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APR 17 2006

Permits Office Air-3
U.S. EPA, Region 9

April 4, 2006

U.S. EPA Headquarters
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Mr. Gerardo Rios, Chief
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Office of Air Division
EPA Region IX
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Subject: Final Part 70 Federal Operating Permit Reissuance Petition to Object

PETITION

Introduction

Facilities that require Title V Permits are facilities that potentially present critical impacts upon the communities in which they are located. Regulations and compliance are of primary concern to our community and our household. Therefore, we hereby submit this Petition to the U.S. EPA requesting an objection to the Final Part 70 Operating Permit #00036, Pacific Custom Materials, Inc., from March 1, 2006 to February 28, 2011. Application shield granted on August 16, 2004.

Historical Information:

The facility was issued a Permit to Operate without public notice. The facility was grandfathered. The facility changed from seasonal operation to 24/7 year-round. The facility is located in the Los Padres National Forest. The amount of Sulfur dioxide, PM, acid rain, fuel

type(s) emissions was not discussed or made available to the community. No notice in local papers was published. The facility has had 3 lawsuits filed and settled against it, all within a 3 year span. The lawsuits were based on permit violations. The lawsuits, not the permitting agencies, made our community aware of the type of operation and the necessity of Title V Permit governance and the evident requirement of our community's public participation.

Public Comment Period:

We participated in the public comment period. Comments and objections herein are contained within the written public comments submitted timely. However, the dates were not clearly identified, thereby limiting several community members from submitting their written comments before the 45-Day Review deadline. Additionally, our community is remote, limiting access to the facility's documents on file with the permitting authority. Instruction was not provided by the permitting agency to the public making it difficult to understand the extremely complex regulations, permit language, and permit changes. This made it difficult, without legal advice, to understand the process and not all community residents were able to submit their comments before the deadline. Community members have dedicated years of their lives being pro-active in forcing the permitting agency and the facility into some sort of compliance standard – we Petition on the basis we have not completed our task.

Current Primary Concerns:

- PM10: the permitting agency has not demonstrated the Particulate Matter is not 2.5
- Sulfur dioxide: increase in volume without more stringent reporting
- NOx: alternate fuel(s) emissions without more stringent reporting
- New equipment requirement dates not timely

- Recordkeeping provided by facility personnel providing no safeguards or insurability community can rely on the recorded or reported data
- Complaints for visible emissions since 03/01/06
- Actual levels of ground level ozone within our valley (VOC's)
- Distance of residences from facility's emission source (stacks)
- Secondary sources volume of pollutants included in overall emission exposures (CO)
- Pollution sources within a 20-mile radius
- 24/7 operation within a residential community
- HAPS, Hot Spots facility in a non-attainment area without stringent published reporting
- BACT and MACT requirements
- Statement of Basis is incomplete
- Insignificant Activities reporting
- Basin containment factors not considered
- Baseline and/or threshold data used defective

Basis of Objection:

1. 40 CFR 70.6(a)(1) – Assured compliance
2. Part 70. 40CFR 70.9(c)(3) – Failure of permitting authority to:
 - a. Comply with paragraphs (a) [requiring the Permitting Authority to transmit the proposed permit, the permit application, and/or other information needed to effectively review the proposed permit] or (b) [requiring the Permitting Authority to give notice of the proposed permit to any affected state] of this section;
 - b. Submit any and all information necessary to review adequately the proposed permits; or

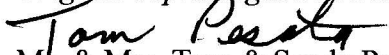
- c. Process the permit under the procedures approved to meet 70.7(h) of this part [governing public participation] except for minor permit modifications.

Summary:

We believe the Basis of Objection is an appropriate reason for requesting the U. S. EPA to object to the proposed final permitting of the Pacific Custom Materials facility. In an attempt to clarify further our community's position is the history of the facility to misrepresent information critical to the development of a proper permit to protect our community from harm. Data collection provided by the facility personnel is of grave concern to the Petitioner(s). Based on this public observation of inaccurate data collection, NSPS would be difficult or impossible to mandate or achieve. The reporting and documenting of noticeable offenses and concerns is still the burden placed on the community to the extent we feel abandoned and insignificant in this process.

Respectfully submitted,

Original copies signed and mailed



Mr. & Mrs. Tom & Sandy Pesota
Concerned Residents of Lockwood Valley

Cc: Concerned Residents of Lockwood Valley:
Mr. Arnold D. Swan & Family
Mr. Edward Gertner
Mr. Robert Christy & Family
Mr. Kevin Kaiser & Family
Mr. Randy Cregut & Family
Mountain Communities Town Council
TriCounty Watchdogs

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