From: lallen@co.slo.ca.us
To: Jordan, Deborah
Cc: Zimpfer, Amy; Drake, Kerry
Subject: Appeal Court decision on dust rule
Date: Friday, April 10, 2015 2:28:10 PM
Attachments: B248814_OPN_FriendsofOceanoDunes.pdf

Hi Debbie,

As I mentioned in my voicemail, the 3rd District Court of Appeals issued their decision yesterday on the permit requirement in our dust rule and found that it's not a contrivance subject to permit. It's a published decision, so it will affect every air district in the state. It's very poorly written, with some statements made that are in direct conflict with established law in the H&SC. The main arguments listed in the decision appear to be pulled directly from the appellant's briefs. It also provides no direction on what actions need to be taken as a result of the ruling, or how it specifically affects our rule. Its a very sloppy piece of work, and could be interpreted to overturn the entire rule, not just the permit requirement.

We're scheduling a special meeting of our Board next week to get direction on how to proceed. We have until April 21 to file a motion for reconsideration so we can at least get the factual errors corrected; I'm doubtful my Board will vote to go beyond that and seek reconsideration by the Supreme Court, but that will be one of the options we present. I would like to speak with you regarding EPAs opinions on this decision and the ultimate disposition of our rule.

I would appreciate a brief phone call ASAP in preparation for my Board mtg on Thursday. I'll be out on vacation all next week, so if don't talk today please call me on my cell phone. I left a voicemail for Amy as well and already spoke to Kerry, so he can brief you on our conversation if we are unable to connect.

I look forward to speaking with you. In the meantime, here's a copy of the decision for your reading pleasure.

Larry
805.781.5920 desk
805.471.8035 cell

(See attached file: B248814_OPN_FriendsofOceanoDunes.pdf)

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