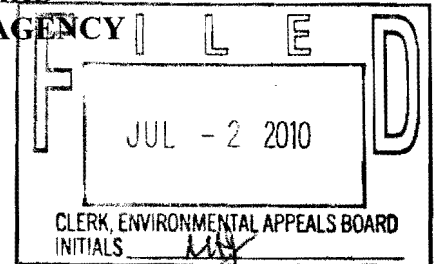


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



In the Matter of:)
)
)
Peabody Western Coal Company)
Permit No. NN-OP 08-010)
)
)
)
_____)

Appeal No. CAA 10-01

**ORDER GRANTING EXTENSION OF TIME FOR NNEPA TO FILE
RESPONSE, GRANTING NNEPA's MOTION TO FILE REPLY TO
OPPOSITION TO MOTION FOR VOLUNTARY REMAND AND GRANTING
EPA REGION 9's MOTION TO FILE AMICUS BRIEF**

On January 7, 2010, Peabody Western Coal Company ("PWCC") filed a petition for review ("Petition") of a Clean Air Act Title V operating permit ("Permit") issued by Navajo Nation Environmental Protection Agency ("NNEPA") under a delegation of authority from the United States Environmental Protection Agency Region 9 ("Region 9") for PWCC's Black Mesa Complex near Kayenta, Arizona. Since that time, numerous motions have been filed.

At issue here is NNEPA's June 24, 2010 request for an extension of time to file a response to PWCC's Petition until November 15, 2010. NNEPA seeks an extension of time on the basis that a favorable resolution for NNEPA of NNEPA's pending Motion for Voluntary Remand and Region 9's pending Motion for a Stay of Proceedings or, in the Alternative supporting NNEPA's Motion for Voluntary Remand would moot the need to file a response. NNEPA states that Region 9 supports the motion for extension, and by filing of June 29, 2010, PWCC conditionally supports the extension. Separately, on June

24, NNEPA filed a Motion for Leave to File a Reply to PWCC's Opposition to Motion for Voluntary Remand and reply brief.

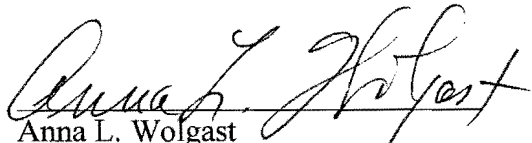
On June 24, 2010, Region 9 filed a Motion for Leave to File Amicus Brief Moving for a Stay of Proceedings, or, in the Alternative, Seeking a Grant of NNEPA's Motion for Voluntary Remand and amicus brief. In support of its motion, Region 9 cites EPA's interest in the disposition of the NNEPA permit issued under Region 9's delegation of authority pursuant to 40 C.F.R. Part 71.

For good cause shown, NNEPA's Motion for Extension of Time to file a response to the Petition is granted until September 7, 2010. NNEPA's Motion for Leave to File a Reply to PWCC's Opposition to Motion for Voluntary Remand is hereby granted. Region 9's Motion for Leave to File Amicus Brief is hereby granted.

NNEPA's Motion for Voluntary Remand, opposition thereto, Region 9's Motion for Stay of Proceedings or, in the Alternative, Seeking a Grant of NNEPA's Motion for Voluntary Remand, and PWCC's Motion for Order Requesting EPA's Office of Air and Radiation, Office of General Counsel, and Region 9 to brief certain issues all remain pending before the Board and are not resolved by this Order.

SO ORDERED.

Date: July 27, 2010


Anna L. Wolgast
Judge, Environmental Appeals Board

CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2010, this Order of the Environmental Appeals Board Granting Extension of Time for NNEPA to File Response, Granting NNEPA's Motion to File Reply to Opposition to Motion for Voluntary Remand, and Granting EPA Region 9's Motion to File Amicus Brief were served via facsimile and via first class mail to the following:

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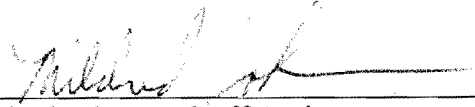
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Dated: JUL - 2 2010


Mildred Johnson, Staff Assistant
Environmental Appeals Board