

Assessment of Public Comments
On the Proposed Amendment to the
New York State Implementation Plan:
Carbon Monoxide Attainment Demonstration:
New York Metropolitan Area

August 2012

Comment #1: DEC's proposal to remove the Manhattan Central Business District (CBD) parking limitation strategy from the State Implementation Plan (SIP) for carbon monoxide is particularly ill advised in view of the fact that DEC is making this proposal solely in furtherance of its litigation strategy in *Hell's Kitchen v. Bloomberg* (05 Civ. 4806) to avoid having to enforce that very SIP provision. Rather than trying to change the rules, DEC should join in enforcing them. [Daniel Gutman, July 24, 2007]

Response #1: The New York State Department of Environmental Conservation (DEC) can submit a state implementation plan (SIP) revision at any time and for any reason, as long as it is in compliance with the Clean Air Act (CAA). In this case, the DEC submitted the SIP revision to the United States Environmental Protection Agency (EPA) on April 5, 2007 to clarify the commitments made in its November 15, 1992 Carbon Monoxide (CO) Attainment Demonstration for the New York Metropolitan Area (NYMA).

Comment #2: DEC's April 5, 2007, SIP revision letter to EPA (Proposed Revision) mischaracterizes virtually every aspect of the parking limitation strategy in an attempt to minimize its importance, the better to eliminate it. The Proposed Revision incorrectly claims that the parking limitation strategy was merely "considered" in the 1979 SIP, that it was "compensated for" by other control measures, that it is not a pre-1990 SIP commitment, that it can be removed because no tonnage reductions were taken for the program, and that modeling data is sufficient to demonstrate that removal of the program will not jeopardize maintenance of the standard. None of these claims is even remotely correct. [Daniel Gutman, July 24, 2007]

Response #2: The DEC disagrees with all points of this comment. The only CO SIPs approved by EPA are dated September 21, 1990, November 13, 1992, March 21, 1994, August 30, 1999 and March 22, 2000. These are the only SIPs that contain State enforceable measures, and any references to control measures in SIPs with other dates (i.e. 1973 and 1979) are not applicable for purposes of this proposed SIP revision. In this proposed revision, the DEC is demonstrating that no tonnage reductions were ever taken (i.e. approved by EPA) for the off-street parking program, and therefore any reference to that program are allowed to be removed from the SIP without consequence. It needs to be noted that the NYMA, as well as the entire state, is attaining the CO national ambient air quality standard (NAAQS), the sole reason for preparing the CO SIP.

Comment #3: For DEC to now pretend that the CBD parking limitation strategy is a small matter that can be "clarified" out of existence is disingenuous at best. [Daniel Gutman, July 24, 2007]

Response #3: Again, no tonnage reductions were ever taken for the off-street parking program, therefore any reference to that program are allowed to be removed from the SIP without consequence.

Comment #4: Both the 1992 CO SIP and the 2001 CO maintenance plan make clear that some SIP commitments were withdrawn pursuant to the proper Clean Air Act (CAA) procedure; but the CBD parking limitation strategy is not among them (1992 SIP, pp. 20–23; 2001 maintenance plan, p. 6). Therefore the CBD parking limitation strategy is still a SIP commitment [CAA, §110(n)(1)] and is integral to both the 1992 CO SIP and the 2001 CO maintenance plan, whether or not it is mentioned explicitly in those documents. [Daniel Gutman, July 24, 2007]

Response #4: In this proposed SIP revision, the DEC is demonstrating that no tonnage reductions were ever taken for the off-street parking program and therefore any reference to that program are allowed to be removed from the SIP. Control measures and corresponding emissions reductions are in fact explicitly approved by EPA. Again, the NYMA is attaining the NAAQS.

Comment #5: DEC disingenuously claims that removing the CBD parking limitation strategy from the 1992 CO SIP is acceptable because “the Department took no tonnage reductions” for the strategy (SIP Revision, p. 1). Actually DEC did take tonnage reductions for the program in the 1973 SIP when the strategy (Strategy B-3) called for a 40–50% reduction in CBD parking (see 1973 TCP, pp. 6-2, A-29). But as it was modified in the 1979 SIP, the purpose of the CBD parking management strategy was not to reduce emissions, but rather to “ensure that existing air quality is not further degraded” by emissions from additional vehicle trips (1979 SIP, p. V-36). Since no emission reduction was intended, the fact that DEC took no CO tonnage reductions for the parking program in its 1992 attainment demonstration is irrelevant. [Daniel Gutman, July 24, 2007]

Response #5: The DEC disagrees with this comment. Again, the only CO SIP revisions approved by EPA are dated September 21, 1990, November 13, 1992, March 21, 1994, August 30, 1999 and March 22, 2000. These are the only SIPs that contain state and federal enforceable measures. The DEC believes it is very relevant that no CO tonnage reductions were taken for the parking program referenced in its 1992 attainment demonstration that was approved by EPA.

Comment #6: To remove the CBD parking limitation strategy from the SIP, DEC needs to demonstrate that any consequent degradation of air quality would not jeopardize attainment of standards. Monitoring data alone, the only numerical information submitted with the Proposed Revision, is insufficient to demonstrate what might happen if the parking strategy is removed from the SIP; rather such a demonstration requires a calculation of the impact on CO levels of increased driving to the CBD due to additional parking spaces. To be able to perform this calculation, DEC and the City decided to conduct a study to establish a relationship between parking supply and driving to the Manhattan CBD. That commitment — contained in a 1978 court order in *Friends of the Earth v. Carey* and repeated in the 1979 SIP — required DEC and

the City to complete a parking management study by October 31, 1979 (1979 SIP, p. V-35). However the study was never done. [Daniel Gutman, July 24, 2007]

Response #6: The New York City Department of Environmental Protection (NYCDEP) Bureau of Science and Technology completed “The New York City Parking Management Study” in 1981. Please note that the 1978 order to which you refer was vacated on January 20, 1983, thereby relieving the City of any previously existing obligation to complete a parking management study (even though it had already been completed.) The 1981 study found that “The air quality impact of economically based parking management strategies is minimal. (For example, the greatest impact studied consisting of a \$10 daily parking surcharge would yield a 2.7% reduction in CO, or about 0.6 parts per million (ppm) at hot spots in the Midtown Core.)” Given the NYMA design values for CO are about 2.5 ppm and the NAAQS is 9 ppm, the DEC agrees with the NYCDEP’s assessment that the air quality impacts are minimal and not significant.

Comment #7: Because of the absence of a completed parking management study, DEC has never been able to calculate the emissions benefit of the CBD parking limitation strategy, or the impact of its removal from the SIP. DEC cannot use its inability to quantify benefits to justify removal of the program, since DEC’s inability is due to its own failure to adhere to a SIP commitment. [Daniel Gutman, July 24, 2007]

Response #7: The DEC has evaluated the NYCDEP’s 1981 parking management study and concluded that there are minimal emissions benefits from CBD parking limitations. This combined with the fact that no emissions reduction credits were ever taken in the SIP, justifies the removal of any language referring to the parking strategy.

Comment #8: According to DEC’s 2001 CO maintenance plan, “the potential for future exceedances of the CO standard cannot be ruled out at this time” (CO Maintenance Plan, p. 20). Given this assessment, the maintenance plan continued programs committed to by DEC in earlier SIPs. The 1979 SIP strategy to limit any increase in the number of CBD parking spaces was not only intended to be an attainment strategy, but it was also intended to be a maintenance strategy. As described in the 1979 SIP, the purpose of the CBD parking limitation strategy was also to “ensure that . . . once air quality standards are achieved, those standards will be maintained” (1979 SIP, pp. V-34–38 at p. V-36). Thus the CBD parking limitation strategy must be considered part of the CO maintenance plan. That being the case, removing a sentence from the 1992 SIP, as the Proposed Revision would do, does not remove the parking limitation program from the CO maintenance plan or change the status of the program under federal law. [Daniel Gutman, July 24, 2007]

Response #8: Again, the parking control strategy in the 1979 plan is not an EPA approved SIP measure. It is not in the 1992 SIP or 2001 maintenance plan. Please note that the NYMA currently attains the CO NAAQS, no exceedances of the CO standard occurred in the maintenance years and none are expected in the future.

Comment #9: In its SEQRA negative declaration, DEC claims that removing the CBD parking limitation strategy from the SIP would have no significant adverse impact on the

environment. But that is merely a conclusory statement, with no explanation and based on absolutely no analysis. Consequently the negative declaration does not “contain a reasoned elaboration and provid[e] reference to any supporting documentation” [6 NYCRR §617.7(b)(4)]. The SEQRA negative declaration is wholly inadequate and should be withdrawn. [Daniel Gutman, July 24, 2007]

Response #9: The DEC disagrees with this comment. The removal of the parking limitation strategy will not have a significant adverse impact on the environment. For the recent Cross-State Air Pollution Rule promulgated by the EPA, technical support documents consider a significant impact as having the potential to cause a 1% change in the NAAQS. Applying that methodology here, a significant impact would result in a design value change of 0.9 ppm. The NYCDEP parking study stated that the most economically feasible control strategy (e.g. a \$10 parking fee) would result in a design value decrease of 0.6 ppm. Therefore, the removal of the reference to the parking limitation strategy will not have a significant adverse impact on the environment.

Comment #10: DEC claims that if its Proposed Revision is adopted, the 20,000 additional parking spaces that New York City has already allowed in the Hudson Yards area would “not [be] a contravention of a SIP commitment,” and thus would be legal (Proposed Revision, p. 2). As a consequence of DEC’s action, thousands of additional CBD parking spaces would become available, attracting more drivers to the CBD. More driving to the CBD means slower traffic — not only for cars, but for trucks and buses as well — and higher emissions of all traffic-related pollutants. Even if we accept DEC’s contention that its action will have no significant environmental impact with respect to the national ambient air quality standard (NAAQS) for carbon monoxide, DEC’s action would increase emissions of other traffic-related pollutants, including ozone precursors (hydrocarbons and nitrogen oxides), fine particulate matter, and carbon dioxide. [Daniel Gutman, July 24, 2007]

Response #10: This proposed SIP revision is limited to Carbon Monoxide as prescribed in the Clean Air Act Amendments of 1990. Separate PM and ozone SIP issues have been/will be analyzed separately. To that matter, the parking restriction to which you refer is not included in either of the latest PM or ozone SIP attainment demonstrations as they were not needed to demonstrate attainment with the respective standards. Carbon Dioxide (CO₂) is not a criteria pollutant with a NAAQS.

Comment # 11: Since the New York City region currently violates the NAAQS for ozone and fine particulate matter, higher traffic-related emissions of those pollutants may cause significant environmental impacts with respect to those standards. There is no standard for carbon dioxide, our newest official pollutant (see *Massachusetts v. EPA*, Supreme Court case 05-1272), but emitting more carbon dioxide is inconsistent with State policy to reduce such emissions. Thus removing the CBD parking limitation strategy from the SIP may have a significant adverse impact on the environment. Consequently DEC should rescind its negative declaration and should prepare an environmental impact statement [6 NYCRR §617.7(f)]. [Daniel Gutman, July 24, 2007]

Response #11: This proposed SIP revision is limited to CO as prescribed in the CAA. The NYMA now attains the PM_{2.5} NAAQS; has developed a plan to attain the 1997 ozone NAAQS and is in the process of developing a plan to meet the 2008 ozone NAAQS. The State is taking measures to reduce CO₂ emissions, including motor vehicle standards and the Regional Greenhouse Gas Initiative (RGGI).

Comment #12: How significant an impact on the environment would occur from removing the CBD parking limitation strategy from the SIP? The responsibility for figuring that out rests with the DEC staff. Again, the basic information required is knowledge of the relationship between parking supply and driving to the Manhattan CBD. DEC cannot know the impact of its actions, without completing the parking management study it promised 25 years ago. Ignoring the environmental impacts of its action, as DEC has done, only sets a bad example and will cause the agency continuing embarrassment. [Daniel Gutman, July 24, 2007]

Response #12: See Response to Comments #6 and #7.

Comment #13: The DEC staff will undoubtedly argue, as their co-defendants already have in federal court (see Oct. 16, 2005 Reply Brief of the City and the MTA, in *Hell's Kitchen v. Bloomberg*, 05 Civ 4806, pp. 6, 7, fn. 2, 3), that the CBD parking limitation strategy can be removed from the SIP because its environmental impacts were already examined in the Hudson Yards FGEIS, which found no contravention of the NAAQS for carbon monoxide. But the Hudson Yards FGEIS is no help here. [Daniel Gutman, July 24, 2007]

Response #13: The DEC did not consider the Hudson Yards FGEIS in this matter.

Comment #14: The CBD parking limitation strategy is a reasonably available control measure (RACM). First, it was so designated in the 1979 CO SIP (1979 SIP, Table 1-1); second, it has been in effect for the past 25 years without causing any serious problem; and finally, it clearly remains reasonable available. Consequently the CBD parking limitation strategy must be included as a RACM in DEC's forthcoming PM_{2.5} SIP. That being the case, it is counterproductive for DEC to continue its attempt to remove the strategy from the CO SIP, only to have to re-impose it in April. [Daniel Gutman, July 24, 2007]

Response #14: This proposed SIP revision is limited to CO as prescribed in the CAA. Furthermore, this limited parking control strategy was not incorporated into the PM_{2.5} SIP (or the Ozone SIP).

Comment #15: DEC's current Proposed Revision has attracted wide-spread opposition among environmental, transportation, and civic groups similar to those that participated in the nine years of litigation and negotiations in the 1970's. DEC should carefully consider whether it wants to upset the hard-won consensus that the CBD parking limitation strategy represents. [Daniel Gutman, July 24, 2007]

Response #15: The proposed revision has attracted both opposition and support. The DEC plans to move forward with this proposed revision as requested in its April 5, 2007 letter to EPA.

Comment #16: Environmental Defense requests that NYSDEC not revise the SIP. Environmental Defense requests an environmental review to demonstrate that its proposed action would not cause or contribute to violations of the revised 24-hour NAAQS in the NYMA for fine particulate matter (PM_{2.5}) promulgated by US EPA on October 17, 2006; or cause harm to the health of sensitive populations in the Manhattan Central Business District (CBD) [Environmental Defense, July 24, 2007]

Response #16: This proposed SIP revision is limited to CO as prescribed in the CAA. The “environmental review” that you request has been conducted in separate ozone and PM_{2.5} SIP processes. The NYMA is currently attaining the PM_{2.5} NAAQS.

Comment #17: The environmental assessment for the SIP revision only looked at carbon monoxide (CO) which can not be tracked to other criteria pollutants of concern such as ozone and PM_{2.5} which are directly tied to parking and the resulting traffic created. Hotspots of PM and ozone could exist in communities affected by the SIP revision. The NYMA has long repeatedly missed deadlines for meeting federal air pollution standards. Although the region is now in attainment of the carbon monoxide (CO) National Ambient Air Quality Standard (NAAQS), it routinely experiences multiple annual violations of other NAAQS, such as ozone and PM_{2.5}. New York City has been designated a non-attainment area for PM_{2.5} [70 FR 944 (January 5, 2005)]. [Environmental Defense, July 24, 2007]

Response #17: Again, this proposed SIP revision is limited to CO as prescribed in the CAA. The NYMA is currently meeting the PM_{2.5} NAAQS, and the DEC has submitted a plan to EPA for attaining the 1997 ozone NAAQS.

Comment #18: NYSDEC's proposal to remove the limitation on off-street parking as an emission reduction measure in the SIP would allow for the addition of thousands of new parking spaces within the Manhattan Central Business District (CBD). At a time when PlaNYC 2030 is poised to reduce traffic in the CBD, it makes little sense to lift the parking limitation in this way. Increased parking results in increased traffic resulting in poor air quality for New Yorkers. This additional parking capacity would likely make it more difficult for the NYMA to meet the stronger PM_{2.5} air pollution standards recently put into effect by EPA under the Clean Air Act, and would affect local public health. Pollutant impacts from traffic associated with additional parking capacity can result in increased ozone and PM_{2.5} emissions, which have been shown to increase asthma hospitalization rates, exacerbate lung function problems, and cause heart attacks (see Environmental Defense's report at www.AllChokedUp.org). Thus removing the CBD parking limitation strategy from the SIP may have a significant adverse impact on the environment. [Environmental Defense, July 24, 2007]

Response #18: Again, this proposed SIP revision, and corresponding documents such as the negative declaration, is limited to CO as prescribed in the CAA. Separate PM_{2.5} and ozone SIP issues have been/will be analyzed separately. The parking restriction to which you refer is not included in either of the latest PM or ozone SIP attainment demonstrations as they were not needed to demonstrate attainment with the respective standards.

Comment #19: The City of New York submits this letter in support of the revision of the state implementation plan (SIP) clarifying the commitments identified in the November 15, 1992 "Carbon Monoxide Attainment Demonstration - New York Metropolitan Area." The New York City Department of Environmental Protection ("NYCDEP") has reviewed the air quality modeling data presented by the New York State Department of Environmental Conservation ("NYSDEC") in support of the proposed revision, and agrees with NYSDEC that "removal of a reference to a limited off-street parking program imposed and enforced by the City of New York from the CO SIP will not jeopardize attainment" of NAAQS. [City of New York Law Department, July 24, 2007]

Response #19: Comment noted.

Comment #20: The city does not believe the improved air quality in the city, including the reduction in ambient levels of carbon monoxide and attainment of CO NAAQS, is associated with the off-street parking program under the city's Zoning Resolution, which has not been shown to deter drivers from entering the subject areas. Rather, the improved carbon monoxide levels result from other factors, including the development of more efficient automobiles and pollution control technology that is now installed in motor vehicles. [City of New York Law Department, July 24, 2007]

Response #20: The DEC agrees with this comment.

Comment #21: NYSDEC states in its April 5, 2007 letter that "the off-street program was not relied upon in the attainment demonstration." Similarly, the city does not rely on that program as a means to improve air quality or maintain attainment of NAAQS. [City of New York Law Department, July 24, 2007]

Response #20: Comment noted.

Comment #21: The revision clarifies that the off-street parking provisions are not SIP requirements; however, the provisions remain in effect for much of Manhattan under the city's Zoning Resolution, and, together with other local programs, are a feature of the regulations the city uses with respect to development projects, including projects which require discretionary land use approvals and are subject to environmental review for assessment of any potential air quality impacts, among other issues. The recent rezoning of the Hudson Yards area to promote public transit oriented mixed-use residential and commercial development included different off-street parking provisions to accommodate the increased parking demand and replace parking facilities displaced by the development of the area. The potential for significant adverse environmental impacts resulting from the development of Hudson Yards, including the potential for air quality impacts, was assessed through a comprehensive environmental impact statement. [City of New York Law Department, July 24, 2007]

Response #21: Comment noted.

Comment #22: Do not permit this parking limitation provision to be removed. [Kathleen McGee Treat, Chair, Hell's Kitchen Neighborhood Association]

Response #22: See Comment #21 from the City of New York. As it states, “The revision clarifies that the off-street parking provisions are not SIP requirements; however, the provisions remain in effect for much of Manhattan under the city's Zoning Resolution, and, together with other local programs, are a feature of the regulations the city uses with respect to development projects, including projects which require discretionary land use approvals and are subject to environmental review for assessment of any potential air quality impacts, among other issues.”

Comment #23: Chekpeds and Manhattan Community Board 4 oppose the New York State Department of Environmental Conservation (DEC)'s proposal to remove the parking provision from the 1982 (sic) New York State Implementation Plan (SIP), pursuant to the Clean Air Act. This change is going backwards and threatens to erase 25 years of progress in the fight to make the air in New York City cleaner. Once the city may approve more parking, it will do so. The prime example is Hudson Yards; where over 20,000 new parking spaces are allowed to be constructed in the Manhattan Central Business District, a 15% increase over current levels. [Christine Berthet, Co-Founder, Clinton/Hell’s Kitchen Pedestrian Safety Coalition; Manhattan Community Board 4]

Response #23: The proposed clarification to the CO SIP will have minimal impact on air quality, and no emissions reduction credit was ever taken for the parking measure in the SIP.

Comment #24: While the SIP does not include an explicit target for the parking provision, there is a significant correlation between the quantity of parking provided and employee transportation mode split (Moral & Bolger, 1996). Therefore, the parking provision in the SIP is instrumental as a means to reduce traffic congestion and improving air quality in the city. The parking provisions of the 1982 SIP have proven an effective tool and should not be discarded when so much more needs to be done to improve air quality in many neighborhoods of the city. [Christine Berthet, Co-Founder, Clinton/Hell’s Kitchen Pedestrian Safety Coalition; Manhattan Community Board 4]

Response #24: The DEC disagrees with this comment. The revision clarifies that the off-street parking provisions are not SIP requirements. Similarly, the city has stated in writing that it does not rely on that program as a means to improve air quality or maintain attainment of NAAQS. Other programs implemented by both the city and state are improving air quality to the point that the CO and PM standards are being attained in the entire State of New York.

Comment #25: T.A. is deeply troubled that the Spitzer Administration (Administration) proposes to alter the commitments identified in the November 15, 1992 Carbon Monoxide (CO) Attainment Demonstration for the New York Metropolitan Area (NYMA). The Administration argues that its proposal will not jeopardize CO attainment because ambient levels are well below the NAAQS and trending downward. Yet by permitting nearly 23,000 new and publicly-accessible parking spaces within the Manhattan Central Business District, the Administration’s proposal will exacerbate traffic congestion and increase emissions of criteria air pollutants. [Transportation Alternatives, May 23, 2007]

Response #25: The DEC disagrees with this comment. The removal of the parking limitation strategy will not have a significant adverse impact on the environment, and is not a part of this SIP revision.

Comment #26: In its single-minded focus on CO, the Administration's SIP revision ignores other criteria pollutants such as PM 2.5 (fine particulates) and ozone, levels of which are above than the federally mandated attainment levels for the region, to the severe detriment of the health, environment, and quality of life of New Yorkers. [Transportation Alternatives, May 23, 2007]

Response #26: This proposed SIP revision, and corresponding documents such as the negative declaration, is limited to CO as required by and in accordance with the CAA. Separate PM and ozone SIP issues will be/have been addressed separately, again as required by and in accordance with the CAA. To that matter, the parking restriction to which you comment are not included in either of the latest PM or ozone SIP attainment demonstrations as they were not needed to demonstrate attainment.

Comment #27: T.A. commissioned KEA to estimate the increase in carbon dioxide (CO₂) emissions that will result from the auto trips that will be generated by the additional 23,000 parking spaces. With a very conservative estimate of just 1 vehicle round-trip per commercial space, and accounting for residential and mixed-use spaces, the additional parking would lead to the production of an additional 129,000 annual tons of CO₂. For reference, this increase in CO₂ will effectively take away more than one-third of the gains promised by Mayor Bloomberg's innovative plan unveiled yesterday (May 22) to more than double the mileage efficiency of every medallion taxicab in the city. [Transportation Alternatives, May 23, 2007]

Response #27: There is no NAAQS for CO₂. The State is taking measures to reduce CO₂ emissions, including motor vehicle standards and the Regional Greenhouse Gas Initiative (RGGI).

Comment #28: “For the economic, health, and environmental welfare of the City, I urge DEC not to remove the 1982 New York State Implementation Plan parking provision.” This commenter also reiterated all of the comments submitted by Manhattan Community Board 4, the Clinton/Hell’s Kitchen Pedestrian Safety Coalition and Hell’s Kitchen Neighborhood Association. [Richard M. Gottfried, Assembly Member]

Response #28: The only CO SIPs approved by EPA are dated September 21, 1990, November 13, 1992, March 21, 1994, August 30, 1999 and March 22, 2000. These are the only SIPs that contain State enforceable measures, and any references to control measures in SIPs with other dates (i.e. 1973 and 1979) are invalid for purposes of this proposed revision. In this proposed SIP revision, the DEC is demonstrating that no tonnage reductions were ever taken (i.e. approved by EPA) for off-street parking. Furthermore, the DEC has evaluated the NYCDEP’s 1981 parking management study and concluded that there are minimal emissions benefits from CBD parking limitations. This combined with the fact that no emissions reduction credits were ever taken in the SIP, justifies the removal of any language referring to the parking strategy.

Comment #29: I am writing to you in regard to DEC's proposed State Implementation Plan revision that would remove the reference to a limited off-street parking program imposed and enforced by the City of New York. It is my understanding that the DEC began the process of removing the parking provision before you were appointed Commissioner; I hope you will take steps to reverse the process now that you are in the position to do so. My concern is that if this change is made, the State will lose an important regulatory tool to protect our neighborhoods from dangerous gridlock and poor air quality. [Thomas K. Duane, New York State Senate, 29th District]

Response #29: The revision clarifies that the off-street parking provisions are not SIP requirements; however, the provisions remain in effect for much of Manhattan under the city's Zoning Resolution, and, together with other local programs, are a feature of the regulations the city uses with respect to development projects, including projects which require discretionary land use approvals and are subject to environmental review for assessment of any potential air quality impacts, among other issues.

Comment #30: The current process of removing the parking provision from the SIP follows a 2001 study on carbon monoxide in the New York Metropolitan Area, commissioned by a predecessor of yours, which determined that Federal carbon monoxide standards have been met. Even if this study was executed adequately-and I have serious concerns about the test samples used-the parking program is still needed to address hydrocarbon and fine particulate emissions going forward. Granted, the quantity of parking that is appropriate for any given area is variable. But it is undeniable that it has a real effect on the health and safety of our neighborhoods, and regulation of that quantity should remain within the purview of the DEC. [Thomas K. Duane, New York State Senate, 29th District]

Response #30: The current process of removing the parking provision from the SIP is a result of DEC certified monitoring data in the NYMA, not a 2001 study. This monitoring data, which has been approved by EPA, shows the CO design values to be far below the standard. Hydrocarbon and particulate emissions relate to criteria pollutants that have their own NAAQS, and any SIP process for those pollutants is prepared according to the CAA. Lastly, the DEC believes that local parking regulations should be implemented and enforced by the City of New York, not the State.