

NOTICE OF VIOLATION

July 24, 2023

Attn: Jim Buckley
Buckley Rumford Fireplaces
1035 Monroe St.
Port Townsend, WA 98368

Subject: Settlement of Notice of Violation Number 6893

Mr. Buckley,

Thank you for meeting with District Staff on May 11, 2023, and for sending a letter dated May 23, 2023, regarding the subject violation.

We have considered your response, which included the following concerns:

- You believe you were operating in compliance with District Rule 225, Wood Burning Appliances because your unit is a site-built “masonry” fireplace and you provided a summary sheet of emissions test results that include emissions factors in g/kg, which you assert is equivalent to a mass emissions rate of 7.5 g/hr.
- You claim it is reasonable for you to rely on the building department to determine if the unit meets District requirements.
- You stated there is confusion around the appropriate standard for this fireplace and asserted that the EPA’s updated standard is not applicable to site-built fireplaces.
- You claim you only sold components and did not provide a fireplace.

We have considered your position and determined the following:

- Your unit does not meet the definition of a masonry heater.
- You were told by District staff in 2010, followed by a letter delivered on January 10, 2011, that the Rumford 48-inch fireplace has not been shown to meet the emission standard required by Rule 225 (see attached email correspondence with District staff).
- District staff requested the actual emissions test data multiple times and have told you the test summary sheet you provided is insufficient to determine compliance. To determine the mass emissions rate, the wood feed rate in kg/hr is required.

- The District cannot answer for alleged implications from other agencies. Additionally, the building department does not have the authority to waive District requirements.
- Invoices show that your company sold and supplied the components directly to the Placer County homeowner. The components were offered for sale with the intention that they be installed as a fireplace.

The District appreciates it can be challenging to understand regulatory requirements. Nonetheless, businesses are expected to comply with a variety of rules and regulations and make appropriate business decisions to ensure they meet applicable requirements.

District staff repeatedly told you that your fireplace has not been shown to meet the emission requirements and may not be offered for sale in Placer County. EPA's standards establish a federal minimum and when appropriate, state and local jurisdictions may have more stringent requirements.

Considering the circumstances, the District offers to settle this violation for a reduced monetary penalty of **Three Thousand Five Hundred Seventy-Five Dollars (\$3,575)**. Please sign and return the enclosed Settlement Agreement, with a check payable to the Placer County Air Pollution Control District in the amount of the penalty, or a receipt showing that you have paid the penalty online at <http://www.placerair.org>.

Payment must be received no later than **August 23, 2023**. If this case is not settled by then, this settlement offer is withdrawn. For cases not settled through the mutual settlement process the District will seek resolution through court action. Please contact me at (530) 745-2337 to discuss this matter.

Sincerely,



Bruce Springsteen
Compliance and Enforcement Manager

AGREEMENT

Notice of Violation No. 6893

Buckley Rumford Fireplaces shall pay a settlement of **Three Thousand Five Hundred Seventy-Five Dollars (\$3,575)**, in lieu of civil penalties determined pursuant to Health and Safety Code Section 42402. The total monetary settlement is to be paid no later than **August 23, 2023**.

Return of this agreement is requested by August 23, 2023

Failure to meet any of these agreement conditions shall void this agreement. In consideration of this settlement, the District agrees to refrain from seeking additional penalties with regard to the violation(s) set forth in this Notice of Violation letter. Notwithstanding this agreement, any evidence used in this matter may also be used in subsequent, but separate, enforcement actions. The signatures below signify agreement with the stated terms and conditions. By agreeing to these terms the alleged violator does not indicate acceptance of guilt.


Bruce Springsteen
Compliance and Enforcement Manager
Placer County Air Pollution Control District

7/24/23
Date

Buckley Rumford Fireplaces

Date

Please return this form with payment of the monetary portion of the settlement to the *Placer County Air Pollution Control District, 110 Maple Street, Auburn, CA 95603*, in acknowledgment that these terms of settlement are accepted.

RETURN THIS AGREEMENT WITH YOUR PAYMENT