

## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of Climate, Air, & Energy, Deputy Commissioner  
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AUG 30 2022

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

RE: 6 NYCRR Subpart 202-2, Emission Statements [03/21/2022],  
6 NYCRR Subpart 225-1, Fuel Composition and Use - Sulfur-in-Fuel [03/03/2021],  
6 NYCRR Part 230, Gasoline Dispensing Sites and Transport Vehicles [03/03/2021],  
6 NYCRR Part 231, New Source Review for New and Modified Facilities [03/16/2021],  
6 NYCRR Part 235, Consumer Products [03/03/2021].

Dear Administrator Garcia:

On behalf of the Governor of the State of New York, I am submitting for approval by the U.S. Environmental Protection Agency (EPA) a supplement to each of the five previously submitted SIP revisions referenced above with their original submittal dates indicated in brackets.

Each New York State Department of Environmental Conservation (NYSDEC) regulation/SIP revision referenced above was submitted to EPA for approval and incorporation into the New York SIP because they will result in a significant decrease in emissions of nitrogen oxides, sulfur dioxide, and/or volatile organic compounds needed to attain and/or maintain the National Ambient Air Quality Standards (NAAQS) promulgated by the EPA to protect public health and the environment pursuant its authority under the Clean Air Act (CAA).

6 NYCRR Subpart 202-2 was submitted to the EPA for approval and incorporation into the SIP to satisfy the requirements of CAA sections 184(b)(2), control of interstate ozone air pollution in ozone transport regions, and 182(f), NO<sub>x</sub> requirements. Attendant revisions to 6 NYCRR Part 200, General Provisions, were included in the five previously submitted SIP revisions referenced above [if applicable].

The regulations and SIP revisions already went through a formal public comment period as prescribed by New York State law during the onset of COVID restrictions when in-person public hearings were canceled due to the burgeoning public health emergency and virtual hearings were not yet permitted pursuant to law; to compensate, an extended written public comment period was offered in lieu of the prohibited in-person hearing.

However, EPA requires the opportunity for the public to request a public hearing on the submittal of the regulations as SIP revisions. Therefore, a public notice with the opportunity to request a public hearing for the above referenced SIP revisions was published in the July 20, 2022, edition of the *Environmental Notice Bulletin*. The opportunity to request a public hearing ended on August 19, 2022. There were no requests for a public hearing.

The following document is enclosed with this amendment submittal:

1. Public Notice of opportunity to request a public hearing as published in the *Environmental Notice Bulletin* on July 20, 2022.

If you have any questions or concerns, please contact Mr. Robert D. Bielawa, Chief, Division of Air Resources, Bureau of Air Quality Planning, SIP Planning Section at (518) 402-8396.

Sincerely,



J. Jared Snyder  
Deputy Commissioner  
Office of Climate, Air, & Energy

Enclosures

c: R. Ruvo, EPA Region 2  
C. LaLone



# Department of Environmental Conservation

## ENB Statewide Notices 7/20/2022

### Public Notice

Pursuant to the Environmental Conservation Law (ECL) §§ 1-0101 and 3-0301 and ECL Articles 11 and 13 the New York State Department of Environmental Conservation (NYS DEC) hereby gives notice of the following:

Notice of Proposed Rule Making to Amend 6 NYCRR Part 175, Special Licenses and Permits - Definitions and Uniform Procedures and Add 6 NYCRR Part 39, Marine Resources Licenses and Permits - Definitions and Uniform Procedures.

6 NYCRR Part 175 contains uniform procedures for many of the licenses and permits authorized by ECL Articles 11 (Fish and Wildlife) and 13 (Marine Resources), excluding hunting, recreational fishing, and trapping licenses. This rule making is necessary to update and amend Part 175 to ensure that these licenses and permits are administered in a clear, consistent, and efficient manner. To reflect the reestablishment of NYS DEC's Division of Marine Resources outside of the Division of Fish and Wildlife, all provisions related to the issuance and management of marine resources licenses and permits authorized by ECL Article 13 will be relocated to a new 6 NYCRR Part 39.

#### Availability of Documents for Review:

Information concerning the [proposed rulemaking, and supporting rulemaking documents](#) can be accessed from NYSDEC's rulemaking web site at: <https://www.dec.ny.gov/regulations/propregulations.html#public>.

These documents may also be inspected at NYS DEC, 625 Broadway, Albany, NY 12233. Please call Anne Haas, Esq. for an appointment at (518) 402-9533 or email at: [ogc.regs@dec.ny.gov](mailto:ogc.regs@dec.ny.gov)

**This notice will be published in issue 29 of the State Register, dated July 20, 2022.**

**Written comments on the proposed rule may be submitted until 5 p.m. on September 19, 2022.**

**For further information, please contact:**

Anne Haas, Esq.  
NYS DEC - Office of General Counsel  
625 Broadway  
Albany, NY 12233-1500  
Phone: (518) 402-9533  
E-mail: [ogc.regs@dec.ny.gov](mailto:ogc.regs@dec.ny.gov)

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#### State Implementation Plan Revisions

**6 NYCRR Subpart 202-2, Emission Statements,  
6 NYCRR Subpart 225-1, Fuel Composition and Use - Sulfur-in-Fuel,  
6 NYCRR Part 230, Gasoline Dispensing Sites and Transport Vehicles,  
6 NYCRR Part 231, New Source Review for New and Modified Facilities,  
6 NYCRR Part 235, Consumer Products, and attendant revisions to  
6 NYCRR Part 200, General Provisions**

**Pursuant to Sections: 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0325, 19-0907, 71-2103, and 71-2105 of the Environmental Conservation Law (ECL), the New York State Department of Environmental Conservation hereby gives notice of the following:**

Notice is hereby given that the New York State Department of Environmental Conservation (NYS DEC) plans to supplement previously submitted revisions to the State Implementation Plan (SIP) for the above referenced regulations. The regulations referenced in this public notice were submitted to the United States Environmental Protection Agency (US EPA) for approval and incorporation into the New York SIP because they will result in a significant decrease in emissions of nitrogen oxides, sulfur dioxide, and/or volatile organic compounds needed to attain and/or maintain the National Ambient Air Quality Standards (NAAQS) promulgated by the US EPA to protect public health and the environment pursuant its authority under the Clean Air Act (CAA). 6 NYCRR Subpart 202-2 was submitted to the US EPA for approval and incorporation into the SIP to satisfy the requirements of CAA sections 184(b)(2) and 182(f).

The regulations and SIP revisions already went through a formal public comment period as prescribed by New York State law during the onset of COVID restrictions when in-person public hearings were canceled due to the burgeoning public health emergency and virtual hearings were not yet permitted pursuant to law; to compensate, an extended written public comment period was offered in lieu of the prohibited in-person hearing. However, the US EPA requires the opportunity for the public to request a public hearing on the submittal of the regulations as SIP revisions. Comments on the underlying provisions of the regulations are outside the scope of any eventual public hearing, if one is requested, because the regulations are currently in effect and there are no regulatory changes proposed pursuant to this notice. If a public hearing on the SIP revisions is requested, the required public notice will be published in a future edition of the Environmental Notice Bulletin.

**Written requests for a public hearing on the SIP revisions may be submitted until 5:00 p.m. on August 19, 2022, to the contact listed below.** Please explicitly include the rule(s) for which you are requesting a hearing.

**Contact:** Robert D. Bielawa, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, Phone: (518) 402-8396, E-mail: [dar.sips@dec.ny.gov](mailto:dar.sips@dec.ny.gov)

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**Extension of Public Comment Period, Revised 6 NYCRR Part 360, Solid Waste Management Facilities**

The public comment period on the proposed amendment of Parts 360, 361, 362, 363, 364, 365, 366, 369, 371 and 377 of Title 6 NYCRR is extended by 30 days in response to multiple requests for a comment period extension. The revisions include technical amendments and clarifications to the comprehensive 2017 rulemaking, as well as updated criteria needed due to legal and policy developments. This rulemaking also includes minor revisions to Part 371 and Part 377. The Notice of Proposed Rulemaking was published on May 18, 2022, with the I.D. No. ENV-20-22-00003-P.

**The public is invited to submit written comments on the proposed Part 360 rulemaking through August 24, 2022.**

**Written comments can be submitted by:**

1. E-mail to: [solidwasteregulations@dec.ny.gov](mailto:solidwasteregulations@dec.ny.gov) Please include "Comments on Proposed Part 360" in the subject line of the email; or
2. By mail to NYS DEC, Division of Materials Management, 625 Broadway, Albany, NY 12233-7253.

**Contact:** Rebecca Vaughan, NYS DEC - Division of Materials Management, 625 Broadway, Albany, NY 12233-7260, Phone: (518) 402-8678, E-mail: [SolidWasteRegulations@dec.ny.gov](mailto:SolidWasteRegulations@dec.ny.gov)

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