Exhibit 14

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

September 22, 2009

Brad A. Bartlett
Energy Minerals Law Center
1911 Main Ave., Suite 238
Durango, CO 81301

Amy Atwood
Center for Biological Diversity
PO Box 11374
Portland, OR 97211-0374

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

Dear Mr. Bartlett and Ms. Atwood,

Regarding your clients' Petition for Review and Motion for Extension of Time to File a Supplemental Brief in *In re NPDES Permit Renewal: Peabody Black Mesa NPDES Permit No. NN0022179: Black Mesa Mine Complex*, the U.S. Environmental Protection Agency, Region IX ("EPA Region 9") does not oppose an extension of 30 days to file a supplemental brief in this proceeding. While EPA Region 9 does not oppose a 30-day extension, EPA Region 9 is not taking a position on two issues. First, EPA takes no position as to whether or not Petitioners have demonstrated good cause for an extension of time to file a supplemental brief. *See In re City and County of Honolulu*, NPDES Appeal No. 09-01, Order Granting Alternative Motion for Extension of Time to File Petitions for Review, Feb. 2, 2009 ("the Board has, on occasion, and for good cause shown, granted motions seeking leave to file supplemental briefs to support the issues identified in timely petitions for review"). Second, EPA Region 9 also takes no position on whether the Petition for Review was sufficiently specific. *See In re LCP Chemicals – N.Y.*, 4 E.A.D. 661, 665 n. 9 (EAB 1993) (finding that granting review should be "sparingly exercised" and that petitions for review must "specifically identify disputed permit conditions and demonstrate why review is warranted").

Should you have any questions, please contact me at (415) 972-3948.

Sincerely,

Julia Jackson

Julia Jackson
Office of Regional Counsel
EPA – Region IX

CC: Eurika Durr, Clerk of the Board