



NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY

Office of the Executive Director
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Dr. Joe Shirley, Jr.
PRESIDENT

NOV 09 2010

Ben Shelly
VICE PRESIDENT

Kemal Williamson, President
Peabody Western Coal Company – Black Mesa Complex
701 Market Street
St. Louis, Missouri 63101-1826

Re: Proposed Revisions to Portions of Title V Operating Permit for Peabody Western
Coal Company – Black Mesa Complex

Dear Mr. Williamson:

Pursuant to the Order of the Environmental Appeals Board issued on August 13, 2010 in *Peabody Western Coal Co.*, CAA Appeal No. 10-01, NNEPA has reconsidered and is proposing revisions to certain portions of the Title V permit for Peabody Western Coal Company – Black Mesa Complex (“Peabody”). The proposed revisions would clarify the legal authorities for various provisions in the permit. The proposed revisions also would provide the same schedule for compliance certifications to be submitted to EPA Region 9 and the Navajo Nation EPA (“NNEPA”). Finally, the proposed Statement of Basis provides that when EPA and NNEPA provisions are cited in the permit in parallel, the two sets of provisions are substantially identical and compliance with the federal provisions will constitute compliance with the tribal counterparts. The revised draft permit and statement of basis are attached to this letter for your convenience. Public notice of this proposed action and an opportunity for public comment also will be provided, pursuant to the Navajo Nation Operating Permit Regulations § 403.

NNEPA is proposing that revisions be made to the following permit sections: III.B (Reporting Requirements), IV.A (Fee Payment), IV.B (Blanket Compliance Statement), IV.C (Compliance Certifications), IV.D (Duty to Provide and Supplement Information), IV.E (Submissions), IV.G (Permit Actions), IV.H (Administrative Permit Amendments), IV.I (Minor Permit Modifications), IV.K (Significant Permit Modifications), IV.L (Reopening for Cause), and IV.Q (Off Permit Changes). These are the only portions of the permit affected, and therefore only comments on these portions of the permit will be considered by NNEPA at this time. These sections of the permit will be stayed pending the revised final permit decision. *See* 40 C.F.R. § 71.11(i)(2)(ii).

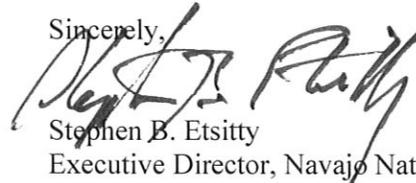
In addition, a typographical error referencing NNEPA in § II.A (NSPS General Provisions) has been deleted, as well as revisions made to correct other typographical errors, citations, and grammatical errors in the permit sections already listed above. These corrections are administrative amendments to the permit, and are not subject to public notice and comment.

A public notice will be published in the Navajo Times on November 18, 2010 and Arizona Daily Sun on December 1, 2010, which will announce the proposed revisions to the

permit sections listed above. Comments on this proposed action may be submitted to the Navajo Air Quality Control Program, Operating Permit Program Section in Fort Defiance, Arizona for a period of 30 days from the start of the public comment period. Should there be a significant degree of interest on the part of the public; the NNEPA may hold a public hearing.

If you have any questions, please contact Charlene Nelson (Program Supervisor) at (928) 729-4247 or charlenenelson@navajo.org.

Sincerely,



Stephen B. Etsitty
Executive Director, Navajo Nation EPA

Enclosures

cc: Eugenia Quintana, Navajo Nation EPA
Charlene Nelson, Navajo Nation EPA
Anoop Sukumaran, Navajo Nation EPA