

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

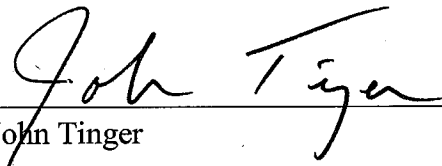
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| In re NPDES Permit Renewal: |) | |
| Peabody Black Mesa NPDES Permit No. |) | NPDES Appeal No. 10-15 & 10-16 |
| NN0022179: Black Mesa Mine Complex |) | |
| |) | |

**CERTIFICATION OF THE INDEX TO THE ADMINISTRATIVE RECORD FOR
THE BLACK MESA NPDES PERMIT**

I, John Tinger, state the following,

1. I am an Environmental Engineer employed by the U.S. Environmental Protection Agency, Region 9 ("EPA Region 9") in San Francisco, CA. Since December 2001, I have been employed in the EPA Region 9's Water Division.
2. As part of my responsibilities, I oversaw compilation of the administrative record of the materials on which EPA Region 9 Water Division Director Alexis Strauss based her decision dated September 16, 2010 regarding the application filed by Peabody Western Coal Co. for renewal of their National Pollutant Discharge Elimination System permit. The materials comprising the administrative record for these decisions have been compiled, paginated, and listed in the attached Index to the Administrative Record.
3. For convenience, the documents are loosely grouped by subject matter in general categories as they relate to the final decision on the Black Mesa Permit renewal application.
4. I certify that, to the best of my knowledge, the documents listed in the attached Index constitute the complete Administrative Record for the Black Mesa Permit.

I declare under penalty of perjury that the following is true and correct. Executed this 12th day of January, 2011, at San Francisco, California.



John Tinger