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

In the Matter of:	)
	)
	)
Peabody Western Coal Company	) Appeal No. CAA 12-01
Permit No. NN-OP 08-010	)
	)
	)
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	)

CERTIFIED INDEX OF THE ADMINISTRATIVE RECORD

Clean Air Act Part 71 Administrative Permit Amendment Issued August 31, 2012 for Peabody Western Coal Company - Black Mesa Complex

1. Letter from Stephen B. Etsitty, NNEPA, dated May 21, 2012, to G. Bradley Brown, Peabody, providing notice of final permit decision on Operating Permit NN-OP 08-010 issued April 14, 2011.

2. Letter from Gary W. Wendt, Peabody, dated July 5, 2012, to Charlene Nelson, NNEPA, concerning effective dates of Operating Permit NN-OP 08-010 (with enclosures).

3. Letter from Eugenia Quintana, NNEPA, dated August 21, 2012, to Gary W. Wendt, Peabody, in response to Peabody's letter dated July 5, 2012.

4. Letter from Stephen B. Etsitty, NNEPA, dated August 31, 2012, notifying G. Bradley Brown, Peabody, of administrative amendment to Operating Permit NN-OP 08-010, with attachments.

SUPPORTING DOCUMENTS

5. Navajo Nation Clean Air Act, 4 N.N.C. §§ 1101-1162

6. Navajo Nation Operating Permit Regulations

7. NNEPA Uniform Regulations for Permit Review, Administrative Enforcement Orders, Hearings, and Rulemakings under Navajo Nation Environmental Acts (the "Uniform Rules")

8. 40 C.F.R. Part 71

9. *In re Peabody Western Coal Co.*, CAA Appeal No. 11-01 (EAB Mar. 13, 2012), 15 E.A.D. ___

10. Notice of Approval of Title V Operating Permit for Peabody Western Coal Company (Navajo Nation EPA No. NN-OP 08-010), 77 Fed. Reg. 50686 (Aug. 22, 2012).

AFFIDAVIT

I, Eugenia Quintana, being first duly sworn, depose and state that the statements in this document are true and correct, except as to matters stated on information and belief and, as to such matters, the undersigned certifies that she believes the same to be true:

1.   I am employed by the Navajo Nation Environmental Protection Agency ("NNEPA") as Environmental Department Manager for the Air & Toxics Department. As part of my responsibilities, I supervise the Navajo Operating Permit Program located at Route 112 North, Building No. F004-51, Fort Defiance, Arizona. I have held this position since June 12, 2006.

2.   On October 29, 2008, Peabody Western Coal Company ("Peabody") submitted a Clean Air Act Part 71 renewal permit application to NNEPA for the Peabody – Black Mesa Complex (the "Complex") (Permit No. NN-OP 08-010), a CAA Title V source located in Kayenta, Navajo County, Arizona. NNEPA, pursuant to a delegation from U.S. EPA, issued the Part 71 Renewal Permit for the Complex, first on December 7, 2009 and then, after revisions were made, on April 14, 2011. NNEPA subsequently issued an administrative amendment to the permit on August 31, 2012. By virtue of my supervisory role over the Navajo Operating Permit Program, I am familiar with the materials contained within the administrative record for the administrative permit amendment.

3.   I have reviewed the Certified Index of the Administrative Record and, to the best of my knowledge and belief, I find that it is complete and contains the information relied upon by NNEPA in issuing the administrative permit amendment.

Further affiant sayeth not.

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Eugenia Quintana

STATE OF ARIZONA   )
COUNTY OF APACHE   )

Subscribed and sworn before me this _09_ day of November, 2012 by Eugenia Quintana

_____
Notary Public