

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

In re:)	PSD Appeal Nos. 10-01 through 10-10
Russell City Energy Center)	
)	
PSD Permit No. 15487)	
)	

DECLARATION OF ALEXANDER G. CROCKETT, ESQ.

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. On Friday, April 23, 2010, I filed responses to Petitions for Review Nos. 10-02, 10-03, 10-04, 10-08, 10-09, and 10-10, along with a declaration supporting the responses to Petitions Nos. 10-02, 10-03, and 10-04, with the Environmental Appeals Board using the CDX electronic filing portal. I also attempted to file a Certified Index of the administrative record for the PSD Permit for the Russell City Energy Center, as well as some of the exhibits to the supporting declaration, but was unable to complete the filing of these documents because of problems with the CDX electronic filing system. Specifically, I tried to upload “PDF” files containing these documents to the CDX system, but the system would not accept the files and gave me an error message that read: “An unexpected failure (Node Submission Error) has occurred while accessing the Ears data flow. A notification has been sent to our system administrators. Please try your request again and if you continue to have difficulties, please

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 these documents “**DECLARATION OF ALEXANDER G. CROCKETT, ESQ.**” by placing copies 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:

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

Executed on April 26, 2010, at San Francisco, California.

/s/
Mildred Cabato