



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

ENVIR. APPEALS BOARD

2011 JAN 18 AM 11:02

RECEIVED
U.S. E.P.A.

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.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'S. L. Brown', with a long horizontal flourish extending to the right.

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

EAB - Environmental Appeals Board Electronic Submission - Windows Internet Explorer provided by EPA

https://cdx.epa.gov/isd/EARS/subnet/uploadsFiles.aspx

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Environmental Appeals Board Electronic Submission

An unexpected failure (Node Submission Error) has occurred while accessing the Ears data flow. A notification has been sent to our system administrators. Please try your request again and if you continue to have difficulties, please contact the CDX Help Desk at 888-890-1995.

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Start

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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

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