

JUN 1 1992

Mr. Thomas M. Allen, P.E.  
Director  
Division of Air Resources  
New York State Department of  
Environmental Conservation  
50 Wolf Road  
Albany, New York 12233

Dear Mr. Allen:

I am writing to remind you of the need to submit revisions to New York's State Implementation Plan (SIP) for new source review by November 15, 1992. As you may already be aware, EPA guidance on revisions to the new source review regulations has not yet been issued. While EPA has been late in developing detailed guidance on what constitutes a complete and approvable new source review program, the Clean Air Act Amendments (CAAA) specify certain minimum changes. The General Preamble for Title I, published in the Federal Register on Thursday, April 16, 1992, describes these changes, including new definitions for major sources of various pollutants and new emission offset ratios.

In addition, in my March 17, 1989 letter to you, I noted that we would not approve any future SIP revisions that contain the provision exempting resource recovery facilities from the need to obtain emission offsets. It has come to our attention that there may have been some confusion as to whether eliminating this provision was still necessary. However, there is a court order requiring in effect that New York State eliminate the offset exemption for new resource recovery facilities.

We are sensitive to the issue of requiring offsets for major sources of carbon monoxide. We encourage you to find innovative strategies for obtaining offsets for these sources.

As you know, the CAAA require States to adopt SIP revisions subject to EPA approval that incorporate the new preconstruction permitting requirements for new or modified sources by certain dates. The ozone SIP revision deadline, for instance, is November 15, 1992. If these deadlines pass without States submitting revisions to their new source review regulations, EPA may impose sanctions on delinquent States.

These include imposing on the State the sanctions under Section 179(b) or proceeding under Section 113(a)(5) against sources that attempt to construct, including the issuance of orders prohibiting construction of the major source.

My staff is ready to review your proposed changes to NYSDEC's new source review program and to assist you with ensuring that the new CAAA requirements are included.

Sincerely yours,

Conrad Simon, Director  
Air and Waste Management Division

cc: T. Davis, NYSDEC  
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