



9. Email from Phil Dinsmoor, PWCC, dated April 29, 2009, to Yu-Lien Chu and Tracy DeHaven Parham, Eastern Research Group, Inc., providing additional information for operating permit renewal application.
10. PWCC – Black Mesa Complex proposed draft Part 71 Operating Permit No. NN-OP 08-010, dated July 15, 2009.
11. PWCC – Black Mesa Complex Statement of Basis for the proposed draft Part 71 Operating Permit No. NN-OP 08-010, dated July 15, 2009.
12. A draft unsigned cover letter to Kemal Williamson, PWCC, attaching draft Part 71 permit and accompanying Statement of Basis.

**Public Notice of and Comment on the Proposed Draft Permit dated July 15, 2009**

13. Public notice of the proposed draft permit.
14. Letter from Gary W. Wendt, PWCC, dated August 7, 2009, to Charlene Nelson, NNEPA, submitting comments on proposed draft permit dated July 15, 2009.
15. Letter from Gary W. Wendt, PWCC, dated August 13, 2009, to Charlene Nelson, NNEPA, submitting attached Comments on Draft Part 71 Operating Permit and Draft Statement of Basis for Black Mesa Complex Permit # NN-OP 08-010.
16. Letter from Norman Benally, Kayenta, AZ, dated August 14, 2009, to Charlene Nelson, NNEPA, requesting an informal hearing on the proposed draft permit dated July 15, 2009 and providing public comments.
17. Letter from Gerardo C. Rios, Air Division, USEPA, dated August 27, 2009, to Charlene Nelson, NNEPA, submitting attached EPA Region 9 Comments, Proposed Part 71 Permit Renewal, Peabody Western Coal Co. – Black Mesa Complex.
18. Letter from Charlene Nelson, NNEPA, dated October 27, 2009, to Norman Benally, Kayenta, AZ, responding to public comment on proposed draft permit dated July 15, 2009.
19. Letter from Gary W. Wendt, PWCC, dated November 3, 2009, to Charlene Nelson, NNEPA, submitting comments on draft Responses to Comments on the Draft Part 71 Permit Renewal to Operate Peabody Western Coal Company – Black Mesa Complex.
20. Email from Roger Kohn, Air Division, USEPA, dated December 1, 2009, to Charlene Nelson, NNEPA, providing comments on draft Responses to Comments for proposed draft permit dated July 15, 2009.
21. NNEPA response to comments unofficially dated December 3, 2009 on the proposed draft permit dated July 15, 2009.

### **Part 71 Permit Issued to PWCC-Black Mesa Complex on December 7, 2009**

22. PWCC – Black Mesa Complex Part 71 Operating Permit No. NN-OP 08-010, dated December 7, 2009, including cover letter from Stephen B. Etsitty, NNEPA, to Kemal Williamson, PWCC.
23. PWCC – Black Mesa Complex Statement of Basis for the Part 71 Operating Permit No. NN-OP 08-010 dated December 7, 2009.
24. Cover letter to from Stephen B. Etsitty, NNEPA, dated December 7, 2009, to Deborah Jordan, EPA attaching Part 71 permit and accompanying Statement of Basis.
25. CALifornians for Renewable Energy, Inc. and Vernon Masayesva, Kykotsmovi, AZ, Complaint to Office of the Administrator USEPA under 42 USC § 7604, and 60-day notice of intent to sue, dated January 4, 2010, on the final permit dated December 7, 2009.
26. PWCC petition for review to EAB of Part 71 permit, *Peabody Western Coal Co.*, CAA Appeal No. 10-01 (Jan. 7, 2010).
27. Letter from Stephen B. Etsitty, NNEPA, dated February 1, 2010, to Vernon Masayesva, Kykotsmovi, AZ, responding to complaint and 60-day notice of intent to sue, on final permit dated December 7, 2009.
28. Letter from John R. Cline, attorney for PWCC, dated February 26, 2010, to Jill E. Grant, attorney for NNEPA and Ivan Lieben, attorney for USEPA, regarding final permit dated December 7, 2009.
29. Letter from Jill E. Grant, attorney for NNEPA, dated March 22, 2010, to John R. Cline, attorney for PWCC, in response to PWCC letter dated February 26, 2010 regarding final permit dated December 7, 2009.
30. Letter from John R. Cline, attorney for PWCC, dated May 5, 2010, to Jill E. Grant, attorney for NNEPA, providing PWCC response to NNEPA proposal dated March 22, 2010.
31. Public Notice of proposed reopening of PWCC permit.
32. Public Notice of withdrawal of proposed reopening of PWCC permit.
33. *Peabody Western Coal Co.*, CAA Appeal No. 10-01 (EAB Aug. 13, 2010) (Order granting NNEPA motion for voluntary remand of Part 71 permit).

### **Proposed Revised Draft Permit Dated November 9, 2010 and Related Documents**

34. PWCC – Black Mesa Complex proposed revised draft Part 71 Operating Permit No. NN-OP 08-010, dated November 9, 2010.
35. PWCC – Black Mesa Complex Statement of Basis for the proposed revised draft Part 71 Operating Permit No. NN-OP 08-010, dated November 9, 2010.

36. Cover letter from Stephen B. Etsitty, NNEPA, dated November 9, 2010, to Kemal Williamson, PWCC, attaching draft Part 71 permit and accompanying Statement of Basis.

**Public Notice of and Comment on the Proposed Revised Draft Permit dated November 9, 2010**

37. Public notice of the proposed revised draft permit.
38. PWCC comments dated December 15, 2010 on the proposed revised draft permit.
39. NNEPA response to comments dated February 28, 2011 on the proposed revised draft permit.

**Revised Part 71 Permit Issued to PWCC-Black Mesa Complex on April 14, 2011**

40. PWCC – Black Mesa Complex Part 71 Revised Operating Permit No. NN-OP 08-010, dated April 14, 2011.
41. PWCC – Black Mesa Complex Statement of Basis for Revised Part 71 Operating Permit No. NN-OP 08-010 dated April 14, 2011.
42. Cover letter to G. Bradley Brown, PWCC, dated April 14, 2011, attaching Part 71 permit and accompanying Statement of Basis.
43. PWCC Petition for Review to the EAB of Revised Part 71 permit, *Peabody Western Coal Co.*, CAA Appeal No. 11-01 (May 13, 2011).

**SUPPORTING DOCUMENTS**

44. Navajo Nation Clean Air Act, 4 N.N.C. §§ 1101-1162
45. Navajo Nation Operating Permit Regulations
46. Navajo Nation Environmental Protection Agency Uniform Regulations for Permit Review, Administrative Enforcement Orders, Hearings, and Rulemakings under Navajo Nation Environmental Acts (the “Uniform Rules”)
47. 40 C.F.R. Part 71

**AFFIDAVIT**

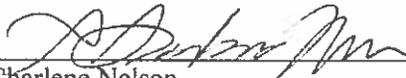
I, Charlene Nelson, being first duly sworn, depose and state that the statements in this document are true and correct, except as to matters stated on information and belief and, as to such matters, the undersigned certifies that she believes the same to be true:

1. I am employed by the Air Quality Control Program of the Navajo Nation Environmental Protection Agency ("Navajo Nation EPA") as Program Manager for the Navajo Operating Permit Program located at Route 112 North, Building No. F004-51, Fort Defiance, Arizona. I have been employed by the Navajo Nation EPA since February 6, 2006.

2. As part of my job responsibilities, I reviewed a Clean Air Act Part 71 permit application, designated as Permit No. NN-OP 08-010, for Peabody Western Coal Company ("PWCC")– Black Mesa Complex (the "Complex"), a Title V source located in Kayenta, Navajo County, Arizona. U.S. EPA issued the initial Part 71 permit for this source on September 23, 2003, and reopened the permit pursuant to 40 C.F.R. § 71.7(f) on October 23, 2003. PWCC submitted a Part 71 renewal permit application on October 29, 2008. By virtue of my review of the application and the resulting issuance of a Part 71 Operating Permit for the Complex, first on December 7, 2009 and then, after revisions were made, on April 14, 2011, I am familiar with the materials contained within the administrative record for the permit.

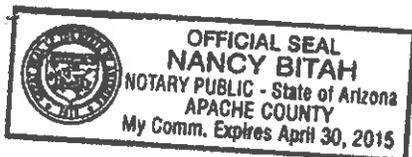
3. I have reviewed the Certified Index of the Administrative Record and, to the best of my knowledge and belief, I find that it is complete and contains the information relied upon by Navajo Nation EPA in its final permit decision for the Complex.

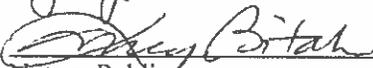
Further affiant sayeth not.

  
\_\_\_\_\_  
Charlene Nelson

STATE OF ARIZONA )  
COUNTY OF APACHE )

Subscribed and sworn before me this 01 day of July, 2011 by Charlene Nelson.



  
\_\_\_\_\_  
Notary Public