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

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ENVIR. APPEALS BOARD

In re: Dry Creek Rancheria)
Wastewater Treatment Plant) NPDES Appeal Nos. 07-14 & 07-15
NPDES Permit No. CA 0005241)

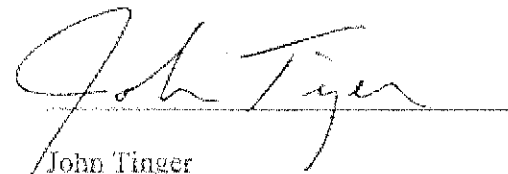
Certification of Index to the
Administrative Record

I, John Tinger, state the following:

1. I am a Permitting Officer in the Clean Water Act Standards and Permits Office of the U.S. Environmental Protection Agency, Region 9.
2. In my role as Permitting Officer, I oversaw the drafting and issuance of the NPDES Permit for the proposed Dry Creek Rancheria Wastewater Treatment Plant.
3. Also in this role, I oversaw compilation of the administrative record of materials on which the EPA Region 9 Water Division Director, Alexis Strauss, based her decision to issue the NPDES Permit for the Dry Creek Rancheria. The materials comprising the administrative record for this decision have been compiled, sequentially paginated, and listed in the attached Index to the Administrative Record.
4. I certify that, to the best of my knowledge, the documents listed in the attached Index constitute the complete administrative record for this permitting action.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 13 of July, 2007.


John Tinger
Permitting Officer
CWA Standards and Permits Office
U.S. EPA Region 9

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Wastewater Treatment Plant)	
NPDES Permit No. CA 0005241)	
)	Index to the Administrative Record

A. FINAL PERMIT MATERIALS

Subject	Type	Date	From	To	Pages
Final Permit	Permit	4/30/07	-	-	0001-0036
Final Statement of Basis	Permit	Final	-	-	0037-0053
Permit Issuance	Letter	4/30/07	Doug Eberhardt, EPA	Tom Keegan, Dry Creek	0054-0055
Dear Interested party	Letter & mailing list	4/30/07	Doug Eberhardt	Mailing list	0056
Comment Response Document	Doc	Final	-	-	0057-0083
"Indian Country" defined	Appendix 1	11/4/06	Michelle Hickey, Holland & Knight	John Tinger, EPA	0084-0093
404 Determination	Appendix 2	7/9/04	Army Corps of Engineers		0094-0097
Water Balance	Appendix 3	12/22/06 Updated 4/24/07	Curtis Lam, Hydroscience	John Tinger	0098-0102
Priority pollutant scan	Appendix 4	1/11/07	Alpha Analytical Laboratories	-	0103-0121

B. PROPOSED PERMIT MATERIALS

Subject	Type	Date	From	To	Pages
Proposed Permit	Permit	-	-	-	0122-0147
Draft Statement of	report	-	-	-	0148-0169

Basis					
NPDES permit application	application	2/05	Dry Creek Rancheria	-	0170-0234
Biological Evaluation	report	2/05	Environmental Science Associates	-	0235-0268
Technical Memo Rapid Bioassessment of Drainages P-1 and A-1	report	2/05	Environmental Science Associates	-	0269-0339
Permit application review	letter	5/27/05	Doug Eberhardt, EPA	Tom Keegan, Dry Creek	0340-0341
NPDES permit application	application	2/05	Dry Creek Rancheria	-	0342-0378
Adaptive management plan	Technical memo	4/20/06	Curtis Lam, Hydrosience Engineers	Tom Keegan, Dry creek	0379-0383
Comments on Permit application	Letter & Report	1/20/04	Bruce Goldstein, Sonoma County	Suesan Saucerman, EPA	0384-0444
Comments on permit application	letter	3/21/06	Paul Kelley, Sonoma County Board of Supervisors	John Tinger, EPA	0445-0450
Russian River Watershed monitoring locations	Technical memo	4/24/06	Curtis Lam, Hydrosience Engineers	Tom Keegan, Dry creek	0451-0456
Non-point source pollution control program	memo	-	Dry Creek Rancheria	-	0457-0453
A-1 summary	email	10/4/05	Tom Keegan	Suesan Saucerman	0454-0456

C. PUBLIC NOTICE and HEARING MATERIALS

Subject	Type	Date	From	To	Pages
Proposed Permit	Letter	6/28/06	John Tinger, EPA	Tom Keegan, Dry Creek	0457-0458
Notice of proposed action	Notice	-	-	-	0459-0460

Proof of publication	notice	6/29/06			0461
Proposed permit	letter	6/29/06	Doug Eberhardt, EPA	John Short, Regional water quality control board	0462-0463
Dear Interested party – proposed permit	email	6/28/06	John Tinger	Mailing list	0464-0465
Dear Interested party – meeting location change	email	7/31/06	John Tinger	Mailing list	0466-0467
Dear Interested party – comment period extension	email	8/15/06	John Tinger	Mailing list	0468-0469
Proof of publication		8/11/06			0470
Dear Interested party – Hearing reminder	email	9/5/06	John Tinger	Mailing list	0471
Notice of change to public hearing location	notice	none	-	-	0472
Informational Sheet for public hearing		9/7/06			0473
Notice to local landowners of proposal and hearing	letter		John Tinger	4 identical letters	0474-0477

D. COMMENTS RECEIVED

Document	Date	Pages	
Coded Document of Written Comments Received	None	0478-0574	
Reporter Transcript of EPA Public Workshop and Hearing	9/7/06	0575-0651	
Coded Reporter Transcript of EPA Public Workshop and Hearing	none	0652-0725	
Written Comments Received; including:	Various, see below:	0729-0822	
	Commenter	Signed by	Comments Dated
001	Congressman Mike Thompson	Congressman Mike Thompson	9/18/06
002	California Regional Water Quality Control Board North Coast Region	Catherine Kuhlmann	10/2/06

003	Sonoma County Board of Supervisors	Paul Kelley	9/29/06
004	Alexander Valley Association	Candace Cadd	9/27/06
005	Russian Rivers Property Owners Association	Alvin Cadd	9/30/06
006	Stand up for California	Cheryl Schmit	10/2/96
007	Wagner & Bonsignore	Paula Whealen	10/2/06
008	Marcia Teuschler	-	none
009	Field Stone Winery	John Staten	9-25-06
010	Steven Oliver	-	none
011	Lois Chapin	-	9/28/06
012	Lynn and Seaver Page	-	9/28/06
013	Marge & George Grasso	-	9/28/06
014	Karen Dean Abbe	-	none
015	James Family	-	9/26/06
016	Michael & Carole Farrell	-	9/21/06
017	Jerry Reedy	-	none
018	Harry Black	-	9/26/06
019	Summer Tompkins Walker	-	none
020	Brooks Walker	-	None
021	Larry Cadd	-	10/1/06
022	Hafner Vineyard	Richard Hafner	9/29/06
023	Ralph and Janice Sceales	-	9/18/06
024	Farry Gransotto	-	9/7/06
025	Alvin Cadd		9/7/06
026	John Alden		9/7/06
027	Phil Wright		9/7/06
028	Hale Alshahavany		9/7/06
029	Graid Enyart		9/7/06
030	Marjorie and Philip Lilienthal		9/27/06
031	David Mahoney	-	None
032	Copper Ranch Partnership	Doreen Clay	9/30/06
033	[no 033]	-	-
034	Winn Ellis		None
035	Marjorie Montaldo		10/5/06 *
036	Roland Hartsough		10/7/06 *
037	Sierra Club – Redwood Chapter	Anne Hudgines, Leonard Holt	9/30/06 *
	* received after close of comment period, but comments addressed		
	Postmarked letters received	On file	

E. BIOLOGICAL EVALUATION & HISTORIC PRESERVATION

Subject	Type	Date	From	To	Pages
Concurrence	letter	7/25/06	Rodney McInnis, NOAA	Doug Eberhardt, EPA	0823-0825
Request for consultation	letter	4/18/06	Doug Eberhardt, EPA	Dick Butler, NOAA	0826
Biological Opinion	Draft EPA report	4/06	EPA	-	0827-0833
Biological Evaluation	Report	1/05	Environmental Science Association	-	0834-0867
Species request	letter	7/5/05	Suesan Saucerman, EPA	Bruce Halstead, Fish & Wildlife	0868
Species list request	email	2/14/06	William Hearn, NOAA	Suesan Saucerman, EPA	0869
Species request	letter	7/5/05	Suesan Saucerman, EPA	Rodney McInnis, NOAA	0870
Species List, Fish & Wildlife Office	letter	1/17/06	U.S. Fish and Wildlife Service	John Tinger	0871-0876
Species list	email	2/17/06	William Hearn	Suesan Saucerman	0877-0879
Request for species list	letter	12/15/03	Erich Fischer, Environmental Science Associates	Larry Mossmann, Fish & Wildlife	0880-0881
Species list	letter	12/22/03	Catrina Martin, US Fish & Wildlife	Erich Fischer, Environmental Science Associates	0882-0897
Final determination of no affect on historic properties	memo	4/30/07	John Tinger	Record	0898-0899
Consultation	Email chain	4/24/06	Suesan Saucerman	Corinne Gray, Dept Fish & game	0900-0901
consultation	Email chain	5/18/07	Suesan	John Tinger	0902-0903

			Saucerman		
Cultural Resources Inventory Report	Report: Note: Contains Confidential Information	10/2004	Environmental Science Associates	Dry Creek Rancheria	Confidential

F. FOIA REQUESTS

Subject	Type	Date	From	To	Pages
FOIA	Letter	12/20/05	Doug Eberhardt, EPA	Bruce Goldstein, Sonoma County	0904
FOIA	Letter	12/20/05	Doug Eberhardt, EPA	Brook Dooley, Keker & Van Nest	0905-0906
FOIA	Letter	12/20/05	Doug Eberhardt, EPA	Sheryl Schaffner, NCRWQCB	0907

G. CORRESPONDENCE DURING COMMENT PERIOD

Subject	Type	Date	From	To	Pages
Permit	letter	1/30/06	Harvey Hopkins, Dry Creek	Congressman Thompson	0908
Permit	letter	8/14/06	Congressman Thompson	Alexis Strauss, EPA	0909
EPA Meeting w/ Congressman Thompson	Meeting notes	8/8/06	Hugh Barroll	Record	0910-0915
Response to comments	Technical memo	10/2/06	Curtis Lam	John Tinger, EPA	0916-0925
Request for data	email	7/25/06	John Tinger	Carolyn Wasem	0926
Document request	letter	9/8/06	Jeff Brax, Sonoma County	John Tinger	0927
Document request	letter	9/11/06	John Tinger	Jeff Brax, Sonoma County	0928

H. CORRESPONDENCE AFTER CLOSE OF COMMENT PERIOD

Subject	Type	Date	From	To	Pages
Comment response	email	10/2/06	Tom Keegan	John Tinger	0929
Conference call w/ Sen. Boxer's office	memo	10/6/06	Ginette Chapman	record	0930-0932
Comment response	Email	10/17/06	John Tinger	Tom Keegan, Dry creek	0933
Conference call	Telecon	10/25/06	Ginette Chapman	Record	0934
Permit concerns	letter	10/31/06	Senator Feinstein	Sunny Nelson, EPA	0935-0938
Indian country	Email chain	11/7/06	Ginette Chapman	Tom Keegan	0939
Indian country	Email chain	11/13/06	Ginette Chapman	Tom Keegan	0940
Indian country	Email chain	11/13/06	Ginette Chapman	Tom Keegan	0941
Indian country	email	11/13/06	Tom Keegan	John Tinger	0942
Permit concerns	letter	11/15/06	Wayne Nastri, Regional Administrator	Senator Feinstein	0943
Boron testing	Email	11/24/06	John Tinger	Tom Keegan, Dry Creek	0944
Tribal law	email	12/3/06	Candy & Larry Cadd	John Tinger	0945-0946
Permit concerns	letter	12/6/06	Alexis Strauss, Water Division Director	Senator Chesbro	0947-0949
Response to comments	Email	12/13/06	Curtis Lam, Hydrosience	John Tinger	0950
Pierces Disease	email	12/15/06	Candy & Larry Cadd	John Tinger	0951-0952
Meeting with property owners	memo	12/19/06	John Tinger	record	0953-0963
Pierces disease	email	12/19/06	Candy & Larry Cadd	John Tinger	0964-0965
P1 water	email	12/20/06	Candy & Larry	John Tinger	0966-0968

level increase			Cadd		
AI water level fluctuations	email	12/21/06	Candy & Larry Cadd	John Tinger	0969-0972
Response to comments	email	12/22/06	Curtis Lam, Hydrosience	John Tinger	0973
Grapevine disease	email	12/26/06	Candy & Larry Cadd	John Tinger	0974-0975
Permit concerns	letter	12/26/06	Candy & Larry Cadd	Doug Eberhardt, EPA	0976-0980
PI reaches Russian river	email	12/28/06	Candy & Larry Cadd	John Tinger	0981-0984
PI reaches Russian river	email	12/28/06	John Tinger	Tom Keegan, Dry Creek	0985
wet feet oak trees	email	1/12/07	John Tinger	Tom Keegan, Dry Creek	0986
Flow increase	email	1/19/07	Larry Cadd	John Tinger	0987
Flow increase	email	1/21/07	Larry Cadd	John Tinger	0988
Article on soil studies	Email chain	1/23/07	John Tinger	Larry Cadd	0989-0992
Meeting with Offices of Senators Boxer and Feinstein	Memo	1/25/07	John Tinger	record	0993-0994
Meeting request	Email chain	3/13/07	Tom Keegan	Alexis Strauss	0995-0997
Concerns	letter	3/15/07	Congressman Mike Thompson	Alexis Strauss	0998-1000
Meeting notes with Tribe	memo	3/23/07	John Tinger	record	1001
Meeting invite	email	3/26/07	Alexis Strauss	Candy Cadd, et al	1002
Response to concerns	letter	4/2/07	Alexis Strauss	Congressman Mike Thompson	1003-1004
Dry Creek application	letter	4/9/07	Paul Kelley, Sonoma	Michelle Hickey,	1005-1018

			County	representing Tribe	
Creek flow	email	4/16/07	Larry Cadd	John Tinger	1019
Response	letter	4/17/07	Michelle Hickey, representing Tribe	Bruce Goldstein, Sonoma County	1020-1022
follow-up	Email chain	4/18/07	Alexis Strauss	Larry Cadd	1023
Additional data requests	Email w/attach	4/18/07	John Tinger	Tom Grovhoug Bruce Goldstein John Short	1024-1026
Meeting Notes at Sonoma County	Memo	4/19/07	John Tinger	record	1027-1028
Water balance	Email w/ attach	4/20/07	John Tinger	Tom Grovhoug Bruce Goldstein John Short	1029
Updated water balance	Email w/ attach	4/25/07	John Tinger	Tom Grovhoug Bruce Goldstein John Short	1030
Comments reminder	email	4/27/07	John Tinger	Tom Grovhoug Bruce Goldstein John Short	1031
Follow up concerns	Letter w/ enclosures	4/27/07	Jeff Brax, Sonoma County	John Tinger	1032-1039
Updated water balance	email	4/27/07	Curtis Lam	John Tinger	1041-1043
Updated water balance discussion	email	4/30/07	Curtis Lam	John Tinger	1044
Responses	email	4/30/07	John Tinger	Jeff Brax Tom Grovhoug Bruce Goldstein John Short	1045-1046
questions	Email chain	4/30/07	John Tinger	Larry Cadd	1047-1048

I. ARTICLES RECEIVED/REVIEWED

Wastewater from casino should be held to same standards The Windsor Times	9/21/06	1049
Don't waste the waste water – Sonoma County Independent	9/7/04	1050-1052
Always be windsor water wise – Town of Windsor	9/7/04	1053-1056
Recycled water considered for vineyards	5/11/01	1057-1060
Wastewater plan may signal resort, hotel at River Rock Casino – Santa Rosa Press Democrat	5/2/07	1061-1064
North Sonoma County Reuse Project News release	5/22/07	1065-1066

J. REFERENCE MATERIALS

Title	Date	Pages
RWQCB Basin Plan	1/2007	1067-1072
EPA NPDES Permit Writers Manual	12/96	1073-1078
303(d) List of Impaired Waters	2002	1079
List of Sonoma County NPDES Permits Issued by the Regional Water Quality Control Board	Varies	1080-1081