

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Air Resources

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AUG 21 2023

Ms. Lisa F. Garcia
Regional Administrator
U.S. Environmental Protection Agency, Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866

Dear Administrator Garcia:

The purpose of this letter is to address New York Source-Specific State Implementation Plan (SIP) Revisions (SSSRs) and other SIP revisions previously submitted by the New York State Department of Environmental Conservation (NYSDEC) on which the United States Environmental Protection Agency (EPA) has not taken final action. These SSSRs and other SIP revisions are also the subject of two EPA letters (dated September 19, 2019, and November 5, 2019) and Consent Decree No. 20. Civ. 8232 (Consent Decree), dated January 19, 2022.

On September 19, 2019, EPA Region 2 Director of Air & Radiation John Filippelli sent a letter to NYSDEC's Division of Air Resources Director Steven Flint outlining a collection of "backlogged" SSSRs; that is, ones that were submitted by NYSDEC and not acted upon by the EPA in the statutory timeframes required by the CAA. This letter noted three categories: (1) SSSRs ready for approval but for facilities with recent or imminent permit renewals; (2) facilities that had ceased operations; and (3) facilities for which more information was requested. On November 5, 2019, EPA Region 2 Administrator Peter Lopez sent a similar letter to NYSDEC Commissioner Basil Seggos that added three SSSRs to the list to withdraw and restated the closed facilities that should be withdrawn.¹

On May 7, 2020, then-DEC Deputy Commissioner Jared Snyder responded to Administrator Lopez, formally requesting New York's withdrawal of the SSSRs for the closed facilities referenced by EPA. He also formally requested the withdrawal of eight additional facilities that were no longer operating or no longer needed SIP approval. These 18 facilities are identified in the enclosed table with a date of May 7, 2020, in Column B. The letter also requested that EPA defer action on six SIP submissions for which DEC would be submitting supplemental information.¹

¹ Part 230 Stage II SIP, RACT for Rockville Center Power Plant SIP, BART for LaFarge SIP

² American Packaging, Cornell Central Heating, MRC Bearings; as well as the Part 230 Stage II SIP, the BART for Rockville Center Power Plant SIP and the BART for LaFarge SIP



Since that time, NYSDEC has submitted revised SSSRs and requested the withdrawal of certain backlogged SSSR submittals, as identified in the enclosed table with respective dates in Columns A and B.

On January 19, 2022, the United States Department of Justice, representing Michael S. Regan, in his official capacity as the Administrator of the EPA, as Defendant, and Our Children's Earth Foundation, as Plaintiff, signed Consent Decree No. 20. Civ. 8232 (JPO). Under this Consent Decree, EPA must sign a notice of final rulemaking pursuant to CAA section 110(k)(2)-(4), 42 U.S.C. § 7410(k)(2)-(4) to approve, disapprove, or conditionally approve, in full or in part, by February 29, 2024, the: 1) 6 NYCRR Part 220, Portland Cement Plants and Glass Plants – RACT Determinations SIP submission; 2) the Single-Source State Implementation Plan Revisions, RACT Determinations (2010) SIP submission; and 3) the Single-Source State Implementation Plan Revisions, RACT Determinations (2008) SIP submission; and 4) SIP Revisions Incorporating 6 NYCRR Part 218, Emission Standards for Motor Vehicles and Motor Vehicle Engines.

However, pursuant Paragraph #7 of the Consent Decree, if before February 29, 2024, the State of New York withdraws any of the SIP revisions referenced in the above paragraph, the February 29, 2024, deadline for EPA to act will no longer apply. Accordingly, NYSDEC hereby withdraws all SIP revisions indicated with a "Yes" in column C of the attached table. Note that the SIP revision for Part 218 will be withdrawn and replaced when NYSDEC finalizes and publishes the final rulemaking. The final rule is expected to be published before September 3, 2023.

While NYSDEC believes this is the appropriate action to take given the age of the RACT Determinations and the permit actions taken since our original submissions in 2008 and 2010, we want to emphasize, given our permitting renewal cycle, the need for timely review by EPA to avoid the need for future withdrawals. New York looks forward to continuing the early engagement process with EPA while addressing SSSRs as facility permits are issued and/or renewed.

Sincerely,



Christopher M. LaLone, P.E.
Director, Division of Air Resources

Enclosures

c: R. Ruvo, EPA Region 2
R. Bielawa

ENCLOSURE

<i>Facility Name</i>	<i>DEC ID</i>	<i>Column A Revised SIP Revision Submitted</i>	<i>Column B SIP Revision Withdrawn</i>	<i>Column C SIP Revision Withdrawal Requested Pursuant to This Letter</i>
Not Backlogged or Deferred				
Craft-Pak, Inc.	2-6105-00216	-	5/7/2020	NO
Tallman Island WWTP	2-6302-00012	-	5/7/2020	NO
Franklin Poly. Corp.	2-6102-00085	-	5/7/2020	NO
GE Nott Street (GE Company Power Systems)	4-4215-00054	-	5/7/2020	NO
Parker Hannifin	8-5432-00008	-	5/7/2020	NO
2008 Source-Specific SIP Revision Backlog				
Gershow Recycling	1-4722-00967	-	5/7/2020	NO
Bestfoods Baking Company/Entenmann's	1-4728-01480	-	5/7/2020	NO
Cogen Corp	2-6101-00381	-	-	YES
Art Restoration by Demetrius	2-6205-00053	-	5/7/2020	NO
Interstate Brands	2-6307-00276	-	5/7/2020	NO
Ametek Rotron	3-5058-00043	-	-	YES
Northeast Solite	3-5148-00084	-	-	YES
Owens-Corning	4-0122-00004	-	-	YES
Tennessee Gas Pipeline Station 254	4-1026-00037	-	-	YES
Norbord Industries	4-1230-00019	-	5/7/2020	NO
Von Roll USA	4-4228-00079	-	-	YES
A. Schonbeck & Co.	5-0942-00001	-	5/7/2020	NO
Sylvamo Ticonderoga (formerly International Paper)	5-1548-00008	11/23/2022	11/23/2022	NO
Finch Paper	5-5205-00005	5/24/2022	5/24/2022	NO
Lehigh Cement	5-5205-00013	7/1/2022	7/1/2022	NO
Becton Dickinson (formerly C.R.Bard)	5-5234-00007	-	-	YES
Commonwealth Plywood	5-5352-00007	-	-	YES
Tennessee Gas Pipeline Station 245	6-2156-00018	-	-	YES
Knowlton Paper	6-2218-00017	2/22/2023	2/22/2023	NO
Utica Metal Products	6-3016-00065	-	5/7/2020	NO
ALCOA Massena	6-4058-00003	-	-	YES
GM Powertrain	6-4058-00004	-	5/7/2020	NO
Cornell University	7-5007-00030	-	-	YES
Dominion Transmission Borger Station	7-5024-00007	-	-	YES
US Gypsum Oakfield	8-1838-00007	-	-	YES
American Packaging Corp Rochester	8-2614-00117	-	-	YES
Kodak Park Division	8-2614-00205	-	-	YES

Dominion Transmission Woodhull Station	8-4682-00006	-	5/7/2020	NO
Alstom Power (now Arvos Inc.)	9-0270-00025	-	-	YES
SKF Aeroengine (formerly MRC Bearings)	9-0638-00066	-	-	YES
TitanX Engine Cooling (formerly Valeo Engine Cooling)	9-0699-00056	-	-	YES
Tennessee Gas Pipeline Station 229	9-1440-00034	-	-	YES
E.I. Dupont	9-1464-00031	-	-	YES
Prestolite Electric	9-5620-00027	-	5/7/2020	NO
2010 Source-Specific SIP Revision Backlog				
Village of Freeport Plant #1	1-2820-00357	-	5/7/2020	NO
NYCDEP Owl's Head WPCP	2-6102-00005	-	-	YES
Revere Smelting & Refining	3-3352-00145	-	-	YES
Holcim (US) Inc – Catskill Plant (fka Independent)	4-1926-00021	-	5/7/2020	NO
A. Schonbeck (Swarovski)	5-0942-00001	-	5/7/2020	NO
Sylvamo Ticonderoga (formerly International Paper)	5-1548-00008	11/23/2022	11/23/2022	NO
Newton Falls Paper Company	6-4026-00001	-	5/7/2020	NO
Borger Station Dominion Transmission	7-5024-00007	-	-	YES
Kodak Park Division	8-2614-00205	-	-	YES
Pactiv Corp	8-3224-00108	-	-	YES
3M Tonawanda	9-1464-00164	-	-	YES
Metal Cladding	9-2909-00052	-	-	YES
Globe Metallurgical	9-2911-00078	-	-	YES
TAM Ceramics	9-2930-00032	-	-	YES
2011 6 NYCRR Part 230 Backlog & May 7, 2020 Deferral				
6 NYCRR Part 230: Gasoline Dispensing Sites and Transportation Vehicles Stage	N/A	3/2/2021	3/2/2021	NO
2013 6 NYCRR Part 220 Source-Specific SIP Revision Backlog & May 7, 2020 Deferral				
Owens-Corning Insulating Systems	4-0122-00004	-	-	YES
Lafarge Building Materials Inc.	4-0124-00001	-	-	YES
Lehigh Cement	5-5205-00013	7/1/2022	7/1/2022	NO
Owens-Brockway Glass Container	7-0552-00004	-	-	YES
Anchor Glass Container Corp	8-0704-00036	-	-	YES
Guardian Geneva Float Glass	8-3205-00041	-	-	YES
May 7, 2020 Deferral				
Rockville Center Power Plant	1-2820-00753	-	-	YES
Cornell University (formerly Cornell Central Heating)	7-5007-00030	-	-	YES
American Packaging Corp Rochester	8-2614-00117	-	-	YES
SKF Aeroengine (formerly MRC Bearings)	9-0638-00066	-	-	YES
6 NYCRR Part 218 Backlog				
6 NYCRR Part 218, Emission Standards for Motor Vehicles and Motor Vehicle Engines	N/A	-	-	NO