

ANDREW M. CUOMO
GOVERNOR



JOE MARTENS
COMMISSIONER

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ALBANY, NEW YORK 12233-1010

MAY - 9 2013

Ms. Judith Enck
Regional Administrator
United States Environmental Protection Agency
Region 2
290 Broadway, 26th Floor
New York, New York 10007-1866

Dear Administrator Enck:

Enclosed is the carbon monoxide (CO) limited maintenance plan (LMP) for the New York Metropolitan Area (NYMA). Based on your February 26, 2013 letter to DEC, the enclosed is our final submittal of the CO LMP for your approval.

The proposed revisions to the CO State Implementation Plan (SIP) underwent a public review process. On February 6, 2013, a Notice of Public Hearing was published in the Environmental Notice Bulletin. A public hearing was held in Long Island City on March 26, 2013. The comment period closed at 5:00 p.m., April 2, 2013. No public comments were received.

This SIP revision request includes the following:

1. Copy of February 26, 2013 letter from EPA to DEC.
2. Notice of Public Hearing as published in the Environmental Notice Bulletin on February 6, 2013.
3. Hearing report for the public hearing.
4. Copy of transcript for public hearing held in Long Island City, NY on March 26, 2013.
5. Copies of the Proofs of Publication of the rulemaking in newspapers across the state.

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

Sincerely,

A handwritten signature in dark ink, appearing to read 'Joe Martens', written over a printed name.

Joseph J. Martens

Enclosures

c: R. Ruvo, EPA
H. Feingersh, EPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

FEB 26 2013

The Honorable Joseph J. Martens
Commissioner
New York State Department of Environmental Conservation
625 Broadway, 14th Floor
Albany, New York 12233-1010

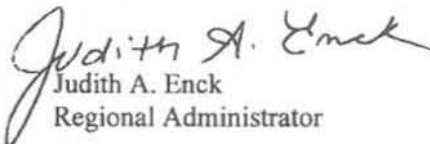
Dear Commissioner Martens:

I am writing to acknowledge that the U.S. Environmental Protection Agency is considering three requests from the New York State Department of Environmental Conservation received on January 14, 2013 regarding New York State's clean air State Implementation Plans. We received a letter requesting that the EPA withdraw the Reasonable Further Progress portion of your revised State Implementation Plan for ozone in the Poughkeepsie area. We also received your submittal requesting that the agency withdraw the clean air plan submitted to EPA in 1995, which provided the agency a demonstration that New York County would attain the PM₁₀ air quality standard by January 2000. No further action is needed on these two submittals.

The EPA also received the request to review your plan to maintain compliance with the carbon monoxide standard for the New York portion of the New York-Northern New Jersey-Long Island maintenance area at the same time the state is finalizing the plan. I commend you and your staff for developing this carbon monoxide maintenance plan at the same time your agency is also working on a number of other State Implementation Plans. The EPA agrees to review the submittal while the state finalizes it, but we will not start our review of the carbon monoxide plan until we receive your final submittal, including proof of the notice to the public, a summary of the public comments and the NYSDEC's response to comments. At that time, EPA will evaluate the plan for completeness and consistency with requirements of the Clean Air Act and will then publish the results of the review in a *Federal Register* notice.

If you have any questions about the EPA's review of New York's request, please contact me at 212- 637-5000 or have your staff contact Mr. Richard Ruvo, Acting Chief of our Air Programs Branch at (212) 637-4014.

Sincerely,


Judith A. Enck
Regional Administrator

cc: Dave Shaw,
New York State Department of Environmental Conservation

Notice of Public Hearing

Redesignation Request and Maintenance Plan for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards; Carbon Monoxide Limited Maintenance Plan for the New York Metropolitan Area; and Repeal of 6 NYCRR Part 203, Indirect Sources of Air Contamination

Notice is hereby given that the New York State Department of Environmental Conservation (NYS DEC) will hold a legislative Public Hearing on three separate proposals:

1. The NYS DEC is submitting to the United State Environmental Protection Agency (US EPA) a re-designation request for the 1997 annual and 2006 24-hour fine particulate matter ($PM_{2.5}$) NAAQS for the New York Metropolitan Area (NYMA) nonattainment area. This 10 county nonattainment area (consisting of New York City and Nassau, Suffolk, Westchester, Rockland, and Orange counties) first showed compliance with both standards in 2009 (based on 2007-2009 monitored $PM_{2.5}$ concentrations), and more recent monitoring data continue to demonstrate attainment of both NAAQS.

As required by the Clean Air Act (CAA), the re-designation request includes a maintenance plan, which provides for continued attainment of the $PM_{2.5}$ NAAQS in the NYMA through 2025, based on emission inventory projections. Approval of the re-designation request and maintenance plan will allow US EPA to officially re-designate the NYMA as attainment for the annual and 24 hour $PM_{2.5}$ NAAQS, and thus alleviate additional program requirements faced by states subject to nonattainment designations.

2. The NYS DEC is proposing a revision to the NYMA carbon monoxide (CO) SIP by submitting a limited maintenance plan (LMP) that demonstrates continued attainment of the CO NAAQS until at least 2022. The New York State portion of the NYMA CO nonattainment area (consisting of New York City and Westchester and Nassau counties) was re-designated to attainment of the CO standards effective May 20, 2002. This submission satisfies the requirement of CAA Section 175(A)(b) that obligates the State of New York to submit an additional revision of the CO SIP that demonstrates continued attainment of the CO NAAQS for 10 years after the expiration of the original 10 year period post-re-designation. In order to use the limited maintenance plan (LMP) option, design values must be at or below 85% of exceedance levels of the CO NAAQS. Ambient air quality monitoring data indicates that air quality in the NYMA has met the requirements for submittal of a LMP.

3. The NYS DEC is proposing to repeal 6 NYCRR Part 203 (Part 203), Indirect Sources of Air Contamination, and simultaneously revise 6 NYCRR Parts 200, General Provisions, and Part 621, Uniform Procedures, to remove all references to Part 203.

A Public Hearing will be held for these proposals at the following location and time:

Date: Tuesday, March 26, 2013

Time: 2:00 p.m.

Location: NYS DEC - Region 2 Office

1 Hunters Point Plaza

47-40 21st Street, Room 834

Long Island City, NY 11101

The Public Hearing is scheduled in a place that is reasonably accessible to persons with impaired mobility. At the hearing, NYS DEC will provide interpreter services for deaf persons at no charge. **Written requests for such services are required and should be submitted by March 11, 2013,** to Laura Stevens, NYS DEC, 625 Broadway, Albany NY 12233 3258, Phone: (518) 402-8401, E-mail: airregs@gw.dec.state.ny.us.

Pursuant to Part 617 of the implementing regulations for the State Environmental Quality Review Act (SEQRA), NYS DEC has prepared Negative Declarations stating that the proposed actions will not have a significant adverse effect on the environment.

NYS DEC invites all persons, organizations, corporations, and government agencies that may be affected by the proposals to attend the hearing and/or to submit oral or written statements for the record. A cumulative record will be compiled of both oral and written statements received. It is not necessary for persons wishing to make an oral statement to request an appointment in advance. Written statements received prior to, during, or after the hearing and oral statements made at the hearing will be given equal weight.

Requests for information related to the PM_{2.5} redesignation request and maintenance plan may be obtained from: Scott L. Griffin, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY, 12233-3251, Phone (518) 402-8396, E-mail: airsips@gw.dec.state.ny.us. **Comments on the PM_{2.5} redesignation request and maintenance plan may be submitted to Scott Griffin at the above contacts until 5:00 p.m., April 2, 2013.**

Requests for information related to the CO LMP may be obtained from: Diana L. Rivenburgh, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, Phone: (518) 402-8396, E-mail: airsips@gw.dec.state.ny.us. **Comments on the Carbon Monoxide limited maintenance plan may be submitted to Diana Rivenburgh at the above contacts until 5:00 p.m., April 2, 2013.**

Requests for information related to the repeal of Part 203 may be obtained from: Michael P. Sheehan, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, Phone (518) 402-8396, E-mail: 203isac@gw.dec.state.ny.us. **Comments on the repeal of Part 203 may be submitted to: Michael Sheehan at the above contacts until 5:00 p.m., April 2, 2013.**

All of the proposals may also be obtained from any of the following NYS DEC offices:

Region 1 - NYS DEC-Region 1 Office, SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790, Attention: Merlange Genece

Region 2 - NYS DEC-Region 2 Office, 1 Hunters Point Plaza, 47-40 21st Street, Long Island City, NY 11101, Attention: Samuel Lieblich

Region 3 - NYS DEC-Region 3 Office, 21 South Putt Corners Road, New Paltz, NY 12561, Attention: Thomas Rudolph

Region 4 - NYS DEC-Region 4 Office, 1130 North Westcott Road, Schenectady, NY 12306, Attention: Donald Spencer

Region 5 - NYS DEC-Region 5 Office, 232 Golf Course Road, P.O. Box 220, Warrensburg, NY 12885, Attention: James Coutant

Region 6 - NYS DEC-Region 6 Office, Watertown State Office Building, 317 Washington Street, Watertown, NY 13601, Attention: Thomas Morgan

Region 7 - NYS DEC-Region 7 Office, 615 Erie Boulevard West, Syracuse, NY 13204-2400, Attention: Reginald Parker

Region 8 - NYS DEC-Region 8 Office, 6274 East Avon-Lima Road, Avon, NY 14414, Attention: Thomas Marriott

Region 9 - NYS DEC-Region 9 Office, 270 Michigan Avenue, Buffalo, NY 14203, Attention: Alfred Carlacci

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
625 BROADWAY
ALBANY, NY 12233

In the Matter
-- of the --

PROPOSED REPEAL OF:
TITLE 6 OF THE OFFICIAL COMPILATION OF THE CODES, RULES AND
REGULATIONS OF THE STATE OF NEW YORK;
PART 203 – INDIRECT SOURCES OF AIR CONTAMINATION;

AND

PROPOSED AMENDMENTS TO:
PART 200 - GENERAL PROVISIONS;
PART 621, UNIFORM PROCEDURES;

AND

PROPOSED AMENDMENTS TO:
THE STATE IMPLEMENTATION PLAN (SIP) FOR THE NEW YORK METROPOLITAN
AREA (NYMA) CARBON MONOXIDE (CO) BY SUBMITTING A LIMITED
MAINTENANCE PLAN (LMP);

AND

THE PROPOSED:
RE-DESIGNATION REQUEST FOR THE 1997 ANNUAL AND 2006 24-HOUR FINE
PARTICULATE MATTER (PM_{2.5}) NAAQS FOR THE NYMA NONATTAINMENT AREA.

HEARING REPORT
-- by --

A handwritten signature in cursive script, followed by the date "3/29/13" written in a similar style.

Laura Stevens
Environmental Program Specialist II
Bureau of Quality Assurance
Division of Air Resources

Background

The New York State Department of Environmental Conservation (NYS DEC) scheduled one public comment hearing on the proposed revision to the New York Metropolitan Area (NYMA) Carbon Monoxide (CO) State Implementation Plan (SIP), the re-designation request for the 1997 annual and 2006 24-hour Particulate Matter $_{2.5}$ (PM $_{2.5}$) National Ambient Air Quality Standard (NAAQS) for the NYMA nonattainment area, and proposed repeal of Part 203 of Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (6 NYCRR), with related revisions to Parts 200 and 621. These actions included:

Proposed revision to the State Implementation Plan for CO for the NYMA by submitting a Limited Maintenance Plan (LMP) that demonstrates continued attainment of the CO NAAQS until at least 2022.

The New York State portion of the NYMA CO nonattainment area (consisting of New York City and Westchester and Nassau counties) was re-designated to attainment of the CO standards effective May 20, 2002. This submission satisfies the requirement of Clean Air Act (CAA) Section 175A(b) (42 USC § 7505a) that obligates the State of New York to submit an additional revision of the CO SIP that demonstrates continued attainment of the CO NAAQS for 10 years after the expiration of the original 10 year period post re-designation. In order to use the LMP option, design values must be at or below 85% of exceedance levels of the CO NAAQS. Ambient air quality monitoring data includes that air quality in the NYMA has met the requirements for submittal of a LMP.

Proposed re-designation request for the 1997 annual and 2006 24-hour PM $_{2.5}$ NAAQS for the NYMA nonattainment area.

The 10-county nonattainment area (consisting of New York City and Nassau, Suffolk, Westchester, Orange and Rockland counties) first showed compliance with both standards in 2009 (based on 2007-2009 monitored PM $_{2.5}$ concentrations), and recent monitoring data continues to demonstrate attainment of both NAAQS.

As required by the Clean Air Act (CAA), the re-designation request includes a maintenance plan, which provides for continued attainment of the PM $_{2.5}$ NAAQS in the NYMA through 2025, based on emission inventory projections. Approval of the re-designation request and maintenance plan will allow EPA to officially re-designate the NYMA attainment for the annual and 24-hour PM $_{2.5}$ NAAQS, and thus alleviate additional program requirements faced by states subject to nonattainment designations.

Proposed Repeal of Part 203, Indirect Sources of Air Contamination

Indirect source permitting is an intrastate air pollution control regulation that exclusively applies to any new or modified indirect source of air contamination located in New York County (Manhattan) south of 60th Street. The existing regulation prohibits the construction or modification of an indirect source of air contamination without the Department issuing a permit to construct prior to construction or modification. Part 203 has become obsolete and has been superseded by other regulations, most notably 6 NYCRR Part 240 (Part 240), Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws; 40 CFR 93

Subpart B, Determining Conformity of General Federal Actions to State or Federal Implementation Plans; and 6 NYCRR Part 617, State Environmental Quality Review. Proposed Revisions to Part 200, General Provisions; and Part 621, Uniform Procedures Parts 200 and 621 will be revised to remove all references to Part 203.

Hearing Notice

Notice of the hearing was published on February 6, 2013 in: *The New York Post, Newsday, and The Middletown Times Herald-Record*. Notice was also published on February 6, 2013 in both the Environmental Notice Bulletin and the State Register. According to the notice, comments will be accepted until 5 p.m. Friday, April 2, 2013.

Public Hearing

One hearing was held for the purpose of public comment.

The hearing was held on Tuesday, March 26, 2013 in Hearing Room 834 of NYS DEC's Region 2 Office, 1 Hunter's Point Plaza 47-40 21st Street, Long Island City, New York. Mr. Thomas John, P.E., Environmental Engineer III, with the Permitting Section of the Division of Air Resources in Region 2, served as the Hearing Officer. Scott Griffin, P.E., Environmental Engineer I, of the Bureau of Air Quality Planning of the Division of Air Resources, read the summary statements on behalf of NYSDEC. The hearing commenced at 2:10 P.M. and was adjourned at approximately 2:22 P.M. There was one member of the public in attendance, but no written or oral comments were submitted.

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

-----x
In the Matter of the Redesignation
Request and Maintenance Plan for the 1997 and
2006 Fine Particulate Matter National Ambient
Air Quality Standards; Carbon Monoxide
Limited Maintenance Plan for the New York
Metropolitan Area; and Repeal of 6 NYCRR Part
203, Indirect Sources of Air Contamination.
-----x

New York State Department
of Environmental Conservation,
47-40 21st Street,
Long Island City, New York

Tuesday, March 26, 2013

The above entitled matter came on for Hearing at 2:00 p.m.

BEFORE: THOMAS JOHN, P.E.



ARTI Recording

Telephone: 212.349.9692
Facsimile: 212.557.2152

1384 Broadway
19th Floor
New York, NY 10118

1 A P P E A R A N C E S:

2
3 NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
4 CONSERVATION

5 47-40 21st Street

6 Long Island City, New York 11101

7 BY: SCOTT GRIFFIN, ENVIRONMENTAL ENGINEER
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P R O C E E D I N G S

HEARING OFFICER: This session is called to order. This is the administrative public hearing with a legislative format before the New York State Department of Environmental Conservation in the matter of Department's proposed revisions to regulations 6 NYCRR Parts 200, 203, and 621; and revisions to the State Implementation plan.

The purpose of this hearing is to receive public comment on the proposed revisions. If you wish to make a statement, please fill out one of the cards and give it to me. The cards will be used to call the speakers in the order that I receive the cards.

I am Thomas John, serving as the hearing officer for the Department.

All persons, organizations, corporations or government agencies that may be affected by the proposal are invited to submit either written or oral statements. All statements taken today, whether written

1 Proceedings

2 or spoken, will be incorporated into the
3 official record of this proceeding.

4 Statements are not given under oath, nor will
5 there be any cross examination. We have
6 made arrangements for a stenographer to
7 record these proceedings. If you read a
8 prepared statement, please read it slowly,
9 and, if possible, leave a copy with the
10 stenographer for ease of transcription.

11 Written statements received during
12 the public comment period and oral statements
13 made at the hearing will be given equal
14 weight. Please submit any lengthy statements
15 in writing; if you wish, you may summarize
16 such statements verbally. Written comments
17 can also be submitted on or before 5:00 p.m.
18 on April 2, 2013.

19 Notice of Public Hearing.

20 Notices of the hearing were published in the
21 February 6, 2013 edition of State Register
22 and Environmental Notice Bulletin. Notices
23 were also published on February 6, 2013 in
24 the New York Post, Newsday, the Albany Times
25 Union, the Glens Fall Post Star, the Syracuse

1 Proceedings

2 Post-Standard, the Rochester Democrat and
3 Chronicle, and the Buffalo Evening News.

4 I will now call upon Scott
5 Griffin, of the Division of Air Resources, to
6 make a brief statement.

7 MR. GRIFFIN: Good
8 afternoon. My name is Scott Griffin. I am
9 an Environmental Engineer with New York State
10 Department of Conservation in the Division of
11 Air Resources.

12 The New York State Department
13 of Environmental Conservation is proposing to
14 submit to the U.S. Environmental Agency a
15 redesignation request and associated
16 maintenance plan for fine particular matter,
17 or PM2.5. The redesignation request and
18 maintenance were developed pursuant to Clean
19 Air Act sections 107(d)(3)(D) and 175A,
20 respectively.

21 This submission demonstrates
22 that the New York metropolitan area,
23 consisting of New York City and Nassau,
24 Suffolk, Orange, Rockland, and Westchester
25 Counties, is now in compliance with the 1997

1 Proceedings

2 annual and 2006 24-hour National Ambient Air
3 Quality Standards, or NAAQS, for PM2.5.

4 Three-year averages of monitored PM2.5
5 concentrations have indicated compliance with
6 both NAAQS since 2009.

7 The maintenance plan provides for
8 continued attainment of the PM2.5 NAAQS in
9 the New York metropolitan area through 2025,
10 based on emissions inventory projections.
11 Approval of the redesignation request and
12 maintenance plan will allow EPA to officially
13 redesignate the New York metropolitan area as
14 attainment for the annual and 24 hour PM2.5
15 NAAQS, and thus alleviate additional
16 requirements faced by areas subject to
17 nonattainment designations.

18 The redesignation request and
19 maintenance plan document is available for
20 viewing on the Department's website at
21 www.dec.ny.gov. The Department is accepting
22 comments on this submission until 5:00 p.m.,
23 April 2, 2013. For answers to any questions
24 regarding this submission, you can contact me
25 at 518-402-8396 or via e-mail at

1 Proceedings

2 airsips@gw.dec.state.ny.us. Thank you."

3 HEARING OFFICER: He is
4 going to read a second statement on the NYC
5 limited maintenance plan

6 MR. GRIFFIN: "The New York
7 State Department of Environmental
8 Conservation is proposing to submit to the
9 U.S. Environmental Protection Agency a
10 revision to the New York Metropolitan Area
11 carbon monoxide or CO State Implementation
12 Plan which consists of a limited maintenance
13 plan that demonstrates continued attainment
14 of the CO National Ambient Air Quality
15 Standards or NAAQS until at least 2022.

16 The New York State portion of the
17 New York Metropolitan Area CO nonattainment
18 area (consisting of New York City and
19 Westchester and Nassau counties) was
20 redesignated to attainment of the CO
21 standards effective May 20, 2002. This
22 submission satisfies the requirement of Clean
23 Air Act Section 175(A)(b) that requires that
24 states submit an additional revision of the
25 CO SIP that demonstrates continued attainment

1 Proceedings

2 of the CO NAAQS for ten years after the
3 expiration of the original ten-year period
4 post redesignation. In order to use the
5 LMP, design values (two years of monitoring
6 data) must be at or below 85% of exceedance
7 levels of the CO NAAQS.

8 Additionally, the design value
9 for the area must continue to be at or below
10 85% of exceedance levels of the CO NAAQS
11 until the time of final EPA action or the
12 redesignation. The existing primary NAAQS
13 for CO are 9 parts per million over an
14 eight-hour period. Design values in the
15 New York Metropolitan area for the CO NAAQS
16 are 2.3 parts per million, which is 25% of
17 the eight-hour standard, and well within the
18 requirements of a maintenance plan.

19 DEC has addressed and
20 satisfied all the criteria of Section 175A of
21 the Clean Air Act. The maintenance
22 demonstration shows that future year CO
23 emissions will not exceed the level of the
24 attainment year and effective safeguards are
25 in place for the NAAQS for at least ten years

1 Proceedings

2 following EPA's redesignation.

3 The Carbon Monoxide Limited
4 Maintenance Plan is available for viewing on
5 the Department's website at www.dec.ny.gov.
6 The Department is accepting comments on this
7 submission until 5:00 p.m. on April 2, 2013.
8 For answers to any questions regarding this
9 submission, you may contact Diana Rivenburgh
10 at 518-402-8396 or via email at
11 airsips@gw.dec.state.ny.us."

12 HEARING OFFICER: Now Scott
13 Griffin is going read the third statement
14 which is repeat of Part 203.

15 MR. GRIFFIN: "The
16 Department is proposing to repeal 6 NYCRR
17 Part 203, Indirect Sources of Air
18 Contamination, while simultaneously revising
19 6 NYCRR Parts 200, General Provisions, and
20 Part 621, Uniform Procedures, to remove all
21 references to Part 203. Indirect source
22 permitting is an intrastate air pollution
23 control regulation that exclusively applies
24 to any new or modified indirect source of air
25 contamination located in New York County

1 Proceedings

2 (Manhattan) south of 60th Street. An
3 indirect source of air contamination is any
4 facility, structure or installation where the
5 associated vehicular movements (i.e., the
6 traffic related to the source) contribute to
7 air pollution. The principle air pollutant
8 of concern in Part 203 is carbon monoxide,
9 although the regulation also addresses ozone
10 and nitrogen dioxide in the case of the
11 construction of highway sections of certain
12 size. The existing regulation prohibits the
13 construction or modification of an indirect
14 source of air contamination without the
15 Department issuing a permit to construct
16 prior to construction prior to construction
17 or modification.

18 The Department is proposing to
19 repeal Part 203 because it has become
20 obsolete and has been superseded by other
21 regulations, most notably 6 NYCRR Part 240,
22 Conformity to State or Federal Implementation
23 Plans of Transportation Plans, Programs, and
24 Projects Developed, Funded or Approved Under
25 Title 23 U.S.C. or the Federal Transit Laws;

1 Proceedings

2 40 CFR 93 Subpart B, Determining Conformity
3 of General Federal Actions to State or
4 Federal Implementation Plans; and 6 NYCRR
5 Part 617, State Environmental Quality Review.
6 Therefore, the Department proposes to repeal
7 Part 203 in order to eliminate redundancy
8 from the State's environmental regulations.

9 Since the promulgation of Part
10 203 in September of 1971, other federal and
11 state regulations have been adopted which
12 regulate air pollution from indirect sources.
13 The construction and operation of highway
14 projects for CO and ozone control is now
15 covered under Part 240, which includes the
16 establishment of motor vehicle emission
17 budgets and "hot spot" (sensitive local area)
18 evaluation procedures. Non-highway,
19 non-federal projects, such as private office
20 buildings or parking garages, are subject to
21 review under the State Environmental Quality
22 Review Act, 6 NYCRR, Part 617. The reviews
23 required by these regulations either
24 duplicate or are more comprehensive than the
25 analyses required under Part 203.

1 Proceedings

2 In addition, the Department is
3 in the process of preparing a limited
4 maintenance plan for CO, the primary air
5 pollutant of concern under Part 203, because
6 the CO design value in maintenance area is
7 equal to or less than 85 percent of the CO
8 National Ambient Air Quality Standard.

9 Furthermore, a review of the
10 Department's records determined that only one
11 Part 203 Permit has been issued since 1988.
12 This permit, issued in 1995, is for the
13 New York State Department of Transportation
14 Route 9A Reconstruction Project. The
15 conditions attached to the permit are
16 generic, and could apply to any Department
17 permit. There is nothing contained within
18 the permit that provides any additional
19 environmental protection beyond the
20 Department's current regulations and
21 programs.

22 The Department is accepting
23 comments on this rulemaking until 5:00 p.m.
24 on Tuesday, April 2, 2013. Michael Sheehan,
25 of the Division of Air Resources in Albany,

1 Proceedings

2 may be reached at 518-402-8396 to answer any
3 questions concerning the rulemaking. Thank
4 you."

5 HEARING OFFICER: Is there
6 anyone who wishes to speak today?

7 Is there anyone that has a
8 compelling reason that makes it necessary for
9 them to offer their statement right now, or
10 can everyone abide by calling names from the
11 cards in the order that I received them?

12 Are there any elected federal,
13 State or County officials here?

14 There is no one to speak today
15 so off the record.

16 (Off-the-record discussion
17 held at this time.)

18 HEARING OFFICER: A reminder
19 that the public comment period will close at
20 5:00 p.m. on April 2, 2013.

21 The time is now 2:22 p.m.
22 and there is no one who wishes to comment.
23 This hearing is adjourned.

24 Thank you all for coming.

25 (Time noted: 2:22 p.m.)

C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

COUNTY OF QUEENS)

I, AYDIL M. TORRES, a Notary
Public within and for the State of New
York, do hereby certify that the
foregoing record of proceedings is a full
and correct transcript of the
stenographic notes taken by me therein.

IN WITNESS WHEREOF, I have hereunto
set my hand this 21st day of
April, 2013.

Aydil M. Torres
AYDIL M. TORRES



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INVOICE

NYS DEPT. OF ENV. CONSERVATION - A988
Attn: Anne Behan
625 Broadway
Albany, NY 12233-3251

Client Number 020173
Invoice Number 752040 - 054
Invoice Date 02/28/13
Net 30 Page 2

Regarding
HEARING NOTICE

| Media | Description | Ad Number | Insert Dates | Ad Size | Times | Rate | Amount |
|----------------------|--------------|------------|--------------|---------|-------|-------------------------------------|-------------------|
| NEW YORK POST | PM 10-COUNT> | N201002713 | 02/06 | 1.00 | 1 | 4702.88 | 4702.88 |
| | | | | | | 10% COMMISSION | 470.29 |
| | | | | | | NEW YORK POST TOTAL | \$5,173.17 |
| NEWSDAY | PM 10-COUNT> | N201002813 | 02/06 | 1.00 | 1 | 2088.45 | 2088.45 |
| | | | | | | 10% COMMISSION | 208.85 |
| | | | | | | NEWSDAY TOTAL | \$2,297.30 |
| MIDDLETOWN TIMES HER | PM 10-COUNT> | N201002613 | 02/06 | 1.00 | 1 | 204.22 | 204.22 |
| | | | | | | 10% COMMISSION | 20.42 |
| | | | | | | MIDDLETOWN TIMES HER.* TOTAL | \$224.64 |

INVOICE TOTAL \$7,695.11



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REMITTANCE ADVICE

NYS DEPT. OF ENV. CONSERVATION - A988
Attn: Anne Behan
625 Broadway
Albany, NY 12233-3251

Client Number 020173
Invoice Number 752040 - 054
Invoice Date 02/28/13
Terms: Net 30

Regarding
HEARING NOTICE

Please return this page along with your remittance of \$7,695.11.

State of New York SS:
COUNTY OF NEW YORK

NOTICE OF PUBLIC HEARING

REDESIGNATION REQUEST AND MAINTENANCE PLAN FOR THE 1997 AND 2006 FINE PARTICULATE MATTER NATIONAL AMBIENT AIR QUALITY STANDARDS; CARBON MONOXIDE LIMITED MAINTENANCE PLAN FOR THE NEW YORK METROPOLITAN AREA; AND REPEAL OF 6 NYCRR PART 203, INDIRECT SOURCES OF AIR CONTAMINATION

Notice is hereby given that the New York State Department of Environmental Conservation (NYS DEC) will hold a legislative Public Hearing on three separate proposals:

1. The NYS DEC is submitting to EPA a re-designation request for the 1997 annual and 2006 24-hour fine particulate matter (PM_{2.5}) NAAQS for the New York Metropolitan Area (NYMA) nonattainment area. This 10-county nonattainment area (consisting of New York City and Nassau, Suffolk, Westchester, Rockland, and Orange counties) first showed compliance with both standards in 2006 (based on 2007-2009 monitored PM_{2.5} concentrations), and more recent monitoring data continue to demonstrate attainment of both NAAQS.

As required by the CAA, the re-designation request includes a maintenance plan, which provides for continued attainment of the PM_{2.5} NAAQS in the NYMA through 2025, based on emission inventory projections. Approval of the re-designation request and maintenance plan will allow EPA to officially re-designate the NYMA as attainment for the annual and 24-hour PM_{2.5} NAAQS, and thus alleviate additional program requirements faced by states subject to nonattainment designations.

2. The NYS DEC is proposing a revision to the NYMA carbon monoxide (CO) SIP by submitting a limited maintenance plan (LMP) that demonstrates continued attainment of the CO NAAQS until at least 2022. The New York State portion of the NYMA CO nonattainment area (consisting of New York City and Westchester and Nassau counties) was re-designated to attainment of the CO standards effective May 20, 2002. This submission satisfies the requirement of CAA Section 175(A)(b) that obligates the State of New York to submit an additional revision of the CO SIP that demonstrates continued attainment of the CO NAAQS for 10 years after the expiration of the original 10 year period post-re-designation. In order to use the limited maintenance plan (LMP) option, design values must be at or below 85% of exceedance levels of the CO NAAQS. Ambient air quality monitoring data indicates that air quality in the NYMA has met the requirements for submittal of a LMP.

3. The NYS DEC is proposing to repeal 6 NYCRR Part 203 (Part 203), Indirect Sources of Air Contamination, and simultaneously revise 6 NYCRR Parts 200, General Provisions, and Part 621, Uniform Procedures, to remove all references to Part 203.

A Public Hearing will be held for these proposals at the following location and time:

| Date | Time | Location |
|---------------------------|---------|---|
| Tuesday March 26, 2013 | 2:00 PM | NYSDEC Region 2 Office, 1 Hunters Point Plaza, 47-40 21st Street, Room 854, Long Island City, NY 11101 |

The Public Hearing is scheduled in a place that is reasonably accessible to persons with impaired mobility. At the hearing, NYS DEC will provide interpreter services for deaf persons at no charge. Written requests for such services are required and should be submitted by March 11, 2013, to Laura Stovers, NYS DEC, 625 Broadway, Albany NY 12233 3258. Phone: (518) 402-6401, E-mail: stovers@nysdec.state.ny.us.

Pursuant to Part 617 of the implementing regulations for the State Environmental Quality Review Act (SEQRA), NYSDEC has prepared Negative Declarations stating that the proposed actions will not have a significant adverse effect on the environment.

NYS DEC invites all persons, organizations, corporations, and government agencies that may be affected by the proposals to attend the hearing and/or to submit oral or written statements for the record. A cumulative record will be compiled of both oral and written statements received. It is not necessary for persons wishing to make an oral statement to request an appointment in advance. Written statements received prior to, during, or after the hearing and oral statements made at the hearing will be given equal weight.

Requests for information related to the PM_{2.5} redesignation request and maintenance plan may be obtained from Mr. Scott L. Griffin, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY, 12233-3251, Phone (518) 402-6396, E-mail: griffin@nysdec.state.ny.us. Comments on the PM_{2.5} redesignation request and maintenance plan may be submitted to Mr. Griffin until 5:00 P.M., April 2, 2013.

Requests for information related to the CO LMP may be obtained from Ms. Diane L. Riverburgh, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, Phone (518) 402-6396, E-mail: riverburgh@nysdec.state.ny.us. Comments on the Carbon Monoxide limited maintenance plan may be submitted to Ms. Riverburgh until 5:00 P.M., April 2, 2013.

Requests for information related to the repeal of Part 203 may be obtained from Mr. Michael P. Sheehan, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, Phone (518) 402-6396, E-mail: sheehan@nysdec.state.ny.us. Comments on the repeal of Part 203 may be submitted to Mr. Sheehan until 5:00 P.M., April 2, 2013.

All of the proposals may also be obtained from any of the following NYS DEC offices:

Region 1 - NYS DEC-Region 1 Office, SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790, Attention: Merlange Geneco

Region 2 - NYS DEC-Region 2 Office, 1 Hunters Point Plaza, 47-40 21st Street, Long Island City, NY 11101, Attention: Samuel Lieblich

Region 3 - NYS DEC-Region 3 Office, 21 South Pitt Corners Road, New Paltz, NY 12561, Attention: Thomas Rudolph

Region 4 - NYS DEC-Region 4 Office, 1130 North Westcott Road, Schenectady, NY 12306, Attention: Donald Spencer

Region 5 - NYS DEC-Region 5 Office, 232 Golf Course Road, P.O. Box 220, Warrensburg, NY 12085, Attention: James Coutant

Region 6 - NYS DEC-Region 6 Office, Watertown State Office Building, 317 Washington Street, Watertown, NY 13601, Attention: Thomas Morgan

Region 7 - NYS DEC-Region 7 Office, 615 Erie Boulevard West, Syracuse, NY 13204-2400, Attention: Reginald Parker

Region 8 - NYS DEC-Region 8 Office, 6274 East Avon-Lima Road, Avon, NY 14414, Attention: Thomas Marriot

Region 9 - NYS DEC-Region 9 Office, 270 Michigan Avenue, Buffalo, NY 14203, Attention: Alfred Caracci

Lisa Medica being duly sworn
says that he/she is the principal Clerk of the Publisher
of the

New York Post

a daily newspaper of general circulation printed and
published in the English language, in the County
of New York, State of New York; that advertisement
hereto annexed has been regularly published in
the said "NEW YORK POST" once,

on the 6 day of Feb 2013

Sworn to before me this 6 day
of Feb 2013

NOTARY PUBLIC

BYRON STEVENS
Notary Public, State of New York
No. 018T6117609
Qualified in New York County
Commission Expires November 1, 2016

NEWSDAY
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MILLER ADVERTISING
71 5TH AVE. 5TH FLOOR
NEW YORK, NY 10003-3004

STATE OF NEW YORK)
SS.:
COUNTY OF SUFFOLK)

Legal Notice No. 17033282

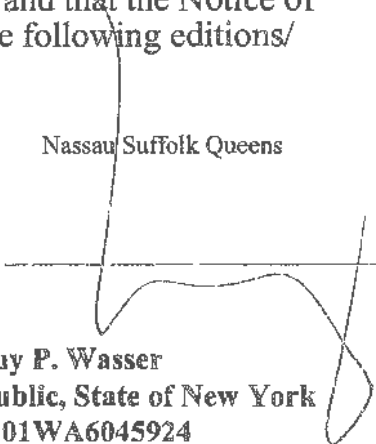

R. Lopes

of Newsday LLC, Suffolk County, N.Y., being duly sworn, says that such person is, and at the time of publication of the annexed Notice was a duly authorized custodian of records of Newsday LLC, the publisher of **NEWSDAY**, a newspaper published in the County of Suffolk, County of Nassau, County of Queens, and elsewhere in the State of New York and other places, and that the Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

WEDNESDAY FEBRUARY 06 2013

Nassau Suffolk Queens

SWORN to before me this
06 Day of February, 2013.


Guy P. Wasser
Notary Public, State of New York
No. 01WA6045924
Commission Expires 10/20/2014
Qualified in Suffolk County


Announcements



- Lost/Found
- Personals
- Ticket brokers
- Professional Services

ADOPTIONS

Young, loving couple looking to adopt. A loving home is waiting to add a new face. Let us be the option for you. Expenses Paid. Call toll free: 1-877-440-5311
mikejennybaby@yahoo.com

Legal Notice 17019177

Notice of Formation of Come to Eat, LLC Arts of Org. filed with New York Secy of State (SSNY) on 11/28/12. Office location: Nassau County, SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 1810 Northern Blvd Ste 400, Great Neck, NY 11021. The name and address of the registered agent is Leslie J. Levine, Esq., 1810 Northern Blvd Ste 400, Great Neck, NY 11021. Purpose: any lawful activity.

LEGAL NOTICES

Legal 17031887

PUBLIC NOTICE REQUEST FOR PROPOSALS RFP # P10104-1302

Nassau County, New York is currently seeking proposals from not-for-profit organizations, and qualified individuals and entities authorized to do business in the State of New York, for the rights to provide certain maintenance, programming and other related activities at the Main Building and Barn located in the Tanglewood Preserve in Nassau County. The successful proposer will be required to provide various types of programming and activities for County residents, including, but not limited to cultural, historical, educational and civic events at the facility and adjacent property known as Tanglewood Preserve located in Nassau County, New York. Proposals must be submitted to Hon. Carmel T. Foskey, Commissioner, Nassau County Department of Parks, Recreation & Museums, Eisenhower Park, Administration Building, 1999 Hempstead Turnpike, East Meadow, NY 11554, no later than 4:00 PM EST on March 8, 2013. For further information and a copy of the RFP visit the Nassau County web site at www.nassaucountyny.gov, or contact Karen Beckhard Raver at kbeckhardraver@nassaucountyny.gov.

EDWARD P. MANGANO
COUNTY EXECUTIVE



CARROLL T. FOSKEY,
COMMISSIONER
NASSAU COUNTY
DEPARTMENT OF PARKS,
RECREATION AND MUSEUMS

Legal Notice 17033642

NOTICE TO BIDDERS
SEALED PROPOSALS WILL BE PUBLICLY OPENED AND READ BY THE ASSISTANT SUPERINTENDENT FOR FINANCE & OPERATIONS OF THE BOARD OF EDUCATION, SEAWANAKA CENTRAL HIGH SCHOOL DISTRICT OF THE TOWNS OF HEMPSTEAD AND NORTH HEMPSTEAD AT THE CENTRAL ADMINISTRATIVE OFFICES, 77 LANDAU AVENUE, FLORAL PARK, N.Y. 11001 FOR:

February 16, 2013 @ 2:00 pm
Athletic Equipment & Supplies

COPIES OF SPECIFICATIONS AND CONDITIONS MAY BE OBTAINED AT THE BUSINESS OFFICE, ADDRESS ABOVE.
JOANNE CUNNINGHAM
DISTRICT CLERK

Legal Notice 17014930

NOTICE OF FORMATION OF MS Levy 7799, LLC Art. of Org. filed Sec'y of State (SSNY) 12/12/12. Office location: Nassau County, SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail copy of process to c/o

Legal 17033282

Marie Levy, 3991 Annette Dr., Oceanside, NY 11572, Purpose: any lawful activities.

Legal Notice 17033306

LEGAL NOTICE
JERICHO FIRE DISTRICT
Notice is hereby given that the fiscal affairs of the Jericho Fire District for the period beginning on January 1, 2013 and ending on July 31, 2013, have been examined by the Office of the State Comptroller, and that the report of examination prepared by the Office of the State Comptroller has been filed in my office where it is available as a public record for inspection by all interested persons. Pursuant to Section 35 of the General Municipal Law, the Jericho Fire District has authorized the preparation of a written response to the report of examination prepared by the Office of the State Comptroller and will file such response, when completed, in my office as a public record for inspection by all interested persons not later than January 26, 2013.
Marge Blais, Secretary
Jericho Fire District

Legal Notice 17014926

NOTICE OF FORMATION OF LIMITED LIABILITY COMPANY, NAME: CONEY BAS-KETBALL, LLC. Articles of Organization were filed with the Secretary of State of NY (SSNY) on November 5, 2012. Office location: Nassau County, SSNY has been designated as agent upon whom process against it may be served. The post office address to which the SSNY shall mail a copy of any process served upon the LLC is 352 Burkhard Avenue, Mineola, NY 11501. Street address of principal business location is: 352 Burkhard Avenue, Mineola, NY 11501. Purpose of LLC: to engage in any lawful act or activity.

Legal Notice 17029543

Sanny's Petit Gateau LLC. Arts. of Org. filed with SSNY on 09/20/12. Ofc. Loc.: Nassau Co. SSNY design. as agt. upon whom process may be served. SSNY shall mail process to: The LLC, 2 Heltz Pl., Hicksville, NY, 11801. General Purposes.

Legal Notice 17019149

Notice of Formation of 144 Lofferts Realty, LLC Arts of Org. filed with New York Secy of State (SSNY) on 10/5/12. Office location: Nassau County, SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 1010 Northern Blvd Ste 400, Great Neck, NY 11021. The name and address of the registered agent is Leslie J. Levine, Esq., 1010 Northern Blvd Ste 400, Great Neck, NY 11021. Purpose: any lawful activity.

Legal Notice 17019185

Notice of Formation of M&W, LLC. Arts of Org. filed with New York Secy of State (SSNY) on 12/11/12. Office location: Nassau County, SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 1810 Northern Blvd Ste 400, Great Neck, NY 11021. The name and address of the registered agent is Hollis F. Russell, Esq., 1810 Northern Blvd Ste 400, Great Neck, NY 11021. Purpose: any lawful activity.

Legal Notice 17029880

Notice of Formation of Ludlow Essex Partners LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 12/21/12. Office location: Nassau County, SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: c/o Jonis Realty Management Corp., 6 Grace Ave., Great Neck, NY 11023, also the principal office address. Purpose: any lawful activities.

Legal Notice 17032993

NOTICE OF FORMATION, F.A.M. Enterprise LLC Articles of Organization Filed with Secretary of State of New York (SSNY) on January 16, 2013. Office location: Nassau County SSNY designated for service of process. SSNY shall mail copies of any process served against the LLC to c/o: The LLC, 95-11 226 Street, Floral Park, NY 11001 Purpose: any lawful purpose or activity.

Legal Notice 17033330

The annual report of the Ratner Family Foundation for the fiscal year ended December 31, 2012 is available at its principal office located at 400 Garden City Plaza, Suite 210, Garden City, New York 11530 for inspection during regular business hours by any citizen who request it within 160 days hereof. The principal manager of the Foundation is Dennis Ratner, telephone (516) 294-8550.

Legal Notice 17029563

Notice of formation of L&I Detailing, LLC. Articles of organization filed with the Secretary of State of N.Y. (SSNY) on 12/13/12. Office location: Nassau County. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: The LLC, c/o AUSTIN E. FRYE LTD, FORTUNE COURT WANTHAH, NEW YORK, 11793. Purpose: Any lawful activity.

Legal Notice 17033630

REVISED LEGAL NOTICE

Public Hearing
NOTICE is hereby given pursuant to Article 15-A of the General Municipal Law of the State of New York (the "Act"), that the Town of Babylon Industrial Development Agency (the "Agency"), will hold a public hearing on the proposed granting of financial assistance to 110 Bi-County Boulevard LLC, a limited liability company (the "Owner") and to Catholic Health Systems of Long Island, Inc. d/b/a Catholic Health Services of Long Island, Inc. d/b/a Catholic Health Services of Long Island, a New York not-for-profit corporation sponsored by the Diocese of Rockville Centre (the "Company") with respect to a commercial project (the "Project") consisting of the leasing, renovation and equipping by the Owner on behalf of the Company of an approximately 40,000 square foot portion of an approximately 147,000 square foot building located at 110 Bi-County Blvd. in Farmingdale, New York for use by the Company and its affiliates and/or subsidiaries as an office facility in its business of providing health and supportive services to individuals in their homes, palliative care services to terminally ill patients and other homecare and hospice services (said facilities are hereinafter collectively referred to as the "Facility"). Pursuant to applicable State Law, the Agency proposes to grant certain financial assistance with respect to the Facility including certain exemptions from New York State sales and use taxation, local real property taxation and mortgage recording taxation as shall be determined by the Agency. Pursuant to the Act, the Facility will be owned or leased by the Agency and be leased or subleased to the Owner and further subleased to the Company and operated by the Company

and its affiliates and/or subsidiaries as an office facility. Company: Catholic Health Systems of Long Island, Inc. d/b/a Catholic Health Services of Long Island, located at 922 North Village Avenue, Rockville Centre, New York 11570. Owner: 110 Bi-County Boulevard LLC, 85 South Service Road, Plainville, New York 11053. Facility Proposed Location is: 110 Bi-County Blvd., Farmingdale, New York 11735. Public Hearing: All persons, organizations, corporations or governmental agencies are invited to submit comments concerning the granting of financial assistance. The hearing will be held on February 19, 2013 at 10:00 A.M. in the Office of the Town of Babylon Industrial Development Agency located at 47 West Main Street in Babylon, New York. Project Application: The Project Application together with a costs benefit analysis with respect to the Facility shall be available for inspection by the public at the office of the Agency at the above specified address during the regular business hours of the Agency. Participation at the Hearing: Persons desiring to submit comments concerning the Facility and the financial assistance to be granted thereto should contact the Town of Babylon Industrial Development Agency, Robert Stricoff, Chief Executive Officer, at (516) 587-3679 on or before February 19, 2013 at the office of the Agency. Written comments can be submitted prior to the hearing at that address. The Agency reserves the right to limit the time available to any person presenting comments. Note: This Revised Legal Notice supersedes that certain Legal Notice published on January 18, 2013

Legal Notice 1

Notice of Fc 18 Zing Real Org. filed y Secy of Stat 21/12. Office sau County, nated as agt whom proc may be sary mail proces: Road, Great Purpose: an ty.

Legal Notice 1

Notice of fo BROS. REAL of Organizer the Secreta New York S: 16, 2013. Of Nassau Cou been design of process, 5 copy of any against the 1 151 South St Park, New Y poses: any law

Legal Notice 1

Sealed bids) as set forth to bidders on March 07, 20 DOT, Contra Bureau, 50 1 FLOOR, SUIT NY, NY 12252 licity opened. A certified check payab Dept. of Tra the sum speci al or a b CONR 391, r of the bid t company eac also be subm tomet usin (www.bids.c reserves the any or all bid Electronic d be obtained DOT Plan Sal Road, 1st Fl Albany, NY 2124) the Ro or bid Expre No Amendm on the CL are posted a gov/doing-h opportunity notices and The Contract ble for ens Amendments rated into its NYS Finance communicati DOY on pre contract can with design Contact with ed persons o Agencies will a serious mai suit in discus Contracts wi generally si contracts, w facting is, and may pre ding opportun Business Plan but not lim MBES. The Contract with the Reg to non-discr arally assist the USDOT f Please call C reasonable t is needed o the letting. BIDDERS SH VISED THAT THESE CONE BE CONTING PASSAGE OF PROPRIATIO LEGISLATUR ERNOR OF I NEW YORK Reg. in 5-nd Regional Din' face Building, morial Hy paugo, NY 11 026212, PIN & Suffolk Cot repairing col locations. Bid dispos PLANS, Proj \$10, plus \$ CONTRACT NIGHT TIME? Goals: MBRE/A

NOTICE OF PUBLIC HEARING REDESIGNATION REQUEST AND MAINTENANCE PLAN FOR THE 1987 AND 2006 FINE PARTICULATE MATTER NATIONAL AMBIENT AIR QUALITY STANDARDS; CARBON MONOXIDE LIMITED MAINTENANCE PLAN FOR THE NEW YORK METROPOLITAN AREA; AND REPEAL OF 6 NYCRR PART 203, INDIRECT SOURCES OF AIR CONTAMINATION

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As required by the CAA, the re-designation request includes a maintenance plan, which provides for continued attainment of the PM_{2.5} NAAQS in the NYMA through 2025, based on ambient inventory projections. Approval of the re-designation request and maintenance plan will allow EPA to officially re-designate the NYMA as attainment for the annual and 24-hour PM_{2.5} NAAQS, and thus eliminate additional program requirements faced by states subject to nonattainment designations.

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3. The NYS DEC is proposing to repeal 6 NYCRR Part 203, Indirect Sources of Air Contamination, and simultaneously revise 6 NYCRR Parts 200, General Provisions, and Part 621, Uniform Procedures, to remove all references to Part 203. A Public Hearing will be held for these proposals at the following location and time:

| Date | Time | Location |
|---------------------------|---------|---|
| Tuesday March 26, 2013 | 2:00 PM | NYSDEC Region 2 Office, 1 Hunters Point Plaza, 47-40 21st Street, Room 834, Long Island City, NY 11101 |

The Public Hearing is scheduled in a place that is reasonably accessible to persons with impaired mobility. At the hearing, NYS DEC will provide interpreter services for deaf persons at no charge. Written requests for such services are required and should be submitted by March 11, 2013, to Laura Stevens, NYS DEC, 625 Broadway, Albany, NY 12243-3258. Phone: (518) 402-8401; E-mail: laviv@dec.state.ny.us

Pursuant to Part 617 of the implementing regulations for the State Environmental Quality Review Act (SEQR), NYS DEC has prepared Negative Declarations stating that the proposed actions will not have a significant adverse effect on the environment.

NYS DEC invites all persons, organizations, corporations, and government agencies that may be affected by the proposals to attend the hearing and/or to submit oral or written statements for the record. A cumulative record will be compiled of both oral and written statements received. It is not necessary for persons wishing to make an oral statement to request an appointment in advance. Written statements received prior to, during, or after the hearing and oral statements made at the hearing will be given equal weight.

Requests for information related to the PM_{2.5} redesignation request and maintenance plan may be obtained from Mr. Scott L. Griffin, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY 12243-3251, Phone (518) 402-8396, E-mail: slgriffin@dec.state.ny.us. Comments on the Carbon Monoxide limited maintenance plan may be submitted to Mr. Harenburgh until 5:00 PM, April 2, 2013.

Requests for information related to the repeal of Part 203 may be obtained from Mr. Michael P. Sheehan, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY 12243-3251, Phone (518) 402-8396, E-mail: mjsheehan@dec.state.ny.us. Comments on the repeal of Part 203 may be submitted to Mr. Sheehan until 5:00 PM, April 2, 2013.

All of the proposals may also be obtained from any of the following NYS DEC offices:

- Region 1 - NYS DEC-Region 1 Office, SUNY at Stony Brook, 90 Circle Road, Stony Brook, NY 11790, Attention: Michelle Genico
- Region 2 - NYS DEC-Region 2 Office, 1 Hunters Point Plaza, 47-40 21st Street, Long Island City, NY 11101, Attention: Samuel Labich
- Region 3 - NYS DEC-Region 3 Office, 21 South Pratt Corners Road, New Paltz, NY 12561, Attention: Thomas Rudolph
- Region 4 - NYS DEC-Region 4 Office, 1130 North Western Road, Schenectady, NY 12305, Attention: Donald Spencer
- Region 5 - NYS DEC-Region 5 Office, 232 Golf Course Road, P.O. Box 226, Warrensburg, NY 12185, Attention: James Cousart
- Region 6 - NYS DEC-Region 6 Office, Watertown State Office Building, 317 Washington Street, Watertown, NY 13601, Attention: Thomas Morgan
- Region 7 - NYS DEC-Region 7 Office, 615 Erie Boulevard West, Syracuse, NY 13204-3400, Attention: Reginald Palmer
- Region 8 - NYS DEC-Region 8 Office, 6274 East Avoon-Linn Road, Avon, NY 14414, Attention: Thomas Marriot
- Region 9 - NYS DEC-Region 9 Office, 270 Michigan Avenue, Buffalo, NY 14203, Attention: Alvaro Caracci

AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK
COUNTY OF NEW YORK

Ambika Mohan being duly sworn hereby declares and says, that she is the Advertising Account Executive responsible for placing the attached advertisement in: Times Herald-Record for Miller Advertising Agency, Inc; located in New York, NY, and that NYSDEC – PM2.5 10-County Hearing Notice advertisement, of which the annexed is a true copy, has been published in the said publication on the following issue date: February 6, 2013

Ambika Mohan

Subscribed to and Sworn before me

This 15th day of March, 2013

Notary Public

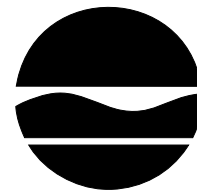
Donna Perez
Notary Public State Of New York
No. 01PE6151365
Qualified In New York County
Commission Expires August, 14th - 2014

Attention: Thomas Rudolph
Attention: Donald Spencer
NY 12985, Attention: James Conant
Street, Watertown, NY 13601, Attention:
Attention: Reginald Parker
Attention: Thomas Marriot

recordonline.com

Region II - NYS DEC-Region II Office, 270 Michigan Avenue, Buffalo, NY 14203, Attention: Alfred Costantini

Department of Environmental Conservation
Division of Air Resources



Joe Martens
Commissioner

**NEW YORK
STATE IMPLEMENTATION PLAN**

**NEW YORK METROPOLITAN AREA
CARBON MONOXIDE
LIMITED MAINTENANCE PLAN
FOR 2012 - 2022**

PROPOSED REVISION

DECEMBER 2012

New York State Department of Environmental Conservation
Andrew M. Cuomo, GOVERNOR

Joe Martens, COMMISSIONER

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Acronyms and Abbreviations

| | |
|-----------------|--|
| AADT | Annual Average Daily Traffic |
| Act | Clean Air Act Amendments of 1990 |
| AF | Allocation Factor |
| AIRS | Aerometric Information Retrieval System |
| CFR | Code of Federal Regulations |
| CMV | Commercial Marine Vessel |
| CNG | Compressed Natural Gas |
| CO | Carbon Monoxide |
| DEC | Department of Environmental Conservation |
| DV | Design Value |
| DVMT | Daily Vehicle Miles Traveled |
| EDMS | Emission Dispersion Modeling System |
| EF | Emission Factor |
| EPA | United States Environmental Protection Agency |
| FG | Factor Groups |
| FHWA | Federal Highway Administration |
| FR | Federal Register |
| GVWR | Gross Vehicle Weight Rating |
| HPMS | Highway Performance Monitoring System |
| IM | Inspection/Maintenance |
| LDV | Light Duty Vehicle |
| LEV | Low Emission Vehicle |
| LMP | Limited Maintenance Plan |
| LPG | Liquefied Petroleum Gas |
| MOS | Margin Of Safety |
| MOVES | Motor Vehicle Emissions Simulator |
| NAAQS | National Ambient Air Quality Standards |
| NEI | National Emissions Inventory |
| NLEV | National Low Emission Vehicle |
| NO ₂ | Nitrogen Dioxide |
| NO _x | Nitrogen Oxide |
| NPTS | National Personal Transportation Survey |
| NWS | National Weather Service |
| NYCRR | New York Codes, Rules and Regulations |
| NYMA | New York Metropolitan Area |
| NYS | New York State |
| NYSDEC | New York State Department of Environmental Conservation |
| NYSDOT | New York State Department Of Transportation |
| NYSERDA | New York State Energy Research and Development Authority |
| NYTEST | New York Transient Emissions Short Test |
| NYVIP | New York Vehicle Inspection Program |
| OAQPS | Office of Air Quality Planning and Standards |
| OBD | On-Board Diagnostics |

| | |
|-------------------|--|
| PM | Particulate Matter |
| PM _{2.5} | Fine PM; Particulate Matter with an aerodynamic diameter \leq 2.5 micrometers |
| PM ₁₀ | Coarse PM; Particulate Matter with an aerodynamic diameter \leq 10 micrometers |
| ppm | parts per million |
| PSD | Prevention of Significant Deterioration |
| QA | Quality Assurance |
| QC | Quality Control |
| RE | Rule Effectiveness |
| RVP | Reid Vapor Pressure |
| SAF | Seasonal Adjustment Factor |
| SEQR | State Environmental Quality Review |
| SIP | State Implementation Plan |
| SO ₂ | Sulfur Dioxide |
| TIP | Transportation Improvement Program |
| TSD | Technical Support Document |
| VOC | Volatile Organic Compound |
| VMT | Vehicle Miles Traveled |

1.0 INTRODUCTION

1.1 National Ambient Air Quality Standards for Carbon Monoxide

In accordance with section 109 of the Clean Air Act (Act), the United States Environmental Protection Agency (EPA) established National Ambient Air Quality Standards (NAAQS) for several criteria pollutants, including carbon monoxide (CO). CO is a colorless, odorless gas, a poison by inhalation, and can cause asphyxiation. The dominant source of CO is incomplete combustion from motor vehicles. CO concentrations are most pronounced in the ambient air during winter months, when motor vehicles experience cold starts.

The NAAQS for CO are established in section 50.8 of Title 40 of the Code of Federal Regulations (40 CFR 50.8). There are two primary CO NAAQS; a one-hour standard of 35 parts per million (ppm) and a non-overlapping eight-hour average standard of 9 ppm. The one-hour NAAQS is exceeded when measured data equals 35.5 ppm or greater, and the eight-hour NAAQS is exceeded when measured data equals 9.5 ppm or greater. An area is in violation of the NAAQS if it experiences more than one exceedance of any standard within a calendar year (one exceedance of both standards per year is allowed by the NAAQS). Data must be measured in accordance with the methodology established in Appendix C of 40 CFR 53.

1.2 New York Metropolitan Area Carbon Monoxide Air Quality History

On November 23, 1999, the New York State Department of Environmental Conservation (DEC) submitted a proposed revision to the State Implementation Plan (SIP) to the EPA. The submission was a CO redesignation request and maintenance plan for the New York Metropolitan Area (NYMA). This request was to redesignate the New York portion of the New York – Northern New Jersey - Long Island CO nonattainment area from nonattainment to attainment of the CO NAAQS. EPA approved the redesignation request because the CO NAAQS was being met in New York and it met the redesignation requirements set forth in the Act. New York's CO maintenance plan was approved by EPA because it provided for continued attainment of the CO NAAQS.

EPA also approved the New York CO attainment demonstration that was submitted by DEC on November 15, 1992. This action provided for full approval of the New York State SIP for CO. Currently, there are no areas of New York State designated as nonattainment for the CO standards.

EPA first set NAAQS for CO in 1971. For protection of both public health and welfare, EPA set an 8-hour primary standard at 9 ppm and a 1-hour primary standard at 35 ppm. In a review of the standards completed in 1985, EPA revoked the secondary standards (for public welfare) due to a lack of evidence of adverse effects on public welfare at or near ambient concentrations. The last

review of the CO NAAQS was completed in 1994 and EPA chose not to revise the standards at that time. On January 28, 2011, EPA proposed to retain the existing NAAQS for CO and on August 12, 2011 the decision became final. The existing primary standards are 9 ppm over an 8-hour period, and 35 ppm measured over 1 hour. EPA modified the ambient air monitoring requirements for CO by requiring CO monitors to be sited near roads in certain urban areas. EPA is requiring one CO monitor to be collocated with a “near-road” nitrogen dioxide (NO₂) monitor in urban areas having populations of 1 million or more.

2.0 MAINTENANCE PLAN

2.1 Requirements

Section 175A of the Clean Air Act Amendments requires that a SIP for a former nonattainment area provide for continuing maintenance of the NAAQS. That maintenance SIP must provide contingency measures to assure that the State will promptly correct any violation of the standard that occurs after the redesignation of the area to attainment. The maintenance plan for nonclassifiable areas must include all four elements listed below:

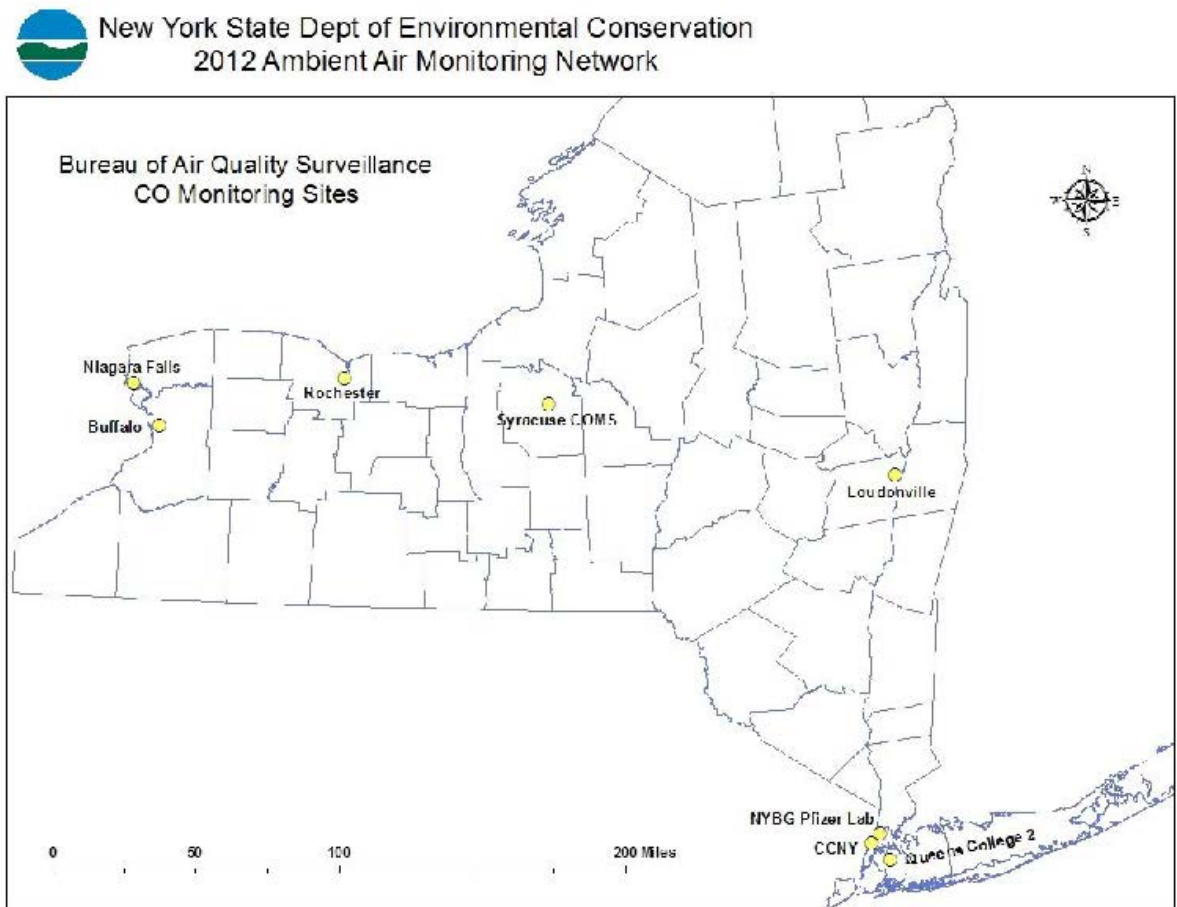
1. A demonstration that the national standard has been attained and will be maintained for at least ten years after redesignation;
2. Provisions for continued air monitoring to verify the attainment status of the redesignated area;
3. A demonstration to show that the proposed reductions in emissions will be enough to maintain the standard; and
4. A contingency provision to correct any violations of the standard that might occur after the area is redesignated to attainment.

In order to use the limited maintenance plan (LMP), design values (two years of monitoring data) must be at or below 85% of exceedance levels of the CO NAAQS. Additionally, the design value for the area must continue to be at or below 85% of exceedance levels of the CO NAAQS until the time of final EPA action or the redesignation.

EPA’s guidance for limited maintenance plans is included in an October 6, 1995 memorandum from Joseph W. Paisie, Group Leader, Intergrated Policy and Strategies Group MD-15) entitled, “Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas.” This document is included in Appendix B of this proposed SIP revision.

2.2 Carbon Monoxide Monitor Locations and Design Values

Figure 1 - Location of CO Ambient Air Quality Monitors in New York State



CO design values are discussed in terms of the 8-hour CO NAAQS, rather than the 1-hour NAAQS, because the 8-hour NAAQS is typically the standard of concern. However, a 1-hour design value would be computed in the same manner. For 8-hour CO, the maximum and second maximum (non-overlapping) 8-hour values at a site for the most recent 2 years of data are used to determine compliance with the NAAQS. DEC used the values from the Aerometric Information Retrieval System (AIRS) AMP450, "Quick Look", printout and chose the higher of the second highs as our design value for that site. All design values within the area are identified and the highest of those is used as the design value for the area. Note that, for each site, individual years of CO data are considered separately to determine the second maximum for each year - CO data are not combined from different years. The CO NAAQS requires that not more than one 8-hour average per year can exceed 9 ppm (greater than or

equal to 9.5 ppm to adjust for rounding). DEC evaluates attainment over a two-year period. If an area has a design value greater than 9 ppm, it means there was a monitoring site where the second highest (non-overlapping) 8-hour average was greater than 9 ppm in at least one year.

Table 1 contains CO design values for monitors in the NYMA for 2010-2011. As can be seen in the table, the design values are well below the NAAQS for CO.

| Table 1 - NYMA Area 1-hour and 8-hour CO Design Values (in ppm) | | | | | | | | | |
|--|----------------|-------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|--|----------------------------------|----------------------------------|
| Site ID | Name | Year | 1st max 1 hr | 2nd max 1 hr | 1st max 8 hr | 2nd max 8 hr | | 1 hr design value | 8 hr design value |
| 36-005-0133 | Pfizer Lab | 2010 | 2.1 | 2.0 | 1.6 | 1.5 | | 2.8 | 1.9 |
| | | 2011 | 3.2 | 3.0 | 2.8 | 2.3 | | 3.0 | 2.3 |
| 36-061-0135 | CCNY | 2010 | 3.5 | 2.3 | 1.8 | 1.8 | | 2.3 | 1.8 |
| | | 2011 | 3.1 | 2.7 | 2.0 | 1.6 | | 2.7 | 1.8 |
| 36-081-0124 | Queens College | 2010 | 3.4 | 3.4 | 2.7 | 1.9 | | 3.4 | 1.9 |
| | | 2011 | 2.1 | 1.9 | 1.8 | 1.4 | | 3.4 | 1.9 |

2.3 Maintenance Demonstration

The maintenance demonstration must demonstrate effective safeguards of the NAAQS are in place for at least 10 years following the redesignation showing that future year CO emissions will not exceed the level of the attainment year. To make this demonstration, DEC completed a Motor Vehicle Regional Analysis, to support the use of the LMP option for the maintenance demonstration. That analysis is described below.

The following methodology was used to determine whether increased emissions from on-road mobile sources could, in the next 10 years, increase concentrations in the area and threaten the assumption of maintenance that underlies the LMP policy. This analysis is submitted in order to demonstrate that this area is eligible for the LMP option.

DEC used the following equation:

$$DV + (VMTpi \times DVmv) < MOS$$

$$2.3 + (1.1645 \times 1.45) < 7.65$$

$$2.3 + (1.69) < 7.65$$

$$3.99 < 7.65$$

Where:

DV = the area's design value based on the most recent 2 years of quality assured data in ppm. The design value for the area is 2.3 ppm based on 2011 monitoring data at the Pfizer Lab location (36-005-0133).

VMTpi= the projected % increase in vehicle miles traveled (VMT) over the next 10 years. The VMT growth rate (VMTpi) was developed based on a linear regression of Highway Performance Monitoring System (HPMS) historical data for forecasting VMT prepared by the New York State Department of Transportation (NYSDOT). These projections employed HPMS data from 1981 to 2007. The projected growth rate for the area is 16.45%

DVmv = motor vehicle design value based on on-road mobile portion of the attainment year inventory in ppm. The on-road portion is 63.12% of the attainment year inventory. The DVmv of 1.45 ppm was derived by multiplying DV by the percentage of the attainment year inventory represented by on-road mobile sources (2.3 multiplied by 0.6312).

MOS = margin of safety for the relevant CO standard for a given area. With an 8 hour standard of 9 ppm, 85 percent of the exceedance level is 7.65 ppm.

Since 3.99 ppm is less than the margin of safety value of 7.65 ppm, the area passes the regional analysis criterion.

3.0 EMISSION INVENTORY

3.1 Methodology

3.1.1 On-road Methodology

The on-road component of the 2007 CO inventory includes an estimate of emissions from all motorized vehicles operated on public

roadways. All on-road mobile source emissions were estimated using EPA's Motor Vehicle Emissions Simulator (MOVES) model using locally-developed inputs for each of the 7 counties in the nonattainment area. These inputs include varying meteorological data, vehicle activity, fuel characteristics, and emissions control programs.

"Base-year" inventory inputs were derived from 2007 data, where applicable, and reflect the programs and controls that were in effect in 2007. Once all inputs were developed, DEC modeled the inventory, whether annual and/or daily, in accordance with EPA's guidance "*Using MOVES to Prepare Emission Inventories in State Implementation Plans and Transportation Conformity: Technical Guidance for MOVES2010, 2010a and 2010b*" (EPA-420-B-12-028, April 2012). More detailed descriptions of DEC's methodologies for developing MOVES-specific inputs can be found in New York State On-Road Motor Vehicle Emission Budget MOVES Technical Support Document located in Appendix C.

3.1.2 Nonroad Methodology

New York State Nonroad Methodology for 2007 Emissions Estimates for Carbon Monoxide for the New York City Metropolitan Area for a Typical Winter Day

Nonroad mobile source emissions are separated by four main categories. These include aircraft, commercial marine vessels, locomotives and "other". "Other" nonroad equipment is further broken down into several sub-categories of equipment and vehicles. These include: agricultural, commercial, construction and mining, industrial, lawn and garden, logging, pleasure craft, and recreational. Emissions for all sectors were estimated using four separate methodologies. Nonroad emissions for 2007 for the NYMA are estimated for seven New York counties.

The sub-categories of "other" nonroad equipment are separated by 2-stroke gasoline, 4-stroke gasoline, liquefied petroleum gas (LPG), compressed natural gas (CNG) and diesel fueled engine types. All emissions from these sources for 2007 were estimated using Version 2008a of the U.S. EPA Nonroad Model. The software was finalized for use in SIP development on June 12, 2006. Using the EPA Nonroad Model, nonroad emissions from New York were estimated for each individual county for each month of the year. Temperature and fuels blend data varied by month for each county across the state. To estimate emissions for a typical winter day, an average is calculated by summing the January, February and December Nonroad Model runs and then dividing by 90.

Temperature data for 2007 were acquired from the National Oceanic and Atmospheric Administration which included historical weather data from thirty-three airport locations across the state of New York as well as surrounding locations. This information was used to develop average high and low temperatures for each month on a county by county basis. The results were input into the Nonroad Model.

Gasoline and diesel fuels blend data for 2007 were acquired from the New York State Department of Agriculture and Markets. These data are based on thousands of samples collected across the state from fueling stations and retention areas. These samples are then analyzed for many profiles including oxygen content, Reid Vapor Pressure (RVP) and sulfur content. The data provided average monthly fuels profiles on a county by county basis. The results were input into the Nonroad Model.

2007 aircraft emissions for New York State were estimated using FAA's Emission Dispersion Modeling System (EDMS) Version 5.1. Airport specific landing and take-off data by aircraft type acquired from FAA are used as inputs to the model. EDMS uses this information to estimate from both aircraft and ground service equipment.

2007 Commercial Marine Vessel (CMV) emissions are based upon Version 2 of the 2008 NEI. The NEI emissions from Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk and Westchester counties are built off of the CMV emissions report prepared by the Starcrest Consulting Group in conjunction with their work on the New York Harbor Deepening Project. This project was undertaken as part of the Harbor Deepening Project to update the baseline inventory and to optimize the offsets that would be utilized by the Army Corps of Engineers. This data is based on actual 2002 operational data from an intensive survey of all CMV types, activity and fuel consumption and took several months to complete. While DEC would like to use the Starcrest methodology to update the CMV inventory for the rest of the state it would require an intensive effort to survey all of the counties bordering Lake Erie, Niagara River, Lake Ontario, the St. Lawrence Seaway, Lake Champlain, Hudson River, Mohawk River, Erie Canal and both the Long Island Sound and Atlantic Ocean since Suffolk County was not included in the Starcrest inventory.

The detailed CMV emissions inventory methodology can be found in the EPA document entitled "Documentation for Aircraft, Commercial Marine Vessel, Locomotive, and Other Components of the National Emissions Inventory – Volume I – Methodology". This document can be found at:
ftp://ftp.epa.gov/EmisInventory/2002finalnei/documentation/mobile/2002nei_mobile_nonroad_methods.pdf

2007 locomotive emissions are based on Version 2 of the 2008 NEI. These emissions were derived from a locomotive emissions report developed by the New York State Energy Research and Development Authority (NYSERDA) in conjunction with DEC. The report is entitled: “NYSERDA CLEAN DIESEL TECHNOLOGY: NON-ROAD FIELD DEMONSTRATION PROGRAM; Development of the 2002 Locomotive Survey & Inventory for New York State”. The report included an intensive survey of all locomotive activity throughout New York State.

Aircraft, CMV and locomotive activity is consistent throughout the year. Therefore, to estimate emissions for a typical winter day for these sectors, we divide the annual emissions total by 365.

3.1.3 NonPoint Source Methodology

For nonpoint source emissions, DEC referenced a series of technical support documents (TSD) that were prepared for MARAMA, which are included with this document as the following appendices:

Appendix D – Technical Support Document for the Development of the 2007 Emission Inventory for Regional Air Quality Modeling in the Northeast/Mid-Atlantic Region; ver. 3.3; January 23, 2012

Appendix E – Technical Support Document for the Development of the 2017/2020 Emission Inventories for Regional Air Quality Modeling in the Northeast/Mid-Atlantic Region; ver. 3.3; January 23, 2012

Appendix F – Technical Support Document for the Development of the 2025 Emission Inventory for PM Nonattainment Counties in the MANE-VU Region; ver. 3.3, rev. 2; January 23, 2012

These documents explain the data sources, methods, and results for preparing emission projections for 2017 and 2025 for PM nonattainment areas in the Mid-Atlantic/Northeast Visibility Union (MANE-VU) region. The MANE-VU region includes Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Virginia is not included in the MANE-VU region, though several cities and counties in northern Virginia were included in this inventory as they are part of a nonattainment area that includes MANE-VU jurisdictions. Sample calculations for nonpoint sources are in Appendix I of this document.

3.1.4 Point Source Methodology

The point source inventory, including EGUs, was also developed with the MANE-VU states. The methodology is described in the MARAMA TSDs listed previously (i.e., Appendices D through F). DEC used the compiled data and applied rule effectiveness per the method outlined in EPA guidance.¹

It is acknowledged that point sources do not always run all controls at all times. To account for this, DEC has adopted the EPA recommendation in the use of rule effectiveness (RE). EPA guidance from 2005 was used to generate RE values for point sources within New York State. Once an RE value was calculated, it was applied to all relevant sources at the process level. When RE is applied, the result is increased emission estimates reflecting less than 100 percent compliance. The formulas below were adopted from the 2005 guidance, and illustrate how the application of RE will increase emissions values significantly for those processes that do not have an RE value of 100 percent:

Calculate uncontrolled emissions:

$$\text{Uncontrolled emissions} = \frac{\text{controlled emissions}}{(1 - \text{control efficiency})}$$

Controlled emissions incorporating rule effectiveness:

$$\text{uncontrolled emissions} \times [1 - (\text{control efficiency} \times \text{RE})] \\ = \text{controlled emissions}$$

As demonstrated by the equations above, applying RE will increase emissions values significantly for those processes that do not have a RE value of 100%, particularly for processes which are highly controlled.

RE was generally applied to all processes where a control device or technique was used. However, NYSDEC did consider the limitations which are presented when a blanket RE is applied absolutely. This was also discussed in US EPA's most recent guidance:

...not all emission estimated involving use of a control device or technique need to be adjusted to account for RE. In some instances, a state or local agency may conclude that a control device that operated in conjunction with a continuous emissions

¹ ["Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter for National Ambient Air Quality Standards \(NAAQS\) and Regional Haze Regulations"; EPA, August 2005.](#)

monitor, or is equipped with an automatic shutdown device, may provide a sufficient level of assurance that intended emission reductions will be achieved, and therefore an adjustment for rule effectiveness is not necessary. Another example would be in instances where a direct determination of emissions, such as via a mass balance calculation, can be made. (US EPA, 2005, B-3)

To determine RE for point sources DEC utilized criteria given in US EPA guidance tailored to New York's facilities and rules. A rule effectiveness matrix (Table 2) was developed and several criteria were evaluated to give a RE percentage to each appropriate process.

| Table 2 – NYSDEC Rule Effectiveness Matrix | |
|---|---------------------------|
| NYSDEC Compliance Factors Considered | Rule Effectiveness |
| Source specific monitoring used for compliance Records filed at least every 4 months Compliant for at least 8 quarters High accuracy compliance test methods are utilized NYSDEC has the authority to impose punitive measures Operators follow daily O&M instructions Subject to Title V (or other) compliance certification Subject to inspection once every 2 years or more frequently | 100% |
| Source specific monitoring used as indicator of compliance Records filed every 6-9 months Facility is believed to have been compliant for at least 8 quarters Process parameters & inspection of control equipment are inspected NYSDEC has the authority to impose punitive measures Operators follow daily O&M instructions Subject to Title V (or other) compliance certification Subject to inspection once every 3 years or more frequently | 90% |
| Source specific monitoring used as indicator of compliance Records filed every year Facility is believed to be meeting its compliance schedule Process review and inspection of control equipment NYSDEC has the authority to impose punitive measures Operators follow daily or weekly O&M instructions Not subject to compliance certification Subject to inspection once every 5 years or more frequently | 80% |

3.2 Emission Inventory Requirements

3.2.1 Winter-Day Inventory

DEC developed a 2007 typical winter day inventory for the 7-county downstate area in New York State. This inventory was developed consistently with EPA's most recent guidance for emission inventories in nonattainment areas and is representative of the time period associated with the monitoring data showing attainment. A county level sectoral inventory with and without rule effectiveness (RE) is presented in Table 3 below.

| Table 3 - 2007 CO Emissions by County (Tons per Winter Day) | | | | | | | | |
|---|--------------|-------|------------|----------|---------|----------|----------|------------|
| County FIPS | County | Point | Point w/RE | Nonpoint | Nonroad | Onroad | Total | Total w/RE |
| 36005 | Bronx | 1.44 | 1.77 | 77.18 | 29.38 | 156.54 | 264.54 | 264.87 |
| 36047 | Kings | 1.85 | 2.81 | 149.41 | 94.60 | 263.40 | 509.27 | 510.22 |
| 36059 | Nassau | 3.34 | 3.52 | 81.07 | 118.93 | 580.89 | 784.22 | 784.40 |
| 36061 | New York | 3.79 | 4.21 | 141.96 | 230.59 | 202.87 | 579.22 | 579.64 |
| 36081 | Queens | 6.88 | 7.71 | 125.77 | 102.03 | 441.15 | 675.83 | 676.66 |
| 36085 | Richmond | 0.99 | 1.48 | 25.57 | 21.12 | 130.41 | 178.09 | 178.58 |
| 36119 | Westchester | 1.07 | 1.11 | 60.18 | 81.66 | 382.66 | 525.58 | 525.62 |
| | Total | 19.37 | 22.61 | 661.14 | 678.31 | 2,157.93 | 3,516.75 | 3,519.99 |

4.0 VERIFICATION OF CONTINUED ATTAINMENT

Continued attainment must be verified from ambient air quality data collected in the redesignation areas. DEC will continue to comply with the monitoring criteria set forth in 40 CFR 58, "Ambient Air Quality Surveillance." In addition, DEC will continue its annual review of data from the two most recent, consecutive years in order to verify continued attainment of the CO NAAQS. Any future modifications to the monitoring network will be coordinated with EPA to ensure that the attainment status of the area can be adequately verified.

5.0 CONTINGENCY MEASURES

Maintenance plans for attainment areas must include contingency provisions, or extra measures beyond those needed for attainment, to offset any unexpected increase in emissions and ensure that the standard is maintained. DEC will continue with its winter-time Reid Vapor Pressure (RVP) measure as identified in section 7.3 of the 1992 CO SIP. Additionally, several state and federal mobile measures for reducing ozone precursors and particulate matter emissions in the NYMA may provide ancillary CO reductions. Some of these

include: EPA's non-road engine emissions control programs, heavy-duty vehicle emission standards, and heavy-duty inspection program.

6.0 TRANSPORTATION AND GENERAL CONFORMITY

Under the CAA, federally funded transportation projects must not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of NAAQS. In other words, these projects, and any emissions changes resulting from them, must "conform" to implementation plans developed by states for the criteria pollutants. Conformity generally applies to projects funded or approved by the Federal Highway Administration (FHWA) or the Federal Transit Administration in areas that do not meet or previously have not met NAAQS for a criteria pollutant (i.e., nonattainment or maintenance areas).

Section 176(c) of the CAA prohibits federal agencies from conducting activities in nonattainment or maintenance areas that do not conform to a state's SIP. General conformity requirements are in place to ensure federal activities not related to transportation or highway projects do not interfere with the SIP budgets, do not cause or contribute to new violations, and ensure the timely attainment and maintenance of the NAAQS as the schedule exists in the SIP.

General conformity differs from transportation conformity in that it applies to projects that were not considered in the transportation improvement program (TIP), as the TIP applies to highways and mass transit. All federal actions not covered under transportation conformity are covered under general conformity requirements unless the actions do not exceed de minimis levels. General conformity requirements can be met by: (1) showing emission increases are already covered in the SIP; (2) the state agreeing to modify the SIP to include the emissions; (3) finding offsets for the increased emissions; or, (4) mitigating the increased emissions.

According to the 1995 EPA guidance document for LMPs, the Transportation Conformity Rule and the General Conformity Rule apply to nonattainment and maintenance areas operating under maintenance plans. Under either transportation or general conformity, one means of demonstrating conformity of federal actions is to indicate that expected emissions from those actions are consistent with the emissions budget for the area. The guidance document states that emission budgets in the LMP area are not constraining for the length of the maintenance period because it is unreasonable to expect that this area will experience so much growth during this period that a violation of the CO NAAQS would occur (see the Motor Vehicle Regional Analysis in Section 2.3). In other words emissions in the LMP area are not capped for the maintenance period. Therefore, federal actions, in the LMP area, requiring conformity determinations under the transportation conformity rule satisfy the "budget test" required in the conformity rule in 40 CFR sections 93.118, 93.119

and 93.120. Similarly, in this area, federal actions subject to the general conformity rule satisfy the “budget test” specified in the conformity rule in 40 CFR section 93.158(a)(5)(i)(A).

DEC will use the interagency consultation process to inform all involved agencies that, upon approval of the LMP, CO budgets will no longer be constraining for transportation conformity because of the low levels of emissions and expected growth rates during the period. Once the LMP is approved, regional transportation conformity is presumed to be satisfied, with no need for a quantitative comparison of budgets for the second ten-year maintenance period. DEC will also ensure that project-level CO evaluations of transportation projects (i.e., project level conformity, as described in 40 CFR 93.116) are carried out as part of environmental reviews.

7.0 PUBLIC PARTICIPATION

Section 121 of the Act requires states to provide a satisfactory process of consultation with general purpose local governments, and designated organizations of elected officials of local governments.

Participation by affected local entities, as well as the public, is provided for through 6 NYCRR Part 617, “State Environmental Quality Review” (SEQR). For each major SIP revision, SEQR requires DEC to provide appropriate notice, provide the opportunity to submit written comments, and allow the public and local entities the opportunity to request a public hearing.

DEC is generally self-reliant when it comes to developing, implementing, and enforcing the SIP. When necessary, additional consultation and participation by local political subdivisions are provided through the SIP Task Force that was established in 2005, which consists of officials from 37 local governments and designated organizations of elected officials. Otherwise, New York’s county agencies are no longer relied upon for their assistance with these SIP-related tasks, nor are any other organizations.

8.0 CONCLUSIONS

DEC believes it has addressed and satisfied all the criteria of Section 175A of the Act. This SIP submittal shows that design values (two years of ambient monitoring data) for CO are at or below 85% of exceedance levels of the CO NAAQS; therefore, DEC has met the requirements for a LMP. The maintenance demonstration shows that future year CO emissions will not exceed the level of the attainment year and effective safeguards are in place for the NAAQS for at least 10 years following EPA’s redesignation.