

April 20, 2010

Mr. David Kelly
Clear Skies Unlimited
30521 Coplaza Street
Lake Elsinore, CA 92530

Subject: Compliance Determination of the HearthCat™ Wood Burning Fireplace Retro-Fit Technology with SMAQMD Rule 417 and Rule 421

Dear Mr. Kelly:

The Sacramento Metropolitan Air Quality Management District (SMAQMD) has received your letter dated March 25, 2010 regarding the HearthCat™ Wood Burning Fireplace Retro-Fit Technology (HearthCat™). The SMAQMD has reviewed your letter and hereby responds to your request for a written "official position statement" regarding the HearthCat™.

As a matter of policy, the SMAQMD does not make specific product endorsements. However, the SMAQMD will provide you with a compliance determination for the HearthCat™ as it relates to SMAQMD Rule 417.

After October 26, 2007, Rule 417 prohibited the installation of a new wood burning device or the transfer of a used wood burning device unless it is one of the devices allowed for in section 301.1. The SMAQMD has determined that the HearthCat™ installed as a component of a wood burning fireplace does not qualify as one of the wood burning devices specified in section 301.1. Therefore it is illegal to install HearthCat™ as a component of a new wood burning fireplace or transfer a used wood burning fireplace with a HearthCat™ installed as a component.

Regarding existing devices, SMAQMD Rule 417 does not prohibit the installation of internal components in existing wood burning devices. Therefore, it would be legal to install the HearthCat™ in an existing wood burning fireplace installed prior to October 26, 2007. This compliance determination should not be interpreted to supersede any other Federal, State or local regulation (e.g. Fire Codes or Building Codes) that may prohibit the installation of the HearthCat™.

Please be advised, the installation of a HearthCat™ in an existing wood burning device does not exempt that wood burning device from the requirements of SMAQMD Rule 421, *Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning*. On either a Stage 1 or Stage 2 Mandatory Curtailment day that is declared pursuant to Rule 421, section 301, it will still be illegal to use a wood burning device with a HearthCat™ installed.

If you have any further questions, feel free to contact me at (916) 874-4864.

Sincerely,



Patrick Tedeschi
Program Coordinator, Field Operations

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