

bcc: Martin Heatmark



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 24 2007

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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

SEP 27 2007

Office of Enforcement
Compliance & Environmental
Justice

Mr. Colin M. Campbell
RTP Environmental Associates Inc.
304-A West Millbrook Road
Raleigh, North Carolina 27609

Dear Mr. Campbell:

I have received your request for an applicability determination under the New Source Performance Standards (NSPS) for the Hyperion Energy Center dated August 20, 2007. Your letter was received by my staff on September 12, 2007. The request is for a petroleum refinery and integrated gasification combined-cycle power plant. On September 18, you informed us by e-mail that the proposed facility is to be located in South Dakota.

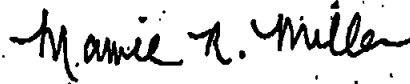
The NSPS is a delegated program. As such, your first contact for questions on the NSPS is the relevant state agency. If the South Dakota Department of Environment and Natural Resources finds that it is necessary to consult with EPA, they will work with the regional office. Determinations are forwarded to EPA headquarters from regional offices only in limited circumstances.

Consistent with the delegations of authority, the General Provisions of the NSPS at Section 60.4(a) require that all requests and other communications made to the Administrator must be submitted to the appropriate regional office, to the attention of the Director of the Division listed in the regulations. Section 60.4(b) also requires the information to be submitted to the appropriate state agency. The Office of Enforcement, Compliance and Environmental Justice (OECEJ) in Region 8 is listed in Section 60.4(a) as having jurisdiction over NSPS issues in South Dakota.

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We have faxed your inquiry to the Air and Toxics Technical Enforcement Program in OECEJ, Region 8, so that the regional office may consult with South Dakota regarding your inquiry. Mr. Martin Hestmark is Chief of the Air and Toxics Technical Enforcement Program, and may be contacted at (303) 312-6776 regarding assignment of your request.

Sincerely,



Mamie R. Miller, Chief
Air Compliance Branch
Compliance Assessment and Media Programs Division