

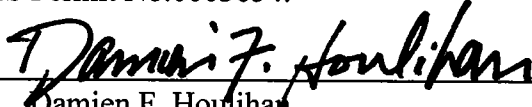
**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

<p>In re: Dominion Energy Brayton Point, L.L.C.) (Formerly USGen New England, Inc.)) Brayton Point Station) NPDES Permit No. MA 0003654)</p>	NPDES Appeal No. 07-01
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CERTIFICATION OF INDEX TO THE ADMINISTRATIVE RECORD

I, Damien F. Houlihan, hereby certify that the attached document entitled "Brayton Point Station, MA0003654, Administrative Record Index, Decision on Remand", constitutes the index of the administrative record compiled by Region 1 in response to the Environmental Appeal Board's February 1, 2006 Remand Order for NPDES Permit No.0003654.

Dated this 1st day of March, 2007



Damien F. Houlihan

Brayton Point Station, MA0003654, Administrative Record Index, Decision on Remand

Doc	Date	Type	Subject	Author	Recipient
4000	04/26/2004	Letter	EPA Region 1 Notice of Contested/Uncontested Permit Conditions	Robert Varney	Eurika Durr Ernest Hauser
4001	03/01/1974	Document	EPA Technical Document: "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety," EPA 550/9-74-004), 1974.	EPA	Public
4002	05/01/1986	Document	EPA's "Quality Criteria for Water" (Gold Book), 1986.	EPA's Office of Water	Public
4003	12/01/1996	Document	U.S. EPA, NPDES Permit Writer's Manual, 1996.	EPA's Office of Water	Public
4004	02/01/1990	Document	Commonwealth of Massachusetts, Division of Air Quality Control Policy (DAQC Policy 90-001, February 1, 1990)	Barbara Kweiz MassDEP	Public
4005	11/20/2006	Report	Report by Hatch, Inc., Prepared for: U.S. Environmental Protection Agency, Region I Office, and Tetra Tech, Inc., Addendum to Noise Impact Assessment (November 20, 2006).	Tim Kessel Hatch	EPA Region I
4006	08/22/2005	Document	MassDEP, Revised Conditional Approval for new BPS air pollution control equipment (August 22, 2005)	John Winkler MassDEP	Barry Ketschke BPS
4007	09/03/2003	Letter	Letter from John Winkler, MassDEP, to Damien Houlihan, EPA, transmitting noise-related excerpts from (a) MassDEP conditional approval of new BPS air pollution control equipment, and (b) BPS's request for plan approval.	John Winkler MassDEP	Damien Houlihan - EPA
4008	06/27/2003	Document	Excerpts from MassDEP, Conditional Approval for new BPS air pollution control equipment (June 27, 2003)	John Winkler MassDEP	Barry Ketschke BPS

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Doc #	Date	Type	Subject	Author	Recipient
4009	05/01/2003	Document	Excerpts from BPS's "310 CMR 7.02 Plan Approval Application as part of 310 CMR 7.29 Implementation at Brayton Point Station," Prepared by TRC for PG&E National Energy Group, "Revision 2 - April, 2003 (with Revision 3 - May, 2003 Replacement Pages)," including excerpts from App. H (Noise Assessment Study).	TRC BPS	MassDEP
4011	09/27/1992	Report	Sogard, 1992. Variability in growth rates of juvenile fishes in different estuarine habitats.	Susan Sogard	Public
4012	01/01/1996	Report	Rose, et al., 1996. Simulating Winter Flounder Population Dynamics using coupled individual-based young-of-the-year and age-structured adult models	Rose	Public
4013	08/09/2000	Report	Meng, et al., 2000. Using winter flounder growth rates to assess habitat quality in Rhode Island's coastal lagoons.	Meng	Public
4016	01/01/2002	Report	Manderson, et al., 2002. Spatial dynamics of habitat suitability for the growth of newly settled winter flounder in an estuarine nursery.	Manderson	Public
4020	09/16/2003	Report	Production foregone re-analysis, text and data tables inadvertently not attached to RTC Appendix X (see p. 2).	Stratus	EPA Region I
4023	02/17/2006	Letter	Letter from BPS to EPA Region I requesting that the Region on remand from the EAB (1) re-open the record for additional public comment, and (2) hold an evidentiary hearing.	Cathy Taylor Dominion	Dave Webster - EPA
4024	04/03/2006	Letter	EPA Region I letter responding to BPS's 2/17/2006 letter requesting that on remand from the EAB, the Region re-open the record for additional public comment and hold evidentiary hearing.	Dave Webster - EPA	Cathy Taylor Dominion
4025	11/26/2003	Letter	Letter from BPS regarding uncontested conditions of permit.	Meredith Simas - PG&E	Dannien Houlihan - EPA

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Doc #	Date	Type	Subject	Author	Recipient
4026	02/27/2004	Letter	Letter from BPS regarding contested/uncontested conditions and company's view that installing partial closed-cycle cooling is not an "uncontested condition" under NPDES regulations.	Wendy Jacobs - Foley & Hoag	Dave Webster - EPA
4027	02/08/2005	Letter	Transfer of ownership of BPS and Salem Harbor Station from USGen New England to Dominion Energy New England.	Linda Murphy EPA	Pamela Faggert Dominion
4028	06/26/2006	Letter	Minor modification to BPS NPDES permit, iron limit.	Linda Murphy EPA	Pamela Faggert Dominion
4029	11/29/2006	Letter	MassDEP letter to EPA Region 1 expressing concurrence with Region's Assessment of cooling tower sound emissions.	David Johnston MassDEP	Linda Murphy EPA
4030	10/13/2006	Document	Excerpts from Massachusetts Air Pollution Control statutes and MassDEP Air Pollution Control Regulations, 310 CMR 7.00, including Regulations related to Noise Control	MassDEP	General Public
4031		Document	Undated - MassDEP "Fact Sheet" regarding the regulation of sound emissions.	MassDEP	General Public
4032	09/01/2006	Document	Dominion Brayton Point - 2005 Annual Report, Hydrological and Biological Monitoring Program.	Dominion BPS	Phil Colarusso - EPA
4033	05/15/1966	Report	Scientific paper: Hoff & Westman, The Temperature Tolerances of Three Species of Marine Fish.	Hoff and Westman	public
4034	03/01/1974	Report	"Condensed Version of EPA [Noise] Levels Document"	EPA	public
4035	07/26/1976	Report	EPA's July 1976 "Quality Criteria for Water" (the "Red Book").	EPA	public

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Doc #	Date	Type	Subject	Author	Recipient
4036	01/01/2001	Report	Meng, et al., "Using Winter Flounder Growth Rates to Assess Habitat Quality Across an Anthropogenic Gradient in Narragansett Bay, Rhode Island"	Meng et al	Public
4038	10/20/2003	Fax	Fax from BPS regarding procedure for Tank 4 hydrostatic test	Meredith Simas - PG&E	Darnien Houlihan - EPA
4039	10/20/2003	Letter	Letter from BPS regarding hydrostatic test for Tank 4	Meredith Simas - PG&E	Darnien Houlihan - EPA
4040	12/03/2003	Letter	Letter from BPS - Notice of Intent for Stormwater Discharge Associated with Industrial Activity - General Permit	Meredith Simas - PG&E	EPA HQ
4041	12/22/2003	Letter	Notice of unusual impingement events	Meredith Simas - PG&E	Dave Webster - EPA
4042	12/22/2003	Letter	Request from BPS for WET test waiver	Meredith Simas - PG&E	Darnien Houlihan - EPA Dave Johnston - MA DEP
4043	02/08/2005	Letter	Letter from BPS requesting WET test waiver	Barry Ketschke	Darnien Houlihan - EPA Dave Johnston - MA DEP
4044	05/19/2005	Letter	EPA response to 02/08/05 WET test waiver request	Linda Murphy	Barry Ketschke
4045	02/20/2006	Letter	Letter from BPS regarding unusual impingement event	Barry Ketschke	Dave Webster - EPA
4046	03/17/2006	Letter	Letter from BPS requesting waiver from WET test requirement	Ken Small	Darnien Houlihan - EPA Dave Johnston - MA DEP

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Doc #	DATE	TYPE	SUBJECT	AUTHOR	RECIPIENT
4047	08/16/2006	Letter	Notification of discharge from air pollution control equipment	Barry Ketschke	Dannien Houlihan - EPA
4048	11/02/2006	Email	series of emails regarding repair of fish return system	Meredith Simas - PG&E	Dannien Houlihan - EPA
4049	01/01/2005	Document	Excerpt from a Draft EIS for work at University of California, Santa Cruz (discussion of noise issues)	URS	Public
4050	04/14/2006	Email	Transmittal email from DEP sending Region 1 copy of its 8/22/06 Revised Conditional Approval for BPS air pollution control equipment (see AR 4006) and a DEP plan approval form.	John Winkler MassDEP	Mark Stein - EPA
4051	08/08/2006	Fax	MassDEP fax to Region 1 of copy of pages from BPS revised plan approval application. MassDEP transmittal note underscores that BPS never submitted "protocol" to state.	John Winkler MassDEP	Mark Stein - EPA
4052	03/01/2001	article	Article re regulation of noise emissions by MassDEP.	R. Kirsch and M. Kalpin Hale & Dorr	public
4053	01/07/2004	Letter	Follow-up letter on unusual impingement event 12/22/03 - 01/3/04	Barry Ketschke BPS	Dave Webster - EPA
4054	11/25/2003	Letter	Follow-up letter on unusual impingement event, 11/16 - 11/21/2003	Barry Ketschke BPS	Dave Webster - EPA
4055	01/27/2004	Letter	Follow-up letter for unusual impingement event, 01/12 - 01/22/2004	Barry Ketschke BPS	Dave Webster - EPA
4056	09/01/2004	Report	2002 Annual Report - Hydrological and Biological Monitoring Program	USGen New England	EPA DEP PUBLIC
4057	09/01/2004	Report	2003 Annual Report, Hydrological and Biological Monitoring Program	USGen New England	EPA DEP PUBLIC

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Doc #	Date	Type	Subject	Author	Recipient
4058	09/01/2005	Report	2004 Annual Report, Hydrological and Biological Monitoring Program	Dominion Brayton Point	EPA DEP Public
4059	07/23/2002	Report	Collie and DeLong Examining the Decline of Narragansett Bay Winter Flounder.	Collie and DeLong	Public
4060	11/29/2004	Letter	Letter from USGen New England, Inc., Notice of Transfer of Ownership to Dominion Energy Brayton Point, LLC ("Dominion Brayton")	Ernest Hauser USGenNE	Robert Varney EPA
4061	07/13/2004	Letter	Transmittal letter enclosing biological monitoring data.	Meredith Simas - PG&E	Phil Colarusso - EPA
4062	07/22/2004	Letter	Response letter regarding company's submission of biological monitoring data.	Phil Colarusso - EPA	Meredith Simas - PG&E
4063	01/03/2005	Letter	Letter re transfer of ownership of BPS from USGen to Dominion Energy Brayton Point LLC.	Pamela Faggert Dominion	Dave Webster - EPA
4064	12/16/2004	Letter	Letter regarding transfer of NPDES permit from USGen to Dominion.	Robert Varney EPA	Pamela Faggert Dominion Ernest Hauser USGen
4065	11/30/2006	Document	EPA Region 1's "Determination on Remand from the EPA Environmental Appeals Board, Brayton Point Station, NPDES Permit No. MA0003654".	Linda Murphy EPA	Public
4066	11/30/2006	Letter	Transmittal Letter from EPA Region 1 enclosing Remand Determination Document (AR 4065) and also enclosing summary of permit appeal procedures	Linda Murphy EPA	Pamela Faggert Dominion; Barry Ketschke BPS

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Doc	Date	Type	Subject	Author	Recipient
4067	11/30/2006	Document	Public Notification of EPA Region 1's "Determination on Remand from the EPA Environmental Appeals Board, Brayton Point Station, NPDES Permit No. MA0003654"	Region 1 EPA	Public
4068	02/26/2007	Memo	Memorandum from Stratus Consulting, Inc., to Region 1, providing additional production foregone data, and other related data, from September 2003 that underlies and was part of the "re-analysis" referred to in the Appendix X to the Response to Comments (the 9/16/03 Memorandum from Stratus to EPA).	Dave Caeela Liz Strange - Stratus Consulting Inc.	Mark Stein - EPA Phil Colarusso - EPA