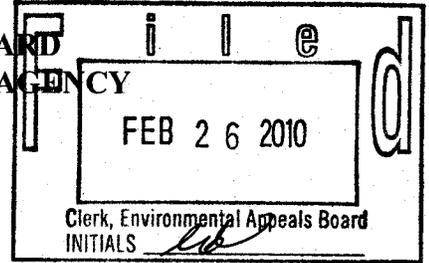


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



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

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

By motion filed February 18, 2010, the Navajo Nation Environmental Protection Agency (“Navajo Nation EPA”) and Peabody Western Coal Company (“Peabody”) jointly request a 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 Monday, March 1, 2010. The parties report that they have scheduled a conference call to address this matter and discuss its possible resolution via settlement. The Navajo Nation EPA also reports that it only learned on February 17, 2010, of the Board’s request that it file a response, and thus it needs additional time to prepare the administrative record and the response.

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 **Wednesday, March 31, 2010**.

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: 2/26/10

By: Cheryl J. Morgan (for ALW)  
Anna L. Wolgast  
Environmental Appeals Judge

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Granting 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 Dunean  
Secretary