

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In the Matter of:

City of Keene

NPDES Permit No. NH0100790

NPDES Appeal No. 21-03

SECOND AMENDED CERTIFIED INDEX TO THE ADMINISTRATIVE RECORD

The Certified Index to the Administrative Record (“Certified Index”) filed by Region 1 of the Environmental Protection Agency (“the Region”) on December 15, 2021 (Docket # 7) and amended on March 3, 2022 (Docket # 19) is hereby incorporated in its entirety and further amended as set forth below. The Region included item G.2. in the Certified Index because it represented the most recent version of the Consolidated Assessment and Listing Methodology guidance available at the time the record was open. Although, as the Board correctly identifies in its March 30, 2022 Order, it is a draft document, the Region considered it in its process to issue this permit. In response to the same March 30 Order, the Region hereby further amends the Certified Index to add the following item which was referenced in the Response to Comments:

G. STATE 303(D) AND CALM MATERIALS

...

3. Consolidated Assessment and Listing Methodology. NHDES-R-WD-19-04, January 3, 2020. Available at: <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/r-wd-19-04.pdf>

CERTIFICATION

I, Ken Moraff, Director of the Water Division, United States Environmental Protection Agency, Region 1, hereby certify that the Second Amended Certified Index to the Administrative Record (“Amended Index”) reflects the Administrative Record of NPDES Permit No. NH0100790, issued to the City of Keene and co-permittees.

Dated by electronic signature

Respectfully submitted,

Ken Moraff
Director, Water Division
Environmental Protection Agency, Region 1

CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below a copy of the foregoing Second Amended Certified Index to the Administrative Record, in connection with *In re City of Keene*, NPDES Appeal No. 21-03, was sent to the following persons in the manner indicated:

By electronic filing:

Mr. Emilio Cortes
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3332
Washington, DC 20004

By email, as authorized by the Board's standing order dated Sept. 21, 2020:

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Dated by electronic signature

Kristen Scherb, Esq.
U.S. Environmental Protection Agency
Office of Regional Counsel, Region 1