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Jim Ruby, Executive Secretary  
Environmental Quality Council  
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AUG 23 2012

Jim Ruby, Executive Secretary  
Environmental Quality Council

**BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING**

IN THE MATTER OF THE )  
NOTICE OF VIOLATION ISSUED ) Docket No. 12-2201A  
TO POWDER RIVER COAL LLC )

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**JOINT MOTION TO EXTEND RESPONSE FILING DEADLINE**

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The State of Wyoming, Department of Environmental Quality, Air Quality Division (DEQ/AQD), through the Office of the Attorney General, and Peabody Powder River Mining, LLC, f/k/a Powder River Coal, LLC (Peabody Powder River Mining) through its attorney, Maryt L. Fredrickson, pursuant to Chapter 2, Sections 1 and 3 of the DEQ Rules of Practice and Procedure, jointly move for an order extending the DEQ/AQD's September 17, 2012 deadline to file a Response to Peabody Powder River Mining's Amended Notice of Appeal and Request for Hearing to October 17, 2012. The grounds for this motion are as follows:

1. On August 15, 2012, Peabody Powder River Mining filed a petition for hearing with this Council with respect to DEQ Notice of Violation Docket No. 5014-12 (Notice of Violation), a letter dated June 12, 2012 (Letter from Cara Keslar, Monitoring

Section Supervisor, DEQ/AQD, to Staci Hammond, Environmental Supervisor, Powder River Coal, LLC), and a letter dated June 14, 2012 (Letter from Cara Keslar, Monitoring Section Supervisor, DEQ/AQD, to Staci Hammond, Environmental Supervisor, Powder River Coal, LLC).

2. By Order filed August 20, 2012, this Council ordered that the DEQ file a response to the petition on or before September 17, 2012.

3. On August 21, 2012, Peabody Powder River Mining filed an Amended Notice of Appeal and Request for Hearing.

4. The DEQ and Peabody Powder River Mining have initiated settlement discussions regarding the Notice of Violation and intend to continue such discussions until mid-October.

5. If this Joint Motion is granted, it will facilitate continued settlement discussions that could lead to a settlement and/or withdrawal of Peabody Powder River Mining's Appeal, thereby avoiding unnecessary litigation and other costs.

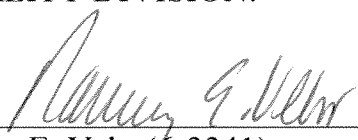
6. If the parties are unable to reach an agreement by mid-October, the DEQ intends to submit a Response on or before October 17, 2012.

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WHEREFORE, the DEQ and Peabody Powder River Mining jointly move this Council for an Order extending DEQ's response deadline until October 17, 2012. A proposed order is attached.

RESPECTFULLY SUBMITTED this 23<sup>rd</sup> day of August, 2012.

COUNSEL FOR RESPONDENT STATE OF WYOMING, DEPARTMENT OF ENVIRONMENTAL QUALITY, AIR QUALITY DIVISION:



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**CERTIFICATE OF SERVICE**

I hereby certify that on this 23<sup>rd</sup> day of August, 2012, a true copy of the foregoing JOINT MOTION TO EXTEND RESPONSE FILING DEADLINE was served by placing the same in the United States Mail, postage pre-paid, addressed as follows:

John Corra, Director  
Department of Environmental Quality  
122 W. 25th St.  
Herschler Building, 4th Floor West  
Cheyenne, WY 82002

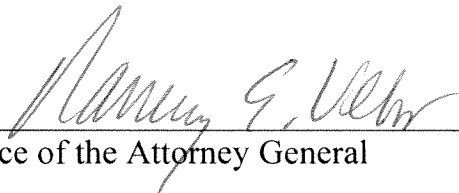
Steven A. Dietrich, Administrator  
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and also by electronic mail as follows:

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