

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re NPDES Permit Renewal:
Peabody Black Mesa NPDES Permit No.
NN0022179: Black Mesa Mine Complex

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)
) NPDES Appeal No. 10-15 & 10-16
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)

**EPA REGION 9 MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO
PETITIONERS' PETITION FOR REVIEW**

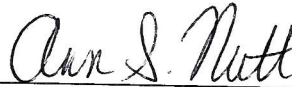
Region 9 of the United States Environmental Protection Agency ("Region") hereby requests an extension of time to file its response to the petitions for review of the Peabody Black Mesa NPDES Permit No. NN0022179, filed by Black Mesa Water Coalition ("BMWC"), Diné C.A.R.E., To Nizhoni Ani, Center for Biological Diversity and Sierra Club, NPDES Appeal No. 10-15 ("BMWC Petitioners") and former Hopi Tribal Chairman Ben Nuvamsa and Californians for Renewable Energy ("CRE"), NPDES Appeal No. 10-16 ("CRE Petitioners"). The Region respectfully requests this extension until Friday, January 14, 2011 to file its response. I have spoken with counsel for BMWC Petitioners, Brad Bartlett with the Energy Minerals Law Center; counsel for CRE Petitioners, David Abney; and counsel for the permittee, Peabody Western Coal Co. ("Peabody"), Peter Duchesneau with Manatt, Phelps & Phillips, and they have indicated that they do not oppose the Region's motion. In fact, it is my understanding that Peabody will request a similar extension to file its own response, which the Region does not oppose.

The basis for this request is a combination of the recent and ongoing illness of relevant staff working on the Region's response to BMWC and CRE Petitioners' petitions for review, which has cut down the available time to draft and engage in internal review of the Region's response, as well as upcoming holiday leave schedules for relevant staff at the Region and Headquarters. Given these considerations, the Region is concerned that it may not have

sufficient time for effective internal agency coordination and review prior to the filing deadline given the upcoming holidays, when agency staff and managers who are involved in this review will be out of the office.

Respectfully submitted,

December 13, 2010



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CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2010, I electronically filed a copy of the attached Region 9 Motion for Extension of Time to File Response to Petitioners' Petitions for Review and e-mailed copies to:

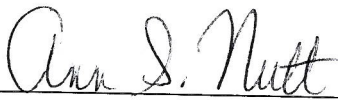
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