

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

) ) In re: Buena Vista Rancheria ) Wastewater Treatment Plant ) ) NPDES Permit No. CA 0049675 ) )	NPDES Appeal Nos. 10-05, 10-06 10-07 & 10-13  <b>Administrative Record</b>
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**I. FINAL PERMIT MATERIALS**

**pages 001-100**

Subject	Type	Date	From	To	Pages
<i>NPDES Permit Issuance Letter*</i>		<i>6/22/10</i>	<i>David Smith, EPA</i>	<i>Buena Vista</i>	<i>1-2</i>
<i>Final NPDES Permit*</i>		<i>6/22/10</i>	--	--	<i>3-24</i>
<i>Final Fact Sheet*</i>		<i>6/2010</i>	--	--	<i>25-46</i>
<i>Comment Response Document*</i>		<i>6/2010</i>	--	--	<i>47-100</i>

\* Cited in Regions Response to Petitions for Review & provided to EAB

**II. PERMIT APPLICATION & TECHNICAL REPORTS**

**Pages 101-442**

Subject	Type	Date	From	To	Pages
<i>Buena Vista Rancheria NPDES Permit Application and Wastewater Engineering Report*</i>	<i>Report</i>	<i>May 2005</i>	<i>Prepared by Hydrosience Engineers</i>	--	<i>101-347</i>
<i>Technical Drainage Study – Addendum 1</i>	<i>Report</i>	<i>9/05</i>	<i>Kimley-Horn, &amp; Assoc.</i>		<i>348-379</i>
<i>Technical Drainage Study – Update*</i>	<i>Report</i>	<i>2/09</i>	<i>Kimley-Horn, &amp; Assoc.</i>		<i>380-440</i>
<i>Evaluation of Potential Erosional Affects*</i>	<i>Memo</i>	<i>12/18/08</i>	<i>JohnTinger, EPA</i>	<i>Record</i>	<i>441-442</i>

**III. PUBLIC NOTICE PERMIT DECEMBER, 2005 :****Pages 443-485**

<b>Subject</b>	<b>Type</b>	<b>Date</b>	<b>From</b>	<b>To</b>	<b>Pages</b>
<i>Letter of Proposed Permit*</i>	<i>letter</i>	<i>12/16/05</i>	<i>John Tinger, EPA</i>	<i>Rhonda Pope, Buena Vista Tribe</i>	<i>443-444</i>
Proposed Permit	Permit	12/16/05	--	--	445-465
Proposed Statement of Basis	Fact sheet	12/16/05	--	--	466-481
<b>Public Notice</b>	notice	12/21/05	--	--	482-485

**IV. PUBLIC HEARING:****Pages 486-513**

<b>Subject</b>	<b>Type</b>	<b>Date</b>	<b>From</b>	<b>To</b>	<b>Pages</b>
<b>Notice of Public Hearing</b>		2/8/06			486
Informational Sheet		3/21/06			487
EPA presentation	Pwr pt slides	3/21/06			488-489
Sign-in sheets for mailing list		3/21/06			491-496
Speaker forms		3/21/06			497-513

**V. PUBLIC NOTICE PERMIT AUGUST 5, 2009:****Pages 514-557**

<b>Subject</b>	<b>Type</b>	<b>Date</b>	<b>From</b>	<b>To</b>	<b>Pages</b>
<i>Proposed Permit*</i>	<i>Permit</i>		--	--	<i>514-533</i>
Proposed Fact Sheet	Fact sheet		--	--	534-553
<i>Public notice*</i>	<i>notice</i>	<i>8/5/09</i>	--	--	<i>554</i>
Mailing list for Public Notice	list				55-557

**VI. COMMENTS RECEIVED:****Pages 558-885****A: Comments Received****1) Written Comments Received from December, 2005 Public Notice & Public Hearing {Pages 558-632}**

	Commenter	Signed by	Comments Dated
I	Landowners in Jackson valley	Signed by 9 landowners	12/24/05
II	Friends of Amador County	Jerry Cassei	12/27/05
III	Amador County Board of Supervisors	John Hahn email	12/28/05
IV	California State Senate	Dave Cox	1/5/06
V	Amador County Administrative Agency	Patrick Blacklock	1/10/06
V Appendix a	Amador County Administrative Agency Memo	TO: Paul Klein from Reena Thomas	1/9/06
VI	Oneto Group, Inc	Wes Sage	1/11/06
VII	California Regional Water Quality Control Board	Richard McHenry	1/13/06
VIII	Amador County Administrative Agency	Patrick Blacklock	1/22/06
IX	Amador County Administrative Agency	John Hahn email	1/25/06
X	Jackson Valley Irrigation District	George Lambert	1/9/06
XI	Amador County Administrative Agency	John Hahn	2/22/06
XII	---	Mr. & Mrs. Sparrowk	2/22/06
XIII	U.S. Fish and Wildlife Service	Chris Nagano	3/10/06
XIV	Amador County, represented by Nielson, Merksamer, etc	Cathy Christian	4/3/06
XV	Amador County, represented by Nielson, Merksamer, etc	Cathy Christian	3/17/06

Public Hearing	Commenter	Signed by
PH – I	Resident	Donnay Ogelvie
PH – II	resident	Kim Koziowksy
PH-III	California Cattlemen’s Association	Tracy Schohr
PH-IV	California Cattlemen’s Association	Tim Curran
PH- V	resident	Jim Skulley
PH VI	resident	Wanda Mullin
PH – VII		WKGallagher
PH- VIII	Friends of Amador County	
PH –IX		WKGallagher

**2) Public Hearing Transcript:  
Commenters Submitting Oral Comments at Public Hearing: {Pages 633-698}**

	Commenter	Affiliation
PH – I	George Harris	Hydroscience Engineers, representing Tribe
PH – II	Doug Brown	Amador County
PH-III	George Lambert	Jackson Valley Irrigation District
PH-IV	Tim Curran	Cattlemens Association
PH- V	Dave Standard	The Oaks
PH VI	Lizzy Vant	Resident
PH – VII	Samantha Melvin	Resident
PH- VIII	Stacey Hoffman	Resident
PH –IX	Clay Hoffman	Resident
PH – X	Glen Villa Jr	Ione Band of Miwok Indians
PH – XI	Lauire Lord	Resident
PH – XII	Ray Stacey	Resident
PH – XIII	Jerry Cassesi	Friends of Amador County
PH – XIV	George Dulas	Resident
PH – XV	Jill Curran	Friends of Amador County
PH – XVI	Andrea Bonham	Resident
PH – XVII	Ed Gonzalez	Resident
PH – XVIII	Richard Forster	Amador County Board of Supervisors

**3) Written Comments Received on August, 2009 Public Notice {Pages 699-755}**

	Commenter	Signed by	Comments Dated
<i>I – 2009</i>	<i>Amador County*</i>	<i>Theodore F. Novelli</i>	<i>August 4, 2009, &amp; August 25, 2009</i>

<i>II- 2009</i>			
<i>III- 2009</i>	<i>California Sportsfishing Protection Alliance*</i>	<i>Bill Jennings</i>	<i>September 2, 2009</i>
<i>IV-2009*</i>	<i>Landowner*</i>	<i>Edwin R Gonzalez</i>	<i>August 28, 2009</i>
<i>V – 2009</i>	<i>Amador County*</i>	<i>Martha Jeanne Shaver</i>	<i>September 4, 2009</i>
<i>VI-2009</i>	<i>Resident*</i>	<i>Glen Villa</i>	<i>September 3, 2009</i>
<i>VII-2009</i>	<i>Ione Band of Miwok Indians*</i>  <i>Note: comment submitted after close of comment period.</i>	<i>William Wood, Holland &amp; Knight</i>	<i>October 15, 2009</i>

**B. EPA Coded Comments PAGES 756-885**

**1) Coded Written Comments Received from December, 2005 Public Notice & Public Hearing**

	Commenter	Signed by	Comments Dated	Comments
I	Landowners in Jackson valley	Signed by 9 landowners	12/24/05	1, 2a, 3, 8b
II	Friends of Amador County	Jerry Cassei	12/27/05	1, 4, 8abc
III	Amador County Board of Supervisors	John Hahn email	12/28/05	1,2
IV	California State Senate	Dave Cox	1/5/06	2
V	Amador County Administrative Agency	Patrick Blacklock	1/10/06	1, 4, 5abc, 6abcd, 7abc, 8ad, 9abc, 10
V Appendix a	Amador County Administrative Agency Memo	TO: Paul Klein from Reena Thomas	1/9/06	5cd, 7s, 13abef 14a, 15ac
VI	Oneto Group, Inc	Wes Sage	1/11/06	1, 5a, 8ae, 11, 12
VII	California Regional Water Quality Control Board	Richard McHenry	1/13/06	5d, 7efghijklmnopqr
VIII	Amador County Administrative Agency	Patrick Blacklock	1/22/06	5, 7, 8fg, 11
IX	Amador County	John Hahn	1/25/06	2

	Administrative Agency	email		
X	Jackson Valley Irrigation District	George Lambert	1/9/06	1, 2, 5a, 8ae, 11
XI	Amador County Administrative Agency	John Hahn	2/22/06	17
XII	---	Mr. & Mrs. Sparrowk	2/22/06	1,2,3
XIII	U.S. Fish and Wildlife Service	Chris Nagano	3/10/06	6e,f,g
XIV	Amador County, represented by Nielson, Merksamer, etc	Cathy Christian	4/3/06	8h
XV	Amador County, represented by Nielson, Merksamer, etc	Cathy Christian	3/17/06	

**2). Coded Written Comments Received at Public Hearing:**

	Commenter	Signed by	Comments
PH – I	Resident	Donnay Ogelvie	3,
PH – II	resident	Kim Koziowksy	3, 5treatment
PH-III	California Cattlemen’s Association	Tracy Schohr	3, 5treatment
PH-IV	California Cattlemen’s Association	Tim Curran	3, 4, 8
PH- V	resident	Jim Skulley	3, 2
PH VI	resident	Wanda Mullin	3, 2, 10, 8h
PH – VII		WKGallagher	3, 2, 18
PH- VIII	Friends of Amador County		3,
PH –IX		WKGallagher	3,2

**3) Coded Public Hearing Transcript: Commenters Submitting Oral Comments at Public Hearing:**

	Commenter	Affiliation	Comments
PH – I	George Harris	Hydroscience Engineers, representing Tribe	N/A Project proponent
PH – II	Doug Brown	Amador County	See written comments
PH-III	George	Jackson Valley	See written comments

	Lambert	Irrigation District	
PH-IV	Tim Curran	Cattlemens Association	See written comments
PH- V	Dave Standard	The Oaks	3
PH VI	Lizzy Vant	Resident	3
PH – VII	Samantha Melvin	Resident	3
PH- VIII	Stacey Hoffman	Resident	3
PH –IX	Clay Hoffman	Resident	3
PH – X	Glen Villa Jr	Ione Band of Miwok Indians	3, 9
PH – XI	Lauire Lord	Resident	3
PH – XII	Ray Stacey	Resident	3
PH – XIII	Jerry Cassesi	Friends of Amador County	See written comments
PH – XIV	George Dulas	Resident	3
PH – XV	Jill Curran	Friends of Amador County	See written comments
PH – XVI	Andrea Bonham	Resident	3
PH – XVII	Ed Gonzalez	Resident	3
PH – XVIII	Richard Forster	Amador County Board of Supervisors	See written comments

**4) Coded Written Comments Received on August, 2009 Public Notice**

	Commenter	Signed by	Comments Dated	Comments
I – 2009	Amador County	Theodore F. Novelli	August 4, 2009, & August 25, 2009	1
II- 2009				
III- 2009	California Sportsfishing Protection Alliance	Bill Jennings	September 2, 2009	5treatment-b, 5treatment-c, 7g, 7k, 5flow, 7t,
IV-2009	Landowner	Edwin R Gonzalez	August 28, 2009	8a, 1
V – 2009	Amador County	Martha Jeanne Shaver	September 4, 2009	11b, 7u, 5treatmentd, 7v, vn, 7k, 7w, 7x, 7l, 7g, 8g, 7z, 7z1, 8f, 17a, 5treatment-b,

				17b, 12b, 12c 10
VI-2009	Resident	Glen Villa	September 3, 2009	18, 3
VII-2009	Ione Band of Miwok Indians <i>Note: comment submitted after close of comment period.</i>	William Wood, Holland & Knight	October 15, 2009	18, 3

**VII. BIOLOGICAL EVALUATION:**

**Pages 886-1023**

<b>Subject</b>	<b>Type</b>	<b>Date</b>	<b>From</b>	<b>To</b>	<b>Pages</b>
Species List	letter	7/26/05	Fish and Wildlife Service	John Tinger	886-895
Biological Resource Assessment	report	9/26/05	North Fork Associates	--	896-920
Biological Assessment	report	9/16/09	Monk & Associates	--	921-1023

**VIII Correspondances/Requests for Information:**

**Page 1024-1032**

<b>Subject</b>	<b>Type</b>	<b>Date</b>	<b>From</b>	<b>To</b>	<b>Pages</b>
Info Request	email	8/6/09	John Tinger	Tess Dunham	1024-1027
Info Meeting, Agenda & attendee list	agenda	3/1/06	--	--	1028-1029
Info Request	memo	1/30/05	John Tinger	John Hahn, Amador county	1030
Info Request	memo	1/17/05	John Tinger	John Hahn, Amador county	1031
Info Request	memo	1/12/05	John Tinger	John Hahn, Amador county	1032



**IX. REFERENCE MATERIALS:**

**Pages 1033-1313**

Pre-construction Notification Nationwide Permits 12 and 39, Buena Vista Rancheria Casino Project, Amador County, CA. Corps File Number 2000-003-57; July 2, 2008. Monk & Associates.

Draft Tribal Environmental Impact Report for the Buena Vista Rancheria of Me-Wuk Indians of California Gaming and Entertainment Facility. January 2007, Jones & Stokes.

National Indian Gaming Commission, June 30, 2005 letter RE: Conclusion that Buena Vista Rancheria is “Indian Lands”

Office of the Governor, California. Compact Interpretation: Mitigation of Off-site Environmental Issues, August 11, 2006 letter to Chairperson Pope.

Amendment to Tribal-State Compact between the State of California and the Buena Vista Rancheria of Me-Wuk Indians of California

American Arbitration Association, June 16, 2008 letter regarding arbitration.

State of California Department of Public Health, Division of Drinking Water and Environmental Management. Treatment Technology Report for Recycled Water, December 2009.

***1229-1230 Water Quality Control Plan for the State of California, Region 5, Water Quality Control Board, December 4, 1994.\****

***1231 U.S. EPA NPDES Basic Permit Writers Manual (December 1996).\****

EPA Technical Support Document for Water Quality-based Toxics Control dated March 1991.

Biological Assessment Buena Vista Rancheria Off-site Road Improvement Areas; Amador & San Joaquin County, California. Monk & Associates. USFWS Reference No. 81420-2008-I-1829-1; Corps File No. 2000-003-57 (September 16, 2009).

***1237-1279 Memorandum: Responses to Technical NPDES Permit Comments for Buena Vista Rancheria, from George Harris , HAS to John Tinger, EPA. February 7, 2006\****

***1280-1287 Position Paper on the Notice of Violation Issued by the Regional Water Quality Control Board, Central Valley Region, to the United Indian Auburn***

*Indian Community – Thunder Valley Casino. Hydro Science. October 25, 2005.\**

*1288-1292 Wasterwater Management Fact Sheet: Membrane Bioreactors. US EPA, September 2007\**

*1293-1300 Hardwick v. United States, No. C-79-1710 SW (N.D. Cal. Filed 1979) Stipulation and Order (Amador County) Para.2.C., at 4, May 14, 1987)\**

**X. NATIONAL HISTORIC PRESERVATION ACT CONSULTATION**

Materials pertaining to the NHPA consultation are contained in a separate Adminstrative Record due to claims of confidentiality for some of the materials. Information regarding the location, character or ownership of historic resources is exempt from Freedom of Information Act pursuant to 16 U.S.C 470w-3 (National History Preservation Act) and 16 U.S.C. 470hh (Archaeological Resources Protection Act) and California State Government Code, Section 6254.10.

The following are cited in the Region’s Response to Petitions for Review and do not contain confidential material

<b>Subject</b>	<b>Type</b>	<b>Date</b>	<b>From</b>	<b>To</b>	<b>Pages</b>
<i>Request for Consultation*</i>	<i>letter</i>	<i>Feb 17, 2007</i>	<i>EPA</i>	<i>SHPO</i>	<i>1301-1302</i>
<i>ACHP Consultation*</i>	<i>letter</i>	<i>March 13, 2007</i>	<i>ACHP</i>	<i>EPA</i>	<i>1303</i>
<i>ACHP Consultation*</i>	<i>letter</i>	<i>April 4, 2007</i>	<i>EPA</i>	<i>ACHP</i>	<i>1304-1305</i>
<i>ACHP Participation*</i>	<i>letter</i>	<i>August 13, 2009</i>	<i>ACHP</i>	<i>EPA</i>	<i>1306</i>
<i>Request for ACHP Participation*</i>	<i>letter</i>	<i>Janu 8, 2010</i>	<i>Ione Band</i>	<i>ACHP</i>	<i>13071315</i>
<i>ACHP Participation*</i>	<i>letter</i>	<i>April 16, 2010</i>	<i>EPA</i>	<i>ACHP</i>	<i>1316-1317</i>
<i>ACHP declines Participation*</i>	<i>Letter</i>	<i>April 20, 2010</i>	<i>ACHP</i>	<i>Ione Band</i>	<i>1319-1320</i>
<i>Comment Letter*</i>	<i>letter</i>	<i>Sept 3, 2009</i>	<i>Glenn Villa</i>	<i>EPA</i>	<i>1321-1322</i>
<i>APE*</i>	<i>letter</i>	<i>April 10, 2009</i>	<i>SHPO</i>	<i>EPA</i>	<i>1323-1324</i>
<i>March 25, 2010 Site Visit*</i>	<i>Agenda, Notes, attendance, Materials,</i>	<i>March 25, 2009</i>	<i>EPA</i>		<i>1325-1338</i>

	<i>follow-up</i>				
<i>Evaluation of Potential Erosional Effects*</i>	<i>Letter worksheet</i>	<i>Dec 18, 2008</i>	<i>EPA</i>	<i>SHPO</i>	<i>1340-1345</i>
<i>Execution of MOA*</i>	<i>letter</i>	<i>June 1, 2010</i>	<i>SHPO</i>	<i>EPA</i>	<i>1346</i>
<i>MOA*</i>	<i>MOA</i>	<i>June 1, 2010</i>			<i>1347</i>

The following material in the NHPA Administrative Record may be claimed as Confidential.

### **X.1. Memorandum of Agreement**

<b>Subject</b>	<b>Type</b>	<b>Date</b>	<b>From</b>	<b>To</b>	<b>Pages</b>
MOA		Signed May/June 2010	--	--	47
Attachment 1 – Area of Potential Effects					
Attachment 2 – Historic Properties Treatment Plan					
Figure 1: Wetland- Cultural					
Figure 2 : Access from Coal Mine Road					
Figure 3 : Vegetation Plan					
Figure 4 : Planting Palette (oversized graphic)					
Figure 5 : Planting Plan (oversized map 1)					
Figure 6 : Planting Plan (oversized map 2)					

### **X.2. Formal Communications with SHPO**

<b>Subject</b>	<b>Type</b>	<b>Date</b>	<b>From</b>	<b>To</b>	<b>Pages</b>
Request for consultation	Ltr	2/17/07	EPA	SHPO	2
Consultation	Ltr	10/2/08	EPA	SHPO	23
Additional Documents needed	Ltr	11/21/08	SHPO	EPA	2
Evaluation of potential	Ltr	12/18/08	EPA	SHPO	6

erosional impacts					
Concurrence on APE	Ltr	4/10/09	SHPO	EPA	2

### X.3. Consultation Meetings

<b>Subject</b>	<b>Type</b>	<b>Date</b>	<b>From</b>	<b>To</b>	<b>Pages</b>
Agenda, Meeting notes, attendees, emails	Meeting	5/1/07	--	--	8
Agenda, Meeting notes, attendees, emails	Meeting	11/20/08	--	--	5
Agenda, Meeting notes, attendees, emails	Meeting	3/12/09	--	--	6
Site Visit – Agenda, attendees, emails, landscape plan, grading plan, old vs. new, photos, construction plans	Site Visit	3/25/09	--	--	13
Agenda, Meeting notes, attendees, emails	meeting	6/30/09	--	--	6

### X.4. Correspondences with ACHP

<b>Subject</b>	<b>Type</b>	<b>Date</b>	<b>From</b>	<b>To</b>	<b>Pages</b>
Consultation inquiry	ltr	3/13/07	ACHP	EPA	1
Response to consultation inquiry	ltr	4/4/07	EPA	ACHP	2
ACHP declining to participate	ltr	8/13/09	ACHP	EPA	1
Request for consultation	ltr	1/8/10	Ione Band	ACHP	9
Request for consultation	email	3/21/10	Douglas Denton, Ione Band	ACHP	1
ACHPs participation	ltr	4/16/10	EPA	ACHP	2
ACHP declining to participate	ltr	4/20/10	EPA	Ione Band	2

### X.5. Correspondences with Tribes to request consultation

<b>Subject</b>	<b>Type</b>	<b>Date</b>	<b>From</b>	<b>To</b>	<b>Pages</b>
TEIR: Pacific Legacy Letters to Tribes to	ltr	Transmittal 12/5/06	Pacific Legacy	Various	21

identify historic properties & initiate consultation					
Request for Consultation	ltr	3/1/07	EPA	Ione Band; Jackson Rancheria; Shingle Springs;	8
Tribal Profiles for Identification efforts	Database, notes	4/4/96	--	--	5
Consultation Extension request	ltr	3/22/007	Ione Band	EPA	1

#### **X.6. Correspondances related to Consultation**

(does not include non-substantive correspondence such as setting up meetings, forwarding documents, etc)

<b>Subject</b>	<b>Type</b>	<b>Date</b>	<b>From</b>	<b>To</b>	<b>Pages</b>
Press Release	ltr	12/30/04	Buena Vista		1
Indian Lands Determination	letter	6/30/06	National Indian Gaming Commission	Albiets & Samuels	12
Tribal History	website	5/07	Buena Vista		2
Consultation letters	email	12/22/06	Buena Vista consultant	EPA	1
Cover Letter – ethnographic history	ltr	12/28/06	Buena Vista	EPA	1
Consultation meeting	email	1/16/07	Buena Vista Consultant	EPA	1
Info Request	email	2/5/07	Native Amer Heritage Commission	EPA	1
Off-site impacts	Email/attach	2/9/07	Buena Vista consultant	EPA	4
Off site mitigation	Email/attach	2/12/07	Buena Vista consultant	EPA	3
Environmental planning	Email chain/attach	2/28/07	Various	EPA	15
Request to ACHP participation	Email/attach	3/20/07	Ione Band	EPA	3
	email	3/22/07	Glen Villa	EPA	2

Casino site may have history against it – Ledger Dispatch	article	3/28/07			
NIGC status	emails ltr	4/6/07 8/10/07	EPA Amador County	NIGC	4 2
comments	Email chain	2/22/08	EPA	Ione Band	5
comments	Ltr	3/2/08	Ione Band	Gov Schwarzenegger	1
Comments	email	3/12/08	Ione Band	Dept of Justice	2
Review & comments	email	10/3/08	Ione band	EPA	4
Gov't to gov't consultation	ltr	11/17/08	Ione band	EPA	1
Tribal coordination	Email/attach	12/23/08	Buena Vista	Ione Band	2
comments	Email chain	10/3/08	Ione Band	EPA	5
Comments on effects	ltr	10/22/08	Glen Villa	SHPO	3
Comments on Effects	ltr	10/17/08	Friends of Amador County	EPA	73
Section 106 guidelines	email	10/28/08	Buena Vista Consultant	EPA	2
Comments on Consultation	email	11/17/08	Ione Band	EPA	2
Comments on Consultation participants	letter	11/17/08	Ione Band	EPA	1
Friends of Amador County invited to participate	email	11/18/08	Ione band	epa	3
comments	email	11/21/08	Ione Band	EPA	5
Draft MOA	email	1/09/09	EPA	all	1
Comments	Email chain	1/27/09	Ione Band	EPA	7
comments	email	2/6/09	Glen Villa	EPA	2
Cemetary access	Email/attach	3/4/09	BV	EPA	3
Comments	email	3/8/09	Ione Band	EPA	1
Comments	email	3/9/09	Ione Band	EPA	1
Comments	Email	3/10/09	Ione Band	EPA	2
comments	Email/attach	3/17/09	Ione band	EPA	3

comments	Email/attach	3/18/09	Ione Band	Buena Vista	2
confidentiality	emails	7/8/09	EPA	Glenn Villa	2
HPTP Comments	ltr	6/23/09	Glenn Villa	EPA	6
HPTP Comments	email	6/26/09	Corps	EPA	1
HPTP comments	ltr	6/29/09	Buena Vista	EPA	4
HPTP comments	ltr	7/09 (no date)	Friends of Amador County	EPA	40
Comments on Monitors	ltr	7/24/09	Ione Band	EPA	2
confidentiality	emails	7/30/09	EPA	Buena vista	2
Final Draft	email	7/31/09	EPA	various	1
moa	emails	9/2/09	Amador County	EPA	1
moa	emails	9/16/09	Jackson Rancheria	EPA	2
Meeting	letter	2/2/10	Buena Vista	EPA	1
Details	email	3/4/10	Buena Vista Consultant	EPA	3
status	ltr	3/12/10	Buena Vista	EPA	3
Status	email	4/8/10	Corps	EPA	1
Changes to HPTP maps per Army Corps	Email/attachm ent	5/21/10	Buena Vista consultatant	EPA	1
Final moa	ltr	5/21-10	Army Corps	SHPO	2

### X.7. Archeological Resources

<b>Subject</b>	<b>Type</b>	<b>Date</b>	<b>From</b>	<b>To</b>	<b>Pages</b>
Archaeological Inventory – Pacific Legacy	Doc	10/2005	--	--	58
Archaeological Inventory – Pacific Legacy	Doc	9/2006	--	--	58
Fact Sheets – Ione Band	Letter,Fact sheets	5/17/10	--	--	19
CA-Ama-650	evaluation	9//08	ICF	EPA	33
Ethnographic Overview – Pacific Legacy	Doc	10/2006	--	--	70
Description of the Undertaking	Doc		--	--	8

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

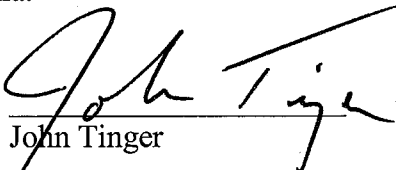
In re: BuenaVista Rancheria Wastewater Treatment Plant	)	NPDES Appeal Nos. 10-05, 10-06, 10-07 & 10-13
NPDES Permit No. CA 0049675	)	

**Certification of Indexes to the Administrative Record**

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 EPA Region 9's Water Division.
2. As part of my responsibilities, I oversaw compilation of the administrative record of materials on which the EPA Region 9 Water Division Director Alexis Strauss based her decision dated June 22, 2010 regarding application filed by the Buena Vista Rancheria for a new National Pollutant Discharge Elimination System permit. The materials comprising the administrative records for these decisions have been compiled, paginated, and listed in the attached Indexes to the Administrative Records.
3. Attached as exhibit A is the Index to the publicly available Administrative Record. Attached as exhibit B is the Index to the Administrative Record for the National Historic Preservation Act consultation, which may be considered confidential due to information which may reveal the location, character or ownership of historic resources.
4. For convenience, the documents are loosely grouped by subject matter in general categories as they relate to the final decision.
5. I certify that, to the best of my knowledge, the documents listed in the attached Indexes constitute the complete Administrative Records for these permitting actions.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 29<sup>th</sup> day of September, 2010, at San Francisco, California.

  
\_\_\_\_\_  
John Tinger