



Air Pollution Control District
San Luis Obispo County

July 25, 2017

Mathew Fuzie
Deputy Director, OHMVR Division
California Department of Parks and Recreation
1725 23rd Street, Suite 200
Sacramento, California 95816

SUBJECT: San Luis Obispo County Air Pollution Control District Notice of Violation
Number 2963

Dear Mr. Fuzie:

We are in receipt of your July 21, 2017 response to our offer to settle Notice of Violation (NOV) Number 2963. Your letter provides no substantive response other than suggesting an alternate response date of early September. Unfortunately, the District cannot agree to further delays in addressing this matter. As noted in our July 6, 2017 letter to you, there are two important deadlines that must be dealt with prior to then:

1. If, as mentioned in your June 26, 2017 initial response to the NOV, you wish to involve the Special Master (SM) in reviewing and providing an opinion on this issue, the 15-day time period identified in Section 6.c. of the Consent Decree Agreement (CD) for notifying the SM of your intent to request his services has already run. APCD is still willing to participate in a meeting with the SM to discuss Rule 1001 disputes, provided it occurs within the 30-day time period starting from the July 21, 2017 response to our settlement offer. Thus, a meeting with the SM must occur by August 21, 2017 or it is off the table.
2. Your response did not address the requirement in our settlement offer to fence off 100 acres of the most emissive areas in the Le Grande tract by September 1, 2017, which clearly would not be met by postponing the process. This requirement is directly related to addressing the Nuisance component of the NOV, which is a significant public health and welfare issue and falls outside the Consent Decree process. As such, resolution of this part of the settlement offer cannot and will not be delayed. If you are unwilling to address it within the next 30 days, APCD will proceed to enforce the Nuisance violation through the regulatory and legal means at our disposal.

We agree with your statement that collaboration will result in mutually beneficial outcomes. This NOV is the unfortunate result of State Parks' failure to abide by the collaborative process and proceed down their own path with little regard for the consequences to the process or to the public affected by it. Our mission and mandates cannot allow that to continue.

We will begin heading down the regulatory path to resolve the Nuisance Violation as described above unless I hear differently from you regarding the timeframe for resolution. I will wait to hear from you regarding whether you intend to convene a meeting with the Special Master before we decide how to proceed on Rule 1001 violations.

Respectfully,

A handwritten signature in blue ink, appearing to read "Larry R. Allen", with a long horizontal flourish extending to the right.

LARRY R. ALLEN

Air Pollution Control Officer

LRA/lmg

cc: Raymond Biering, District Counsel