

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

In the Matter

- of the -

PROPOSED AMENDMENTS TO PART 621
OF TITLE 6 OF THE OFFICIAL COMPILATION OF CODES,
RULES AND REGULATIONS OF THE STATE OF NEW YORK

HEARING REPORT

- by -

/s/

Helene G. Goldberger
Administrative Law Judge

January 9, 2007

PROCEEDINGS

Background

The New York State Department of Environmental Conservation (DEC or Department) is no longer implementing the federal Prevention of Significant Deterioration (PSD) program. In 2004, the Department returned delegation of the PSD program to the United States Environmental Protection Agency (EPA). On September 6, 2006, the Department proposed amendments to Part 231 of Title 6 of the New York Compilation of Codes, Rules and Regulations (6 NYCRR), New Source Review for New and Modified Facilities, to comply with the federal New Source Review (NSR) rule that EPA promulgated on December 31, 2002. Among these amendments to Part 231, the adoption of a State PSD program is included. Accordingly, it was necessary for the Department to amend 6 NYCRR § 621.4(g)(2)(iii) to correct the name of Part 231 and to delete the reference to the federal PSD program.

Notice of Public Hearings

The Department provided public notice of the legislative hearing by publishing notices in the November 22, 2006 editions of the *State Register*, the *Environmental Notice Bulletin*, *The Syracuse Post Standard*, the *Albany Times Union*, the *Buffalo Evening News*, the *Glens Falls Post Star*, the *New York Post*, and the *Rochester Democrat*. In accordance with these notices, a public hearing was held as follows:

Tuesday, January 9, 2007
NYSDEC Central Office
625 Broadway - Room 129B
Albany, New York 12233

In addition to the public hearing session, the notices provided that written comments would be accepted by DEC through January 17, 2007.

Public Hearing

At the January 9, 2007 hearing, no members of the public appeared and the hearing was adjourned at 9:30 a.m.. On behalf of the Department's Division of Air staff, Robert D. Bielawa, P.E., provided a statement explaining the purpose of the amendment. Mr. Bielawa stated that the amendment to Subparagraph (iii) of § 621.4(g)(2) needs to be effective at the time the amendments to Part 231 go into effect.