

Assessment of Public Comments

Redesignation Request and Maintenance Plan for the 1997 Annual and 2006 24-Hour PM_{2.5} NAAQS: New York–Northern New Jersey–Long Island, NY–NJ–CT Nonattainment Area

Comment: p.22: In the list of regulations/laws provided in the proposed revision, the section of the New York State Environmental Conservation Law regarding requirements for *Ultra Low Sulfur Heating Oil* is incorrectly listed as ECL 19-0303, which is the section of the ECL addressing requirements for codes, rules, and regulations. The correct reference should be 19-0325. The incorrect reference is also listed in Appendix J-Projected Emissions Reductions from New Control Strategies.

Response: This error has been corrected in section II.C.3 and Appendix J.

Comment: On January 4, 2013, the DC Circuit Court ruled that the Clean Air Act (CAA) requires implementation of the PM_{2.5} NAAQS under subpart 4 rather than implementation under subpart 1. Relative to subpart 1, subpart 4 is more specific about what states must do to bring areas into attainment. New York should include emissions data in tables 8 thru 13 for ammonia, a PM_{2.5} precursor. New York can also supplement with an additional analysis demonstrating that ammonia is an insignificant portion of the inventory, and is not projected to increase, or increase significantly.

Response: Ammonia figures have been added to the emissions data tables 8 through 13. Growth factors that were developed (see the MANE-VU technical support documents, presented as Appendices F, G, and H to the redesignation request and maintenance plan) show that there is no significant increase in ammonia emissions in the projection years—there is, in fact, a projected decline of 18 percent from 2007 to 2025.

Comment: Please indicate what quality assurance procedures were done on the point, area, nonroad and on-road mobile source inventories.

Response: Text has been added to the SIP document (as section III.B.2.c, “QA/QC for Nonroad Inventory”) to outline the quality assurance procedures for the Nonroad Inventory methodology located in Section III.B.2. The quality assurance procedures for the on-road inventory are included in Appendix D – *New York State On-Road Motor Vehicle Emission Budget MOVES Technical Support Documentation*. Point and non-point quality assurance procedures are outlined in the MANE-VU technical support documents

Comment: Please provide the 2007 annual VOC and NH₃ base year emissions inventory by general source sector type: point, area, nonroad mobile and on-road mobile emissions for each PM_{2.5} nonattainment area.

Response: Tables 11 through 13 have been revised to account for NH₃ by source sector type in 2007, 2017, and 2025.

Comment: Please explain how the 2007 VOC and NH₃ point, area, nonroad mobile and onroad mobile source inventory were developed, what models were used and cite the reference document(s) for additional information.

Response: The MANE-VU technical support documents (Appendices F, G, and H) describe the development of these inventories and the models that were used.

Comment: See NYSDEC's Point and Nonpoint PM_{2.5} Maintenance Plan CD dated October 18, 2012: For facility emissions, emissions are expressed as PM_{2.5} Fil and PM_{2.5}, and PM₁₀ and PM₁₀ Fil. Please indicate which pollutants represent PM₁₀-Primary (Filterables and Condensibles) and PM_{2.5}-Primary (Filterables and Condensibles) emissions.

Response: PM filterables are the PM values used, though condensibles are listed as well.

Comment: See NYSDEC's Point and Nonpoint PM_{2.5} Maintenance Plan CD dated October 18, 2012. File Pollutant Name, subfolder pivot tables. Please explain what is PM_{2.5}GO and PM_{2.5}GC.

Response: GO refers to "Growth Only" and GC refers to "Growth and Control."

Comment: p.40: Transportation Conformity - Since the conformity budgets are for both the annual and daily PM_{2.5} standard this needs to be clearly stated in both the section 3.d narrative and the table.

Response: This text has been added to the SIP document.

Comment: p.41: Tappan Zee Bridge General Conformity - The narrative in section 3.e doesn't state for which specific years the 457 tons of NO_x is included.

Response: Text has been added to the SIP document specifying that 2017 is the relevant year.

Comment: MOVES model inputs - The hourly temperature data for 2009 appear to be incorrect. In the State's data, the daily low temperatures occur between 10-11 am and daily high temperatures occur between 8-9 pm. This is not consistent with observed temperature variations and may be due to the conversion of data from MOBILE6 to MOVES format. Please review meteorological data and correct as necessary.

Response: As noted in the comment, there was an error in converting hourly temperature data into MOVES input format for the 2009 inventory runs. This error has been corrected and new MOVES runs have been completed to account for the correct temperature inputs. All MOVES documentation and files have been updated based on these new MOVES runs and the motor vehicle emission budget table has also been updated to reflect the revised emission totals.

In review of this comment, the Department also found typographical errors in the motor vehicle emissions budgets contained in Table 15 – "Transportation Conformity Emission Budgets for the NYMA PM_{2.5} Maintenance Area (Tons)." The Department found an error in early model runs

that was corrected and included in all other SIP documentation except for the MVEBs in this table. The table has been updated to correct this error.

Comment: Section 175A of the CAA requires that a maintenance plan include contingency measures as EPA deems necessary to assure that a state will promptly correct a violation of the NAAQS that occurs after redesignation. The plan should identify the measures to be adopted, a schedule and procedure for adoption and implementation, and a specific time limit for action by the state. The state should also identify specific indicators, or triggers, which will be used to determine when the contingency measures need to be implemented. See September 1992 EPA memorandum from John Calcagni, Procedures for Processing Requests to Redesignate Areas to Attainment available at <http://www.epa.gov/ttn/oarpglt5/memoranda/redesignmem090492.pdf>.

In Section III.D, New York has included a list of regulations that have either been proposed, or are still being drafted by the Department, but are generally expected to be adopted within the next couple of years. The regulations would not assure prompt correction of a violation of the NAAQS should a violation occur after redesignation. Section III.D does not include a schedule, nor specific indicators, or triggers, for determining when contingency measures would be implemented.

New York should identify the measures listed as candidate control measures for purposes of contingency, and include a commitment to finalizing or fully adopting those measures that are necessary and appropriate to promptly correct a violation of the NAAQS, after further analysis to determine the appropriate remedy for the cause of any future violation. Include a timeline and indicators for prompt action to determine when contingency measures are needed and a process of developing and implementing necessary control measures.

It is also acceptable to include those measures that have been adopted, but not fully implemented, such as vehicle turnover, as contingency measures.

EPA can provide examples of how the contingency measure requirements have been addressed in other redesignation rulemakings.

Response: The process through which New York State proposes and adopts regulations does not allow for the establishment of “triggers” for control measures that would result in them going into effect should either PM_{2.5} NAAQS be exceeded in the future. For this reason, the DEC included in section III.D. of the maintenance plan a list of the regulations that are currently being pursued (and which are in various stages of adoption).

Additionally, the DEC will not simply wait for a NAAQS exceedance to employ these additional measures. They will be adopted once the rulemaking process has concluded, which will result in further reductions of PM_{2.5} or its precursors. In this way, the decline of ambient PM_{2.5} concentrations will continue in the regions impacted by these new regulations, which includes the New York metropolitan area (NYMA).

Ambient concentrations of PM_{2.5} have remained low for several years, with the last exceedance in the NYMA occurring over the 2006-2008 design value period. The redesignation request

identifies the control measures that have been adopted and implemented recently that will keep the NYMA in attainment of the annual and 24-hour NAAQS.

Note that vehicle turnover, which will result in additional emission reductions, has already been accounted for in the emissions projections and is therefore not included among the contingency measures.

Commenter: U.S. Environmental Protection Agency, Region 2