

EXHIBIT 1

DECLARATION OF WILLIAM M. AUBERLE

I, William M. Auberle, declare as follows:

1. I am over 18 years of age and of sound mind.
2. I have personal knowledge of the information set forth herein.
3. I am a Professor Emeritus of Civil and Environmental Engineering at Northern Arizona University and a Principal at EN3 Professionals, LLC. I have been practicing environmental engineering with a principal emphasis on air pollution engineering for more than 50 years as a regulatory official, consulting engineer and academic.
4. During my career, I have served as a consultant to governments, industries, courts, and communities.
5. I have served on a number of advisory boards to federal agencies and state and local governments, including gubernatorial task forces. I was appointed to and served seven terms as a member of USEPA's Clean Air Act Advisory Committee during the Clinton, Bush and Obama administrations.
6. I am a licensed professional engineer in Louisiana, Ohio, Michigan and Arizona, and am Board certified in air pollution engineering by the American Academy of Environmental Engineers and Scientists. I have an LHD from Northern Arizona University.
7. From 1970 to 1977, I was the founding Supervisor of the Regional Air Pollution Control Agency (RAPCA), the regional air pollution control agency which serves a six-county region in the Dayton-Springfield, Ohio area.
8. During my service with RAPCA, I participated in writing and enforcing a wide range of air pollution control laws, regulations and ordinances. These included air pollution nuisance limitations. Following creation of the Ohio EPA, I used Ohio's updated Air Nuisance Rule (ANR) and permit conditions to enforce the federal Clean Air Act. More specifically, I used the ANR as an enforcement tool (and deterrent to violations) for achieving and maintaining the National Ambient Air Quality Standards (NAAQS), including particulate matter (PM).
9. As Supervisor of RAPCA, I directly served as an advisor to the Director of the Ohio EPA, once the agency was created by Governor Gilligan. This included working as the arm of the Ohio EPA in the RAPCA area and serving on Ohio EPA task forces and committees.
10. I have direct, firsthand knowledge of the inclusion of the ANR in Ohio's State Implementation Plan (SIP). As Supervisor of RAPCA I directly participated in

discussions and development of the Ohio SIP. Additionally, I served as a founding member and Chair of the Ohio Association of Local Air Pollution Control Officials, which advised the Ohio EPA on SIP development, including the inclusion of the ANR in the Ohio SIP.

11. From the outset of Ohio's SIP development process, inclusion of the ANR was purposeful and important to Ohio's air pollution control officials, including myself. Achieving NAAQS was vitally important to protect the health and welfare of our citizens. Multiple Ohio communities, including those served by RAPCA, faced the challenge of reducing air pollutant emissions to achieve and maintain these standards. The ANR was an important regulatory tool in this process. Throughout my career, including my seven terms as a member of the USEPA's Clean Air Act Advisory Committee, I have followed the progress of Clean Air Act implementation in Ohio.
12. I have also continued to apply the ANR as an engineering and air pollution control consultant and as an expert witness in state and federal court cases. I am aware that since the inclusion of the ANR in the original Ohio SIP, it has continued to be included in every SIP renewal, including in 2012 and in 2017. Thus, the ANR, since 1974, has been a necessary element of the SIP. It is important in achieving and maintaining the NAAQS, and to protecting the health and welfare of the people of Ohio.
13. The ANR remains an integral part of the Ohio SIP. Specific federal and state air pollution control requirements to achieve and maintain the NAAQS continue to evolve as NAAQS are modified and better emissions control technologies develop. These advances, however, do not address some specific air pollution conditions. In these circumstances applying, and complying with, the Ohio ANR is important to protecting the health and welfare of the affected citizens.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 21st day of May 2020.



William M. Auberle