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

2010 APR 15 AM 10:20

ENVIR. APPEALS BOARD

In the Matter of:)

Peabody Western Coal Company)
Permit No. NN-OP 08-010)

) Appeal No. CAA 10-01
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JOINT MOTION FOR EXTENSION OF TIME TO FILE RESPONSE

Pursuant to Sections III.D.7(b) and IV.C.1 of the Environmental Appeals Board ("EAB") Practice Manual, Respondent Navajo Nation Environmental Protection Agency ("Navajo Nation EPA") respectfully moves for an additional extension of time until July 6, 2010 to file its response to the Petition for Review filed by Peabody Western Coal Company ("PWCC") in the above-captioned matter. Petitioner PWCC joins the Navajo Nation EPA in this motion. In support thereof, the parties state as follows:

1. On January 14, 2010, the EAB mailed a letter to the Navajo Nation EPA directing the Navajo Nation EPA to file a response in this matter by March 1, 2010.
2. On February 26, 2010, the EAB granted a joint motion of the parties for an extension until March 31, 2010 for the Navajo Nation EPA to file its response, and on March 16, 2010, the EAB granted a second motion for an extension until April 30, 2010. The motions for extension were based on the fact that the parties were engaged in discussions in an attempt to resolve this matter.
3. The parties are still engaged in settlement discussions. To date, the parties, including the U.S. Environmental Protection Agency ("USEPA"), held a conference call on

February 23, 2010; PWCC subsequently provided the Navajo Nation EPA with a proposal concerning the Clean Air Act Title V permit at issue, on February 26, 2010; the Navajo Nation EPA in turn provided PWCC with a proposal in response, on March 22, 2010; and PWCC intends to respond to that proposal by May 7, 2010.

4. In order to provide time for PWCC to respond to the Navajo Nation EPA's proposal and for the parties to continue their settlement discussions, and in light of the possibility of settlement of this appeal, Respondent Navajo Nation EPA and Petitioner PWCC join in requesting an additional extension of the due date for the Navajo Nation EPA's response until July 6, 2010, which would be 60 days from the date when PWCC expects to respond to the Navajo Nation EPA's proposal. Both PWCC and Navajo Nation EPA believe that no further extensions of time will be necessary.

5. The USEPA has an interest in this appeal because the appeal concerns a federally delegated Clean Air Act Title V operating permit, issued pursuant to 40 C.F.R. Part 71. The USEPA concurs in this joint motion for an additional extension of time.

WHEREFORE, Respondent Navajo Nation EPA and Petitioner PWCC, with the concurrence of USEPA, respectfully request an extension until July 6, 2010 for the Navajo Nation EPA to file its response to the Petition for Review.

Respectfully submitted this 15th day of April, 2010.

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CERTIFICATE OF SERVICE

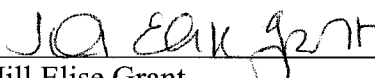
I HEREBY CERTIFY that a copy of this Joint Motion for Extension of Time to File Response was served via first class mail, postage prepaid, on this 15th day of April, 2010, upon:

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