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

2008 APR 16 PM 3:25  
ENVIR. APPEALS BOARD

_____	)	
In re:	)	NPDES Appeal No. 08-06
	)	
BHP Billiton Navajo Coal Company	)	<b>EPA Region IX's Motion for Extension of Time</b>
	)	<b>To File Response to Order Requesting Region's</b>
	)	<b>Position on Extension</b>
	)	
NPDES Permit No. NN0028193	)	
	)	
_____	)	

By Order faxed to to Nancy Marvel, dated April 15, 2008, the Environmental Appeals Board ("EAB") has requested that Environmental Protection Agency, Region 9 ("the Region"), inform the Board whether it consents to or opposes requests for an extension of time to file Petitions for Review of a National Pollutant Discharge Elimination Sysytem (" NPDES") permit issued by the Region on March 5. 2008, to BHP Billiton Navajo Cola Company. The Order requires that the Region provide its response by close of business today, April 16, 2008.

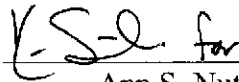
The Region hereby moves for an extension of two additional days to file its response to the requests for extension to file Petitions for Review. The Order was not received by the Air, Toxics, Water and General Law Branch in the Region 9 Office of Regional Counsel ("ORC") until this morning. In addition, the Region's permit writer, as well as the manager of the NPDES Permits Office are away from the office on official travel and cannot review the record, including notice given of the permit issuance, which is a basis for the requests for extension to file Petitions

for Review of the permit. It is necessary for the Region to conduct such review in order to respond to the Order.

The Region therefore respectfully requests an extension to file its response to the Oder by close of business, April 18, 2008.

Respectfully submitted,

Dated: April 16, 2008

 for

Ann S. Nutt  
Office of Regional Counsel  
EPA - Region IX  
75 Hawthorne St.  
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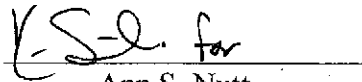
Of Counsel:  
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Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing **Motion for Extension of Time To File Response to Order Requesting Region's Position on Extension**, in the matter of BHP Billiton Navajo Coal Company, NPDES Appeal No. 08-06, was hand delivered to:

U.S. Environmental Protection Agency  
Clerk of the Board, Environmental Appeals Board  
Colorado Building  
1341 G Street, N.W., Suite 600  
Washington, D.C. 20005

and copies thereof were served on:

Jeffrey Stant  
Director PPW Project/Safe Disposal Act  
Clean Air Task Force  
217 South Audubon Road  
Indianapolis, IN 46219  
Fax: 317-351-1170

by Facsimile and United States First Class Mail

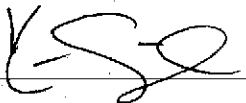
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Date: 4/16/08



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