

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street San Francisco, CA 94105-3901

January, 14, 2011

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

Re:

Peabody Black Mesa NPDES Permit No. NN0022179

Region 9's Opposition to Petitions for Review

NPDES Appeal Nos. 10-15 & 10-16

Dear Ms. Durr:

I am writing to notify the Environmental Appeals Board ("Board") that there was a malfunction with the Central Data Exchange ("CDX") today as I attempted to file electronically Region 9's complete response to the above-referenced NPDES permit appeals.

I was able to upload today via CDX: (1) the Cover Letter for the Region 9 Response, (2) the Region 9 Response to Petitioners' Petition for Review, (3) Exhibit 1 to the Region's Response, (4) the Region's Certification to the Administrative Record, (5) the Certified Index to the Administrative Record, and (6) pages 001-245 and 1300-1307 of the Administrative Record. I was *not* able to upload via CDX the remaining relevant portions of the Administrative Record (i.e., pages 246-1299 and 1308-1389). I received an error in attempting to upload these documents (*see* enclosed error message) and I contacted the CDX Help Desk who informed me that there was an ongoing "system deployment" and that they were experiencing issues within CDX (*see* enclosed electronic mail from Rhonda Martinez from EPA CDX Helpdesk).

All the above mentioned documents and a compact disc with the complete Administrative Record (including pages 246-1299 and 1308-1389) were sent to the Board today via overnight express mail.

I left a voicemail message for you today, but will contact you on the next working day, Tuesday, January 18, 2011 to see whether the Board would prefer that, when CDX is again functional, I electronically upload the remaining relevant documents from the Administrative Record.

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U.S. E.P.A.

If you have any questions please contact me at (415) 972-3923

Sincerely,

Samuel L. Brown

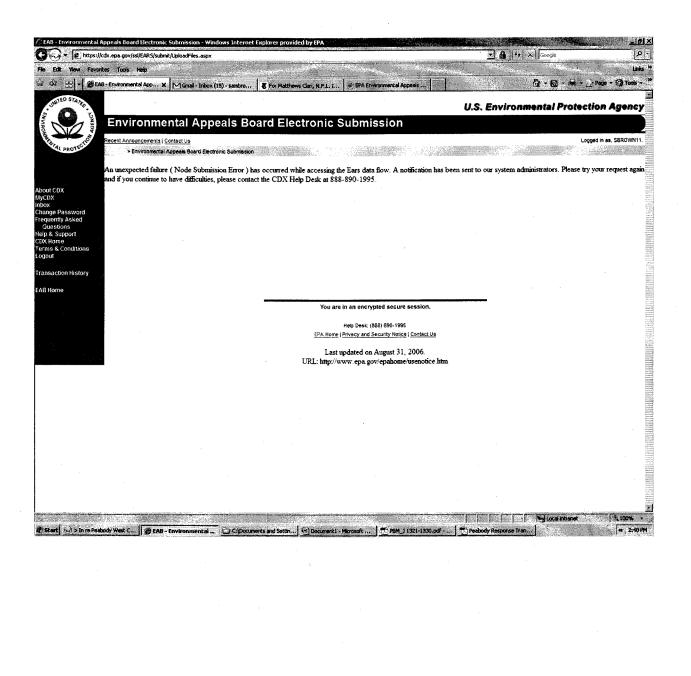
Assistant Regional Counsel

75 Hawthorne Street (ORC-2)

San Francisco, CA 94105

Phone: (415) 972-3923

E-mail: brown.samuel@epa.gov



RE: CDX Error Rhonda Martinez

to:

Samuel Brown 01/14/2011 02:45 PM

Show Details

Hello Mr. Brown, I received your email and yes it looks as if we are experiencing issues within CDX. I have attempted to contact our Technical Team to request additional information however, I have not received a response at this time. I have forwarded the error information you are receiving to them. Rhonda

Rhonda Martinez
EPA CDX Helpdesk
Staffed by CSG (Cherokee Services Group)
888-890-1995
rhonda.martinez@itxfc.com

csg_logo_24.jpg

From: Brown.Samuel@epamail.epa.gov [mailto:Brown.Samuel@epamail.epa.gov]

Sent: Friday, January 14, 2011 3:39 PM

To: Rhonda Martinez **Subject:** CDX Error

Sam Brown
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