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GEORGE E. PATAKI
GOVERNOR

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

ERIN M. CROTTY
COMMISSIONER

Kenny
Callahan
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cc: Mugdan/Action
(w/encl.)
Bellow
Laposta

FEB - 6 2004

Honorable Jane M. Kenny
Regional Administrator
United States Environmental Protection Agency
290 Broadway, 26th Floor
New York, New York 10007-1866

Dear Regional Administrator Kenny:

This is in response to your letter regarding proposed modifications to New York's recommendations for designations under the new National Ambient Air Quality Standards (NAAQS) for ozone (8-hour average), and Assistant Administrator Holmstead's letter of January 30, 2004 (enclosed) regarding the same. These modifications were based, in part, on the recent availability of air quality data from 2003. The New York State Department of Environmental Conservation (Department) has reviewed the proposed modifications and is writing to disagree with four of EPA's recommendations.

Consideration of Colliers Mills, Ocean County, New Jersey Monitor

Consistent with my letter of July 15, 2003, New York strongly disputes the inclusion of the Colliers Mills, Ocean County, New Jersey monitoring station data for purposes of designation and classification in EPA's proposed New York-New Jersey-Connecticut-Pennsylvania (NY-NJ-CT-PA) nonattainment area. The proposed modification fails to place the responsibility for reduction of the emissions impacting this monitor with the proposed Philadelphia, Delaware-Maryland-New Jersey-Pennsylvania (Philadelphia) nonattainment area that is demonstrably responsible for generating the emissions affecting the monitor. Although your letter did not respond at all to New York State's expressed support of New Jersey's recommendation to exclude Ocean County from the shared nonattainment area, New York continues to be greatly concerned that EPA's proposed modification to its recommendations seriously impacts this State and the health of its citizens.

In his letter dated January 30, 2004, Assistant Administrator Holmstead directed our attention to the modeling work performed as part of the proposed Interstate Air Quality Rule (IAQR). The analysis referring to the modeling summary provides for contribution estimates of ozone from individual states on downwind nonattainment counties but not by individual

metropolitan areas. It is important to recognize that the IAQR notes (see Table V-3, 69 FR 4603) that the predicted level of impact from New York State is deemed to be below the level of significance (before considering costs) and therefore was not identified in the list of upwind states impacting Ocean County.

Your letter to Governor McGreevey cites maintaining the 1-hour nonattainment boundaries as the reason for including Ocean County in the proposed NY-NJ-CT-PA nonattainment area. Given that assuming responsibility for the Philadelphia area emissions plume would have been as significant an issue for New York State over a decade ago as it is now, I asked staff to research this issue. I have been informed that EPA has never before linked the responsibility for the Philadelphia plume with the existing New York-Northern New Jersey-Long Island 1-hour nonattainment area. In fact, the 1-hour nonattainment area was clearly *not* assigned the responsibility for offsetting the Philadelphia emission plume under the 1-hour ozone standard, and EPA has previously been consistent in maintaining the relationship between Colliers Mills and Philadelphia.

Prior to the designations for the 1-hour ozone nonattainment area being made, the easternmost monitor for the downwind plume of the Philadelphia-Wilmington-Trenton 1-hour ozone nonattainment area (1-hour Philadelphia area) was located in Burlington County, New Jersey. Air quality modeling performed indicated that the maximum ozone levels from emissions originating within the 1-hour Philadelphia area extended further east than originally indicated. As a result, EPA requested New Jersey develop a calibration monitoring location further downwind within that plume. This calibration site was located in Colliers Mills. After two years of operation verifying that the Burlington County monitor was sufficient, the Colliers Mills monitor was shut down. However, in 1991, the host of the Burlington monitor, McGuire Air Force Base, requested removal of the monitor. As the Colliers Mills location had already been verified as an acceptable site for monitoring the Philadelphia plume, the monitor was reestablished there. It is of no technical significance that a Census Bureau boundary was crossed in this process. This was affirmed not only in the joint work effort undertaken by our agencies in developing the urban airshed modeling domain (on which the attainment demonstration for the 1-hour New York-Northern New Jersey-Long Island ozone nonattainment area is based) but also by EPA's final approval of the attainment demonstration (67 FR 5170).

With regard to this specific modification, neither New York, nor the other state partners in the proposed NY-NJ-CT-PA nonattainment area, dispute the need for Ocean County to be designated nonattainment. However, the existing EPA March 28, 2000 guidance memorandum for recommending boundaries other than the metropolitan area boundaries created by the Bureau of Census recognizes that the Bureau of Census does not consider travel patterns of emissions when setting its boundaries. New Jersey, in its 11 point technical analysis, does infer that Ocean County should be designated nonattainment, but clearly demonstrates that the air quality in this area would be most significantly and expediently improved if the upwind Philadelphia area was held responsible for bringing this downwind monitor into attainment.

EPA's decision to act contrary to past practice and scientific research, and failure to hold the Philadelphia area responsible for regional emission controls necessary to achieve the standard in the downwind plume, places millions of New York's residents at increased public health risk. New York will be forced to spend valuable resources in an effort to address a situation we cannot resolve. Ultimately, the issue may need to be litigated which may delay the implementation of additional controls in New York. EPA's decision further affects the health of our citizens since Philadelphia may not implement the necessary emission controls to reduce the area's affect on the New York portion of the nonattainment area.

I strongly encourage EPA, in review of the situation, to reflect the historical technical facts and assign the responsibility of addressing air quality in this area to the Philadelphia Metropolitan area.

Treatment of Mid-Hudson Area

Your letter of December 3, 2003 also proposes to merge the three county Mid-Hudson area with the NY-NJ-CT-PA nonattainment area. The State disagrees with this for several reasons.

First, this is inconsistent with EPA's decision to follow existing 1-hour boundaries as stated in its rationale regarding the Colliers Mills, New Jersey monitor. While part of the New York-Northern New Jersey-Long Island, NY-NJ-CT-PA CMSA, the three counties in Mid-Hudson have historically been a separate nonattainment area.

Second, the three counties are not significant to air quality in many other portions of the proposed NY-NJ-CT-PA nonattainment area. While controls will be necessary to reduce emissions in the three counties, the Mid-Hudson area would be required to implement controls that would have little, if any, affect on many portions of the nonattainment area.

New York is enclosing the required 11 point analysis to address this situation.

Syracuse Metropolitan Statistical Area

Our third disagreement is with EPA's proposed modification for Syracuse. New York recommends the designation of unclassifiable for the next two years.

The Syracuse area has never before violated any ozone standard, and review of the Design Values (DVs) for the East Syracuse monitor in Onondaga County and the Camp Georgetown monitor in Madison County for the past decade (enclosed) affirm this. It is only the unusual fourth highest value in 2002 that has caused the DVs to reach the lowest possible nonattainment value. The only time a similar fourth highest value was recorded was in 1995, and the values swiftly declined in following years. Meanwhile, the downwind monitor for this region at Camp Georgetown has, and continues to, monitor attainment.

In addition, New York State has already developed and instituted several control measures to be implemented statewide. These measures are not future commitments that are being conditionally pursued, such as the case with Early Action Compacts, nor do the expected emission reductions hinge on actions to be undertaken in other states, such as those linked to the Nitrogen Oxide State Implementation Plan Call (NOx SIP Call). In acting in such a proactive manner, New York State has already sought to protect the health and welfare of its citizens. We seek the designation of unclassifiable for this upstate area as a viable alternative to implementing checks and verifications that would not accomplish any emission reductions above and beyond those already adopted, and for which the benefits will soon be measured.

Rochester Metropolitan Statistical Area

Our final disagreement is with regard to the proposed designation of the entire Rochester Metropolitan Statistical Area as a nonattainment area. We strongly urge EPA to consider limiting the designation to counties with significant contribution to the urban airshed, rather than imposing a designation of nonattainment on rural counties, such as Orleans and Genesee, that have no significant sources.

Should you have any questions, please contact me at (518) 402-8540. Should your staff have any questions, please have them contact David Shaw, Acting Director of the Department's Division of Air Resources at (518) 402-8452.

Sincerely,

Erin M. Crotty

Enclosures

cc: Honorable James L. Connaughton
Chairman, White House Council on Environmental Quality

Honorable Stephen L. Johnson
Acting Deputy Administrator, USEPA

Honorable Jeffrey R. Holmstead
Assistant Administrator, Office of Air & Radiation

Commissioner Bradley M. Campbell
New Jersey Department of Environmental Protection

Commissioner Arthur J. Rocque, Jr.
Connecticut Department of Environmental Protection

Secretary Kathleen A. McGinty
Pennsylvania Department of Environmental Protection

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 30 2004

OFFICE OF
AIR AND RADIATION

Ms. Erin M. Crotty
Commissioner, State of New York
Department of Environmental Conservation
Albany, NY 12233-1010

Dear Commissioner Crotty:

Thank you for your letter of November 24, 2003, to Acting Deputy Administrator Johnson, concerning Ocean County, New Jersey, and its relationship to the 8-hour designation for the New York Metropolitan area. It was a pleasure to meet with you in November, and I appreciate your thoughtful comments.

As you know, on December 3, 2003, Regional Administrator Jane Kenny informed Governor McGreevey of New Jersey that the Environmental Protection Agency (EPA) intended to modify that State's recommendation for Ocean County to include Ocean County as part of the New York-Northern New Jersey-Long Island area instead of the recommended Philadelphia area. Ocean County is currently part of the New York-New Jersey Consolidated Metropolitan Statistical Area (CMSA) and the current New York metropolitan 1-hour ozone nonattainment area. I agree that transport is an important factor in nonattainment of the 8-hour ozone standard in the Northeast. However, rather than realigning counties and nonattainment areas in the Northeast, I believe that it is appropriate to include Ocean County as part of the New York metropolitan area based on our guidance to use the Census Bureau definition of the CMSA and its inclusion as part of the current nonattainment area. As discussed in the December 3, 2003 letter, we have asked that you provide any additional information addressing the factors established for designation decisions by February 6, 2004.

I apologize for the misunderstanding concerning any EPA nonattainment analysis showing contribution from the New York metropolitan area to the Ocean County monitor. We do not have an analysis that addresses this, and I regret any confusion that has occurred on this point. There are older analyses showing statewide impacts and more recent state wide analyses done in connection with our proposed Interstate Air Quality Rule (IAQR). As part of the IAQR

analyses, we completed modeling to determine the individual contributions of States in the Eastern United States to ozone levels in counties that are projected to be in nonattainment in 2010, including Ocean County, New Jersey. There are no comparable analyses that look at the contributions from individual metropolitan areas on projected nonattainment counties. While the IAQR modeling shows the impact of transported emissions from Pennsylvania, it also shows impact from the State of New York on Ocean County. Modeling summaries supporting the IAQR will be posted on our EPA website when the rule is published in the Federal Register. The web site address is www.epa.gov/interstateairquality/.

We are committed to reducing interstate transport either through the Administration's Clear Skies Act or through the recently proposed IAQR. When finalized, the IAQR will achieve significant reductions in nitrogen oxide emissions to reduce the regional transport of ozone. When fully implemented, this program would help both the New York and Philadelphia areas address their long-term ozone problems. I am committed to working with you and others involved with air quality State implementation planning in both the New York City and Philadelphia nonattainment areas to develop fair and effective local area ozone and regional plans to abate the ozone pollution problem.

With regard to any future nonattainment classifications of the New York and Philadelphia areas, EPA is presently drafting the final rule to implement the 8-hour ozone standard. Regardless of the approach to classifications contained in the final EPA rule, it is likely that both areas will be classified under the provisions of the Clean Air Act (Subpart 2 of Part D of Title I). The exact area classification, associated attainment dates, and control requirements will depend upon the content of our final rule.

Again, thank you for your letter. I appreciate the opportunity to be of service and trust the information provided is helpful.

Sincerely,

Jeffrey R. Holmstead
Assistant Administrator

ANALYSIS IN SUPPORT OF THE MID-HUDSON OZONE NONATTAINMENT AREA BASED ON THE UNITED STATE'S ENVIRONMENTAL PROTECTION AGENCY'S

BOUNDARY GUIDANCE ON AIR QUALITY DESIGNATIONS FOR THE 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS, MARCH 28, 2000

New York State recommends that the Mid-Hudson region remain as a single nonattainment area under the 8-Hour Ozone National Ambient Air Quality Standard, separate from the New York Metropolitan region. The counties recommended for inclusion in the Mid-Hudson nonattainment area are Dutchess, Orange and Putnam. The counties recommended to remain with the New York Metropolitan Area (NYMA) nonattainment area are: Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk and Westchester.

Whereas the EPA guidance was chiefly developed to address areas where a state is seeking to have a portion of the statistical area not be included in a designation of nonattainment, New York State concurs with EPA that all the counties discussed should be designated nonattainment. The purpose of this document is to demonstrate that the region is best served by reaffirming the two regions as separate nonattainment areas.

This recommendation takes into account the minimal affect these areas have on each other with regard to: emissions due to disparity in volume of emissions, size, population and traffic; minimal impact of emission transport between the areas due to meteorological and topographical factors; existing nonattainment and planning boundaries; and the existence of identical regional controls.

EPA's Boundary Guidance on Air Quality Designations for the 8-Hour Ozone National Ambient Air Quality Standards, March 28, 2000 has been used as the basis for this document, specifically the 11 point criteria found under question 5 of that document.

CRITERION 1: EMISSIONS AND AIR QUALITY IN ADJACENT AREAS

Using the most current emissions inventories for VOCs and NO_x, this section illustrates and compares emissions information from the 12 counties in the two proposed nonattainment areas. Table 1-1 presents the total emissions in tons/year of VOCs and NO_x for the NYMA and Mid-Hudson areas.

Figures 1-1 and 1-2 present the emissions densities (tons/mi^2) for the various counties in the region. As shown in these figures, the emissions densities are approximately 7 times higher in the NYMA nonattainment area than in the Mid-Hudson area.

CRITERION 2: POPULATION DENSITY AND DEGREE OF URBANIZATION INCLUDING COMMERCIAL DEVELOPMENT (SIGNIFICANT DIFFERENCE FROM SURROUNDING AREAS)

The Mid-Hudson counties have significantly lower population densities and are much less urbanized than the NYMA counties to the south. Table 2-1 compares the 1990 and 2000 populations for the counties in the Mid-Hudson area and the NYMA. Collectively, the Mid-Hudson area contained 717,262 residents in 2000, compared to 11,972,403 residents in the NYMA (see Figure 2-1).

In terms of population density, Table 2-2 shows the number of residents per square mile in each of the counties. The Mid-Hudson area comprises approximately 46.9 percent of the total land mass within the NYMA CMSA, but accounted for only 5.7 percent of the NYMA CMSA's total population in 2000. The three Mid-Hudson counties averaged 370 residents per square mile, compared to 5,462 residents per square mile in the NYMA (see Figure 2-2).

The NYMA and Mid-Hudson areas are similarly divergent in terms of total workforce and employment. As shown in Table 2-3 and Figure 2-3, residents of the Mid-Hudson area account for only 6.0 percent of the total workforce in the NYMA CMSA. In terms of employment within the areas, of the 6,500,513 employees that worked in the NYMA CMSA in 2000, 6,222,700 of those jobs (or 95.7 percent) were located within the NYMA, while only 277,813 jobs (4.3 percent) were located within the three counties of the Mid-Hudson area. The average employment density within the NYMA is approximately 2,839 workers per square mile, compared to 143 workers per square mile in the Mid-Hudson area (See Table 2-4 and Figure 2-4).

CRITERION 3: MONITORING DATA REPRESENTING OZONE CONCENTRATIONS IN LOCAL AREAS AND LARGER AREAS (URBAN OR REGIONAL SCALE)

The Design Values (DVs) for the 2000-2002 ozone season are shown in Figure 3-1 for the region. The preliminary DVs for 2001-2003 are shown in Figure 3-2. The DV's in both areas are of a similar range.

CRITERION 4: LOCATION OF EMISSION SOURCES

With regard to the location of emission sources, the bulk of sources are located within the NYMA region. While there is a significant stationary source in Orange County, emissions from this source are not likely to affect ozone levels in the counties further south. As discussed below (see Criterions 7 and 8), due to the location of the Hudson Highlands and the weather features common to the area, emissions in the Mid-Hudson area are not a substantial contributor to ozone in the counties further south, but are a significant contributor to ozone within the Mid-Hudson area. Ozone levels in the Mid-Hudson area are largely due to a combination of long-distance transport and local contribution from within the Mid-Hudson region.

CRITERION 5: TRAFFIC AND COMMUTING PATTERNS

The traffic and commuting patterns within and among the Mid-Hudson and NYMA counties reflect the differences in residential and workforce densities between the two areas, as described under Criterion 2. The following section focuses on the disparities between the two areas in terms of vehicle miles traveled (VMT), means of transportation to work, and inter- and intra-regional commuting.

Based on year 2002 VMT estimates, there was an average daily total of approximately 219.2 million VMT within the NYMA CMSA. Of that amount, approximately 188.6 million VMT, or 86.0 percent of the total, occurred within the NYMA counties. The remaining 30.6 million VMT, or 14.0 percent of the total, occurred within the Mid-Hudson area (see Table 5-1 and Figure 5-1).

There is also a significant difference in the density of the daily VMT between the NYMA and Mid-Hudson areas. Figure 5-2 shows the estimated 2002 daily VMT per square mile for the two areas; in 2002 the NYMA averaged 86,013 VMT/mile^2 per day, while the Mid-Hudson area averaged 15,797 VMT/mile^2.

The vast difference in urbanization between the NYMA and Mid-Hudson areas also can be seen in the workers' commuting habits. Table 5-2 shows the means of transportation to work for all workers 16 years and older in 2000. Within the NYMA, approximately 2,537,028 workers (or about 50.3 percent of all workers) commuted to work by car, truck, or van, with approximately 83.1 percent of those workers driving alone. In contrast, within the Mid-Hudson area, approximately 288,214 workers (or about 87.8 percent of the total workforce) commuted to work by car, truck, or van, with approximately 88.5 percent of those workers driving alone. Within the NYMA area, 1,925,650 workers (or approximately 38.2 percent of the workforce) took public transportation to their place of work in 2000, compared to 16,026 workers (or approximately 4.9 percent of the workforce) in the Mid-Hudson counties.

In terms of commuting within and between the two areas, of the approximately 5,003,383 commuting workers (i.e., workers that do not work at home) that lived in the NYMA counties in 2000, 4,853,420 of those workers (97.0 percent) worked within the NYMA, while 9,509 (0.2 percent) commuted to a job location within the Mid-Hudson area. Of the approximately 324,569 commuting workers that lived in the Mid-Hudson area in 2000, 218,467 (or 67.3 percent) worked within the Mid-Hudson area, while 79,342 (or 24.4 percent) commuted to a job location within the NYMA. Of those 79,342 Mid-Hudson residents commuting to the NYMA counties, 34,929 (or 44.0 percent) traveled from either Dutchess or Putnam County to a job in Westchester County (the northernmost county within the NYMA area). In addition, it is important to note that not all of these commuter trips are vehicle trips, given that MTA's Metro-North Railroad is used by many Mid-Hudson area residents commuting to the NYMA.

While the percentage of commuters from the Mid-Hudson area to the NYMA is substantial, in absolute terms, the Mid-Hudson area residents accounted for only 1.3 percent of the year 2000 employment located within the NYMA counties. So while over 50 percent of Putnam County's resident workforce commute into the NYMA (as cited in EPA's initial response), those workers constitute only 0.45 percent of the NYMA worker population. Conversely, while only 0.2 percent of the NYMA residents commute to a job in the Mid-Hudson area, those NYMA residents accounted for approximately 3.4 percent of the year 2000 employment located within the Mid-Hudson area.

CRITERION 6: EXPECTED GROWTH (INCLUDING EXTENT, PATTERN AND RATE OF GROWTH)

Table 6-1 shows the population projections for the counties of the proposed NYMA and Mid-Hudson areas in five-year increments through 2025. Between 2000 and 2025, the NYMA is projected to grow its residential population at an average annual rate of 32,441 persons per year. In contrast, the proposed Mid-Hudson area is expected to grow its residential population at an average annual rate of 7,970 persons per year over the same 25-year period (see Figure 6-1). In 2025, the NYMA is projected to account for approximately 93.0 percent of the total residential population of the NYMA CMSA, compared to 94.1 percent of the total population in 2000.

The workforce and employment projections confirm the existing dissimilarities between the NYMA and Mid-Hudson area. Table 6-2 shows the workforce projections for the counties of the two areas in five-year increments through 2025. Between 2000 and 2025, the NYMA is projected to grow its workforce at an average annual rate of 34,800 workers per year. In contrast, the Mid-Hudson area is expected to grow its workforce at an annual average rate of 4,832 workers per year (see Figure 6-2). In 2025, residents of the NYMA will account for approximately 93.1 percent of the total workforce in the NYMA CMSA, compared to 94.4 percent of the workforce in 2000.

The employment within the areas follows similar growth patterns. Table 6-3 shows the employment projections for the counties of the two areas in five-year increments through 2025. Between 2000 and 2025, the NYMA is projected to grow its employment base by an average annual rate of 35,910 jobs per year. In contrast, the Mid-Hudson area is expected to grow its employment base by an average annual rate of 4,176 jobs per year over the same period (see Figure 6-3). In 2025, 94.3 percent of the jobs within the NYMA CMSA will be located in the NYMA, compared to 95.0 percent in 2000.

Table 6-4 shows the forecasted VMT for the counties of the two areas in five-year increments through 2020. Between 2002 and 2020, the NYMA is projected to increase its VMT by an average daily rate of approximately 3.4 million VMT per year, while the Mid-Hudson area is expected to grow its VMT by an average daily rate of approximately 0.7 million VMT per year over the same 18-year period (see Figure 6-4).

CRITERION 7: METEOROLOGY (WEATHER/TRANSPORT PATTERNS)

Back trajectories plotted for high-ozone days (as measured at the Millbrook monitor) indicate that emissions from the New York counties south of the Mid-Hudson area are not the primary source of high ozone in the Mid-Hudson (See Figures 7-1 and 7-2). Analysis of these trajectories indicates that high ozone in the Mid-Hudson area is largely due to a combination of long-distance transport and local contribution from within the Mid-Hudson region.

As outlined under Criterion 8 below, the New York counties south of the Mid-Hudson area are separated by a range of hills that serve as a boundary, called the Hudson Highlands. Local sea breeze circulations, which are common during the ozone season, occasionally extend as far inland as the Highlands, but rarely cross the Highlands into the Mid-Hudson region. Additionally, a weather feature known as the lee trough, (the most common feature associated with high ozone events in southeastern New York), tends to set up near New York City. The trough forms during periods of northwesterly wind flow aloft and is "dragged" off the terrain a bit in the NW flow (more or less depending on the strength of the flow). In these weather situations, the high ozone band, along with the sea-breeze front, stretches along and south of the trough line. When this occurs, the Lower Hudson Valley Region is in a westerly or west-northwesterly surface wind flow (coming from a relatively sparsely populated area with lower emissions) and ozone values tend to be lower compared with the New York City area, where the west-southwesterly surface wind flow ahead of the trough brings in air from areas with higher ozone concentrations and higher emissions of ozone precursors.

CRITERION 8: GEOGRAPHY/TOPOGRAPHY (MOUNTAIN RANGES OR OTHER AIR BASIN BOUNDARIES)

The Hudson Highlands are a range of hills whose southern edge runs roughly along the Orange/Rockland and Putnam/Westchester county lines (see Figure 8-1). Although it is a relatively small mountain range, it is situated such that it serves as a boundary between the coastal plain climate regime and the inland climate regime. The Highlands tend to inhibit low-level air flow from the coastal plain into the Mid-Hudson area. Local sea breeze circulations, which are common during the ozone season, occasionally extend as far inland as the Highlands, but rarely cross the Highlands into the Mid-Hudson area.

CRITERION 9: JURISDICTIONAL BOUNDARIES (E.G., COUNTIES, EXISTING 1-HOUR NONATTAINMENT AREAS, RESERVATIONS, ETC.)

To ensure that pollution levels are addressed and the mechanisms for the needed emissions reductions are in place for the entire CMSA, New York State concurs that a nonattainment designation is appropriate for all 12 counties. However, under the 1-hour ozone standard, Dutchess, Putnam and northern Orange counties were designated as a separate nonattainment area from the NYMA. The State proposes that these boundaries be maintained (with the exception of combining lower Orange County with northern Orange County) under the 8-hour standard. Maintaining the existing 1-hour boundaries would preserve the existing planning mechanisms and working relationships that exist between the various governmental organizations that oversee the air quality planning in these areas. The New York Metropolitan Transportation Council, (NYMTC) is the Metropolitan Planning Organization (MPO) for the New York Metropolitan region. The region has included Nassau, Putnam, Suffolk, Rockland, and Westchester counties, and the City of New York. NYMTC's members are chief local elected officials and heads of approximately 17 transportation and environmental agencies that are responsible for establishing and implementing transportation plans, projects, and programs.

The Poughkeepsie-Dutchess County Transportation Council (PDCTC) is the MPO that oversees the transportation planning activities for Dutchess County. Similarly, the Newburgh-Orange County Transportation Council (NOCTC) is the MPO that oversees Orange County.

Over the past decade, these three MPOs have successfully established a working relationship that addresses their differing political and planning issues, and that ensures an effective transportation planning process that would otherwise be severely burdened if the attainment areas were to be merged. Not only would the working relationships between the MPOs be affected, but the extended framework that exists between the various municipal, State (e.g., New Jersey, Connecticut) and federal (e.g., FWHA, FTA) governmental agencies would require reconfiguring. It cannot be overlooked that the conformity and coordination issues that face NYMTC are far more complex and cumbersome than those of the PDCTC and NOCTC. Therefore, to avoid the unwieldy process of merging the existing NYMTC planning framework with that of the MPOs in the Mid-Hudson region, the State recommends that the separation of the two areas be maintained. The three affected MPOs have indicated strong concerns with one large nonattainment area, for the reasons indicated above and believe air quality needs will be more effectively addressed via the nonattainment designations proposed by the State. The

New York State Department of Environmental Conservation has received several letters in support of separate nonattainment areas from the MPOs and other impacted parties (attached).

CRITERION 10: LEVEL OF CONTROL OF EMISSION SOURCES

As both regions are part of the same regional control programs, many existing controls are identical. Given that the DVs for the regions are similar, it is expected that the control levels would remain similar regardless of the separation of the area. However, judicious planning practices would augur that the above factors be taken into account when developing control measures for the areas.

CRITERION 11: REGIONAL EMISSION REDUCTIONS (E.G., NO_x SIP CALL OR OTHER ENFORCEABLE REGIONAL STRATEGIES)

The regional emission strategies for the Mid-Hudson area and the NYMA have been, and will continue to be, identical.

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Table 1-1

Total VOC and NO_x 2002 Emissions Inventories (Mobile and Stationary Sources)

County	VOCs (tons/year)	NO_x (tons/year)
NYMA		
Bronx	19,466.12	15,232.82
Kings	34,794.57	25,039.05
Nassau	40,427.31	38,417.94
New York	31,496.73	41,943.03
Queens	34,129.20	39,313.02
Richmond	14,733.60	7,255.54
Rockland	7,883.56	13,668.14
Suffolk	58,847.99	62,660.66
Westchester	26,808.29	28,637.30
Total NYMA	**268,587.36**	**272,167.50**
Mid-Hudson		
Dutchess	11,042.78	9,223.66
Orange	13,583.87	18,987.97
Putnam	6,704.25	6,839.30
Total Mid-Hudson	**31,330.90**	**35,050.93**

Table 2-1: County Residential Population Statistics

	1990 Population	2000 Population
Bronx	1,203,789	1,332,650
Kings	2,300,664	2,465,326
New York	1,487,536	1,537,195
Queens	1,951,598	2,229,379
Richmond	378,977	443,728
Nassau	1,287,348	1,334,544
Suffolk	1,321,864	1,419,369
Rockland	265,475	286,753
Westchester	874,866	923,459
NYMA - TOTAL	**11,072,117**	**11,972,403**
Dutchess	259,462	280,150
Orange	307,647	341,367
Putnam	83,941	95,745
Mid-Hudson Area - TOTAL	**651,050**	**717,262**
NYMA CMSA	**11,723,167**	**12,689,665**
NYMA as a % of NYMA CMSA	94.4%	94.3%
Mid-Hudson Area as a % of NYMA CMSA	5.6%	5.7%

Source: 1990 and 2000 U.S. Census Data, Summary Tape File 1.

Table 2-2: Population Density

	2000 Population	Land Area (Square Miles)	Population Density (residents/sq.mile)
Bronx	1,332,650	40.0	33,330
Kings	2,465,326	59.8	41,232
New York	1,537,195	22.8	67,454
Queens	2,229,379	105.3	21,171
Richmond	443,728	48.2	9,208
Nassau	1,334,544	273.1	4,886
Suffolk	1,419,369	964.9	1,471
Rockland	286,753	200.7	1,428
Westchester	923,459	477.2	1,935
NYMA - TOTAL	**11,972,403**	**2,192.1**	**5,462**
Dutchess	280,150	827.6	339
Orange	341,367	861.3	396
Putnam	95,745	249.1	384
Mid-Hudson Area - TOTAL	**717,262**	**1,938.0**	**370**
NYMA CMSA - TOTAL	**12,689,665**	**4,130**	**5,832**
NYMA as a % of NYMA CMSA	94.3%	53.1%	
Mid-Hudson Area as a % of NYMA CMSA	5.7%	46.9%	

Sources: 2000 U.S. Census Data, Summary Tape File 1; land area estimates from Environmental Systems Research Institute.

Table 2-3: Year 2000 Workforce

	NYMA	Mid-Hudson Area	NYMA CMSA
In labor force:	5,587,332	354,382	5,941,714
In Armed Forces	3,484	5,018	8,502
Civilian:	5,583,848	349,364	5,933,212
Employed	5,159,937	331,469	5,491,406
Unemployed	423,911	17,895	441,806
Not in labor force	3,751,284	189,585	3,940,869

Source: 2000 U.S. Census, Summary Tape File 1.

Note: NYMA includes Bronx, Kings, New York, Queens, Richmond, Nassau, Suffolk, Rockland, and Westchester counties. Mid-Hudson Area includes Dutchess, Orange, and Putnam counties.

Table 2-4: Employment Location and Density

	Employment in 1990	Employment in 2000	Percent Change 1990-2000	Area (square miles)	2000 Employment Density (workers/sq.mile)
NYMA	5,901,400	6,222,700	5.4%	2192.1	2,838.7
Mid-Hudson Area	262,457	277,813	5.9%	1938.0	143.4
NYMA CMSA	6,163,857	6,500,513	5.5%	4130.0	1,574.0

Source: NYMTC, PDCTC, NOCTC

Note: NYMA includes Bronx, Kings, New York, Queens, Richmond, Nassau, Suffolk, Rockland, and Westchester counties. Mid-Hudson Area includes Dutchess, Orange, and Putnam counties.

Table 5-1: Estimated Daily Vehicle Miles Traveled (VMT)

	2002 VMT	As a % of NYMA CMSA
Bronx County	13,137,600	6.0%
Kings County	13,658,741	6.2%
New York County	12,131,671	5.5%
Queens County	21,723,200	9.9%
Richmond County	5,551,302	2.5%
Nassau County	33,027,121	15.1%
Suffolk County	56,631,378	25.8%
Rockland County	7,527,214	3.4%
Westchester County	25,158,106	11.5%
NYMA	**188,546,333**	**86.0%**
Dutchess County	8,868,526	4.0%
Orange County	13,182,933	6.0%
Putnam County	8,562,046	3.9%
Mid-Hudson Area	**30,613,505**	**14.0%**
NYMA CMSA	**219,159,838**	100.0%

Table 5-2: Means of Transportation to Work, All Workers 16 Years and Older

	NYMA	As a % of Total	Mid-Hudson Area	As a % of Total	NYMA CMSA	As a % of Total
Total workers in workforce:	**5,039,416**		**329,093**		**5,368,509**	
Car, truck, or van:	**2,537,028**	**50.3%**	**288,814**	**87.8%**	**2,825,842**	**52.6%**
Drove alone	2,107,026	83.1%	255,641	88.5%	2,362,667	83.6%
Carpooled	430,002	16.9%	33,173	11.5%	463,175	16.4%
Public transportation:	**1,925,650**	**38.2%**	**16,026**	**4.9%**	**1,941,676**	**36.2%**
Bus or trolley bus	415,548	21.6%	4,926	30.7%	420,474	21.7%
Streetcar or trolley car	5,672	0.3%	35	0.2%	5,707	0.3%
Subway or elevated	1,214,087	63.0%	462	2.9%	1,214,549	62.6%
Railroad	217,756	11.3%	9,087	56.7%	226,843	11.7%
Ferryboat	11,462	0.6%	16	0.1%	11,478	0.6%
Taxicab	61,125	3.2%	1,500	9.4%	62,625	3.2%
Motorcycle	**2,102**	**0.0%**	**137**	**0.0%**	**2,239**	**0.0%**
Bicycle	**18,495**	**0.4%**	**713**	**0.2%**	**19,208**	**0.4%**
Walked	**380,944**	**7.6%**	**12,130**	**3.7%**	**393,074**	**7.3%**
Other means	**25,863**	**0.5%**	**1,442**	**0.4%**	**27,305**	**0.5%**
Worked at home	**149,334**	**3.0%**	**9,831**	**3.0%**	**159,165**	**3.0%**

Source: 2000 U.S. Census, Summary Tape File 3.

Table 6-1: Forecasted Residential Population 1990-2025 (in 000s)

COUNTY	*1990*	*2000*	*2005*	*2010*	*2015*	*2020*	*2025*
Bronx	1,203.8	1,194.5	1,199.2	1,205.8	1,212.0	1,232.4	1,258.7
Kings	2,300.7	2,267.3	2,246.0	2,253.4	2,263.8	2,290.8	2,331.4
New York	1,487.5	1,559.6	1,585.3	1,612.2	1,627.5	1,649.8	1,680.2
Queens	1,951.6	2,010.6	2,014.1	2,024.2	2,048.9	2,080.4	2,118.6
Richmond	379.0	417.5	427.5	438.6	451.5	473.4	498.6
Nassau	1,287.4	1,306.4	1,307.4	1,309.2	1,314.2	1,334.0	1,362.2
Suffolk	1,321.8	1,392.5	1,437.6	1,488.2	1,533.9	1,580.0	1,635.2
Rockland	265.5	286.0	289.1	293.6	301.5	312.9	327.1
Westchester	874.9	909.4	911.2	912.8	914.1	924.8	942.8
NYMA Total	**11,072.1**	**11,343.9**	**11,417.4**	**11,538.0**	**11,667.5**	**11,878.5**	**12,154.9**
Dutchess	259.5	280.2	291.2	298.7	307.9	324.0	338.8
Orange	307.6	341.4	363.2	386.2	410.8	437.0	464.8
Putnam	83.9	96.1	98.2	100.4	103.2	107.8	113.3
Mid-Hudson Area Total	**651.1**	**717.6**	**752.5**	**785.3**	**821.9**	**868.7**	**916.8**

Sources: NYMA county projections from NYMTC; Dutchess County projections from Poughkeepsie-Dutchess County Transportation Council, with base county data from NYMA forecasting program, 2003; Orange County projections from Orange County Department of Planning, June 2002; Putnam County projections from NYMTC.

Table 6-2: Forecasted Civilian Workforce (in 000s)

COUNTY	*1990*	*2000*	*2005*	*2010*	*2015*	*2020*	*2025*
Bronx	501.7	484.5	505.4	510.3	513.0	529.3	538.3
Kings	1,036.0	1,011.5	1,048.1	1,068.0	1,084.5	1,111.3	1,126.1
New York	837.2	863.2	910.6	956.0	977.1	1,014.0	1,028.2
Queens	1,015.7	1,026.1	1,076.8	1,108.7	1,112.7	1,125.9	1,141.5
Richmond	189.2	197.1	211.4	224.5	240.8	246.2	258.1
Nassau	690.1	752.7	776.7	789.4	791.3	794.1	819.4
Suffolk	698.7	753.3	776.8	814.5	855.9	899.9	941.0
Rockland	141.4	157.7	167.5	175.8	181.9	191.1	198.5
Westchester	468.4	471.3	486.4	497.3	511.8	529.2	536.3
NYMA Total	**5,578.3**	**5,717.4**	**5,959.6**	**6,144.5**	**6,269.0**	**6,441.0**	**6,587.4**
Dutchess	133.5	138.6	143.8	146.8	151.8	161.0	169.7
Orange	150.0	177.1	191.3	209.7	218.0	235.6	252.0
Putnam	46.9	55.1	57.8	60.7	63.2	66.9	69.9
Mid-Hudson Area Total	**330.5**	**370.7**	**393.0**	**417.1**	**433.0**	**463.4**	**491.5**

Source: NYMTC.

Table 6-3: Forecasted Employment Within Regions (in 000s)

COUNTY	2000	2005	2010	2015	2020	2025
Bronx	252.0	266.1	278.4	288.0	301.3	312.4
Kings	550.6	569.5	580.0	587.2	602.5	610.3
New York	2,621.8	2,730.3	2,804.6	2,847.7	2,910.2	2,949.1
Queens	604.1	618.8	636.7	650.5	672.9	687.4
Richmond	117.4	125.0	130.7	134.1	138.9	141.6
Nassau	744.3	756.3	776.0	797.8	827.8	858.0
Suffolk	700.9	735.9	752.9	764.9	785.9	815.7
Rockland	136.9	147.3	156.0	161.3	169.0	174.4
Westchester	494.6	501.7	516.7	532.4	561.5	571.5
NYMA Total	**6,222.6**	**6,450.9**	**6,632.0**	**6,764.0**	**6,970.0**	**7,120.3**
Dutchess	142.3	154.9	162.6	167.5	178.4	187.5
Orange	148.9	159.8	167.5	173.8	183.3	191.2
Putnam	34.8	38.1	41.2	44.3	48.5	51.8
Mid-Hudson Area Total	**326.1**	**352.8**	**371.2**	**385.6**	**410.2**	**430.5**

Source: NYMTC.

Table 6-4: Forecasted Vehicle Miles Traveled

(average daily, in 000s)

COUNTY	2002	2005	2010	2015	2020
Bronx	13,137.6	13,741.2	14,733.2	15,701.0	16,658.7
Kings	13,658.7	14,090.8	14,796.6	15,477.8	16,148.8
New York	12,131.7	12,462.6	12,997.2	13,502.2	13,995.0
Queens	21,723.2	22,468.4	23,693.4	24,888.7	26,071.9
Richmond	5,551.3	5,832.2	6,299.5	6,765.7	7,231.4
Nassau	33,027.1	34,432.3	36,735.2	38,969.8	41,176.2
Suffolk	56,631.4	60,016.9	65,672.4	71,336.7	77,011.8
Rockland	7,527.2	8,196.5	9,327.3	10,484.9	11,653.4
Westchester	25,158.1	27,426.1	31,260.1	35,189.1	39,157.4
NYMA Total	**188,546.3**	**198,666.9**	**215,514.9**	**232,315.9**	**249,104.7**
Dutchess	8,868.5	9,398.5	10,281.7	11,164.8	12,048.0
Orange	13,182.9	13,971.4	15,285.2	16,599.1	17,912.9
Putnam	8,562.0	9,346.2	10,675.4	12,045.5	13,433.1
Mid-Hudson Area Total	**30,613.5**	**32,716.1**	**36,242.3**	**39,809.4**	**43,394.0**

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FIGURE 8-1 Topographic Relief Map

Figure 1-1:
VOC Emission Densities (TPY/Mi^2)

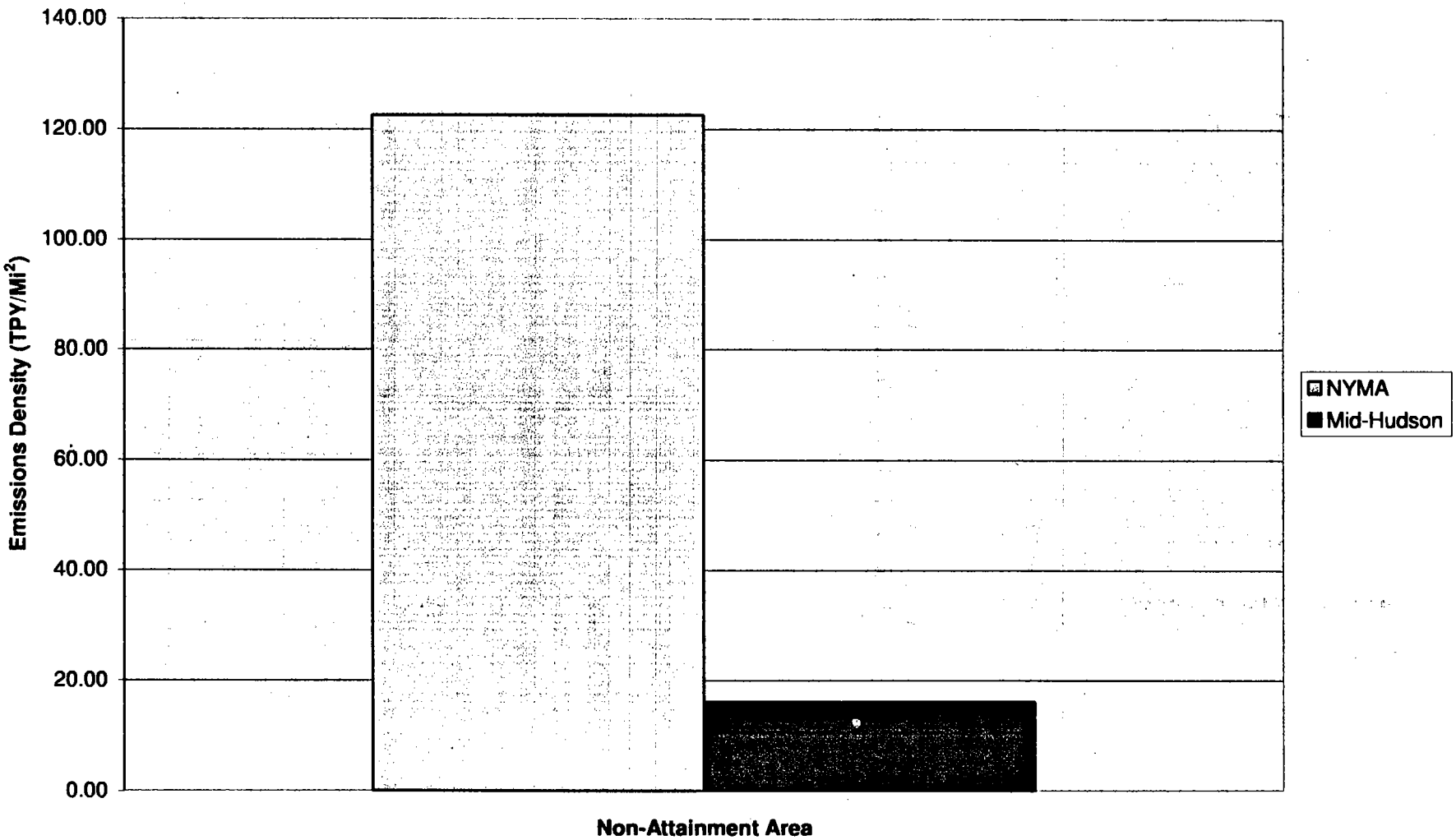


Figure 1-2:
NOx Emission Densities (TPY/Mi^2)

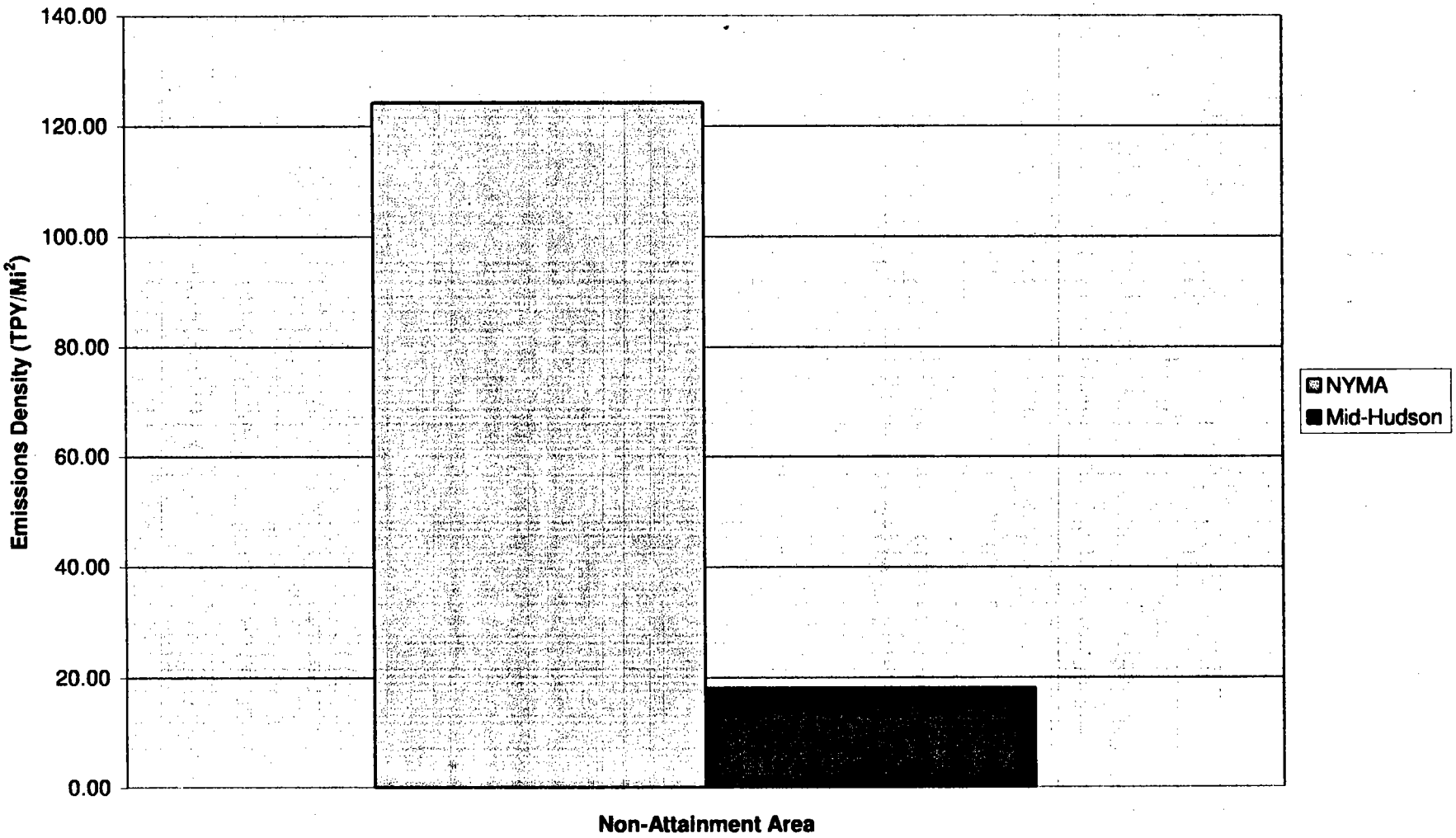


Figure 2-1: Residential Population within the NYMA CMSA

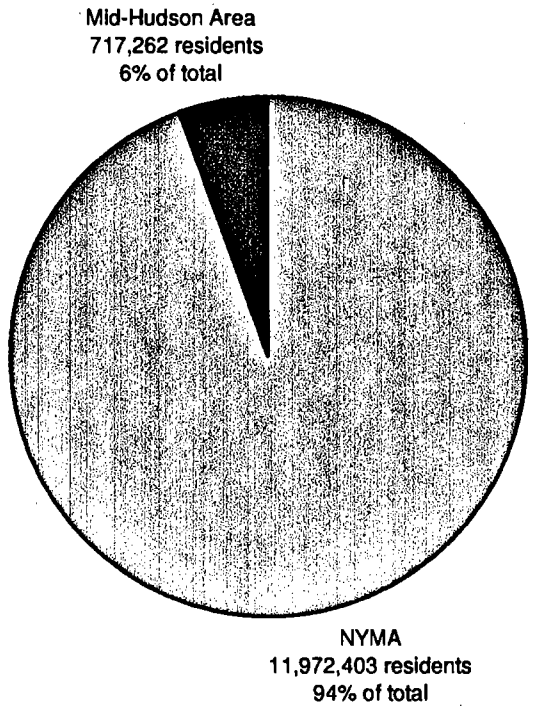


Figure 2-2: Population Densities within the NYMA CMSA

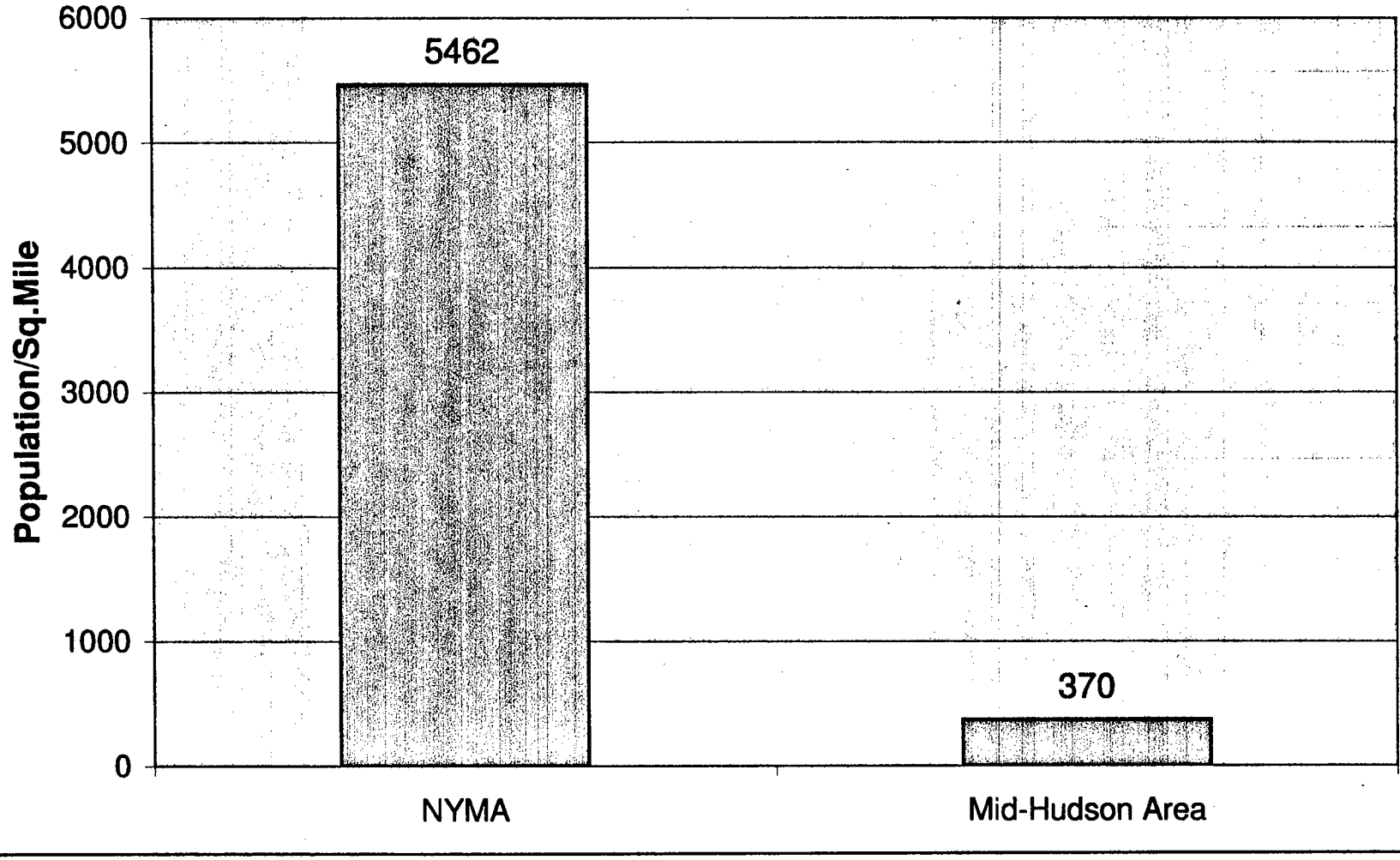


Figure 2-3: NYMA CMSA Year 2000 Workforce

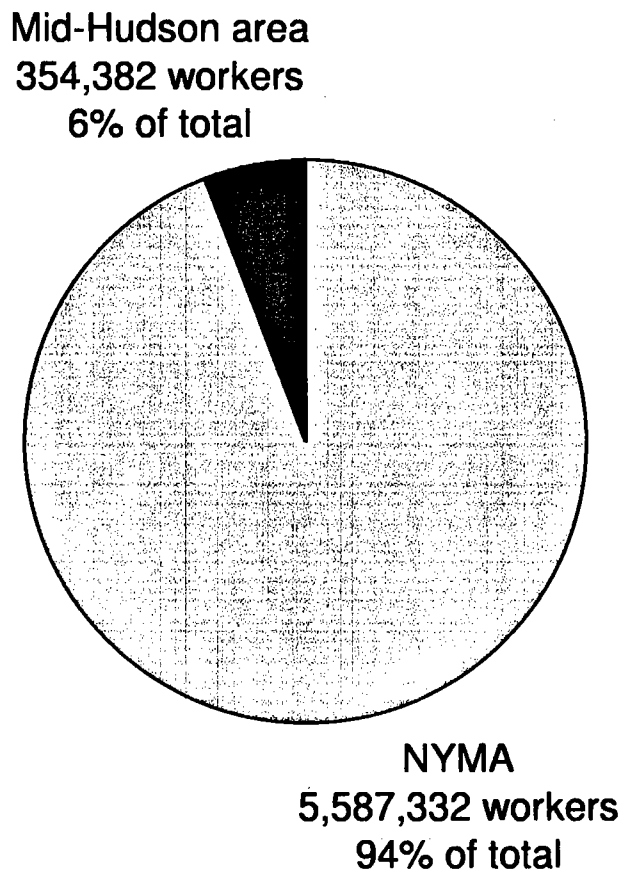
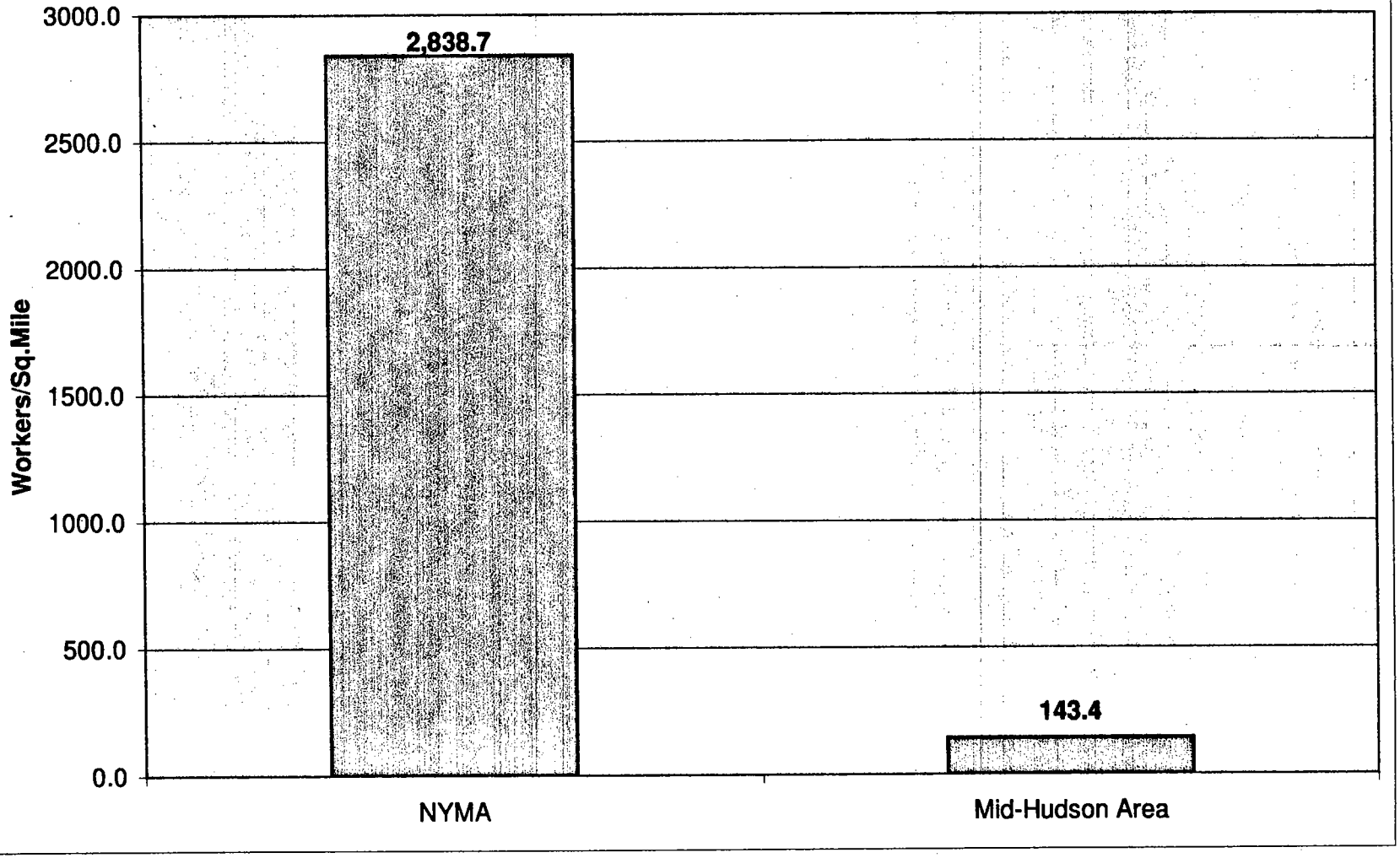
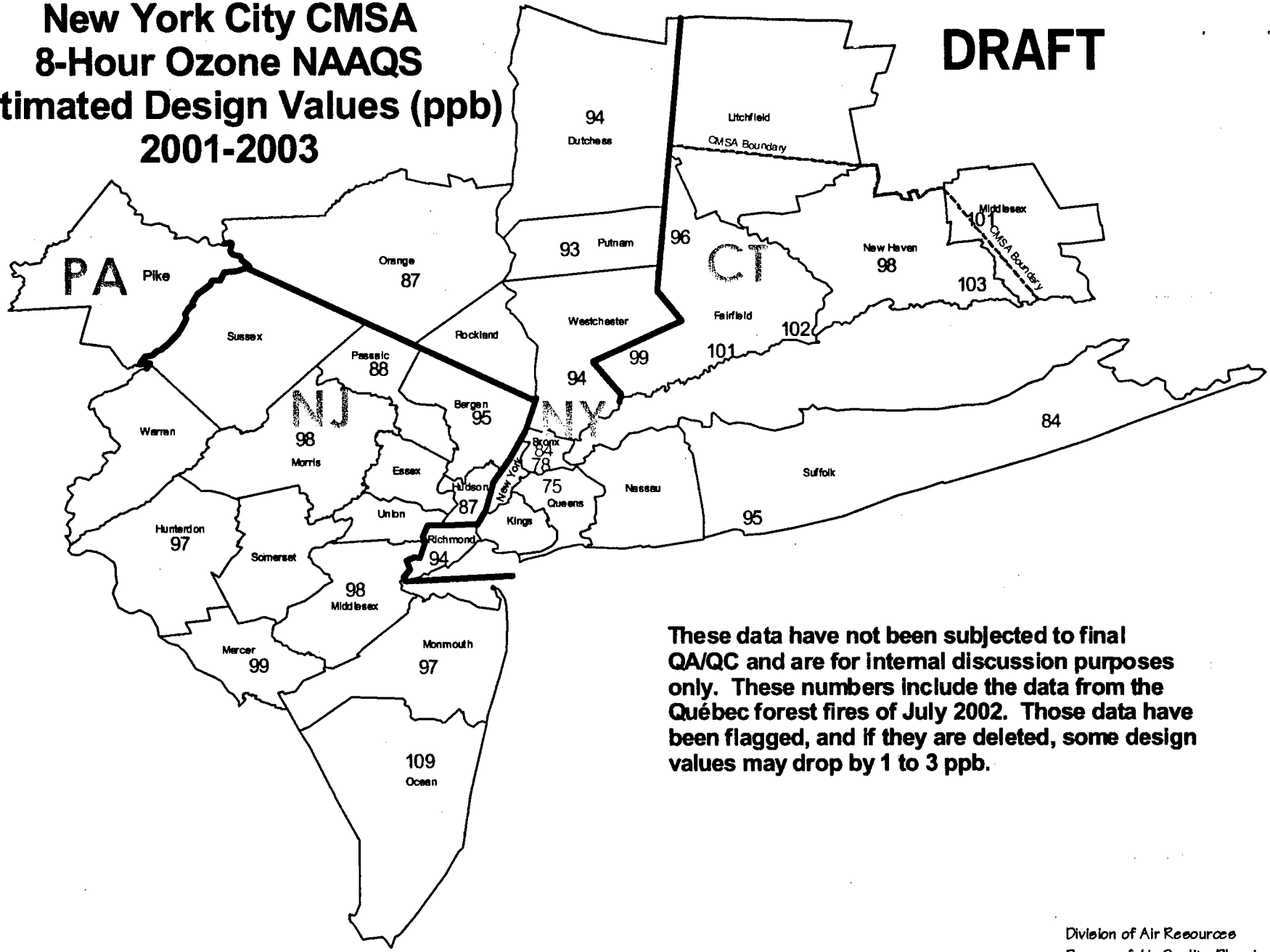


Figure 2-4: Year 2000 Employment Density



New York City CMSA
8-Hour Ozone NAAQS
Estimated Design Values (ppb)
2001-2003

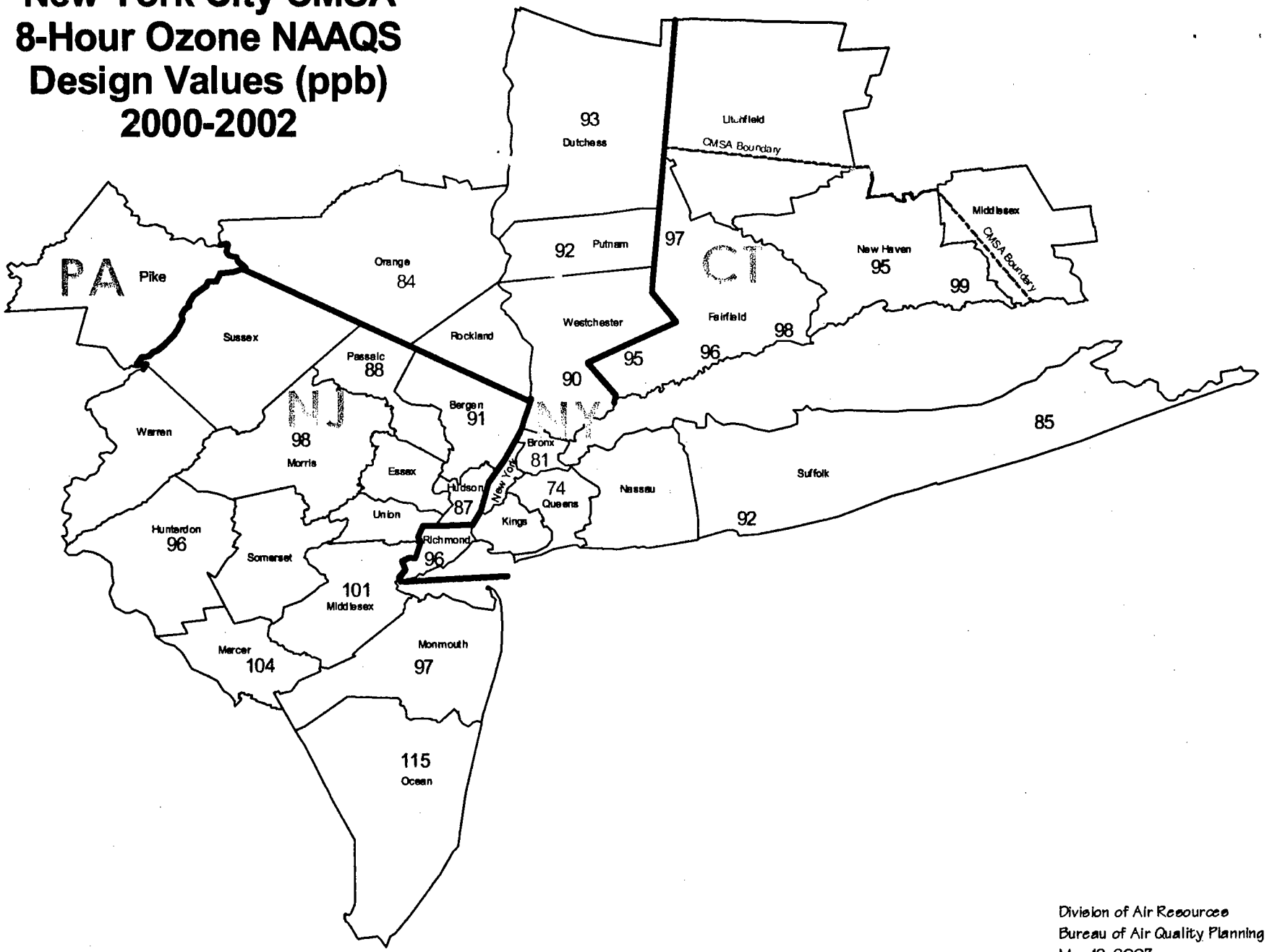
DRAFT



These data have not been subjected to final QA/QC and are for internal discussion purposes only. These numbers include the data from the Québec forest fires of July 2002. Those data have been flagged, and if they are deleted, some design values may drop by 1 to 3 ppb.

Division of Air Resources
Bureau of Air Quality Planning
November 4, 2003

New York City CMSA
8-Hour Ozone NAAQS
Design Values (ppb)
2000-2002



Division of Air Resources
Bureau of Air Quality Planning
May 12, 2003

Figure 5-1: Year 2002 Vehicle Miles Traveled within the NYMA CMSA (000's of VMT)

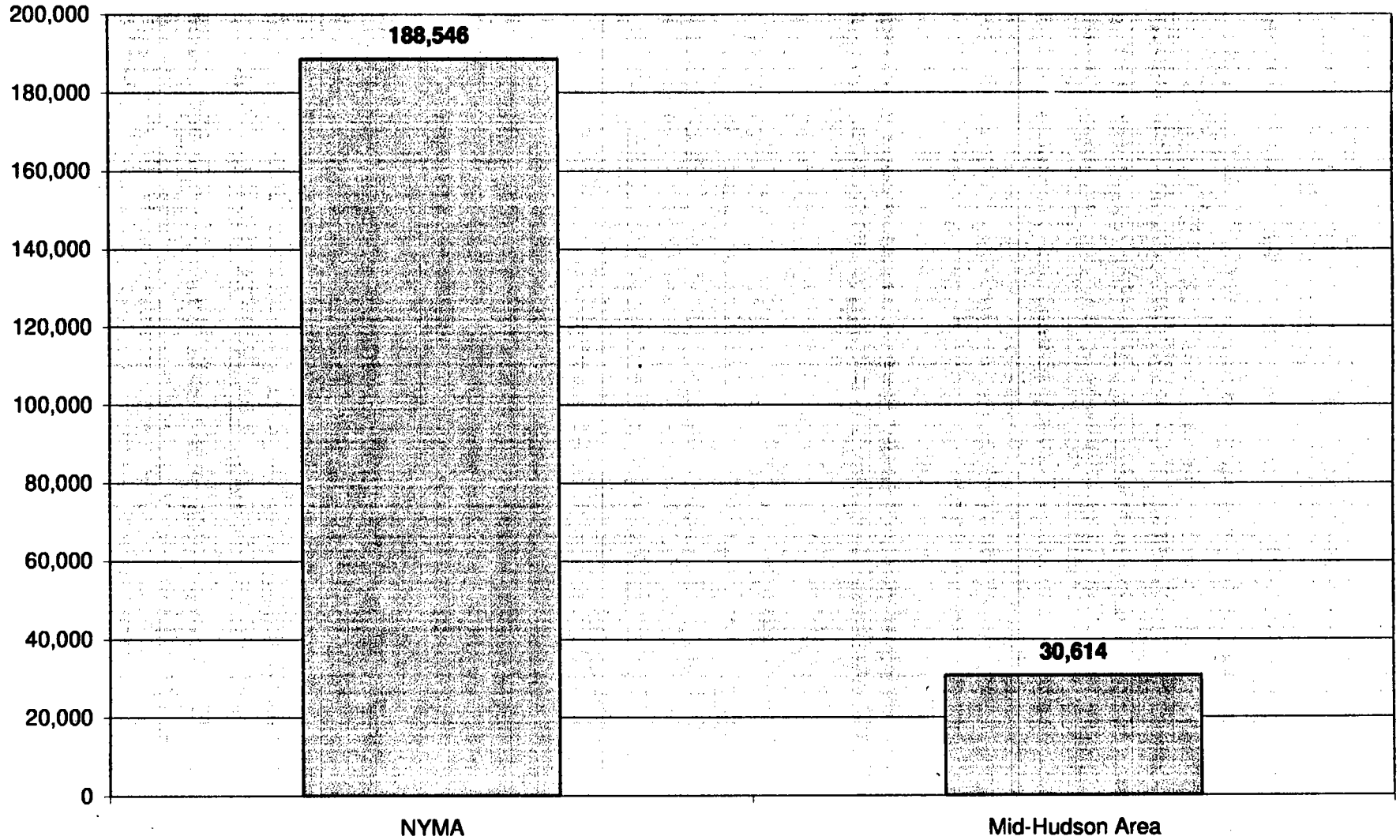


Figure 5-2: 2002 Vehicle Miles Traveled Per Square Mile

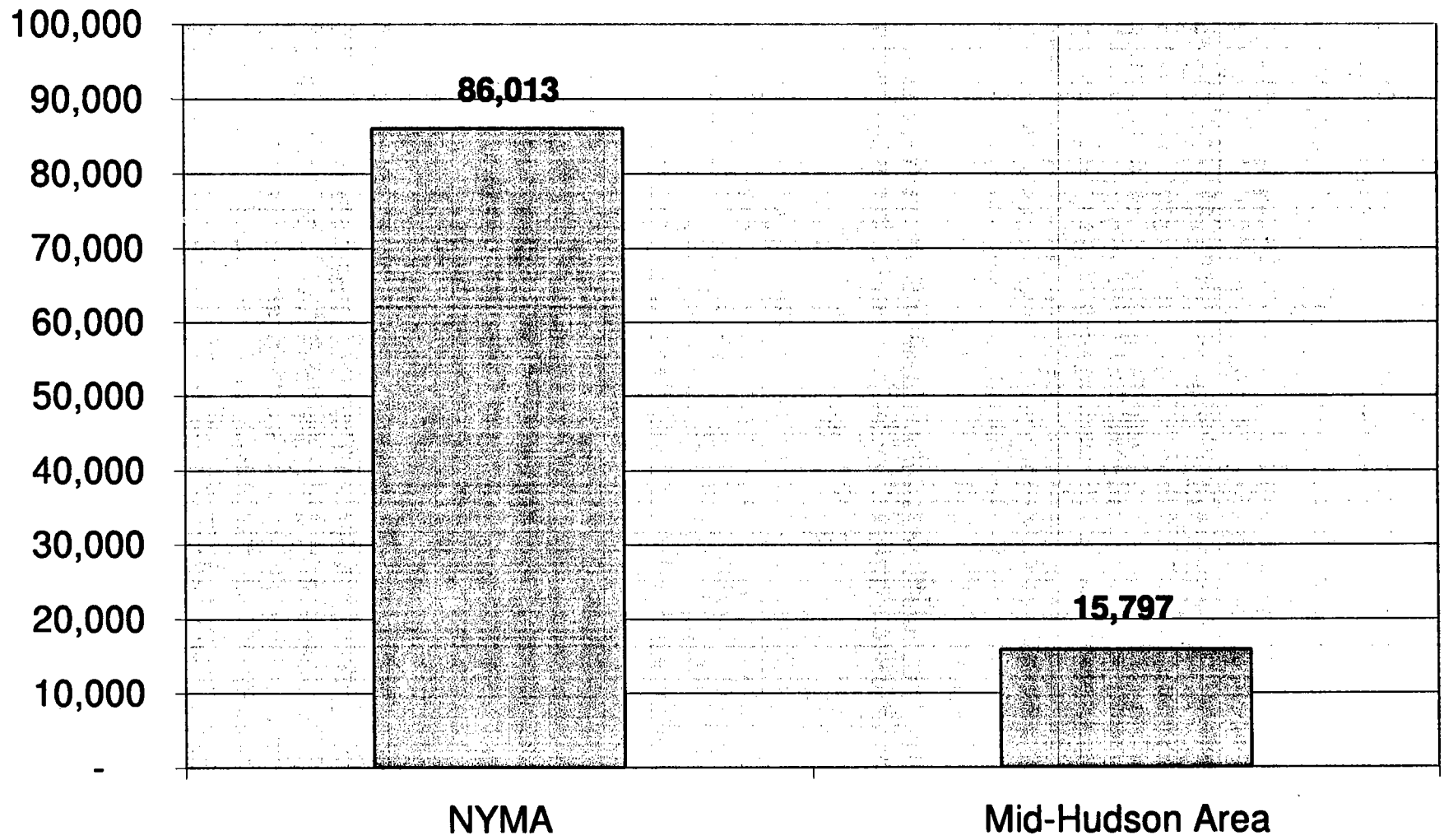


Figure 6-1: Forecasted Average Annual Population Growth 2000-2025

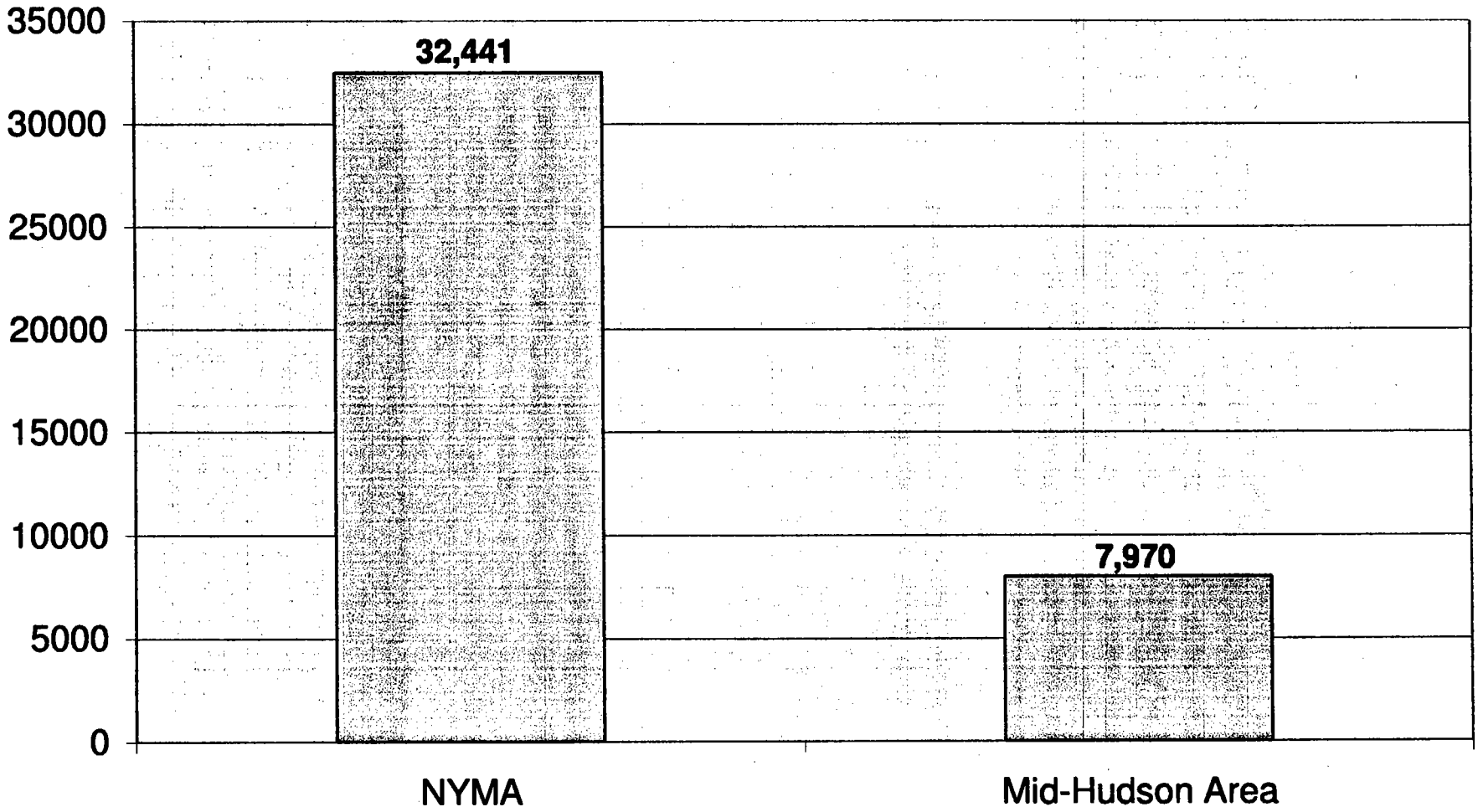


Figure 6-2: Forecasted Average Annual Workforce Growth 2000-2025

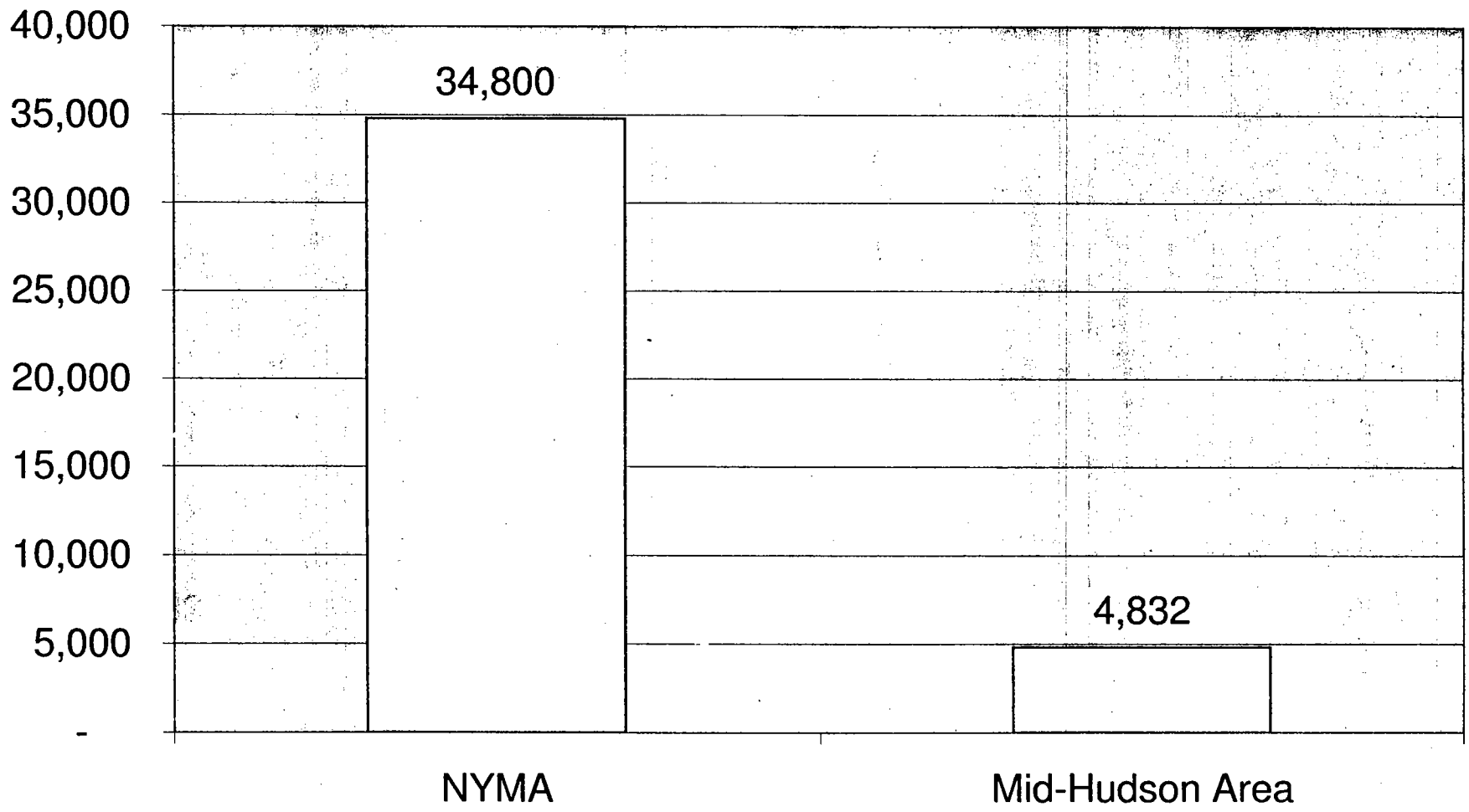


Figure 6-3: Forecasted Annual Average Employment Growth 2000-2025

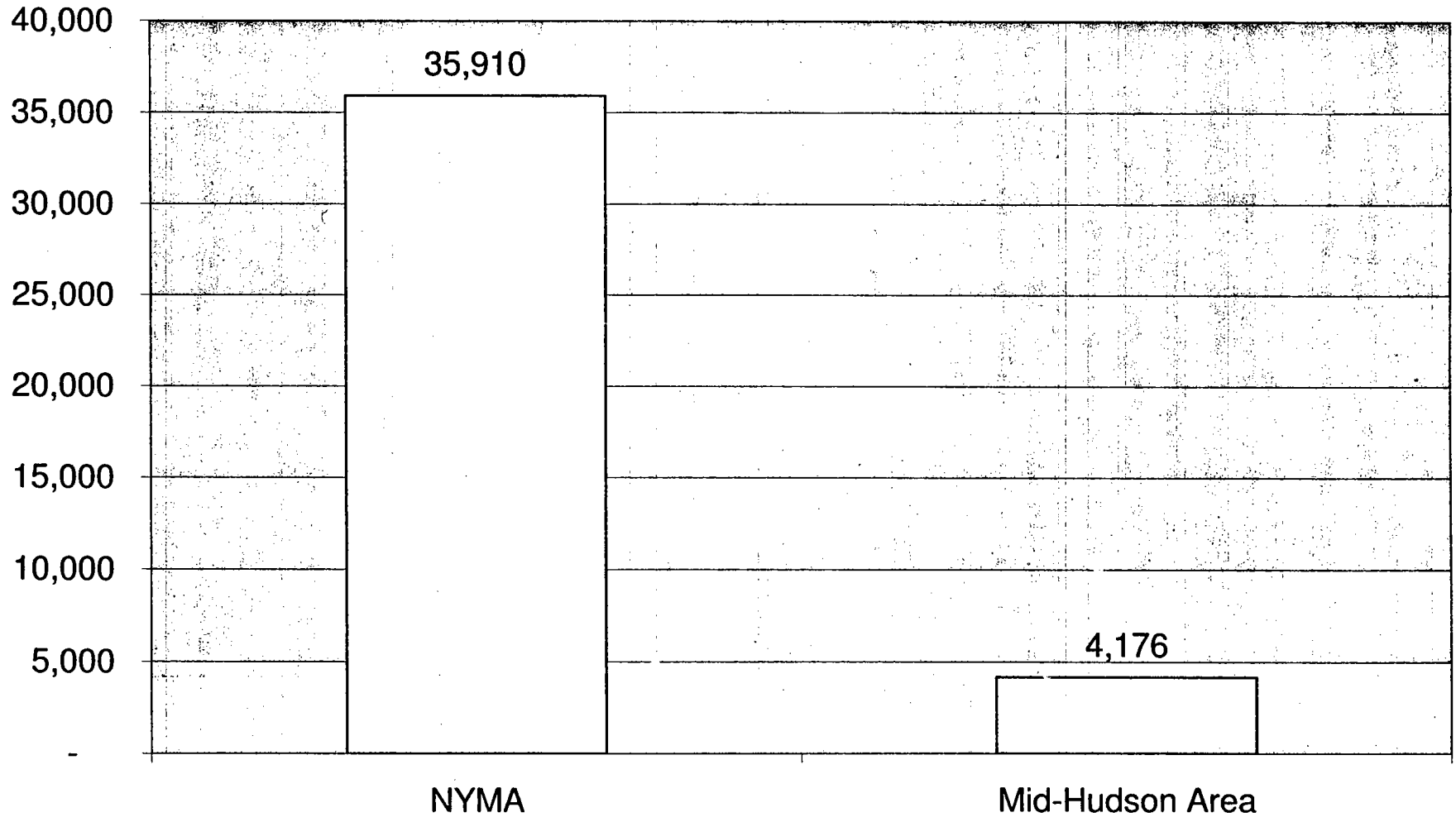
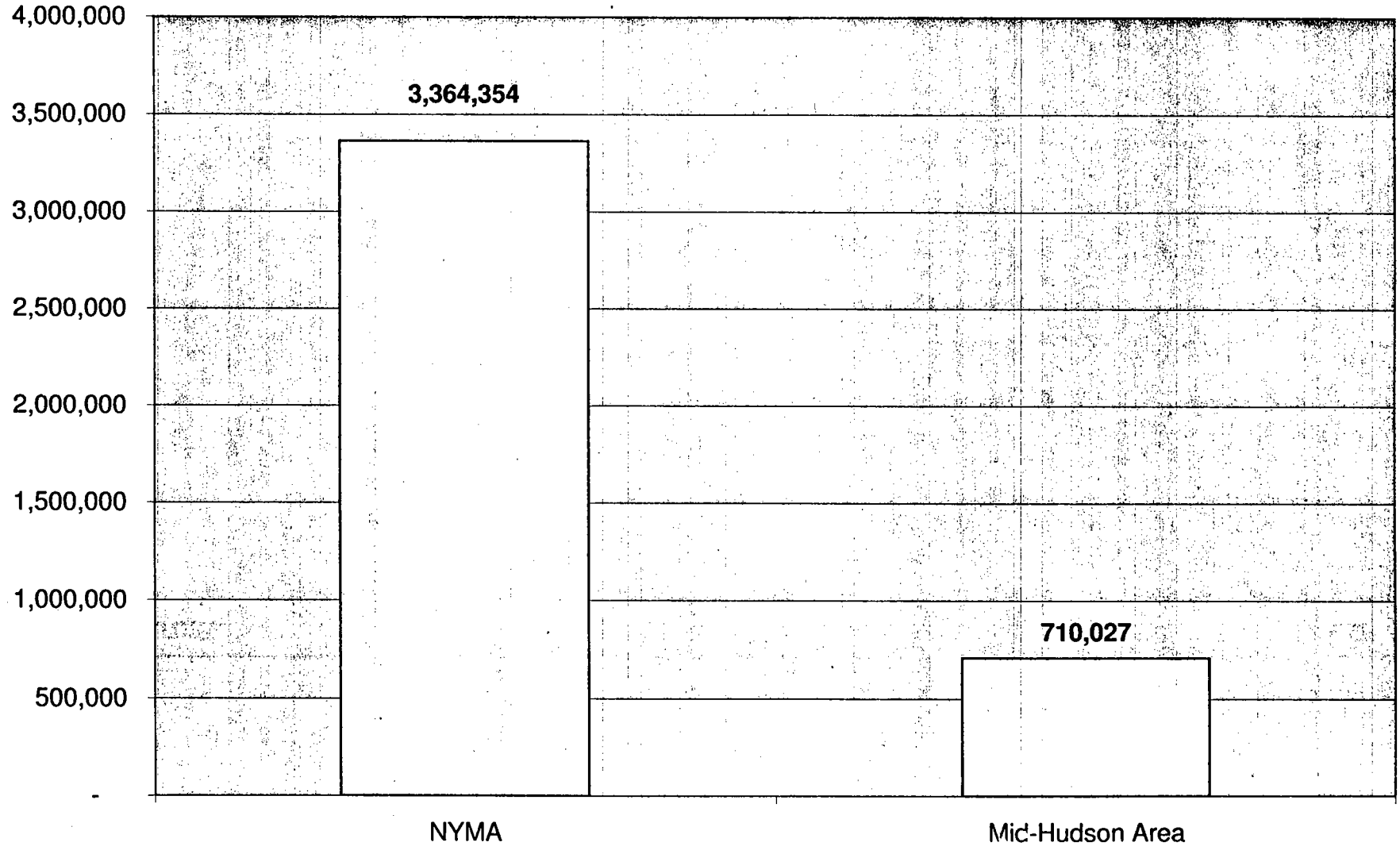


Figure 6-4: Forecasted Annual Average VMT Growth 2002-2020



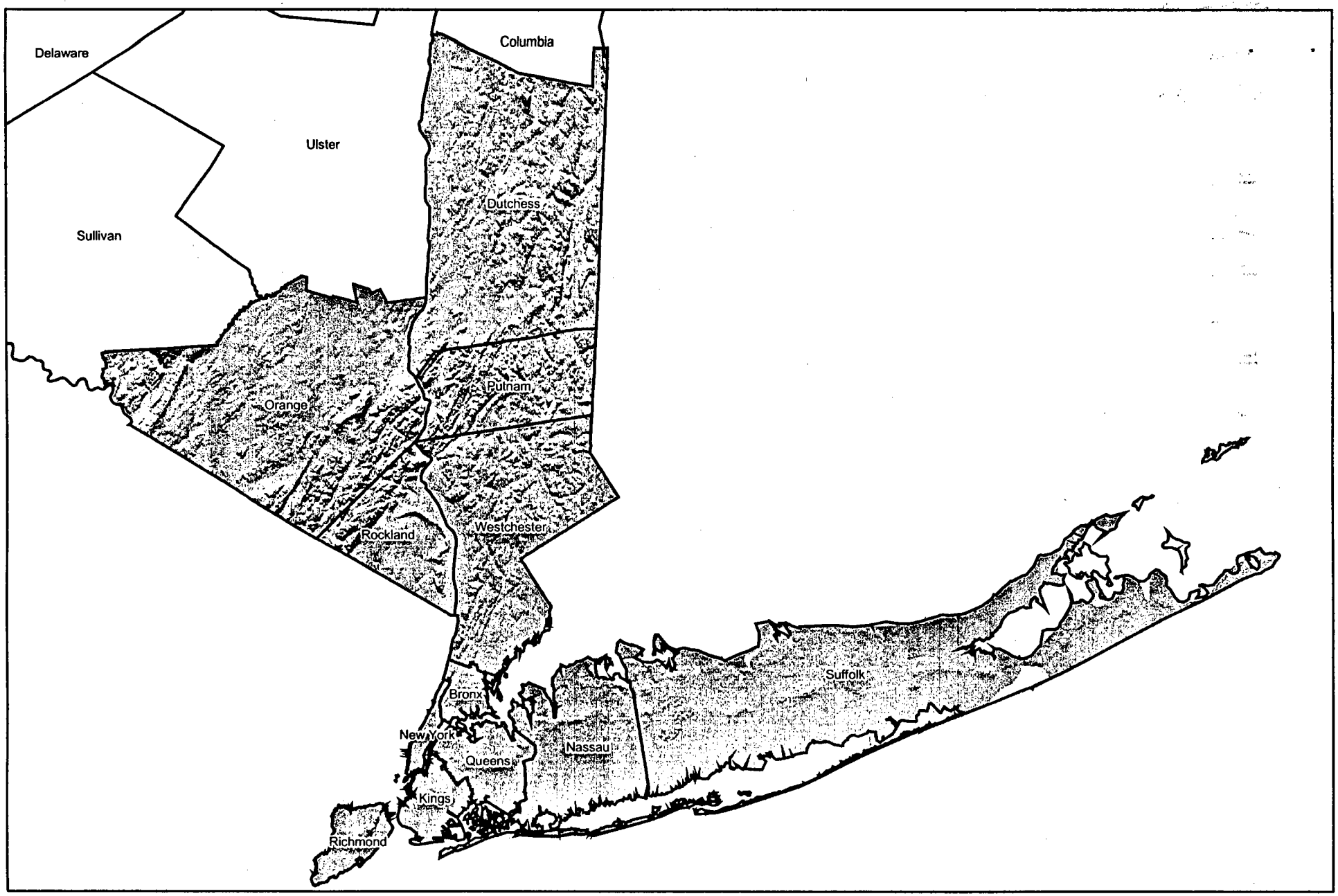


Figure 8-1:Topograhic Relief Map

VERTICON LTD

January 28, 2004

Ms. Erin M. Crotty, Commissioner
NYS Dept. of Environmental Conservation
625 Broadway
Albany, NY 12233-1010

Re: Clean Air

Dear Commissioner Crotty,

I've taken the time to make a request relative to separating out three Hudson Valley Counties – Orange, Dutchess and Putnam from the greater MPO area because its so important and impacting.

With regard to the DEC's recommendation to the EPA as it relates to the implementation of the new eight hour Ozone National Ambient Air Quality Standards, I certainly support your efforts.

Orange County's economic vitality relies in great part on transportation, due to its strategic location. As one of the fastest growing counties in the state, highways and transit are always an issue of increasing concern. Please consider the sever consequences to us by adding time consuming and bureaucratic processes that being part of a larger MPO will bring.

Respectfully and thoughtfully submitted,
VERTICON, LTD.

Irving H. Zuckerman

Cc: Patricia Gilchrest, Exec. Dir.
Orange County Citizens Foundation

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EDWARD A. DIANA
County Executive

Orange County Government Center
Goshen, New York 10924
Tel: 845-291-2700 Fax: 845-291-2724

January 22, 2004

Ms. Erin M. Crotty
Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1010

Dear Commissioner Crotty,

I am writing in strong support of the position that Orange, Dutchess and Putnam Counties should be considered as a moderate nonattainment area separate from the New York City metropolitan nonattainment area for the 8-hour ozone standard. The three counties share very similar characteristics and will be able to collaborate to meet air quality goals and standards. I am aware that New York State is preparing a response to address the U.S. Environmental Protection Agency's initial rejection of your Department's proposal. I have directed the Orange County Planning Department to make available all information that is needed for the response to the U.S. EPA.

Including Orange County in the New York City metropolitan nonattainment area also concerns me because of the implications for transportation and air quality planning by the Newburgh-Orange County Transportation Council and other transportation councils in the region. Coordination of the planning process is already complex and time consuming. Including Orange County in the New York City metropolitan nonattainment area will mean that planning will have to be coordinated among 2 Federal Transit Administration Regions, 3 Federal Highway Administration Divisions, 2 Environmental Protection Agency regions, 3 States, and more than 4 Metropolitan Planning Organizations. The result will be a decision making structure that could very well paralyze transportation and air quality planning -- the very process by which air quality improvements are made through changes to the county's transportation and transit infrastructure. This nightmarish bureaucratic process will squelch innovative planning and *will not result in air quality improvement.* The inevitable delays in planning and implementation will do harm to Orange County's economy and quality of life.

Please let me know if I may be of assistance as you reiterate the position that Orange, Dutchess and Putnam Counties should be considered as a moderate nonattainment area separate from the New York City metropolitan area.

Sincerely,

Edward A. Diana
County Executive

ORANGE COUNTY
CHAMBER OF COMMERCE

January 29, 2004

Ms. Erin M. Crotty, Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1010

Dear Commissioner Crotty:

Enclosed you will find a copy of the resolution adopted on January 21, 2004 by the Board of Directors of the Orange County Chamber of Commerce concerning the EPA's decision on implementation of the new eight-hour Ozone National Ambient Air Quality Standards.

We are very supportive of the DEC's position regarding separating the three counties – Orange, Dutchess and Putnam -- from the larger MPO area.

As an organization whose mission is to build business and community together, we support efforts to ensure that we have clean air in our county. However, we are also aware of the lengthy and bureaucratic process that currently exists as it relates to transportation planning. Being a part of a larger MPO will only exacerbate the planning process.

We applaud the DEC position on this issue. If there is anything further we can do as an organization, please let us know.

Sincerely,

John A. D'Ambrosio, Ed.D.
President

cc: Sen. Charles Schumer
Sen. Hillary Clinton
Congresswoman Susan Kelly
Sen. William Larkin
Sen. John Bonacic
Sen. Thomas Morahan
Assemblywoman Nancy Calhoun
Assemblywoman Aileen Gunther
Assemblyman Howard Mills
Assemblyman Tom Kirwan
County Executive Ed Diana
Legislative Chairman Alan Seidman
David Church, Commissioner, OC Planning Department
Marc Moran, Regional Director, NYS DEC
Robert Dennison, Regional Director, NYS DOT
Jean Shanahan, Newburgh/Orange County MPO

11 Racquet Road, Newburgh, NY 12550 (845) 567 6229 Fax (845) 567 6271
www.orangecny.com info@orangecny.com

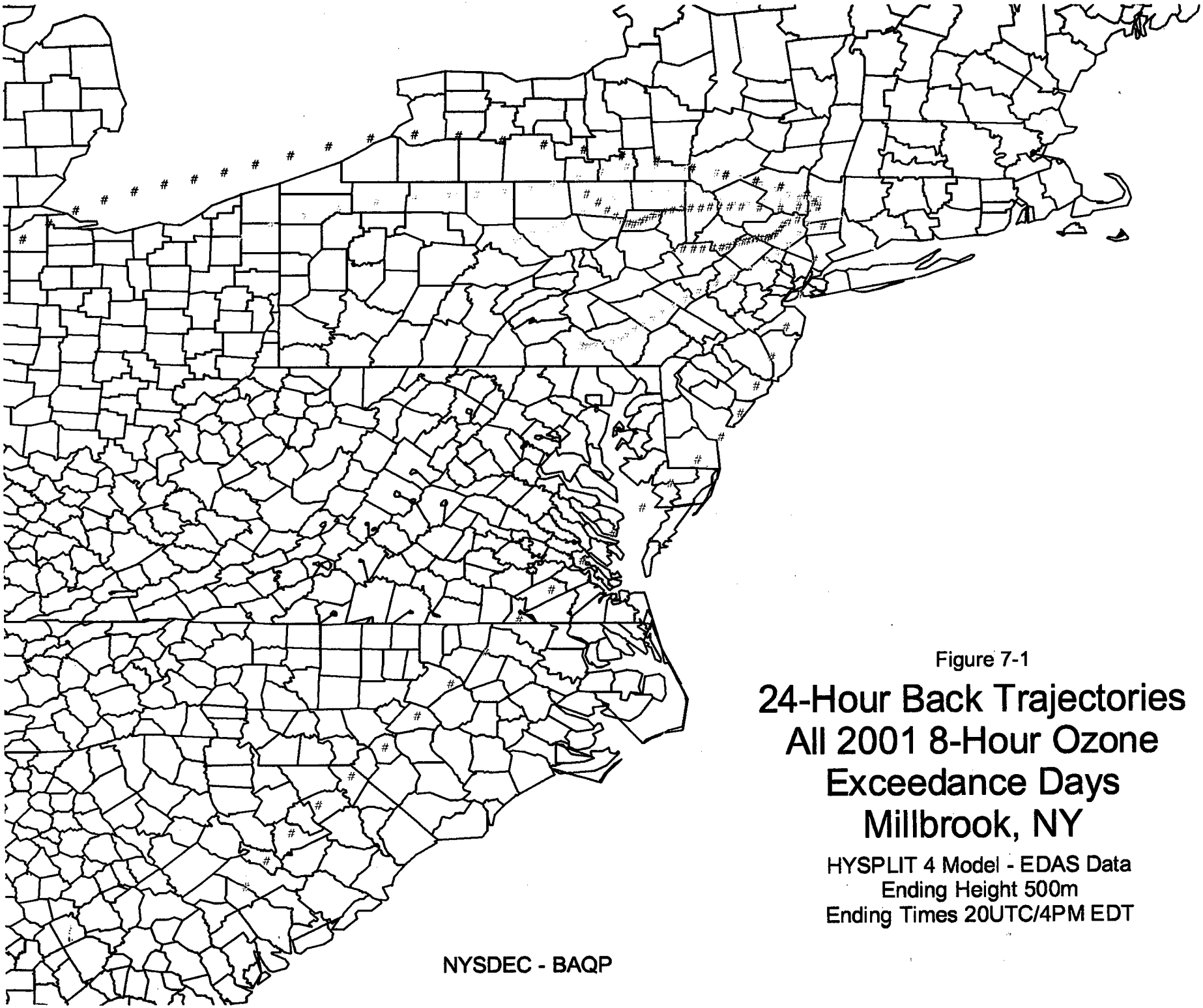
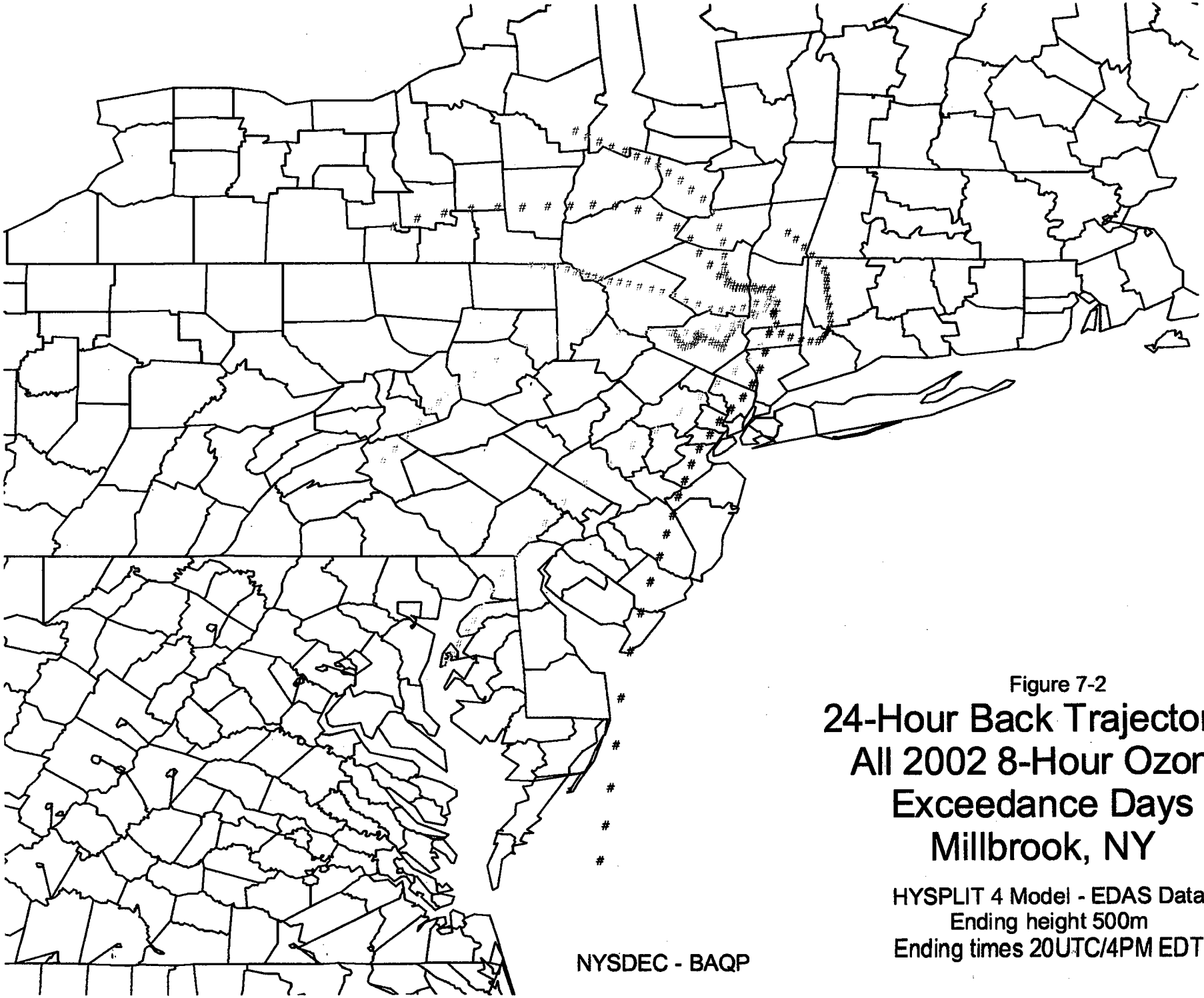


Figure 7-1

24-Hour Back Trajectories All 2001 8-Hour Ozone Exceedance Days Millbrook, NY

HYSPLIT 4 Model - EDAS Data
Ending Height 500m
Ending Times 20UTC/4PM EDT

NYSDEC - BAQP



NYSDEC - BAQP

Figure 7-2

24-Hour Back Trajectories All 2002 8-Hour Ozone Exceedance Days Millbrook, NY

HYSPLIT 4 Model - EDAS Data
Ending height 500m
Ending times 20UTC/4PM EDT

PDCTC *Poughkeepsie-Dutchess County Transportation Council*
William R. Steinhaus, Chairman

February 3, 2004

Ms. Erin M. Crotty, Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1010

Dear Commissioner Crotty,

The Poughkeepsie-Dutchess County Transportation Council Technical Committee has directed me to write you in strong support of the position that Orange, Dutchess and Putnam Counties should be considered as a separate nonattainment area from the New York City metropolitan nonattainment area for the 8-hour ozone standard. The three counties share very similar characteristics and will be able to collaborate to meet applicable air quality requirements. It is our understanding that all the three counties agree with this position.

We are aware that New York State is in the process of preparing a response to the U.S. EPA letter dated December 3, 2003 in which the Agency initially rejected the DEC proposal that Orange, Dutchess and Putnam Counties be considered as a separate nonattainment area. The PDCTC staff has provided the information requested by the State for the preparation of its response.

We believe this region shares characteristics with the Washington, DC area, where the EPA has recommended the creation of six (6) separate nonattainment areas, instead of one large one. Therefore, this request is consistent with the precedent EPA has already set in the Washington, DC region.

We have serious concerns about process and decision-making. Coordination of the planning process is already complex and time consuming. Including Dutchess County in the New York City metropolitan nonattainment area will mean that planning by the PDCTC will have to be coordinated among two Federal Transit Administration regions, three Federal Highway Administration divisions, two Environmental Protection Agency regions, three States, and at least four MPOs. The result will be a decision making structure that could paralyze the process by which air quality improvements are made through changes to the county's transportation and transit infrastructure. This convoluted process will squelch innovative planning and will not result in air quality improvement. Furthermore, the inevitable delays in planning and implementation will do harm to Dutchess County's economy and quality of life.

Dutchess County Department of Planning and Development• 27 High Street, Poughkeepsie, New York 12601 • Phone (845)486-3600 • Fax (845)486-3610
New York State Department of Transportation-Region 8• 4 Burnett Boulevard, Poughkeepsie, New York 12603 • Phone (845)431-7921 • Fax (845)431-791
Email: pdctc@co.dutchess.ny.us

Please let us know if we may be of assistance as you reiterate the position that Orange, Dutchess and Putnam Counties should be considered as a nonattainment area separate from the New York City Metropolitan area.

Sincerely,

Kealy Salomon

Kealy Salomon, AICP
Transportation Program Administrator

cc: Jane M. Kenny, EPA Region 2
PDCTC Executive Committee
PDCTC Technical Committee