

# Exhibit 10

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

May 31, 2010

**Re: Freedom of Information Act Request # 09-FOI-00247-10**

Dear Ms. Atwood:

This letter responds to your Freedom of Information Act (FOIA) request, dated March 29, 2010 which included six categories of documents pertaining to Clean Water Act permits for the Black Mesa coal mine, Kayenta coal mine, and/or the Black Mesa Complex. Enclosed you will find additional copies of documents responsive to your request.

As indicated in our May 7, 2010 letter, EPA noted that there may be additional documents which were not identified at that time. Please find enclosed additional materials from the 404 Permitting section.

Please contact me at (415) 972-3518 should you have any questions concerning this matter.

Sincerely,

John Tinger  
NDPES, Water Division

Enclosures