

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

_____)	
In re:)	
)	
Russell City Energy Center)	PSD Appeal Nos. 10-02, 10-03, 10-4 & 10-05
)	
PSD Permit No. 15487)	
_____)	

DECLARATION OF KEVIN POLONCARZ, ESQ., CONCERNING EXHIBIT TO RUSSELL CITY ENERGY COMPANY, LLC’S SUR-REPLY BRIEF

I, Kevin Poloncarz, Esq., hereby declare as follows.

1. At my request, Russell City Energy Company, LLC’s (“RCEC”) technical consultant, Gregory Darwin, of Atmospheric Dynamics, prepared a two-page map titled “Russell City Energy Center Environmental Justice Boundary with PM2.5 24-hour Significant Receptors.” He used the same computer software and data used to prepare the maps appearing within Exhibit 10,¹ RCEC’s PM2.5 PSD Source Impact Analysis, which was also prepared by Mr. Darwin. A true and correct copy the map titled “Russell City Energy Center Environmental Justice Boundary with PM2.5 24-hour Significant Receptors” is included as **Exhibit 61** in RCEC’s Exhibits to Its Sur-Reply Brief.

2. Exhibit 61 indicates with a blue line the boundaries of the project site.

3. Exhibit 61 indicates with red dots the modeled impacts from the project’s emissions that exceed the significance impact level (“SIL”) for the 24-hour fine particulate matter (“PM2.5”) standard.

4. Exhibit 61 indicates with a black line the boundaries of the priority community designated as such by the Bay Area Air Quality Management District (“Air District”) as part of its Community Air Risk Evaluation (“CARE”) program. To plot this boundary, Mr. Darwin used the geographical coordinates published by the Air District at an FTP-website available at:

¹ Exhibit 10 is included in RCEC’s Consolidated Exhibits to Its Responses to Petitions for Review, which were previously filed with the Board by RCEC and are docketed on the Board’s website as Docket No. 62.02.

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of June 2010, a copy of the foregoing Declaration of Kevin Poloncarz, Esq., Concerning Exhibit to Russell City Energy Company, LLC's Sur-Reply Brief was served via first-class U.S. mail, postage prepaid, to:

Nancy J. Marvel, Regional Counsel
Office of Regional Counsel
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105

I hereby certify that on the 11th day of June, 2010, copies of the foregoing Declaration of Kevin Poloncarz, Esq., Concerning Exhibit to Russell City Energy Company, LLC's Sur-Reply Brief were served, per their consent and agreement with the undersigned, via electronic mail to:

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