

FILED

APR 17 2013

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**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)

THIRD 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 April 17, 2013 deadline to file a Response to Peabody Powder River Mining's Amended Notice of Appeal and Request for Hearing to May 31, 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 engaged in settlement discussions.

6. On October 17, 2012, the DEQ and Peabody Powder River Mining filed a second joint motion to extend DEQ's response filing deadline until April 17, 2013, in order to facilitate continued settlement discussions.

7. On October 22, 2012, the EQC granted the parties' second joint motion.

8. The parties continued in settlement discussions and have tentatively agreed to terms for resolving this matter, and are now in the process of drafting and reviewing the corresponding settlement documents and pleadings.

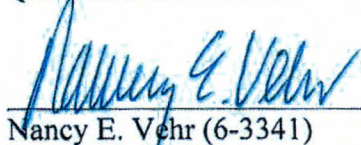
9. If the Council grants this Joint Motion, the DEQ and Peabody Powder River Mining intend to complete and execute the settlement documents and pleadings needed to memorialize their tentative settlement.

10. If the parties are unable to finalize their tentative settlement, the DEQ intends to submit a Response to the Petition on or before May 31, 2013.

WHEREFORE, the DEQ and Peabody Powder River Mining jointly move this Council for an Order extending DEQ's response deadline until May 31, 2013. A proposed order is attached.

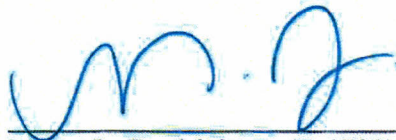
RESPECTFULLY SUBMITTED this 17th day of April, 2013.

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 April, 2013, a true copy of the foregoing THIRD 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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