



## ENB - Statewide Notices 3/4/2015

### Public Notice

#### New Permit Application for Invasive Species Regulated Under Part 575

The New York State Department of Environmental Conservation (NYS DEC) announces the availability of a new permit application for invasive species regulated under 6 NYCRR Part 575 Prohibited and Regulated Invasive Species. These regulations are intended to reduce the introduction and spread of invasive species by limiting commerce in such species. Under section 575.9, a person may possess, with intent to sell, import, purchase, transport or introduce a prohibited or regulated invasive species only if the person has been issued a permit by the NYS DEC for research, education, or other approved activity. The [permit application, instructions and standard conditions](http://www.dec.ny.gov/permits/100696.html) is available on NYS DEC's website at: <http://www.dec.ny.gov/permits/100696.html>

Questions regarding this new permit may be directed to the contact listed below.

**Contact:** Dave Adams, NYS DEC - Division of Lands and Forests, 625 Broadway, Albany, NY 12233, Phone: (518) 402-9405, E-mail: [isinfo@dec.ny.gov](mailto:isinfo@dec.ny.gov).

#### Five Year Progress Report for Regional Haze Implementation Plan

Notice is hereby given that the New York State Department of Environmental Conservation (NYS DEC) plans to submit a Regional Haze State Implementation Plan (SIP) revision to the United States Environmental Protection Agency (US EPA). This revision consists of a Five-Year Progress Report for 2010-2015 that evaluates progress made in implementing the measures included in New York's Regional Haze SIP that was approved in an EPA final rule dated August 28, 2012 (77 Federal Register 51915).

Regional haze is caused by numerous sources over a broad area, and it obscures vistas integral to the value of our parks and wilderness areas. The predominant cause of haze pollution in the Mid- Atlantic/Northeast region is sulfate particles caused by emissions from burning coal and oil. The Clean Air Act (CAA) mandates actions to protect visibility, especially in Class I Federal areas. In 1999, US EPA finalized the Regional Haze Rule (64 FR 35714, 40 CFR 51.300 et seq.). The federal rule calls for state, tribal, and federal agencies to work together to improve visibility in 156 national parks and wilderness areas designated as Class I Federal areas.

States are required to develop and implement SIPs in order to reduce the pollution that causes visibility impairment. These SIPs establish reasonable progress goals for visibility improvement and include strategies to reduce air pollutant emissions from sources contributing to visibility impairment. A periodic progress report is required by the federal Regional Haze Rule at 40 CFR 51.308(g).

As a member of the Mid-Atlantic/Northeast Visibility Union (MANE-VU), New York State has committed to implement MANE-VU's long term strategy to improve visibility. The MANE-VU strategy for 2018 includes: timely implementation of Best Available Retrofit Technology (BART), reducing the sulfur content of fuel oil, and reducing sulfur dioxide emissions from electric power plants. New York is continuing to implement the control strategies in the SIP, and emissions of sulfur dioxide (SO<sub>2</sub>) have declined.

Based on the progress made in reducing emissions within the New York State and the implementation of other requirements of New York State's Regional Haze SIP, the NYS DEC has determined that further revision of the existing SIP is not needed at this time.

Pursuant to 40 CFR 51.308(i)(2), New York provided each affected Federal Land Manager with an opportunity for consultation and comment on the proposed SIP revision via correspondence dated December 1, 2014. Pursuant to 40 CFR 51.308(a)(2)(ii), the public can inspect a copy of comments received by affected Federal Land Managers in Appendix E of the SIP revision.

Based on comments received from the FLMs, the following changes have been made to NYS DEC's draft Five Year Progress Report for the Regional Haze SIP. A typographical error was corrected in Section 2.1, Tables 2.1 and 2.2 were combined to make the document more readable, Tables 2.3 and 2.4 were edited for easier readability, Figure 2.1 was edited to remove inconsistencies with other tables, and Table 4.2 was edited to remove data inconsistencies.

One commenter requested a clarification of the time period of New York's moratorium on high volume hydraulic fracturing for oil and gas production, mentioned in Section 5.3.6. New York's moratorium on high volume hydraulic fracturing remains in effect until NYS DEC Commissioner Martens issues a legally binding findings statement.

Consequently, NYS DEC is providing a 30 day period for the public to comment on the proposed revision to the [Regional Haze SIP](#) or to request a hearing. The public can inspect a copy of the proposed SIP revision by (1) visiting the NYS DEC website at: <http://www.dec.ny.gov/chemical/8403.html>, or (2) contacting Diana L. Rivenburgh, NYS DEC - Division of Air Resources, 625 Broadway, 11th Floor, Albany, NY 12233-3251, or (3) e-mailing your request to: [dar.sips@dec.ny.gov](mailto:dar.sips@dec.ny.gov). **Written comments or request for public hearing should be submitted by 5:00 p.m. on April 3, 2015 to the contact listed below.**

**Contact:** Diana L. Rivenburgh, NYS DEC - Division of Air Resources, 625 Broadway, 11th Floor, Albany, NY 12233-3251, Phone: (518) 402-8396, E-mail to: [dar.sips@dec.ny.gov](mailto:dar.sips@dec.ny.gov).

#### SIP Revision for Single-Source Best Available Retrofit Technology Determinations for Roseton Generating Station and Lafarge Building Materials Inc.

Notice is hereby given that the New York State Department of Environmental Conservation (NYS DEC) plans to submit to the U.S. Environmental Protection Agency (US EPA) two single-source Best Available Retrofit Technology (BART) determinations as revisions to the State Implementation Plan (SIP).

6 NYCRR Part 249, "Best Available Retrofit Technology (BART)," requires certain large stationary source facilities to analyze emission control options for nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), and particulate matter to reduce visibility impacts on downwind federal Class I areas. The resulting emission limits, or BART determinations, were submitted to EPA as SIP revisions. On August 28, 2012, US EPA approved the majority of NYS DEC's BART determinations, but issued its own limits for two facilities, one of which was Roseton Generating Station.

NYS DEC modified the [Roseton Generating Station Title V permit](#) on April 18, 2013 to include EPA's 0.55 lb/mmBtu SO<sub>2</sub> emission limit for boilers #1 and 2.

NYS DEC modified it again on May 29, 2014 to lower the NO<sub>x</sub> BART limits to coincide with Reasonably Available Control Technology (RACT) limits. NYS DEC

is submitting the updated Title V permit to EPA for incorporation of these revised limits into the SIP. This permit is available in pdf format at the following link: [http://www.dec.ny.gov/dardata/boss/afs/issued\\_atv.html](http://www.dec.ny.gov/dardata/boss/afs/issued_atv.html).

Two kilns at the Lafarge Building Materials facility in Ravenna are also subject to BART. NYS DEC's BART determination relied on the retirement of these units upon operation of the new kiln, as provided in a federal consent decree (case 3:10-cv-000440JPG-CJP, filed January 21, 2010). On October 23, 2013, this consent decree was amended to provide additional time to complete the replacement kiln, while also enacting additional pollution reduction measures on the existing kilns. This updated consent decree is being submitted to US EPA for incorporation into the SIP. The consent decree is available by request from the contact person listed below.

NYS DEC is providing a 30 day period to comment on the proposed submission or request a hearing. **Written comments should be submitted by 5:00 p.m. on Friday, April 3, 2015 to:** Scott Griffin, NYS DEC - Division of Air Resources, 625 Broadway, 11th Floor, Albany, NY 12233-3251, or by email to: [dar.sips@dec.ny.gov](mailto:dar.sips@dec.ny.gov). Scott Griffin can be reached at (518) 402-8396 with any questions regarding this proposed SIP revision.

**Contact:** Scott Griffin, NYS DEC - Division of Air Resources, 625 Broadway, 11th Floor, Albany, NY 12233-3251, Phone: (518) 402-8396, E-mail: [dar.sips@dec.ny.gov](mailto:dar.sips@dec.ny.gov).

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### **New York State Department of Environmental Conservation (NYS DEC) Announces 12th Annual Environmental Excellence Awards Application Period Open**

NYS DEC is now accepting applications for New York State's annual Environmental Excellence Awards. This awards program recognizes and gives visibility to outstanding, innovative and sustainable projects or programs. The Environmental Excellence Awards program gives businesses, institutions and organizations the opportunity to receive statewide recognition for outstanding, innovative and sustainable projects or programs that are improving New York's environmental resources

Eligible applicants include businesses, educational institutions, not-for-profit organizations, facilities, government agencies and individuals implementing innovative, sustainable actions or working in creative partnership to improve and protect New York's environmental resources and contribute to a viable economy. The [2015 Application Brochure](#) and ["Tips for Applicants"](#) document are available on NYS DEC's website at: [www.dec.ny.gov/public/945.html](http://www.dec.ny.gov/public/945.html).

**Important: Applications must be postmarked by Friday, April 10, 2015.**

DEC is especially interested in acknowledging projects that achieve significant environmental benefits through: initiatives to reduce greenhouse gas emissions; cutting-edge pollution prevention technologies; initiatives to "green" businesses, farms, schools, recreational facilities and hospitality facilities; innovative wind, solar and biomass projects; creative natural resource/habitat protection or restoration efforts; energy efficiency improvements; adaptation to climate change; waste reduction and recycling efforts; manufacturing process improvements; and creative approaches to urban forestry or farming, programs advancing "grown locally." Projects located in environmental justice communities are strongly encouraged.

To be eligible, a project must be in New York State; result in measurable environmental and economic benefits beyond what could have been achieved by using standard techniques or complying with regulatory requirements; be initiated within the past three years and be fully operational for at least 12 months. Applicants must be in compliance with New York Environmental Conservation Law, applicable permits and local laws.

Review criteria will include an assessment of: environmental benefits; economic benefits; innovative approach of the project; advancement of sustainability; how creative partnerships were created or strengthened by the project; demonstration of commitment, leadership and environmental excellence, demonstration of transferability and the demonstration that practices go beyond standard techniques or compliance requirements.

Winners will be honored at an awards ceremony that will be held in late fall winter. At the ceremony, winners will have an opportunity to present and display information about their award winning project or program.

**For more information about the Environmental Excellence Awards program, contact:** NYS DEC - Division of Environmental Permits and Pollution Prevention, 625 Broadway, Albany, NY 12233-1750, Phone: (518) 402-9469, Fax (518) 402-9168, E-mail [awards@dec.ny.gov](mailto:awards@dec.ny.gov).

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