with the Board on February 13, 2009, with a nonparty brief it submitted with its March 5 motion. Motion to Supersede Previous Filing of Non Party Brief of Navajo Nation at 1. The March 5 nonparty brief was timely filed in accordance with the Board's Order of February 17, 2009. *See* Order Denying Motion for Extension of Time to File Nonparty Brief at 4. Accordingly, the Board GRANTS the motion of the Navajo Nation, and the March 5 nonparty brief will supersede the February 13 nonparty brief.

So ordered.

ENVIRONMENTAL APPEALS BOARD

A handwritten signature in black ink, appearing to read "Edward E. Reich".

Edward E. Reich
Environmental Appeals Judge

Date: March 10, 2009

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Motion to Supersede Previous Filing of Nonparty Brief in the matter of Desert Rock Energy Company, LLC, PSD Appeal Nos. 08-03, 08-04, 08-05, & 08-06 were sent to the following persons in the manner indicated:

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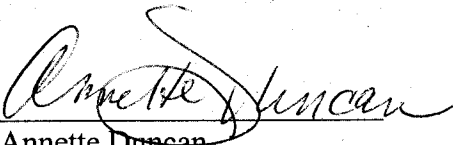
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Dated: MAR 10 2009


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Secretary