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

In re: Russell City Energy Center

PSD Permit No. 15487

PSD Appeal Nos.: 10-01 (California Pilots Ass'n, Petitioner) 10-05 (CARE, Rob Simpson & Robert Sarvey, Petitioners) 10-06 (Juanita Gutierrez, Petitioner) 10-07 (Karen D. Kramer, Petitioner)

[Related to PSD Appeal Nos. 10-02, 10-03, and 10-04.]

DECLARATION OF ALEXANDER G. CROCKETT, ESQ. IN SUPPORT OF RESPONSES REQUESTING SUMMARY DISMISSAL PETITIONS FOR REVIEW PSD APPEAL NO. 10-01 PSD APPEAL NO. 10-05 PSD APPEAL NO. 10-06 PSD APPEAL NO. 10-07

I, Alexander G. Crockett, Esq., hereby declare as follows.

1. I am employed by the Bay Area Air Quality Management District ("District") as Assistant Counsel in the District's Legal Division. I am the Legal Division staff person with primary day-to-day responsibility for the District's processing and issuance of the Federal Prevention of Significant Deterioration ("PSD") permit that is the subject of the above-captioned appeals. I have personal knowledge of the matters stated herein and know them to be true, and I can testify truthfully and competently thereto.

2. Attached hereto as Exhibit 1 is true and correct copy of the Final PSD Permit that the District issued to the Russell City Energy Co. LLC. for construction and operation of the Russell City Energy Center in the PSD permit proceeding related to District permit application No. 15487 (hereinafter, "Final PSD Permit").

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3. Attached hereto as Exhibit 2 is true and correct copy of a notice that the District had issued the Final PSD Permit, which the District sent to members of the public who had submitted comments on the drafts of the PSD Permit that the District had issued. (The District has records regarding the members of the public who were sent copies of this notice, but is not providing that additional information at this time because it is not relevant to any of the issues discussed in the Requests for Summary Dismissal in support of which this Declaration is being submitted.)

4. Attached hereto as Exhibit 3 is true and correct copy of the Responses to Public Comments document that the District prepared and issued in connection with the Final PSD Permit.

5. Attached hereto as Exhibit 4 is true and correct copy of an e-mail message, with its attachment, that I received dated 9:06 Pacific Time on March 22, 2010. As indicated in Exhibit 4, the e-mail message bore the subject line "EAB Appeal RCEC by CARE and Rob Simpson", and had no text in the body of the message. Attached to the e-mail message was a document in Microsoft Word word-processing format, a print-out of which is included in Exhibit 4. The title of this word-processing file was "CARE_RobSimpsonRussellCitydraft PSD EAB appeal.doc".

I declare under penalty of perjury under the laws of California that the foregoing is true and correct, and that this declaration was executed on April 8, 2010.

/s/ Alexander G. Crockett, Esq.

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PROOF OF SERVICE

I, Mildred Cabato, declare as follows:

I am over the age of 18, not a party to this action, and employed in the City and County

of San Francisco, California, at 939 Ellis Street, San Francisco, CA 94109.

On the date set forth below, I served this document, "Declaration of Alexander G.

Crockett, Esq.", by placing a copy of it in a sealed envelope, with First Class postage thereon

fully paid, and depositing said envelope in the United States Mail at San Francisco, California,

addressed to the person set forth below:

Andy Wilson California Pilots Association P.O. Box 6868 San Carlos, CA 94070-6868

Helen H. Kang, Esq., Kelli Shields, Patrick Sullivan, and Lucas Williams, Esq. Environmental Law and Justice Clinic Golden Gate University School of Law 536 Mission Street San Francisco, CA 94105

Robert Sarvey 501 W. Grantline Rd. Tracy, CA 95376

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Lynne Brown California for Renewable Energy, Inc. 24 Harbor Road San Francisco, CA 94124

Michael E. Boyd, President CAlifornians for Renewable Energy, Inc. 5439 Soquel Drive Soquel, CA 95073

Karen D. Kramer 2215 Thayer Ave. Hayward, CA 94545

Rob Simpson 27126 Grandview Avenue Hayward, CA 94542

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on April 8, 2010, at San Francisco, California.

/s/ Mildred Cabato