



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

November 5, 2019

Mr. Basil Seggos
Commissioner
New York State Department of Environmental Conservation
625 Broadway, 14th Floor
Albany, New York 12233-1010

Dear Commissioner Seggos:

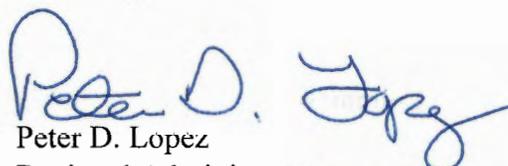
The U.S. Environmental Protection Agency is dedicated to its mission of protecting human health and the environment, and we take seriously our cooperative relationship with states to meet our mission. In particular, and as described in more detail in EPA's Strategic Plan, EPA works in cooperation with states, tribes, and local governments to design and implement programs to improve air quality across the country. Among other things, EPA prioritizes working with state, local, and tribal air agencies on key implementation activities to support attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) for criteria pollutants such as fine particulate matter and ground-level ozone, as well as to support visibility programs. Such activities include approving or disapproving on State Implementation Plan (SIP) submissions.

Over the past several years, EPA and air agencies have focused considerable attention and resources on improving SIP management and reducing the number of "backlogged" SIPs (i.e., SIP submittals that EPA has not acted on within the timeframes laid out in the Clean Air Act). EPA is now using continuous improvement (lean) tools to identify and implement process improvements related to EPA's review and action on SIPs. You may be aware of several tools that the Agency has provided to states as a result of these efforts, including the Ozone Quick Start Guide and the SIP Lean Guide, recently sent to air agencies for informal comment. The goals of these efforts are two-fold: 1) to work with states to develop an approvable SIP through early engagement efforts before a SIP is formally submitted to EPA, and 2) to reduce or eliminate the SIP backlog.

The majority of active SIP revisions submitted by New York to EPA are at various stages of EPA review for the purposes of SIP rulemaking actions. One strategy we have identified for reducing the SIP backlog is working with states on withdrawing backlogged SIPs where it makes sense to do so. This strategy is anticipated to have key benefits to both the states and to EPA. To that end, we look forward to working with New York over the coming weeks to discuss efforts to withdraw or update SIPs that are outdated, not required, or not fully approvable by EPA.

Enclosed you will find a list of SIPs submitted to EPA by New York that EPA believes may fall into the category of SIPs that can either be withdrawn or SIPs that can be updated with the submittal of supplemental information. We would like to engage in a conversation with you on what New York's impediments might be to address these SIPs and how we can work together to overcome them. We hope that, with your input, we will be able to identify a path forward for each of the listed backloged SIPs in order to move them out of the backlog. John Filippelli, Director, Air and Radiation Division, will be reaching out to your staff in the coming days to follow up on this letter.

Sincerely,



Peter D. Lopez
Regional Administrator

Enclosure

cc: Steven Flint, Director
Department of Air Resources, New York State Department of Environmental
Conservation

Enclosure

New York Backlog SIPs to Withdraw or Supplement

The following table summarizes the specific SIP revisions that EPA is seeking to resolve with your cooperation. The table indicates the action we are requesting New York to take in order for EPA to determine the SIP revision as completed or in order for EPA to proceed with a SIP rulemaking action.

SIP Revision	Date Submitted	State Action Requested
Part 230 Stage II gasoline vapor recovery E85 fuel variances	1/31/2011	Withdraw or submit new SIP reflecting repeal of New York's Stage II program.
Reasonable Available Control Technology for Rockville Center Power Plant	8/10/2015	Withdraw or submit new SIP reflecting new control plan with new permit conditions.
Best Available Retrofit Technology for LaFarge	8/10/2015	Supplement SIP to reflect new control plan with new permit conditions.

Recently, EPA provided similar correspondence to New York regarding RACT SIPs for facilities or emission units that appear to no longer be in operation, or which no longer need a SIP approval¹. EPA requests that New York confirm these findings and formally request withdrawal of these RACT SIPs, listed here for your convenience.

American Packaging	GE Nott Street
Art Restoration by Demetrius	Independent Cement Corp
Bestfoods Baking Company/Entenmann's	Interstate Brands
Cornell Central Heating	MRC Bearings
Craft-Pak Inc.	Newton Falls Paper Co.
Dominion Transmission/Woodhull Station	Norbord Industries
Franklin Poly Corp	

¹Table 2 from 9/19/19 letter from John Filippelli, EPA Region 2 Air Director to Steven Flint, NYSDEC Air Director