

NOTICE OF PUBLIC HEARING, ANNOUNCEMENT OF PUBLIC COMMENT PERIOD
and ACCEPTANCE OF DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT for the
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
6 NYCRR Part 242, CO₂ Budget Trading Program and
NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY
21 NYCRR Part 507, CO₂ Allowance Auction Program

Notice is hereby given that the New York State Department of Environmental Conservation (Department) and New York State Energy Research and Development Authority (Authority) will hold a joint legislative public hearing on the proposed new 6 NYCRR Part 242, CO₂ Budget Trading Program, revisions to 6 NYCRR Part 200, General Provisions, proposed new 21 NYCRR Part 507, CO₂ Allowance Auction Program and Acceptance of the Draft Generic Environmental Impact Statement.

Proposed Part 242 establishes a market based program designed to cap and reduce carbon dioxide (CO₂) emissions from power plants by 10 percent by 2019. Certain revisions to Table 1 of 6 NYCRR 200.9, Referenced Material, are necessary in order to facilitate the administration of these programs and are included as part of this rulemaking package. Proposed Part 507 establishes the rules for conducting auctions of CO₂ allowances to be administered by the Authority or its designee, as part of the New York CO₂ Budget Trading Program, and for the administration of Energy Efficiency and Clean Energy Technology Account.

On December 20, 2005, New York State entered into a historic regional agreement to reduce greenhouse gas (GHG) emissions from power plants, an important step to protect our environment and meet the significant challenge of climate change. Under the agreement, the governors of ten Northeast states have committed to propose the Regional Greenhouse Gas Initiative (RGGI). In order to carry out the State's commitment, the Department is proposing to establish the CO₂ Budget Trading Program by promulgating 242, and to revise Part 200, General Provisions. The Authority is proposing to establish the CO₂ Allowance Auction Program by promulgating Part 507.

The hearings will be held for the proposed rulemakings and acceptance of the DGEIS at the following locations and times:

DATE: MONDAY, DECEMBER 10, 2007
TIME: 10:00 A.M.
PLACE: New York State Department of Environmental Conservation
625 Broadway
Room 129
Albany, NY 12233

DATE: TUESDAY, DECEMBER 11, 2007
TIME: 1:00 P.M.
PLACE: NYSDEC Region 5, Conference Room,
1115 Route 86
Ray Brook, NY 12977

DATE: WEDNESDAY, DECEMBER 12, 2007
TIME: 10:00 A.M.
PLACE: New York State Department of Public Service, Board Room,
4th floor, 90 Church St.,
New York, NY 10007

DATE: THURSDAY, DECEMBER 13, 2007
TIME: 1:00 P.M.
PLACE: NYSDEC Region 8, Conference Room
6274 E. Avon-Lima Road
Avon, NY 14413

The public hearings are scheduled in places that are reasonably accessible to persons with impaired mobility. At the hearings, the Department will provide interpreter services for deaf persons at no charge. Written requests for such services are required and should be submitted by November 15, 2007, to Laura Stevens, NYSDEC, 625 Broadway, Albany NY 12233-3250; (518) 402-8451; airregs@gw.dec.state.ny.us.

Pursuant to the State Environmental Quality Review Act, the Department, in consultation with the Authority, has determined that the proposed rulemaking is an Unlisted Action (6 NYCRR §617.2(ak)). Although the Department, as lead agency, did not determine that the proposed action would have any significant adverse environmental impacts, it decided to prepare a Draft Generic Environmental Impact Statement (DGEIS) to allow for the maximum public participation. The DGEIS also provides an opportunity to discuss the rationale for the proposed CO₂ Budget Trading Program and to present alternatives to the proposed rule. The Department has determined the DGEIS is adequate for public review and is seeking public comment on the document. Pursuant to 6 NYCRR §617.9(a)(4) the Department has made the determination to hold public hearings, the details of which are provided above.

The Department invites all persons, organizations, corporations, and government agencies that may be affected by the proposals to attend the hearing and/or to submit oral or written statements for the record. A cumulative record will be compiled of both oral and written statements received. It is not necessary for persons wishing to make an oral statement to request an appointment in advance. Written statements received prior to, during, or after the hearings and oral statements made at the hearings will be given equal weight.

Requests for information and comments related to Parts 242 and Table 1 of 6 NYCRR 200.9 may be obtained from Michael P. Sheehan, P.E., NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, telephone (518) 402-8396; email 242rggi@gw.dec.state.ny.us.

Requests for information and comments related to Part 507 may be obtained from Peter Keane, Senior Counsel, NYSERDA, 17 Columbia Circle, Albany, NY 12203-6399, (518) 862-1090, ext 3366; email 242rggi@gw.dec.state.ny.us.

Written statements may be submitted until by 5:00 p.m. on December 24, 2007.

The proposed regulations and supporting information may be obtained from any of the following Department and Authority offices:

REGION 1, NYSDEC – Region One Headquarters, SUNY @ Stony Brook, 50 Circle Road,
Stony Brook, NY 11790-3409, Attention: Ajay Shah

REGION 2, Hunters Point Plaza, 47-40 21st Street, Long Island City, NY 11101, Attention: Sam
Lieblich

REGION 3, 21 South Putt Corners Road, New Paltz, NY 12561, Attention: Ken Grzyb

REGION 4, 1150 North Westcott Rd., Schenectady, NY 12306, Attention: Don Spencer

REGION 5, Hudson Street Extension, Box 220, Warrensburg, NY 12885, Attention: Jim Coutant

REGION 6, Watertown State Office Bldg., 317 Washington St., Watertown, NY 13601, Attention:
Thomas Morgan

REGION 7, 615 Erie Boulevard West, Syracuse, NY 13204-2400, Attention: Reginald Parker

REGION 8, 6274 East Avon-Lima Road, Avon, NY 14414, Attention: Thomas Marriott

REGION 9, 270 Michigan Ave., Buffalo, NY 14202, Attention: Larry Sitzman

NYSERDA, 17 Columbia Circle, Albany, New York 12203-6399, Attention: Peter Keane