

OFFICE OF THE COMMISSIONER

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JUL 20 2015

Ms. Judith A. Enck
Regional Administrator
U.S. Environmental Protection Agency, Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866

Dear Administrator Enck:

This letter concerns two separate actions related to the repeal of 6 NYCRR Part 203, "Indirect Sources of Air Contamination." The first action relates to the status of Part 203 in the New York State Implementation Plan (SIP); the second is a request to incorporate into the SIP a revision to 6 NYCRR Part 200, "General Provisions," that was made at the time of repeal of Part 203.

On June 14, 2014, DEC submitted a letter requesting that EPA remove Part 203 from the New York SIP following its May 8, 2013 repeal. EPA responded with a January 21, 2015 letter indicating that a review of the history of Part 203 revealed the regulation had originally been approved into the SIP in 1975, and removed in 1981. EPA found no evidence that Part 203 had ever been re-submitted for inclusion into the SIP. DEC hereby withdraws its June 14, 2014 request that Part 203 be removed from the SIP.

When Part 203 was repealed, the definition of '*air contamination source or emission source*' under subdivision 200.1(f) was revised to remove a reference to Part 203. DEC is now submitting the revised Part 200 to EPA to be incorporated into the SIP. This action will maintain consistency within the SIP and with New York's regulations.

A public review process was held for the revisions to Part 200 that were associated with the Part 203 repeal. On February 6, 2013, the proposed amendments were published in the New York State Register (SR) and the Environmental Notice Bulletin (ENB). A public hearing was held on March 26, 2013 in Long Island City, NY. Public comments were accepted through April 2, 2013; no public comments were received. A Notice of Adoption was filed on April 19, 2013 and was published in the SR and ENB on May 8, 2013. The revisions were effective on May 19, 2013.

A public comment period was also held for this proposed incorporation of the Part 200 revisions into the SIP. Notice was published in the ENB on May 20, 2015; the comment period concluded on June 19, 2015 with no comments received.



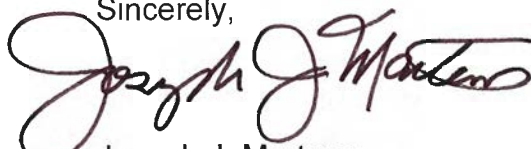
Department of
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The following documents are enclosed with this proposed SIP revision:

1. Express Terms for the revised Part 200;
2. Notice of Proposed Rulemaking and Public Hearing as published in the SR and ENB on February 6, 2013;
3. Proofs of Publication of the Notice of Public Hearing as published in New York City-area newspapers on February 6, 2013;
4. Hearing Report and transcript of the public hearing held on March 26, 2013 in Long Island City;
5. Notice of Adoption as published in the SR and ENB on May 8, 2013;
6. Notice of proposed incorporation of the Part 200 revision into the SIP, as published in the ENB on May 20, 2015.

Please call David Shaw, Director, Division of Air Resources, at (518) 402-8452 if you have any questions.

Sincerely,



Joseph J. Martens

Enclosures

c: K. Mangels, EPA
D. Shaw