

New York State Department of Environmental Conservation
Office of Air & Waste Management, Room 608
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APR 18 2000

Ms. Jeanne Fox
Regional Administrator
U.S. Environmental Protection Agency
Region 2
290 Broadway
New York, New York 10007

Re: Revisions to the State Implementation Plan for Ozone

Dear Regional Administrator Fox:

On behalf of the Governor of State of New York, I am submitting for approval by the United States Environmental Protection Agency (EPA), the following revisions to the New York State Implementation Plan (SIP) for Ozone:

- A letter from Carl Johnson, Deputy Commissioner to Jeanne Fox, Regional Administrator, dated January 31, 2000 committing the Department of Environmental Conservation (the Department) to adopt additional emission reduction measures to attain the one-hour National Ambient Air Quality Standard for ozone;
- Revised Motor Vehicle Emission Budgets for 2007;
- The Oxides of Nitrogen (NO_x) SIP; and
- The Stage II Comparability Demonstration for portions of New York State.

The first three revisions referenced above are being submitted to comply with EPA's proposed rule entitled, "Approval and Promulgation of Implementation Plans; New York; One-Hour Ozone Attainment Demonstration State Implementation Plan and 2007 Transportation



Conformity Budgets" (64 FR 70364, December 16, 1999). The final revision, the Stage II Comparability Demonstration, is not a requirement of the proposed rule but was included in the public comment period.

The authority for this submission is provided for by Sections 3-0301, 19-0103, 19-0303, 19-0105, 19-0301, and 19-0305 of the Environmental Conservation Law (ECL) which provides general authority to regulate air pollution. ECL Article 19 generally sets out provisions for air pollution control. Sections 19-0301 and 19-0303 set out the authority to control air pollution and sources of air pollution and to promulgate regulations for these purposes. Section 19-0305 of the ECL provides specific authority to enforce the rules and regulations promulgated for the above purposes. Article 71 of the ECL provides general enforcement authority and criminal enforcement authority for violations of Article 19.

Prior to making this submittal the Department, in accordance with New York State's Administrative Procedures Act, solicited public comment regarding these revisions and completed the public hearing process required. All comments received, and the Department's responses, have been summarized; and the summaries are enclosed along with this letter.

The following documents are enclosed:

- 1) The above referenced January 31, 2000 letter from Deputy Commissioner Carl Johnson to Regional Administrator Jeanne Fox;
- 2) Revisions to Table M.b. of the November 1998 SIP Proposed Revision that include the revised Motor Vehicle Emissions Budgets for the New York City/ Lower Orange County Metropolitan Area for 2007;
- 3) A February 18, 2000 letter from Deputy Commissioner Carl Johnson to Regional Administrator Jeanne Fox formally requesting approval of the revised budgets discussed in 1), above;
- 4) Final revision to the NOx SIP Call budget, dated March 2000;
- 5) Stage II Comparability Demonstration for portions of New York State, dated January 2000;
- 6) A copy of the Public Notice published in the New York State Register on February 16, 2000 soliciting public comment on the above documents;
- 7) A copy of the Public Notice that appeared in the New York State Environmental Notice Bulletin on February 16, 2000 soliciting public comment on the above documents;

- 8) Copies of the Affidavits of Publication of the notice of Public Notice from newspapers in circulation in the affected area regarding the above documents, and copies of the notices which were published on February 16, 2000;
- 9) The hearing officer's Summary Hearing Report for the public hearings held March 20 and 21, 2000; and,
- 10) A compilation of the comments received on the above documents and the Department's response to those comments.

Should you have any questions regarding this request, please direct your staff to contact David Shaw, Assistant Director at 518/ 457-7231.

We appreciate EPA's assistance in this matter.

Sincerely,



Carl Johnson
Deputy Commissioner
Office of Air & Waste Management

Enclosures

cc: R. Borsellino - EPA Region II (w/encl)
R. Werner - EPA Region II (w/encl)
R. Kapichak - EPA Region II (w/encl)
J. Zamurs - NYSDOT (wo/encl)
G. McVoy - NYSDOT (wo/encl)
J. Harris - NYMTC (wo/encl)
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