STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
625 BROADWAY
ALBANY, NY 12233

In the Matter
-- of the –

PROPOSED REPEAL OF:
TITLE 6 OF THE OFFICIAL COMPILATION OF THE CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK;
PART 203 – INDIRECT SOURCES OF AIR CONTAMINATION;
AND
PROPOSED AMENDMENTS TO:
PART 200 - GENERAL PROVISIONS;
PART 621, UNIFORM PROCEDURES;

AND

PROPOSED AMENDMENTS TO:
THE STATE IMPLEMENTATION PLAN (SIP) FOR THE NEW YORK METROPOLITAN AREA (NYMA) CARBON MONOXIDE (CO) BY SUBMITTING A LIMITED MAINTENANCE PLAN (LMP);

AND

THE PROPOSED:
RE-DESIGNATION REQUEST FOR THE 1997 ANNUAL AND 2006 24-HOUR FINE PARTICULATE MATTER ($PM_{2.5}$) NAAQS FOR THE NYMA NONATTAINMENT AREA.

HEARING REPORT
-- by –

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Background

The New York State Department of Environmental Conservation (NYS DEC) scheduled one public comment hearing on the proposed revision to the New York Metropolitan Area (NYMA) Carbon Monoxide (CO) State Implementation Plan (SIP), the re-designation request for the 1997 annual and 2006 24-hour Particulate Matter $_{2.5}$ ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS) for the NYMA nonattainment area, and proposed repeal of Part 203 of Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (6 NYCRR), with related revisions to Parts 200 and 621. These actions included:

Proposed revision to the State Implementation Plan for CO for the NYMA by submitting a Limited Maintenance Plan (LMP) that demonstrates continued attainment of the CO NAAQS until at least 2022.

The New York State portion of the NYMA CO nonattainment area (consisting of New York City and Westchester and Nassau counties) was re-designated to attainment of the CO standards effective May 20, 2002. This submission satisfies the requirement of Clean Air Act (CAA) Section 175A(b) (42 USC § 7505a) that obligates the State of New York to submit an additional revision of the CO SIP that demonstrates continued attainment of the CO NAAQS for 10 years after the expiration of the original 10 year period post re-designation. In order to use the LMP option, design values must be at or below 85% of exceedance levels of the CO NAAQS. Ambient air quality monitoring data includes that air quality in the NYMA has met the requirements for submittal of a LMP.

Proposed re-designation request for the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS for the NYMA nonattainment area.

The 10-county nonattainment area (consisting of New York City and Nassau, Suffolk, Westchester, Orange and Rockland counties) first showed compliance with both standards in 2009 (based on 2007-2009 monitored $PM_{2.5}$ concentrations), and recent monitoring data continues to demonstrate attainment of both NAAQS.

As required by the Clean Air Act (CAA), the re-designation request includes a maintenance plan, which provides for continued attainment of the $PM_{2.5}$ NAAQS in the NYMA through 2025, based on emission inventory projections. Approval of the re-designation request and maintenance plan will allow EPA to officially re-designate the NYMA attainment for the annual and 24-hour $PM_{2.5}$ NAAQS, and thus alleviate additional program requirements faced by states subject to nonattainment designations.

Proposed Repeal of Part 203, Indirect Sources of Air Contamination

Indirect source permitting is an intrastate air pollution control regulation that exclusively applies to any new or modified indirect source of air contamination located in New York County (Manhattan) south of 60th Street. The existing regulation prohibits the construction or modification of an indirect source of air contamination without the Department issuing a permit to construct prior to construction or modification. Part 203 has become obsolete and has been superseded by other regulations, most notably 6 NYCRR Part 240 (Part 240), Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws; 40 CFR 93

Subpart B, Determining Conformity of General Federal Actions to State or Federal Implementation Plans; and 6 NYCRR Part 617, State Environmental Quality Review.
Proposed Revisions to Part 200, General Provisions; and Part 621, Uniform Procedures
Parts 200 and 621 will be revised to remove all references to Part 203.

Hearing Notice
Notice of the hearing was published on February 6, 2013 in: The *New York Post, Newsday, and The Middletown Times Herald-Record*. Notice was also published on February 6, 2013 in both the Environmental Notice Bulletin and the State Register. According to the notice, comments will be accepted until 5 p.m. Friday, April 2, 2013.

Public Hearing
One hearing was held for the purpose of public comment.

The hearing was held on Tuesday, March 26, 2013 in Hearing Room 834 of NYS DEC's Region 2 Office, 1 Hunter's Point Plaza 47-40 21st Street, Long Island City, New York. Mr. Thomas John, P.E., Environmental Engineer III, with the Permitting Section of the Division of Air Resources in Region 2, served as the Hearing Officer. Scott Griffin, P.E., Environmental Engineer I, of the Bureau of Air Quality Planning of the Division of Air Resources, read the summary statements on behalf of NYSDEC. The hearing commenced at 2:10 P.M. and was adjourned at approximately 2:22 P.M. There was one member of the public in attendance, but no written or oral comments were submitted.