

Recent Email Correspondence with Air District

September 27, 2023

Bruce Springsteen <BSprings@placer.ca.gov>

Mr. Springsteen,

Thanks for sending me the names of the members of your Board of Directors. And thanks for your comment "We are not presently pursuing enforcement action against the homeowner, builder, or mason". That is at least some assurance.

As for our legal expenses, so far we have paid our law firm, Beveridge & Diamond Law, \$39,458.50 ...

| | |
|---------------|-------------|
| 5/22/23..... | \$7,707.50 |
| 7/5/23 | \$27,733.50 |
| 8/14/23 | \$4,017.50 |
| Total | \$39,458.50 |

I think that will be all that we will pay unless we have to defend ourselves in court. If that happens we will be looking for a more aggressive litigator. BD Law only wanted to help us negotiate a smaller penalty pointing out that we probably wouldn't win and that it would be very expensive to countersue or bring a class action lawsuit because courts defer to administrative agencies even if they are ambiguous, disingenuous or arbitrary and capricious under a doctrine known as the ["Chevron" principle](#),

I still don't know if a defense based on the lack of due process would succeed. So far law firms we have interviewed say the costs might be in the six figures and they won't even answer any basic legal questions until we pay them \$30,000. We may be able to get help from our industry. Or I may try to defend myself. I hate having to pay any fine when we are not guilty and to be presumed guilty without due process because we don't have the money to defend ourselves.

So, in a search for a way out, what do you think about our proposal to go to the Placer County Air District Board with a proposal to except Rumford fireplaces as they have masonry heaters?

Sincerely,
Jim

Jim Buckley
Buckley Rumford Co.
1035 Monroe Street
Port Townsend WA 98368
360 385 9974 or 360 531 1081
buckley@rumford.com
<https://www.rumford.com>

On Sep 27, 2023, at 8:54 AM, Bruce Springsteen
<BSprings@placer.ca.gov> wrote:
Mr. Buckley:

Sorry for the delay in response.

We are still evaluating the information you recently provided.

In the meantime, the members of our Board of Directors are:

- Scott Alvord – City of Roseville
- Greg Janda – City of Rocklin
- Daniel Berlant – City of Auburn
- David Ring – Town of Loomis
- Trinity Burruss – City of Colfax
- Holly Andreatta – City of Lincoln
- Shanti Landon – Supervisor District 2
- Jim Holmes – Supervisor District 3
- Suzanne Jones – Supervisor District 4

Their contact information can be found on our website at [Air Pollution Control District Board | Placer County, CA \(placerair.org\)](http://www.placerair.org).

We are not presently pursuing enforcement action against the homeowner, builder, or mason.

Can you please also provide a written statement and/or documentation of your legal expenses relating to the violation notice? We would like to present that information to our management and see if any additional penalty reduction can be approved.

Regards,

Bruce

From: Jim Buckley <buckley@rumford.com>
Sent: Friday, September 8, 2023 11:39 AM
To: Bruce Springsteen <BSprings@placer.ca.gov>
Subject: [EXTERNAL] Fwd: NOV 6893

Mr. Springsteen,

Please send me names of the Air District members - two County supervisors, and six elected at large - as you said you would.

We know you wouldn't say if the District would go after homeowner, builder and mason but the answer to that will play a big part in our decision of whether to settle or go to court. Maybe you would reconsider and let us know whether or not the district plans to go after homeowner, builder and mason.

We think we have sent you all the information we promised

A more detailed summary of our position in reaction to NOV 6893

Why we think the Air District, in practice, delegates the interpretation and enforcement of Rue 225 as it pertains to fireplaces to the Building Department.

A brief history explaining why the EPA developed a low burn rate emissions testing program for smoldering stoves expressed in grams of particulate per hour (g/hr) and later, for districts that want to regulate fireplaces, another testing program appropriate for fireplaces expressed in grams of particulate per kilogram of fuel (g/kg) which is considered equivalent to the EPA Phase II (stove) emissions rate.

We also sent you the outline of a plan to amend Rule 225 to permit Rumford fireplaces, like masonry heaters, in general because they are universally clean-burning.

Is there anything we have missed? Do you want any more information?

Best,
Jim

Jim Buckley
Buckley Rumford Co.
1035 Monroe Street
Port Townsend WA 98368
360 385 9974 or 360 531 1081
buckley@rumford.com
<https://www.rumford.com>

Begin forwarded message:

From: Jim Buckley <buckley@rumford.com>
Subject: NOV 6893
Date: August 19, 2023 at 11:41:27 AM PDT
To: bsprings@placer.ca.gov

Bruce Springsteen
Air Pollution Control District
Phone: 530-745-2337 or 530
bsprings@placer.ca.gov

8/18/23

Dear Mr. Springsteen, and Heather,

Thank you for calling me this afternoon. Here is a summary of our discussion:

The Air District does have a Board and Mr. Springsteen will send me names of the members - two County supervisors, and six elected at large.

Mr. Springsteen would not say how they found out about the Rumford approved by the Building Department. Also wouldn't say if they would go after homeowner, builder and mason.

If the District does not withdraw the NOV and takes it to court it will be the Placer County Superior Court and there will be an opportunity to defend our "not guilty" plea, move to dismiss, appeal, etc. - not just a collections enforcement procedure.

Mr. Springsteen said they might reduce penalty but probably not withdraw the NOV. They have a statement that paying the penalty does not imply guilt - but why else would we pay it?

Mr. Springsteen agreed to put the 8/23/23 deadline "on hold" as long as we were communicating.

I promised to send a more detailed summary of our position explaining why we are not guilty and why it's important to us that the Rumford be considered in compliance with Rule 225.

Mr. Springsteen asked that I compile the best case I can explaining why the EPA developed an emissions testing program appropriate for fireplaces expressed in grams of particulate per kilogram of fuel (g/kg) which is considered equivalent to the EPA Phase II (stove) emissions rate expressed in grams of particulate per hour (g/hr).

I also offered to detail why the Air District, in practice, delegates the

interpretation and enforcement of Rue 225 as it pertains to fireplaces to the Building Department.

Sincerely,
Jim Buckley

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