



Navajo Nation Environmental Protection Agency – Office of the Executive Director  
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G. Bradley Brown, President  
Peabody Western Coal Company  
3001 West Shamrell Boulevard  
Flagstaff, Arizona 86001  
(928) 913-9201

Re: Issuance of Revised Title V Operating Permit to Peabody Western Coal Company – Kayenta Complex; NN-OP 08-010

Dear Mr. Brown:

This permit is being issued and administered by the Navajo Nation EPA (“NNEPA”) pursuant to the Delegation Agreement between the United States Environmental Protection Agency (“USEPA” or “EPA”) Region 9 and NNEPA, dated October 15, 2004. In accordance with the provisions of Title V of the Clean Air Act, 40 CFR Part 71, Navajo Nation Operating Permit Regulations, and all other applicable rules and regulations, the permittee, Peabody Western Coal Company – Kayenta Complex, is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit.

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 revised certain portions of the Title V permit for Peabody Western Coal Company – Kayenta Complex. These revisions clarify the legal authorities for various conditions in the permit. In addition, NNEPA has made revisions to the permit in the nature of administrative permit amendments, pursuant to NNOPR § 405(C). These revisions consist of corrections to typographical errors, citations, grammatical errors, facility name and contact information. They are in permit Conditions II(A)(1), III(B)(1)(c), IV(A)(1), (4), (6), IV(C)(1), IV(E), IV(Q)(3), (4), (5), and Section I.

Terms and conditions not otherwise defined in this permit have the same meaning as assigned to them in the referenced regulations. With the exception of Condition IV(A), which is enforceable by NNEPA only, all terms and conditions of this permit are enforceable by NNEPA and by EPA, as well as by citizens under either or both the Navajo Nation Clean Air Act and the Federal Clean Air Act as applicable. If all proposed control measures and/or equipment are not installed and/or properly operated and maintained, the permittee will be considered in violation of the permit.

Please be aware that the changes made in the permit will not affect the permit terms that became effective December 07, 2009 and expire on December 07, 2014. The permit number cited above should be referenced in future correspondence regarding this facility.

APR 14 2011

Date

Handwritten signature of Stephen B. Etsitty in black ink.

Stephen B. Etsitty, Executive Director  
Navajo Nation Environmental Protection Agency