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. 10-05 (CARE, Rob Simpson, and Robert Sarvey, Petitioners)

[Related to PSD Appeal Nos. 10-01, 10-02, 10-03, 10-04, 10-06, 10-07, 10-08, 10-09 and 10-10.]

DECLARATION OF ALEXANDER G. CROCKETT IN SUPPORT OF RESPONSE TO PETITION FOR REVIEW 10-05

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 a true and correct copy of a request for documents submitted to the District by Mr. Rob Simpson under the California Public Records Act on September 11, 2010. I helped in the District's efforts to respond to this request in accordance with the Public Records Act.

Attached hereto as Exhibit 2 is a true and correct copy of a letter from Ms.
Rochelle Henderson, the District's Public Records Coordinator, to Mr. Simpson, dated January 7, 2010, regarding the District's response to Mr. Simpson's Public Records Act request referred to in Exhibit 1. I helped Ms. Henderson prepare this letter.

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4. Attached hereto as Exhibit 3 is a true and correct copy of a letter from me to Mr. Simpson regarding a further request for records, dated June 16, 2010. Attached with the letter is a copy of a District Public Records Request Form that the District created track this request administratively. The request was based on email communications from Mr. Simpson indicating what records he was requesting.

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 29, 2010.

/s/ Alexander G. Crockett, Esq.

PROOF OF SERVICE

I, Vanessa Hodgson, 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 sealed envelopes, with First Class postage thereon

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

addressed to the persons 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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Rob Simpson 27126 Grandview Avenue Hayward, CA 94542 Minane Jameson, Vice-President Board of Directors Hayward Area Recreation & Park District 1099 E Street Hayward, CA 94541-5299

Idojine J. Miller 253 Santa Susana San Leandro, CA 94579 Minane Jameson 31544 Chicoine Avenue Hayward, CA 94544

Robert J. Bezemek, Esq. Law Offices of Robert J. Bezemek 1611 Telegraph Ave., Suite 936 Oakland, CA 94612

I declare under penalty of perjury, under the laws of the State of California, that the

foregoing is true and correct.

Executed on April 29, 2010, at San Francisco, California.

/s/ Vanessa Hodgson