

NORDHAUS LAW FIRM, LLP

ATTORNEYS AT LAW

ALBUQUERQUE, NM
SANTA FE, NM
WASHINGTON, DC

SUITE 801
1401 K STREET, N.W.
WASHINGTON, D.C. 20005
TELEPHONE 202-530-1270
FACSIMILE 202-530-1920

JILL ELISE GRANT
jgrant@nordhauslaw.com

October 9, 2012

Eurika Durr
Clerk of the Board
United States Environmental Appeals Board
1341 G Street NW, Suite 600
Washington DC 20005

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JUNIOR APPEALS BOARD

**Re: *Peabody Western Coal Co.*, EAB Appeal No. CAA 12-01
Petition for Review dated October 1, 2012**

Dear Ms. Durr,

Please be advised that the Navajo Nation Environmental Protection Agency (“NNEPA”) is represented by counsel in the above-referenced appeal. Therefore, kindly ensure that any correspondence sent to Mr. Stephen B. Etsitty, Executive Director of NNEPA, is also sent to the following individuals:

Bidtah Becker
Assistant Attorney General
Navajo Nation Department of Justice
Post Office Box 2010
Window Rock AZ 86515


Jill E. Grant
Nordhaus Law Firm, LLP
Suite 801
1401 K Street NW
Washington DC 20005

Please also note that Charlene Nelson no longer works for NNEPA and that any correspondence sent to the NNEPA Operating Permits Program should be addressed to Anoop Sukumaran.

Additionally we expect that, as in the earlier appeal of this Clean Air Act Title V Permit, *see Peabody Western Coal Co.*, EAB Appeal No. CAA 11-01, the Board will provide a schedule for NNEPA, the permitting authority in this case, to respond to the petition for review filed by Peabody Western Coal Company (“PWCC”), despite PWCC’s request to the contrary. *See* EAB Practice Manual § IV(D)(7) (June 2012) (“Upon receipt of a petition, the EAB routinely requests a response from the *permitting authority*.”) (emphasis added). NNEPA has no objection, however, to U.S. EPA also filing a response to PWCC’s petition for review.

Very truly yours,

NORDHAUS LAW FIRM, LLP


Jill E. Grant

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Ms. Eurika Durr

October 9, 2012

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cc: Stephen B. Etsitty
Office of the Executive Director
Navajo Nation Environmental Protection Agency
Post Office Box 339
Window Rock AZ 86515

Bidtah Becker
Assistant Attorney General
Navajo Nation Department of Justice
Post Office Box 2010
Window Rock AZ 86515

Eugenia Quintana
Department Manager
Navajo Nation Environmental Protection Agency
Post Office Box 339
Window Rock AZ 86515

Anoop Sukumaran
Environmental Engineer, OPP
Navajo Nation Environmental Protection Agency
Post Office Box 3339
Window Rock AZ 86515

John R. Cline
John R. Cline, PLLC
8261 Ellerson Green Close
Mechanicsville, VA 23116

Deborah Jordan, Regional Counsel
Ivan Lieben, Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco CA 94105