



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

June 14, 2007

Jack Broadbent
Air Pollution Control Officer
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109

Re: Follow-up on Tesoro Title V permit, Boiler #5 repair and OCE Petition No. IX-2004-6

Dear Mr. Broadbent:

As you may know, EPA Region 9 has been working with Our Children's Earth ("OCE") regarding their concerns with the Title V permit for Tesoro Marketing and Refining Company, located in Martinez, California. This letter is with respect to OCE's comments and BAAQMD's responses pertaining to Coker Boiler #5. The comments raised concerns that the work done to Coker Boiler #5 may have triggered new source review ("NSR") requirements which were not reflected in Tesoro's Title V permit.

Our purpose in this letter is to improve the implementation of Title V permitting procedures, particularly the comment and response process. In this instance, Our Children's Earth Foundation ("OCE") submitted comments with information indicating that the work on Boiler #5 may have been of sufficient magnitude to require NSR review. The District's initial response to those comments pointed out general limitations on the use of emissions inventories but otherwise did not substantively respond to the information provided by the commenters regarding the work done on Boiler #5. EPA later submitted its own comments on this issue (in September 2003), which the District responded to, again without providing specific information. Finally, in response to further comments made by EPA in April 2004, the District responded to EPA in August 2004 with specific information previously gained from its investigation of the issue which indicated that the work on Boiler #5 did not appear to trigger NSR requirements.

Please be aware that it is our view that OCE's comments contained sufficient information raising concerns about possible NSR violations to warrant a detailed specific response, which was not given to OCE. By way of example, the detailed response ultimately provided by the

District to EPA's April 2004 comments would have sufficed as such a response to OCE. It is important that you provide such responses in the future and we would be pleased to work with you in your continued development of such practices.

We appreciate the opportunity to raise this issue with you, and we look forward to continue working together on Title V permits.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah Jordan", written in a cursive style.

Deborah Jordan
Director, Air Division

cc: Juan Santiago, EPA OAQPS
Amy Cohen, Esq., Golden Gate University