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FILED

OCT 17 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)

SECOND JOINT MOTION TO EXTEND RESPONSE FILING DEADLINE

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 October 17, 2012 deadline to file a Response to Peabody Powder River Mining's Amended Notice of Appeal and Request for Hearing to April 17, 2013. 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. On September 5, 2012, the EQC granted the DEQ and Peabody Powder River Mining's joint motion to extend the DEQ's response filing deadline until October 17, 2012, to facilitate settlement discussions.

5. The DEQ and Peabody Powder River Mining are engaged in settlement discussions and desire to continue those discussions.

6. If the Council grants this Joint Motion, the DEQ and Peabody Powder River Mining intend to continue 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.

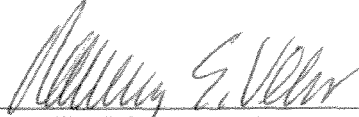
7. If the parties are unable to reach an agreement, the DEQ intends to submit a Response to the Petition on or before April 17, 2013.

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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 April 17, 2013. A proposed order is attached.

RESPECTFULLY SUBMITTED this 17th day of October, 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 17th day of October, 2012, a true copy of the foregoing SECOND JOINT MOTION TO EXTEND RESPONSE FILING DEADLINE was served by placing the same in the United States Mail, postage pre-paid, addressed as follows:

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