

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
625 Broadway
Albany, New York 12233-1550

In the Matter

- of the -

PROPOSED REVISION TO THE
STATE IMPLEMENTATION PLAN
FOR 8-HOUR OZONE

HEARING REPORT

- by -

/s/

Susan J. DuBois
Administrative Law Judge

August 29, 2006

PROCEEDINGS

The New York State Department of Environmental Conservation ("Department") proposes to revise the State Implementation Plan ("SIP") for 8-hour ozone. The Environmental Protection Agency ("EPA") issued a Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard (70 Fed Reg 71612). This rule requires that states with areas classified as moderate nonattainment and above, and states with areas within an Ozone Transport Region, must submit a SIP demonstration that their current regulations fulfill 8-hour ozone Reasonably Available Control Technology ("RACT") requirements for all Control Technique Guideline ("CTG") categories and all major non-CTG sources.

The Department scheduled a public hearing on this proposed SIP revision. The notice of hearing was published in the July 19, 2006 on-line Environmental Notice Bulletin. The notice of hearing was also published on July 19, 2006 in the following newspapers: New York Post, Newsday, Albany Times Union, Glens Falls Post Star, Syracuse Post-Standard, Rochester Democrat and Chronicle, and the Buffalo News.

The hearing took place on August 22, 2006, at 2:00 P.M., at the Department's Central Office, 625 Broadway, Albany, New York 12233. In addition to the hearing, the notice provided that comments on the proposed SIP revision could be submitted in writing on or before August 22, 2006 at 5:00 P.M.

In addition to Department Staff, three persons attended the hearing, none of whom presented comments. Following a statement by Department Staff about the proposal, the hearing recessed until 2:30 P.M. in case anyone arrived late. The hearing concluded at 2:30 P.M.

Public Hearing

At the August 22, 2006 hearing in Albany, DEC Staff was represented by Robert D. Bielawa, P.E., Environmental Engineer 2, Bureau of Air Quality Planning, Division of Air Resources. Mr. Bielawa stated that the proposed revision meets the Oxides of Nitrogen and Volatile Organic Compound RACT requirements in section 184 of the Clean Air Act Amendments of 1990 and 40 CFR section 51.916. Mr. Bielawa stated that the Department has evaluated its existing RACT regulations and has concluded the regulations constitute RACT for the new 8-hour ozone National

Ambient Air Quality Standard. He identified EPA's March 1994 RACT guidance, EPA's March 2006 question and answer document, and the Department's Air Guide 20 as documents the Department relied on in making its determination. In addition, Mr. Bielawa stated the Department has reviewed the source-specific RACT determinations under its jurisdiction and has concluded that they constitute RACT for 8-hour ozone.