



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

December 10, 2012

California Energy Commission

DOCKETED
08-AFC-8A

TN # 68841

DEC 11 2012

Melissa Mascaro
Executive Vice President, Legal and Regulatory Affairs
Hydrogen Energy California LLC
30 Monument Square
Suite 235
Concord, MA 01742

RE: Transfer of Prevention of Significant Deterioration Permit Application for the Hydrogen Energy California facility to the San Joaquin Valley Unified Air Pollution Control District

Dear Ms. Mascaro,

The U.S. Environmental Protection Agency, Region 9 (EPA Region 9) received and was reviewing your application, dated May 2012, for a Clean Air Act Prevention of Significant Deterioration (PSD) permit for the Hydrogen Energy California facility to be located in western Kern County (near the unincorporated town of Tupman), California. We are sending this letter to notify you that we have transferred your PSD permit application to the San Joaquin Valley Unified Air Pollution Control District (District) for processing. This includes copies of all materials previously submitted to EPA Region 9 for your project.

On November 26, 2012, the District became the entity responsible for the issuance of PSD permits for sources within the District. On that date, EPA's approval of District Rule 2410 – Prevention of Significant Deterioration, into the California State Implementation Plan became effective, establishing a PSD permitting program within the District. For more information, see 77 Fed. Reg. 65305 (October 26, 2012). As a result, sources located in the District seeking PSD permits are no longer subject to the Federal Implementation Plan for the PSD program at 40 CFR 52.21 and are no longer required to seek PSD permits from EPA Region 9. Instead, sources located within the District seeking PSD permit authorization must submit an application to the District and comply with the applicable requirements in District Rule 2410.

Accordingly, we recommend contacting the District as soon as possible to determine the next steps for completing the processing of your application.

If you have any questions regarding this matter please contact Lisa Beckham of my office at Beckham.Lisa@epa.gov or at (415) 972-3811. In addition, you may contact Dave Warner with the District at (559) 230-6000 to discuss the continued processing of your application.

Sincerely,



Gerardo C. Rios
Chief, Air Permit Office

Cc: Dave Warner, San Joaquin Valley Air Pollution Control District (via email)
Michael Tollstrup, California Air Resources Board (via email)
Paul Detwiler, U.S. DOE, National Energy Technology Laboratory (via email)
John Rockney, U.S. DOE, National Energy Technology Laboratory (via email)
Bruce Dyer, SCS Energy (via email)
Julie Mitchell, URS Corporation (via email)
Michael J. Carroll, Latham & Watkins LLP (via email)