



Rohit Aggarwala
Commissioner

Angela Licata
Deputy Commissioner of
Sustainability

59-17 Junction Blvd.
Flushing, NY 11373

March 10, 2022

Alex Camarda
Director, State Government Affairs
Charter Communications/Spectrum
120 East 23 Street
New York, NY 10010

Re: Variance Petition

Dear Mr. Camarda:

I am writing in response to your February 1, 2022 petition, as supplemented by addenda dated February 15, 2022 and February 28, 2022, to obtain a variance from section 24-163 of the Air Pollution Control Code ("Code"), in accordance with the provisions of section 24-110 of the Code.

I have carefully reviewed the original petition, the addenda, and information submitted into the record of the public hearing which occurred on March 2, 2022.

In order for DEP to grant a variance pursuant to section 24-110, the petitioner must show that compliance with the statute would result in "unreasonable hardship". Charter/Spectrum has stated that laptops and other equipment such as air blowers require the use of the vehicle's inverter for power. I find that there is inadequate evidence to establish that this equipment cannot operate using alternative power sources or idle reduction technology that is reasonably available. No showing has been made as to why the use of such technology would be unreasonably costly or impractical.

Therefore, after fully reviewing all the information before me, I am denying the variance petition, as unreasonable hardship has not been demonstrated.

This determination supersedes all prior determinations as to variance petitions from Charter/Spectrum.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Page, Jr.', written in a cursive style.

Mark Page, Jr.
Acting Director
Bureau of Environmental Compliance