



March 22, 2023

Mr. David Etkind
Echtman & Etkind, LLC
551 Fifth Avenue - 3rd Floor
New York, NY 10176

Rohit Aggarwala
Commissioner

Re: Variance Application from Section 24-163

Mark Page, Jr
Executive Director
Environmental
Compliance

59-17 Junction Blvd.
Flushing, NY 11373

Dear Mr. Etkind:

I am writing in response to your October 17, 2022, letter in which you requested a variance on behalf of the Interior Demolition Contractors Association from the requirements contained in Section 24-163.

As you are aware on November 17, 2022, a hearing was held pursuant to Section 24-110 of the Air Code to allow members of the public both in support and in opposition to the variance requested to provide testimony. Your application cited the need to idle for regeneration purposes as well as the need to operate a processing device, specifically a packer.

DEP is not granting the variance for regeneration. Regeneration is not allowed in the air code as an exemption for idling and regular maintenance should prevent the need to idle for the purpose of regeneration. No undue hardship was shown as to why this option is not feasible or will cause an undue hardship pursuant to Section 24-110(c) of the Air Code.

As for the second argument, processing devices that accomplishes the function for which the vehicle or equipment was designed, other than transportation of people, via a mechanical connection to the engine are already exempt as a processing device, therefore a variance is not needed for the operation of the packer.

Therefore, your application does not meet the burden of establishing an undue hardship and is denied.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Page Jr.', written over a light blue horizontal line.

Mark Page Jr.