

Attention: Samuel Lieblich

Region 3 - NYS DEC-Region 3, 21 South Putt Corners Road, New Paltz, NY 12561, Attention: Kenneth Grzyb

Region 4 - NYS DEC-Region 4, 1130 North Westcott Road, Schenectady, NY 12306, Attention: Donald Spencer

Region 5 - NYS DEC-Region 5, 232 Golf Course Road, P.O. Box 220, Warrensburg, NY 12885, Attention: James Coutant

Region 6 - NYS DEC-Region 6, Watertown State Office Building, 317 Washington Street, Watertown, NY 13601, Attention: Thomas Morgan

Region 7 - NYS DEC-Region 7, 615 Erie Boulevard West, Syracuse, NY 13204-2400, Attention: Reginald Parker

Region 8- NYS DEC-Region 8, 6274 East Avon-Lima Road, Avon, NY 14414, Attention: Thomas Marriott

Region 9 - NYS DEC-Region 9, 270 Michigan Avenue, Buffalo, NY 14203, Attention: Larry Sitzman

Clean Data Petition

1997 Ozone Standard Nonattainment Areas - Poughkeepsie, NY; Buffalo, NY and Jamestown, NY

Notice is hereby given that the New York State Department of Environmental Conservation (Department or NYS DEC) plans to submit a clean data petition to the United States Environmental Protection Agency (EPA) for three areas in New York State that were designated nonattainment for the 1997 national ambient air quality standard (NAAQS) for ozone.

On April 30, 2004, EPA promulgated designations for the 1997 ozone NAAQS (69 FR 23858). Air quality monitors in Poughkeepsie, NY; Buffalo-Niagara Falls, NY; and Jamestown, NY now monitor attainment of the NAAQS. To attain this standard, the 3-year average of the fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor (Design Value) within an area over each year must not exceed 0.08 ppm. Based on the rounding convention required by EPA

(40 CFR 50 App. I), the Design Value must be less than 0.085 ppm in order to demonstrate attainment of the 1997 ozone NAAQS.

The following table contains complete, quality assured 2006 - 2008 8-hour ozone design values that are certified by the Department as accurate:

Non-Attainment Area	Station	AIRS ID	4th Max 2006	4th Max 2007	4th Max 2008	Design Value
Poughkeepsie, NY	Valley Central	360715001	0.077	0.083	0.081	0.080*
	Millbrook	360270007	0.064	0.078	0.081	0.074
	Mt. Ninham	360790005	0.073	0.085	0.079	0.079
Buffalo-Niagara Falls NY	Amherst	360290002	0.083	0.076	0.076	0.081*
	Middleport	360310002	0.082	0.074	0.074	0.076
Jamestown, NY	Westfield	360130011	0.075	0.083	0.073	0.077
	Dunkirk	360130006	0.083	0.086	0.084	0.084*

* Nonattainment Area Design Value

The Department plans to petition EPA to make a binding determination that the subject areas have attained the 1997 ozone NAAQS and the Department need not submit a state implementation plan (SIP) revision concerning reasonable further progress (RFP), attainment demonstrations and contingency measures. This petition is based on the May 5, 1995 EPA guidance memorandum entitled "Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard" located at www.epa.gov/ttn/caaa/t1/memoranda/clean15.pdf.

The Department acknowledges that the suppression of the requirement to submit SIP revisions for the aforementioned provisions is in effect only as long as the areas continue to monitor attainment of the NAAQS. New York will continue to operate its air quality monitoring network, and if an area experiences a violation of the NAAQS, the area would again be subject to a requirement to submit the pertinent SIP revision(s) and would need to address those requirements.

A 30-day public comment period is being provided. Written comments should be submitted by July 17, 2009 to: Robert D. Bielawa, NYS DEC - Division of Air Resources, 625 Broadway - 2nd Floor, Albany, New York, 12233-3251 or by e-mail to airsips@gw.dec.state.ny.us

Data Solicitation for 2010 Federal Clean Water Act (CWA) Section 303(d) List

Section 303(d) of the Federal Clean Water Act requires States to compile periodically (every two years) a list of impaired waters that do not meet water quality standards and where designated uses are not fully supported and where a Total Maximum Daily Load (TMDL) plan is necessary to address the impairment. States are scheduled to submit their next Section 303(d) Lists to USEPA by April 1, 2010. To support the development of the Section 303(d) Lists, States are also required to assemble and evaluate existing and readily available water quality related data and information. New York State is currently soliciting and accepting water quality data and information that may be useful in compiling the 2010 Section 303(d) List.

Background: The water quality assessment of New York State's waters is a continuous process. Every year waters in two or three of the 17 drainage basins in the state are scheduled to be re-assessed. This rotating basin approach allows for a re-assessment of water quality of the entire state every five years. The assessment of these waters is a public process and participation and input from a wide range of state, federal and local agencies and non-governmental water quality partners (watershed groups, lake associations, academic researchers, etc.) is encouraged. New York State Department of Environmental Conservation (NYS DEC) is able to effectively manage the statewide assessment process by focusing the effort on a limited number of specific drainage basins each year.