

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of Climate, Air & Energy

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Mr. Peter D. Lopez
Regional Administrator
U.S. Environmental Protection Agency, Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866

DEC 11 2019

Dear Administrator Lopez:

On behalf of the Governor of the State of New York, I am submitting for approval by the United States Environmental Protection Agency (EPA) a revision to "Section 111(d) State Plan for MSW Landfills" (State Plan) to incorporate revisions to Title 6 of New York Code, Rules and Regulations (6 NYCRR) Parts 208 and 200.

On October 8, 1998, DEC submitted "Section 111(d) State Plan for MSW Landfills" to implement EPA's landfill emission guidelines (EG). At that time, the New York State regulation for Municipal Solid Waste (MSW) Landfills was codified at 6 NYCRR Part 360, "Municipal Solid Waste Landfill Permitting" with an effective date of November 21, 1998. EPA approved that State Plan on July 19, 1999 (64 FR 38582).

DEC transferred the EG requirements from 6 NYCRR Part 360 to 6 NYCRR Part 208, "Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills" in 2001 to avoid duplication between DEC's Division of Air Resources and Division of Solid and Hazardous Materials, and to add compliance milestones under 40 Code of Federal Rules (CFR) Part 60.23. It appears that no revisions were made to the State Plan at that time to reflect that regulatory transfer.

DEC repealed 6 NYCRR Part 208, "Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills" as adopted on September 24, 2001 in its entirety and replaced it with 6 NYCRR Part 208, "Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills" as adopted on August 5, 2019. In addition, attendant revisions were made to 6 NYCRR Part 200, "General Provisions." The new rule incorporates by reference the August 29, 2016 federal EG for MSW landfills codified at 40 CFR Part 60, Subpart Cf, "Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills."

A public review process was held for the revisions to Parts 208 and 200 referenced above. On March 20, 2019 a "Public Notice - Notice of Proposed Rule Making" was published in the Environmental Notice Bulletin (ENB) and a "Proposed Rule Making - Hearing(s) Scheduled" was published in the New York State Register (State Register). Legislative public hearings on the rule revisions and their subsequent submittal to EPA as a State Plan revision were held on May 22, 2019 in Avon, New York and on

May 24, 2019 in Albany, New York. Public comments were accepted through May 29, 2019.

The following documents are enclosed with this State Plan revision:

1. Express Terms as proposed on March 20, 2019 for 6 NYCRR Part 208, "Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills" and 6 NYCRR Part 200, "General Provisions";
2. "Public Notice - Notice of Proposed Rule Making" as published in the ENB and "Proposed Rule Making – Hearing(s) Scheduled" as published in the State Register on March 20, 2019;
3. "Notice of Public Hearing" as published in newspapers statewide;
4. Transcripts for the public hearings held on May 22, 2019 in Avon, New York and on May 24, 2019 in Albany, New York;
5. "Assessment of Public Comments" for all comments received by May 29, 2019;
6. "Certificate of Adoption" dated August 5, 2019 for 6 NYCRR Part 208, "Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills" and 6 NYCRR Part 200, "General Provisions";
7. Express Terms as adopted on August 5, 2019 for 6 NYCRR Part 208, "Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills" and 6 NYCRR Part 200, "General Provisions";
8. "Notice of Adoption" as published in the ENB and State Register on August 21, 2019.

Please revise the State Plan to incorporate the version of Part 208, "Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills" and attendant revisions to 6 NYCRR Part 200, "General Provisions" as discussed above and as adopted on August 5, 2019. If you have any questions or concerns, please call Mr. Robert Bielawa, Chief, SIP Planning at (518) 402-8396.

Sincerely,



J. Jared Snyder
Deputy Commissioner
Office of Climate, Air & Energy

Enclosures

c: R. Ruvo, EPA
R. Bielawa

Express Terms

6 NYCRR Part 208, Landfill Gas Collection and Control Systems for Certain Municipal Solid
Waste Landfills

The existing Part 208 is repealed. New Part 208 will be adopted as follows:

Section 208.1 Applicability.

(a) The Federal requirements of 40 CFR Part 60, Subpart Cf, (see Table 1, section 200.9 of this Title), will apply to existing municipal solid waste (MSW) landfills that have accepted waste after November 8, 1987 and began construction, reconstruction or modification prior to July 17, 2014. Activities required by or conducted pursuant to a CERCLA, RCRA, or State remedial action are not considered construction, reconstruction, or modification for purposes of this section.

Section 208.2 Definitions.

(a) To the extent that they are not inconsistent with the specific definitions in subdivision (b) of this section, the general definitions of Parts 200 and 201 of this Title, and 40 CFR Part 60, Subpart Cf apply (see Table 1, section 200.9 of this Title).

(b) For the purposes of this Part, the following definitions apply:

(1) 'Closed landfill subcategory' means a closed landfill that has submitted a closure report as specified in § 60.38f(f) within one year of Part 208 becoming effective.

Section 208.3 Severability.

(a) Each provision of this Part shall be deemed severable, and in the event that any provision of this Part is held to be invalid, the remainder of this Part shall continue in full force and effect.

Express Terms

6 NYCRR Part 200, General Provisions

Sections 200.1 through 200.8 remain unchanged.

Existing Section 200.9, Table 1 is amended to read as follows:

Table 1

Regulation	Referenced Material	Availability
[208.8(d)]	[40 CFR Part 60 (July 1, 1999)]	[*]
	[64 <i>Federal Register</i> 7463 (Feb. 12, 1999)]	

Table 1

Regulation	Referenced Material	Availability
<u>208.1(a)</u>	<u>Federal Register, Vol 81, No 167, Page 59276</u> <u>(August 29, 2016)</u>	<u>+++</u>
<u>208.2(a)</u>	<u>Federal Register, Vol 81, No 167, Page 59276</u> <u>(August 29, 2016)</u>	<u>+++</u>

Existing Section 200.10, Table 2 is amended to read as follows:

Table 2

Delegated Federal New Source Performance Standards of 40 CFR 60

<i>40 CFR 60 Subpart</i>	<i>Source Category</i>	<i>Page numbers in July 1, 2013 Edition of 40 CFR 60 or Federal Register Citation</i>
[Cc]	[Municipal Solid Waste Landfills]	[122-124]
<u>Cf</u> <u>2016)</u>	<u>Municipal Solid Waste Landfills</u>	<u>81 'Federal Register' 59276 (August 29,</u>



Department of
Environmental
Conservation

ENB - Statewide Notices 3/20/2019

Public Notice

Notice of Proposed Rule Making

6 NYCRR Part 208, Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills

6 NYCRR Part 200, General Provisions

Pursuant to Environmental Conservation Law (ECL) Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, and 71-2105; and Clean Air Act (CAA) Section 182; the New York State Department of Environmental Conservation (NYS DEC) hereby gives notice of the following:

NYS DEC proposes to revise 6 NYCRR Subpart 208, and attendant revisions to Part 200, to incorporate the new federal Emission Guideline (EG) for MSW Landfills codified under 40 CFR Part 60, Subpart Cf. The new federal EG is designed to reduce emissions of landfill gas containing non-methane organic compounds and methane by lowering the emission threshold at which a landfill must install and operate a landfill gas collection and control system. Once this proposal is adopted, NYS DEC is required to revise its State Plan to reflect the new EG and submit the State Plan to the United States Environmental Protection Agency (US EPA) for review and approval.

Written comments on the proposed rule may be submitted until 5:00 p.m. on May 29, 2019. For further information, contact: Dan Brinsko, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY 12233-3250, Phone (518) 402-8403, E-mail: air.regs@dec.ny.gov

Requests for information and comments related to the "Section 111(d) State Plan for MSW Landfills" revision may be obtained from Robert D. Bielawa, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, Phone: (518) 402-8396, E-mail: air.regs@dec.ny.gov. **Written statements may be submitted until 5:00 p.m. May 29, 2019.**

Hearings for the proposed rule and attendant revisions to existing rules described above will be held as follows and are scheduled in places that are reasonably accessible to persons with impaired mobility:

Date: 5/22/2019

Time: 1:00 p.m.

Location: NYS DEC - Region 8 Office

6274 Avon-Lima Road (Rtes. 5 and 20), Conference Room
Avon, NY 14414-9516

Date: 5/24/2019

Time: 1:00 p.m.

Location: NYS DEC

625 Broadway, Public Assembly Room 129A/B
Albany, NY 12233

NYS DEC will provide interpreter services for deaf persons at no charge. **Written requests for interpreter services are required and should be submitted by May 15, 2019,** to: Richard McAuley, NYS DEC, 625 Broadway, Albany NY 12233-3250, Phone: (518) 402-8438, E-mail: air.regs@dec.ny.gov.

Contact: Dan Brinsko, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY 12233-3250, Phone (518) 402-8403, E-mail: air.regs@dec.ny.gov

Notice of Proposed Rulemaking

6 NYCRR Part 226, Solvent Metal Cleaning Processes

Pursuant to Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, and 71-2105 of the Environmental Conservation Law (ECL), the New York State Department of Environmental Conservation (NYS DEC) hereby gives notice of the following:

NYS DEC is proposing to amend existing Part 226, entitled: "Solvent Metal Cleaning Processes," of Title 6 of the Official Compilation of Codes, Rules and Regulation of the State of New York (6 NYCRR) and attendant revisions to Part 201.

Under the proposed changes, the current Part 226 will be re-designated Subpart 226-1 and renamed "Solvent Cleaning Processes". Additionally, the proposed amendments will add a new Subpart 226-2, entitled "Industrial Cleaning Solvents".

Owners or operators of solvent cleaning processes subject to the current Part 226 will be subject to the proposed subpart 226-1. Currently, Part 226 only applies to the cleaning of "metal". This proposal removes this distinction, opening the applicability to any material cleaned by solvent cleaning processes. If your solvent cleaning process was not subject to Part 226 because you were cleaning something other than metal, you will now be subject to Subpart 226-1.

Consistent with the Ozone Transport Commission's (OTC) 2012 updated model rule, a new/replacement VOC requirement is being proposed for Part 226 cold cleaners, including remote reservoir cleaners. Proposed Subpart 226-1 will change the current requirement of using a solvent with a maximum vapor pressure of 1.0 mm Hg, or less, at 20°C- to using a cleaner with no more than 25 grams of VOC per liter (25g/l) of cleaning solution. No changes are being proposed for the other Part 226 solvent cleaning processes (open top vapor or conveyORIZED).

The proposed Subpart 226-2 'Industrial Cleaning Solvents' will be a new regulation consistent with the United States Environmental Protection Agency's (US EPA's) Industrial Cleaning Solvents Control Technique Guidelines (CTG) (2006). Any owner or operator of a facility that emits to the atmosphere three (3) tons or more of volatile organic compounds (VOCs) from industrial cleaning solvents, on an annual basis, may be subject. Specifically, the provisions apply to the cleaning of foreign materials from surfaces of unit operations, including large and small manufactured components, parts, equipment, floors, tanks, and vessels. Such cleaning may be done by wiping, brushing, mopping, flushing or spraying, either by hand or mechanical means. The use of cleaning solvents that are already subject to (or exempt from) other regulatory provisions are not subject to any new requirements under proposed 226-2. The proposed Subpart 226-2 will have work practice, recordkeeping and storage requirements for their cleaners that contain VOCs. Cleaning solutions will also have a maximum VOC content limit of fifty (50) grams of VOC per liter (0.42 pounds of VOC per gallon) of cleaning material or, as an alternative to this maximum VOC content, an industrial cleaning solvent with a maximum composite vapor pressure of eight (8) millimeters of mercury (mmHg) at 20 degrees Celsius may also be used. Further, the Department proposes to submit the Part 226 as well as the revisions to Part 201 to the United States Environmental Protection Agency as a revision to the State Implementation Plan (SIP) for New York State.

Written comments on the proposed rule may be submitted until 5:00 p.m. on May 29, 2019. For further information, contact: John Henkes, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY 12233-3250, Phone (518) 402-8403, E-mail: air.regs@dec.ny.gov

Requests for information and comments related to the SIP revision to incorporate Part 226, Solvent Cleaning Processes and Industrial Cleaning Solvents, may be obtained from: Robert D. Bielawa, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, Phone: (518) 402-8396, E-mail: air.regs@dec.ny.gov.

Written statements may be submitted until 5:00 p.m. May 29, 2019.

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Revised Part 208 Will Incorporate the New Federal Emission Guideline for MSW Landfills Pursuant to 40 CFR Part 60, Subpart Cf

I.D. No. ENV-12-19-00003-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Part 200; repeal of Part 208; and addition of new Part 208 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103 and 71-2105

Subject: Revised Part 208 will incorporate the new Federal emission guideline for MSW landfills pursuant to 40 CFR Part 60, Subpart Cf.

Purpose: Part 208 controls landfill gas emissions by requiring a gas collection and control system.

Public hearing(s) will be held at: 1:00 p.m., May 22, 2019 at Department of Environmental Conservation, 6274 Avon-Lima Rd. (Rtes. 5 and 20), Conference Rm., Avon, NY; and 1:00 p.m., May 24, 2019 at Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Text of proposed rule: Sections 200.1 through 200.8 remain unchanged.

Existing Section 200.9, Table 1 is amended to read as follows:

Table 1

Regulation	Referenced Material	Availability
[208.8(d)]	[40 CFR Part 60 (July 1, 1999)] [64 Federal Register 7463 (Feb. 12, 1999)]	[*]

Table 1

Regulation	Referenced Material	Availability
208.1(a)	<i>Federal Register, Vol 81, No 167, Page 59276 (August 29, 2016)</i>	+++
208.2(a)	<i>Federal Register, Vol 81, No 167, Page 59276 (August 29, 2016)</i>	+++

Existing Section 200.10, Table 2 is amended to read as follows:

Table 2

Delegated Federal New Source Performance Standards of 40 CFR 60

40 CFR 60 Subpart	Source Category	Page numbers in July 1, 2013 Edition of 40 CFR 60 or Federal Register Citation
[Cc]	[Municipal Solid Waste Landfills]	[122-124]
Cf	<i>Municipal Solid Waste Landfills</i>	81 'Federal Register' 59276 (August 29, 2016)

The existing Part 208 is repealed. New Part 208 will be adopted as follows:

Section 208.1 Applicability.

(a) *The Federal requirements of 40 CFR Part 60, Subpart Cf, (see Table 1, section 200.9 of this Title), will apply to existing municipal solid waste (MSW) landfills that have accepted waste after November 8, 1987 and began construction, reconstruction or modification prior to July 17, 2014.*

Activities required by or conducted pursuant to a CERCLA, RCRA, or State remedial action are not considered construction, reconstruction, or modification for purposes of this section.

Section 208.2 Definitions.

(a) *To the extent that they are not inconsistent with the specific definitions in subdivision (b) of this section, the general definitions of Parts 200 and 201 of this Title, and 40 CFR Part 60, Subpart Cf apply (see Table 1, section 200.9 of this Title).*

(b) *For the purposes of this Part, the following definitions apply:*

(1) *'Closed landfill subcategory' means a closed landfill that has submitted a closure report as specified in § 60.38(f) within one year of Part 208 becoming effective.*

Section 208.3 Severability.

(a) *Each provision of this Part shall be deemed severable, and in the event that any provision of this Part is held to be invalid, the remainder of this Part shall continue in full force and effect.*

Text of proposed rule and any required statements and analyses may be obtained from: Dan Brinsko, P. E., NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-3254, (518) 402-8403, email: air.regs@dec.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: May 29, 2019.

Additional matter required by statute: Pursuant to Article 8 of the State Environmental Quality Review Act, a Short Environmental Assessment Form, a Negative Declaration and a Coastal Assessment Form have been prepared and are on file.

Summary of Regulatory Impact Statement (Full text is posted at the following State website: <http://www.dec.ny.gov/regulations/propregulations.html#public>):

1. INTRODUCTION

The New York State Department of Environmental Conservation (Department) regulates emissions from municipal solid waste (MSW) landfills pursuant to 6 NYCRR Part 208, "Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills" (Part 208). The Department promulgated Part 208 on September 24, 2001 pursuant to section 111 of the Clean Air Act (CAA) and the implementing regulations, which requires states to develop and implement a State Plan that incorporates the federal Emission Guideline (EG) set forth in 40 CFR Part 60, Subpart Cc, "Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills" (Subpart Cc), as issued by the U.S. Environmental Protection Agency (EPA) on March 12, 1996.

On August 29, 2016, EPA updated the federal EG, codified at 40 CFR Part 60, Subpart Cf, "Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills" (Subpart Cf). To continue complying with the CAA and newly adopted federal regulations, the Department proposes to repeal existing Part 208, replacing it with a new Part 208, and revising Part 200, "General Provisions" to incorporate by reference the newly updated federal EG for MSW landfills under Subpart Cf.

The revised EG is designed to reduce emissions of landfill gas containing non-methane organic compounds (NMOC) and methane by lowering the emission threshold at which a landfill must install and operate a landfill gas collection and control system (GCCS). Once this proposal is adopted, the Department is required to revise its State Plan to reflect the new EG and submit the State Plan to EPA for review and approval.

2. SUMMARY OF RULE

The Department proposes to repeal existing Part 208 and replace it with a new Part 208, as well as revise Part 200 to incorporate by reference new federal Subpart Cf. Key provisions of this rule include:

- Retaining the rule applicability design capacity threshold of 2.5 million megagrams (Mg) and 2.5 million cubic meters of waste
- Lowering the trigger threshold for installing a GCCS from 50 Mg/year to 34 Mg/year for active MSW landfills
- Maintaining the current 50 Mg/year trigger threshold for installing a GCCS for closed MSW landfills
- New alternative modeling procedure called "Tier 4" for determining when to install a GCCS
- New and updated definitions
- Removal of wellhead oxygen/nitrogen operational standards and corresponding corrective action for their exceedances
- New required electronic reporting using EPA's electronic reporting tool (ERT)
- New criteria for capping, removing or decommissioning a portion of the GCCS in low producing landfill gas areas
- New requirements for expanding landfill gas treatment
- New provisions for startup, shutdown and malfunction periods.

3. STATUTORY AUTHORITY

The statutory authority for the promulgation of 6 NYCRR Part 208 and the attendant revision to 6 NYCRR Part 200 is found in the New York

State Environmental Conservation Law (ECL), Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, and 71-2105.

4. LEGISLATIVE OBJECTIVES

Article 19 of the ECL was enacted to safeguard the air resources of New York from pollution and ensure protection of the public health and welfare, the natural resources of the state, and physical property by integrating industrial development with sound environmental practices.

5. NEEDS AND BENEFITS

EPA's action to revise the EG was initially part of President Obama's "Climate Action Plan: Strategy to Reduce Methane Emissions", directing federal agencies to look at reducing methane emissions. Methane is a potent greenhouse gas pollutant – one of six identified by EPA that endangers public health and welfare – and landfills are the second largest industrial sources of methane emissions in the United States. EPA concluded that it was appropriate to update the EG adopted in 1996 due to significant changes in the landfill industry, e.g., an improved understanding of landfill gas emissions, changes in both landfill size and their age and public comments received through an advance notice of proposed rulemaking. 81 Fed. Reg. 59275 (August 29, 2016).

In New York State, as part of Governor Cuomo's 2015 Opportunity Agenda, the Governor introduced Climate Smart NY with the commitment to lay the groundwork for the Community Risk & Resiliency Act (CRRA). Chapter 355 of the Laws of 2014. As a commitment to addressing climate change, the Governor tasked state agencies with developing methane capture standards and programs to reduce emissions and make New York's energy system more efficient and cost effective. In an effort to achieve cost-effective and quantifiable methane reductions, the agencies identified three of the largest methane emitting sectors in the state: agricultural livestock, the oil and gas sector and landfills. These three sectors are the center of the Governor's Methane Reduction Plan that was released in May 2017.

6. COSTS

An analysis revealed that every "existing" MSW landfill (i.e., landfills that have accepted waste after November 8, 1987 and began construction, reconstruction or modification prior to July 17, 2014) from across the state has already installed a GCCS. Since every affected MSW landfill has already incurred the costs for installing their GCCS, and for obtaining the required Title V permits, the costs under this proposal are negligible. These costs would include the sustained operating and maintenance of the GCCS equipment along with some additional regulatory monitoring and reporting requirements.

7. PAPERWORK

Existing MSW landfills in the new "closed landfill subcategory" will have to submit a closure report within one year of new Part 208 becoming effective in order to maintain the current 50 Mg/yr NMOC trigger threshold for installing and operating, or removing a GCCS. Closure criteria will include a requirement to prepare a written closure plan and to install a final cover system. Landfills in the closed landfill subcategory would also be exempt from any initial reporting requirements (i.e., initial design capacity, initial NMOC emission rate, GCCS design plan, initial annual report, equipment removal report, and initial performance test report), provided they already meet these requirements under existing Part 208 or Subpart WWW.

Qualified MSW landfills already actively operating a GCCS can use the optional Tier 4 methodology to remain exempt from the GCCS monitoring and reporting requirements. The initial Tier 4 monitoring procedure requires four quarters of surface emissions monitoring (SEM) of methane below 500 ppm, followed by quarterly SEM for active landfills and annual SEM for closed landfills. Landfills are allowed to operate the non-regulatory GCCS during the Tier 4 SEM demonstration provided they operated the prerequisite hours prior to the demonstration. This requires the landfills to keep records on the operating hours of the GCCS sending landfill gas to the destruction devices. The on-going Tier 4 procedure for both active and closed landfills requires a thirty-day notification of the SEM testing, readily accessible records (i.e., SEM monitoring information, instrument calibrations, digital photographs of the instrument setup) kept for at least 5 years, and annual reports of the SEM monitoring results.

New Subpart Cf removes the nitrogen/oxygen operational standards at the wellheads. This will eliminate any corrective action due to exceedances and the associated cost for reporting. The monthly wellhead monitoring and record keeping will remain so that landfills can continue to make the necessary adjustments to the GCCS; however, the records must be kept up-to-date for at least 5 years and made available to the Department upon request. The operational standard, corrective action and corresponding recordkeeping and reporting for temperature and negative pressure will continue to be required for landfill gas collection wells.

While there are no additional regulations for "wet" (i.e., those that accept liquid waste or recirculate leachate) landfills in Subpart Cf, there will be some new recordkeeping and annual reporting requirements. This will

include historic reporting on the amount of leachate recirculated, and that this information be submitted to EPA electronically through the Electronic Reporting Tool (ERT).

The proposed revisions require new surface monitoring obligations, including the monitoring of all cover surface penetrations and openings during quarterly SEM events, in addition to the current required monitoring of locations (i.e., landfill perimeter path, traverse path across the landfill surface, and areas identified visually as leaks). In addition, the location in latitude/longitude marking each surface emission exceedance (500 ppm above background) must be recorded in decimal degrees with an instrument accuracy of at least ± 4 meters. While landfills can still mark exceedances with the old technology (i.e., marker flags, handwritten exceedance locations in notebooks to be later transferred to an office computer), they may benefit from opting to use a hand-held global positioning system (GPS) device instead. GPS devices can provide an exceedance location (latitude/longitude coordinates) in the required decimal degrees with an accuracy down to at least five decimal places. The GPS locations are taken in real time, which will minimize the labor involved collecting and recording the exceedance data. In addition, GPS devices used in conjunction with landfill electronic data management systems will provide a more comprehensive record and understanding of the landfills GCCS performance.

The proposed revisions establish new federally-mandated electronic reporting requirements for certain required performance test reports, NMOC emissions rate reports, annual reports, Tier 4 emission rate reports, and wet landfill practices through EPA web portal the Central Data Exchange (CDX) using the Compliance and Emissions Data Reporting Interface (CEDRI), i.e., the ERT. Landfills will be required to maintain electronic copies of the records instead of hardcopies to satisfy the federal recordkeeping requirements. EPA stated that this will increase the usefulness of the data contained in the reports and lessen the drain on the regulated community. However, landfills will still be required to provide hard copies of any required reports to the Department.

Under the new requirements for landfill gas treatment, landfills will be required to develop a site-specific treatment system monitoring plan and keep records demonstrating effective monitoring of filtration, dewatering, and compression system performance. The treatment system monitoring plan is required to be submitted as part of a Title V permit application and include the operating parameters in the permit as applicable enforceable requirements. Since every affected MSW landfill in the state already has a Title V permit, these parameters will not be incorporated until their next permit modification or renewal.

GCCS design plans (Plan) are now required to be updated within ninety days of expansion of the GCCS into a new area not covered by the previously approved Plan, or prior to making any changes to the GCCS that are not consistent with the current Plan. GCCS design plans must continue to be prepared and approved by a professional engineer. Landfills must notify the Department when the Plan is completed and provide a copy of the Plan's signature page.

8. LOCAL GOVERNMENT MANDATES

The proposed revisions do not impose a local government mandate. Any additional paperwork or staffing requirements are expected to be minimal. The authority and responsibility for implementing and administering Part 208 resides with the Department. In addition, it is the Department's responsibility to submit the State Plan incorporating new Subpart Cf to EPA for approval.

9. DUPLICATION BETWEEN THIS REGULATION AND OTHER REGULATIONS AND LAWS

With the proposed revisions to Part 208 there will only be one air emission regulation for existing MSW landfills to comply with. Therefore, there will be no duplication between this regulation and any other regulations and laws.

10. FEDERAL STANDARDS

Because the Department is adopting a federal program in Subpart Cf, there will be no exceedance of any minimum standards of the federal government.

11. COMPLIANCE SCHEDULE

Landfills will have thirty days from adoption to comply with this regulation. Any applicable monitoring, record keeping and reporting requirements are specified in Subpart Cf.

Regulatory Flexibility Analysis

The New York State Department of Environmental Conservation (Department) regulates emissions from municipal solid waste (MSW) landfills pursuant to 6 NYCRR Part 208, "Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills" (Part 208). The Department promulgated Part 208 on September 24, 2001 pursuant to section 111 of the Clean Air Act (CAA) and the implementing regulations, which requires states to develop and implement a State Plan that incorporates the federal Emission Guideline (EG) set forth in 40 CFR Part 60, Subpart Cc, "Standards of Performance for New Stationary Sources and

Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills” (Subpart Cc), as issued by the U.S. Environmental Protection Agency (EPA) on March 12, 1996.

On August 29, 2016, EPA updated the federal EG, codified at 40 CFR Part 60, Subpart Cf, “Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills” (Subpart Cf). To continue complying with the CAA and newly adopted federal regulations, the Department proposes to repeal existing Part 208, replacing it with a new Part 208, and revising Part 200, “General Provisions” to incorporate by reference the newly updated federal EG for MSW landfills under Subpart Cf.

The revised EG is designed to reduce emissions of landfill gas containing non-methane organic compounds (NMOC) and methane by lowering the emission threshold at which a landfill must install air pollution controls - consisting of the same basic controls currently utilized, i.e., a well-designed and operated landfill gas collection and control system (GCCS) - but on an accelerated basis.

EFFECT OF THE RULE

Local governments, other than those municipalities owning MSW landfills, are not expected to be directly affected by the proposed revisions to Part 208. For municipal-owned MSW landfills the proposed revisions will impact them in a similar manner by which they are currently regulated. Furthermore, since the majority of MSW landfills reside in rural areas the proposed revisions are not expected to directly affect small businesses.

COMPLIANCE REQUIREMENTS

Local governments and small businesses are not expected to be directly affected by the proposed revisions to Part 208. Municipal-owned MSW landfills will have thirty days from the effective date to comply with this regulation. Any applicable monitoring, record keeping and reporting requirements are specified in Subpart Cf.

PROFESSIONAL SERVICES

It is not anticipated that small businesses will need professional services to comply with the proposed revisions to Part 208.

COMPLIANCE COSTS

Local governments and small businesses are not expected to be directly affected by the proposed revisions to Part 208. For municipal-owned MSW landfills, an analysis performed revealed that every applicable MSW landfill from across the state has already installed a GCCS. Since every affected MSW landfill has already incurred the costs for installing their GCCS, and for obtaining the required Title V permits, the costs under this proposal are negligible. These costs would include the sustained operating and maintenance of the GCCS equipment along with some additional regulatory monitoring and reporting requirements.

MINIMIZING ADVERSE IMPACT

Local governments and small businesses are not expected to be directly affected by the proposed revisions to Part 208. However, in recognition of the potential for adverse impacts on municipal-owned MSW landfills, Department staff led a broad stakeholder process. Department staff in April 2017, met with stakeholders (i.e., Waste Management and GHD) at High Acres Landfill in Fairport, NY at the NYSDEC’s Region 8 Avon sub office, and again in May and June at the Albany and Colonie landfills, respectively, to discuss the proposed rule. In addition, Department staff conducted a comprehensive stakeholder conference call that included: MSW landfills, environmental justice groups, environmental advocacy groups and environmental consultants working on landfill related issues.

SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

Local governments and small businesses are not expected to be directly affected by the proposed revisions to Part 208. As stated above, regarding potential adverse impacts on municipal-owned MSW landfills, Department staff conducted a comprehensive outreach effort with stakeholders. Additionally, the public, including those involved in small businesses and local governments, will have the opportunity to review and comment on the proposed rule in accordance with State rulemaking procedures and requirements.

ECONOMIC AND TECHNOLOGICAL FEASIBILITY

Local governments and small businesses are not expected to be directly affected by the proposed revisions to Part 208. As stated previously, since every applicable MSW landfill state-wide has already installed a GCCS, thus effectively reducing landfill emissions, there should be no economic and technical feasibility concerns for local governments and small businesses.

Rural Area Flexibility Analysis

The New York State Department of Environmental Conservation (Department) regulates emissions from municipal solid waste (MSW) landfills pursuant to 6 NYCRR Part 208, “Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills” (Part 208). The Department promulgated Part 208 on September 24, 2001 pursuant to section 111 of the Clean Air Act (CAA) and the implementing regulations, which requires states to develop and implement a State Plan that incorporates the federal Emission Guideline (EG) set forth in 40 CFR Part 60,

Subpart Cc, “Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills” (Subpart Cc), as issued by the U.S. Environmental Protection Agency (EPA) on March 12, 1996.

On August 29, 2016, EPA updated the federal EG, codified at 40 CFR Part 60, Subpart Cf, “Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills” (Subpart Cf). To continue complying with the CAA and newly adopted federal regulations, the Department proposes to repeal existing Part 208, replacing it with a new Part 208, and revising Part 200, “General Provisions” to incorporate by reference the newly updated federal EG for MSW landfills under Subpart Cf.

The revised EG is designed to reduce emissions of landfill gas containing non-methane organic compounds (NMOC) and methane by lowering the emission threshold at which a landfill must install air pollution controls - consisting of the same basic controls currently utilized, i.e., a well-designed and operated landfill gas collection and control system (GCCS) - but on an accelerated basis.

TYPES AND ESTIMATED NUMBERS OF RURAL AREAS AFFECTED

The majority of MSW landfills currently regulated by existing Part 208 reside in rural communities. As a result, the proposed revisions will have similar regulatory impacts where additional environmental benefits are realized from the reduction in landfill emissions. Furthermore, because every affected existing MSW landfill has already installed a GCCS, the Department expects no adverse impacts on rural communities attributed to this rulemaking.

COMPLIANCE REQUIREMENTS

Landfills will have thirty days from the effective date to comply with this regulation. Any applicable monitoring, record keeping and reporting requirements are specified in Subpart Cf.

COSTS

An analysis revealed that every affected existing MSW landfill has already installed a GCCS. Since every applicable MSW landfill has already incurred the costs for installing their GCCS, and for obtaining the required Title V permits, the costs under this proposal are negligible. These costs would include the sustained operating and maintenance of the GCCS equipment along with some additional regulatory monitoring and reporting requirements. The Department does not anticipate any additional costs associated with this rulemaking to be greater in rural areas where the majority of MSW landfills already reside.

MINIMIZING ADVERSE IMPACT

To minimize any adverse impacts, Department staff in April 2017, met with stakeholders (i.e., Waste Management and GHD) at High Acres Landfill in Fairport, NY at the NYSDEC’s Region 8 Avon sub office, and again in May and June 2017 at the Albany and Colonie landfills, respectively, to discuss the proposed rule. In addition, Department staff conducted a comprehensive stakeholder conference call that included MSW landfills, environmental justice groups, environmental advocacy groups and environmental consultants working on landfill related issues.

RURAL AREA PARTICIPATION

As stated above, Department staff met with many stakeholders, including the MSW landfills which are located in rural areas of the state, thus providing stakeholders the opportunity to participate in the development of the proposed rule. Additionally, the public, including those located in rural areas of the state, will have the opportunity to review and comment on the proposed rule in accordance with State rulemaking procedures and requirements.

Job Impact Statement

The New York State Department of Environmental Conservation (Department) regulates emissions from municipal solid waste (MSW) landfills pursuant to 6 NYCRR Part 208, “Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills” (Part 208). The Department promulgated Part 208 on September 24, 2001 pursuant to section 111 of the Clean Air Act (CAA) and the implementing regulations, which requires states to develop and implement a State Plan that incorporates the federal Emission Guideline (EG) set forth in 40 CFR Part 60, Subpart Cc, “Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills” (Subpart Cc), as issued by the U.S. Environmental Protection Agency (EPA) on March 12, 1996.

On August 29, 2016, EPA updated the federal EG, codified at 40 CFR Part 60, Subpart Cf, “Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills” (Subpart Cf). To continue complying with the CAA and newly adopted federal regulations, the Department proposes to repeal existing Part 208, replacing it with a new Part 208, and revising Part 200, “General Provisions” to incorporate by reference the newly updated federal EG for MSW landfills under Subpart Cf.

The revised EG is designed to reduce emissions of landfill gas containing non-methane organic compounds (NMOC) and methane by lowering the emission threshold at which a landfill must install air pollution controls

- consisting of the same basic controls currently utilized, i.e., a well-designed and operated landfill gas collection and control system (GCCS) - but on an accelerated basis.

NATURE OF IMPACT

New Part 208 will not have an adverse impact on job and employment opportunities. An analysis revealed that every affected "existing" MSW landfill from across the state has already installed a GCCS. Since every affected MSW landfill has already incurred the resources (i.e., manpower, costs) for installing their GCCS, and for obtaining the required Title V permits, the impact is negligible. In addition, existing MSW landfills already employ the necessary staff to sustain the operating and maintenance of the GCCS equipment along with the regulatory monitoring and reporting requirements.

The impact on the Department consists of time for rulemaking development and outreach. Department enforcement staff will continue to conduct enforcement activities to ensure compliance with the current Part 208, and the revised rule is not expected to require additional staff time to implement the rule.

CATEGORIES AND NUMBERS OF JOBS OR EMPLOYMENT OPPORTUNITIES AFFECTED

Because every affected existing MSW landfill has already installed a GCCS and is meeting the current regulatory requirements, which are very similar to the new ones, the Department expects no adverse employment opportunity impact attributed to this rulemaking.

REGIONS OF ADVERSE IMPACT

The MSW landfills affected by this proposal are distributed throughout the state. Because every affected existing MSW landfill has already installed a GCCS and is meeting the current regulatory requirements, which are very similar to the new ones, the Department expects no adverse employment opportunity impact attributed to this rulemaking.

MINIMIZING ADVERSE IMPACT

To minimize any adverse impacts, Department staff in April 2017 met with stakeholders (i.e., Waste Management and GHD) at High Acres Landfill in Fairport, NY at the NYSDC's Region 8 Avon sub office, and again in May and June 2017 at the Albany and Colonie landfills, respectively, to discuss the proposed rule. In addition, in May, 2018 Department staff conducted a comprehensive stakeholder conference call that included MSW landfills, environmental justice groups, environmental advocacy groups and environmental consultants working on landfill related issues.

Additionally, this regulation contains flexibility that will facilitate compliance, including an optional Tier 4 methodology by which MSW landfills currently operating a GCCS can remain exempt for the GCCS monitoring and reporting requirements; the removal of the nitrogen/oxygen operational standards at the wellheads which will eliminate any corrective action due to exceedances and the associated cost for reporting; and new federal electronic reporting requirements which allows landfills to maintain electronic copies of certain records instead of hard copies.

SELF-EMPLOYMENT OPPORTUNITIES

The adoption of revised Part 208 is not expected to result in negative impacts to self-employment opportunities.

Section 5329.1 sets forth definitions applicable to sports wagering.

Section 5329.2 sets forth the process by which a gaming facility may petition for a sports pool license.

Section 5329.3 sets forth the term of a sports pool license and describes the review process for continuing licensure.

Section 5329.4 allows for contracting with a sports pool vendor to operate or assist in the operation of sports pools on behalf of a gaming facility and sets forth licensing requirements.

Section 5329.5 establishes a continuing duty to report operator and sports pool vendor changes.

Section 5329.6 describes occupational licensing requirements of individuals.

Section 5329.7 authorizes action in the event of misconduct or improper associations.

Section 5329.8 requires internal controls and sets forth minimum requirements for internal controls.

Section 5329.9 sets forth requirements for the sports wagering lounge physical space.

Section 5329.10 sets forth sports pool system requirements.

Section 5329.11 sets forth regulations for automated ticket machines.

Section 5329.12 requires each operator to establish house rules for sports wagering and sets forth minimum requirements for house rules.

Section 5329.13 regulates wager types and sets forth that prior Commission approval of a wager type is required.

Section 5329.14 sets forth requirements for parlay card wagers.

Section 5329.15 allows layoff wagers as a risk management tool.

Section 5329.16 requires certain information to be available to patrons.

Section 5329.17 sets forth requirements for the manner in which wagers may be placed.

Section 5329.18 sets forth requirements for wagering tickets.

Section 5329.19 sets forth certain restrictions on wagering, including by minors, prohibited persons and proxies.

Section 5329.20 regulates ticket payout procedures and establishes certain reporting requirements.

Section 5329.21 regulates the circumstances under which wagers may be cancelled.

Section 5329.22 prohibits the structuring of wagers to avoid compliance with law or regulation.

Section 5329.23 requires diligent investigation of patron complaints.

Section 5329.24 sets forth operator reserve requirements.

Section 5329.25 prohibits dishonest actions in connection with sports wagering.

Section 5329.26 establishes duties to report dishonest or unlawful acts, bribes, suspicious activity and suspected money laundering.

Section 5329.27 requires the establishment of controls to identify unusual betting activity and requires the retention of an integrity monitoring provider to assist in the identification of suspicious betting activity and cooperation with others in protecting the integrity of underlying sports events.

Section 5329.28 sets forth regulations in regard to the payment and reporting of tax.

Section 5329.29 sets forth procedures to report and reconcile gross gaming revenue.

Section 5329.30 sets forth requirements for accounting and financial records.

Section 5329.31 establishes a duty to give evidence to the Commission when requested or ordered to do so.

Section 5329.32 requires compliance assessments.

Section 5329.33 empowers the Commission to review and examine records.

Section 5329.34 requires compliance with responsible gaming obligations.

Section 5329.35 sets forth that other casino regulations apply.

Section 5329.36 sets forth Commission power to suspend or revoke licenses or impose fines, when appropriate.

Text of proposed rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301-7500, (518) 388-3332, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

1. STATUTORY AUTHORITY: Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") section 104(19) grants authority to the Gaming Commission ("Commission") to promulgate rules and regulations that it deems necessary to carry out its responsibilities.

Racing Law section 1307(1) authorizes the Commission to adopt regulations that it deems necessary to protect the public interest in carry-

New York State Gaming Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Sports Wagering at Gaming Facilities

I.D. No. SGC-12-19-00007-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Addition of Part 5329 to Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1307(1), (2)(g), 1367(3)(a), (b) and (5)

Subject: Sports wagering at gaming facilities.

Purpose: To regulate and control sports wagering as directed by statute.

Substance of proposed rule (Full text is posted at the following State website: www.gaming.ny.gov/proposedrules): The addition of Part 5329 of Subtitle T of Title 9 NYCRR will allow the New York State Gaming Commission ("Commission") to prescribe the rules for sports wagering at gaming facilities.

State of New York

COUNTY OF NEW YORK

SS:

0000138372-01

Rubiel Gonzalez

being duly sworn,

says that he/she is the principal Clerk of the Publisher of the

New York Post

a daily newspaper of general circulation printed and published in the English language, in the County of New York, State of New York; that advertisement hereto annexed has been regularly published in the said "New York Post" once,

on the 20th of March, 2019

Sworn to before me on this 20 day of March, 2019

Richard C Savin

Richard C Savin

Notary Public

RICHARD C SAVIN
NOTARY PUBLIC - STATE OF NEW YORK
No. 01SA6304152
Qualified in Dutchess County
My Commission Expires May 27, 2022

**NOTICE OF PUBLIC HEARING
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Notice is hereby given that the New York State Department of Environmental Conservation (NYSDEC) will hold a legislative Public Hearing on two separate proposals:

1: Pursuant to Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, and 71-2105 of the Environmental Conservation Law (ECL), notice is hereby given that the New York State Department of Environmental Conservation (Department) will hold the following legislative public hearings on the proposed revisions to 6 NYCRR Part 208, Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills, and 6 NYCRR Part 200, General Provisions.

Emissions from municipal solid waste (MSW) landfills are regulated by Part 208 which is based on the federal Emission Guideline (EG) set forth in 40 CFR Part 60, Subpart Cc, as issued in 1996. Part 208 controls landfill gas emissions by requiring landfills that exceed a specified emission threshold to install and operate a gas collection and control system (GCCS) where the landfill gas is either flared or utilized as an energy source. In 2016, the U.S. Environmental Protection Agency (EPA) updated the federal EG by replacing Subpart Cc with new Subpart Cf. New Subpart Cf applies to existing landfills that have accepted waste after November 8, 1987 and began construction, reconstruction or modification prior to July 17, 2014. In order to comply with the new federal EG, the Department is required to revise its "Section 111(d) State Plan for MSW Landfills" to include the new EG and submit the State Plan to EPA for review and approval. Consequently, the Department proposes to revise Part 208, and attendant revisions to Parts 200, to incorporate by reference the new federal EG for MSW Landfills.

The proposed revisions to Part 208 retain the rule applicability design capacity threshold of 2.5 million megagrams (Mg) and 2.5 million cubic meters of waste, but lower the non-methane organic compounds (NMOC) emission trigger threshold from 50 Mg/year to 34 Mg/year for installing and operating a GCCS. For MSW landfills that are closed, the current 50 Mg/year NMOC trigger threshold will remain. There will be a new optional methodology for determining when a landfill must install and operate a GCCS - referred to as Tier 4 - which is based on site-specific surface emissions monitoring of methane. Under Tier 4, if a landfill's surface emissions of methane are above 500 parts per million for four consecutive quarters, the landfill will be required to install and operate a GCCS. Other notable changes include: new and updated definitions; the removal of certain operation standards with corresponding requirement to take corrective action for exceedances, along with monitoring and reporting requirements; required electronic reporting when using test methods supported by EPA's electronic reporting tool (ERT); criteria for capping, removing or decommissioning a portion of the GCCS in low producing landfill gas areas; expanding landfill gas treatment; and provisions for startup, shutdown and malfunction periods.

2: Pursuant to Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, and 71-2105 of the Environmental Conservation Law (ECL), notice is hereby given that the New York State Department of Environmental Conservation (Department) will hold the following legislative public hearings on the proposed revisions to 6 NYCRR Part 226, Solvent Metal Cleaning Processes, and 6 NYCRR Part 201, Permits and Registrations.

Under the proposed changes, the current Part 226 will be re-designated Subpart 226-1 and renamed "Solvent Cleaning Processes". Owners or operators of solvent cleaning processes subject to the current Part 226 will be subject to the proposed Subpart 226-1. Currently, Part 226 only applies to the cleaning of "metal". This proposal removes this distinction, opening the applicability to any material cleaned by solvent cleaning processes. If a solvent cleaning process was not subject to Part 226 because you were cleaning something other than metal, it will now be subject to Subpart 226-1.

Consistent with the Ozone Transport Commission's (OTC) 2012 updated model rule, a new/replacement VOC requirement is being proposed for Part 226 cold cleaners, including remote reservoir cleaners. Proposed Subpart 226-1 will change the current requirement of using a solvent with a maximum vapor pressure of 1.0 mm Hg, or less, at 20°C to using a cleaner with no more than 25 grams of VOC per liter (25g/l) of cleaning solution. No changes are being proposed for the other Part 226 solvent cleaning processes (open top vapor or conveyORIZED).

Additionally, the proposed amendments will add a new Subpart 226-2, entitled "Industrial Cleaning Solvents" which will be a new regulation consistent with the Environmental Protection Agency's (EPA's) Industrial Cleaning Solvents Control Technique Guidelines (CTG) (2006). Any owner or operator of a facility that emits to the atmosphere three (3) tons or more of volatile organic compounds (VOCs) from industrial cleaning solvents, on an annual basis, may be subject. Specifically, the provisions apply to the cleaning of foreign materials from surfaces of unit operations, including large and small manufactured components, parts, equipment, floors, tanks, and vessels. Such cleaning may be done by wiping, brushing, mopping, flushing or spraying, either by hand or mechanical means. The use of cleaning solvents that are already subject to (or exempt from) other regulatory provisions are not subject to any new requirements under proposed 226-2. The proposed Subpart 226-2 will have work practice, recordkeeping and storage requirements for cleaning solvents that contain VOCs. Cleaning solutions will also have a maximum VOC content limit of fifty (50) grams of VOC per liter (0.42 pounds of VOC per gallon) of cleaning material or, as an alternative to this maximum VOC content, an industrial cleaning solvent with a maximum composite vapor pressure of eight (8) millimeters of mercury (mmHg) at 20 degrees Celsius may also be used. Further, the Department proposes to submit the Part 226 as well as the revisions to Part 201 to the United States Environmental Protection Agency as a revision to the State Implementation Plan (SIP) for New York State.

Hearings for the proposed rule and attendant revisions to existing rules described above will be held as follows and are scheduled in places that are reasonably accessible to persons with impaired mobility:

Date	Time	Location
5/22/2019	1:00 pm	6274 Avon-Lima Rd. (Rtes. 5 and 20), Conference Room, Avon, NY 14414-9516
5/24/2019	1:00 pm	NYSDEC, 625 Broadway, Public Assembly Room 129A/B, Albany, NY 12233

The Department will provide interpreter services for deaf persons at no charge. Written requests for interpreter services are required and should be submitted by May 15, 2019, to Richard McAuley, NYSDEC, 625 Broadway, Albany NY 12233-3250, (518) 402-8438, air.regs@dec.ny.gov.

Pursuant to Part 617 of the implementing regulations for the State Environmental Quality Review Act, the Department has prepared a Negative Declaration stating that the proposed actions will not have a significant effect on the environment.

The Department invites all persons, organizations, corporations, and government agencies that may be affected by the proposed revisions to attend the hearings. At each hearing, persons who wish to make a statement will be invited to speak. It is requested that oral statements also be submitted in writing. The Department will give equal weight to written and oral statements, and since a cumulative record will be compiled it is not necessary for interested parties to attend each hearing.

Information for Part 208 and attendant revisions, may be obtained from Dan Brinsko, P.E., NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3251, telephone, (518) 402-8403; email, air.regs@dec.ny.gov. Written statements may be submitted until 5 pm May 29, 2019.

Information for Part 226 and attendant revisions, may be obtained from John Henkes, P.E., NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3251, telephone, (518) 402-8403; email, air.regs@dec.ny.gov. Written statements may be submitted until 5 pm May 29, 2019.

Requests for information and comments related to the "Section 111(d) State Plan for MSW Landfills" revision and the SIP revision to incorporate Part 226, Solvent Cleaning Processes and Industrial Cleaning Solvents, may be obtained from Robert D. Bielawa, P.E., NYSDEC Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, Phone: (518) 402-8396, E-mail: air.regs@dec.ny.gov. Written statements may be submitted until 5 pm May 29, 2019.

The proposed regulations may be found on the NYSDEC's website at: <http://www.dec.ny.gov/regulations/proproregulations.html#public> or may be obtained from any of the following Department offices:

REGION 1 - NYSDEC Region One Headquarters, SUNY Stony Brook, 50 Circle Road, Stony Brook, NY 11790-3409, Attention: Shaun Shea
REGION 2 - Hunters Point Plaza, 47-40 21st Street, Long Island City, NY 11101, Attention: Sam Lieblach
REGION 3 - 21 South Putt Corners Road, New Paltz, NY 12561, Attention: George Sweikert
REGION 4 - 1130 North Westcott Rd., Schenectady, NY 12306, Attention: Victoria Schmitt
REGION 5 - Hudson Street Extension, Box 220, Warrensburg NY 12885, Attention: James Coutant
REGION 6 - Watertown State Office Bldg, 317 Washington St., Watertown, NY 13601, Attention: Robert Jacobs
REGION 7 - 615 Erie Boulevard West, Syracuse, NY 13204-2400, Attention: Thomas Elter
REGION 8 - 6274 East Avon-Lima Road, Avon, NY 14414, Attention: Yuan Zeng
REGION 9 - 270 Michigan Avenue, Buffalo, NY 14202, Attention: Michael Emery

AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK
COUNTY OF NEW YORK

Ambika Mohan being duly sworn hereby declares and says, that she is the Advertising Account Executive responsible for placing the attached advertisement for publication in Newsday for Miller Advertising Agency, Inc; located in New York, NY, and that the NYSDEC Notice of Complete Application advertisement, of which the annexed is a true copy, has been published in the said publication on the following issue date(s):

Mar. 20, 2019

Ambika Mohan
Ambika Mohan

Subscribed to and Sworn before me

This 18th day of Apr. 1, 2019

Donna Perez
Notary Public

Donna Perez
Notary Public State Of New York
No. 01PE6151365
Qualified In New York County
Commission Expires August, 14th - 2022

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LEGAL NOTICES

Legal Notice # 21472036
95EASTELMHURST LLC, Arts of Org. filed with NY Sec. of State (SSNY) on 2/12/19. Office location: Queens County, SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. The name and address of the Reg. Agent is CT Corporation System, 28 Liberty St, NY, NY 10005. Purpose: Any lawful activity.

Legal Notice # 21470044
Notice of Formation of 131-47 Fowler Ave Owner LLC, Arts of Org. filed with NY Sec. of State (SSNY) on 2/12/19. Office location: Queens County, SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. The name and address of the Reg. Agent is CT Corporation System, 28 Liberty St, NY, NY 10005. Purpose: Any lawful activity.

Legal Notice # 21476564
I, Nafessathul Hannan Mohamed Humayun Kabir, daughter of Mohamed Humayun Kabir, holder of Indian Passport No. M767750, issued at ABUDHABI on 02/11/2015, permanent resident of 32 Lemaire St, Karachi-06060 UT of Puducherry and presently residing at 42-75, 78th Street, Elmhurst, NY 11373, do hereby change my name from Nafessathul Hannan Mohamed Humayun Kabir with immediate effect.

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PERSONALS

PERSONALS

Happy First Anniversary Erni!
I love you more & more each day!

LEGAL NOTICES

Legal Notice # 21474588
SHS Queens Village LLC, d/b/a Stop & Star, will sell at Public Auction under New York Lien laws for cash only on March 29, 2019 at 10:00AM and on such succeeding days and times as may be necessary at 218-28 97th Ave, Queens Village, NY 11429, the property described as cartons, furniture, office furnishings & supplies, household goods and other effects belonging to: Veronica M. Lindsay #0352; Steve Bruno #0362; Alisha A. McKinny #1111; Hyunsun Park #1122; Mary L. Watkins #1272; Anissa P. Brattwaite #1316; Claudia Gonzalez #1340; Octavia T. Mackey #3309; Shawn W. Whitlow #3429; Adam J. Riley #3483; Giovanna Chevalier #4183; Joy E. Delicia #4223; Nuratu Otlana #4307; Herby A. Fleve #5109; Tiffany J. Pressley #5176 and at 11:00AM, SHS-Balsley LLC, d/b/a Stop & Star, will sell at Public Auction under New York Lien laws for cash only and on such succeeding days and times as may be necessary at 169-01 Balsley Blvd., Springfield Gardens, NY 11434, the property described as cartons, furniture, office furnishings & supplies, household goods and other effects belonging to: Vernon D. Headley #2111; Errol O. Scott #3514; Jonathan A. Oke #4421; Jaquetta Acosta #4469; Donald Bader, DCA #85915; Patrick Williams, DCA #137702, Auctioneers as Agents.



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LEGAL NOTICES

Legal Notice # 21466589
NOTICE OF SALE
SUPREME COURT COUNTY OF QUEENS, CTF ASSET MANAGEMENT, LLC, Plaintiff, vs. EDAWETWITTE PARAF, ET AL., Defendant(s).

Pursuant to an Order Confirming Reference Report and Judgment of Foreclosure and Sale duly filed on January 9, 2019, I, the undersigned Referee will sell at public auction at the Queens County Supreme Court, Courtroom 25, 88-11 Sutphin Boulevard, Jamaica, NY, on March 29, 2019 at 10:00 a.m., premises known as 134-07 87th Avenue, Richmond Hill, NY 11418. All that certain plot, place or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Queens, County of Queens, City and State of New York, Block 9630 and Lot 11. Approximate amount of Judgment is \$185,763.31.

Legal Notice # 21469469
SUPREME COURT COUNTY OF QUEENS, GREEN TREE SERVICES LLC, Plaintiff, vs. DEFENDANT(S) MARTIN JR., ET AL., Defendant(s).

Pursuant to a Judgment of Foreclosure and Sale duly filed on December 10, 2018, I, the undersigned Referee will sell at public auction at the Queens County Supreme Court, Courtroom 25, 88-11 Sutphin Boulevard, Jamaica, NY on April 12, 2019 at 10:00 a.m., premises known as 23-55 Far Rockaway Boulevard, Far Rockaway, NY. All that certain plot, place or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Queens, County of Queens, City and State of New York, Block 15788 and Lot 16. Premises will be sold subject to provisions of filed Judgment Index # 9614/14.

Legal Notice # 21470034
NOTICE OF FORMATION OF BEEF HOUSE PARTNER II LLC, Arts of Org. filed with NY Sec. of State (SSNY) on 2/12/19. Office location: Queens County, SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. The name and address of the Reg. Agent is CT Corporation System, 28 Liberty St, NY, NY 10005. Purpose: Any lawful activity.

Legal Notice # 21472677
NOTICE OF SALE
SUPREME COURT - COUNTY OF QUEENS

Legal Notice # 21474339
NOTICE OF SALE
SUPREME COURT COUNTY OF QUEENS, WELLS FARGO BANK, N.A. AS TRUSTEE FOR CARBONITE MORTGAGE LOAN TRUST, SERIES 2006-FREZ ASSET-BACKED PASS-THROUGH CERTIFICATES, Plaintiff, vs. ABDULLAH A. MAMUN A/K/A ABDULLAH MAMUN, ET AL., Defendant(s).

Pursuant to a Judgment of Foreclosure and Sale duly filed on September 10, 2015, I, the undersigned Referee will sell at public auction at the Queens County Supreme Court, Courtroom 25, 88-11 Sutphin Boulevard, Jamaica, NY on April 12, 2019 at 10:00 a.m., premises known as 44-15 66th Street, Woodside, NY 11377. All that certain plot, place or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Queens, County of Queens, City and State of New York, Block 2420 and Lot 8. Approximate amount of Judgment is \$453,244.71. Premises will be sold subject to provisions of filed Judgment of Foreclosure and Sale; Index # 704082/2014. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagee, the Mortgagee's attorney, the Referee, James D. Robertson, Esq., Referee, Leopold & Associates, PLLC, 80 Business Park Drive, Suite 110, Armonk, NY 10504. Dated: 2/4/2019 YW

Legal Notice # 21470037
NOTICE OF FORMATION OF BEEF HOUSE PARTNER I LLC, Arts of Org. filed with NY Sec. of State (SSNY) on 2/12/19. Office location: Queens County, SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. The name and address of the Reg. Agent is CT Corporation System, 28 Liberty St, NY, NY 10005. Purpose: Any lawful activity.

Legal Notice # 21476544
BLUNDO REALTY LLC, Arts of Org. filed with the SSNY on 03/12/2019. Office loc: Queens County, SSNY has been designated as agent upon whom process against the LLC may be served. The LLC, 14-32 Burton Street, Whitestone, NY 11357. Purpose: Any Lawful Purpose.

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Legal Notice # 21470042
Notice of Formation of 994 Myrtle Ave Owner LLC, Arts of Org. filed with NY Sec. of State (SSNY) on 2/12/19. Office location: Queens County, SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10005. The name and address of the Reg. Agent is CT Corporation System, 28 Liberty St, NY, NY 10005. Purpose: Any lawful activity.

Legal Notice # 21476549
BLUNDO REALTY LLC, Arts of Org. filed with the SSNY on 03/12/2019. Office loc: Queens County, SSNY has been designated as agent upon whom process against the LLC may be served. The LLC, 14-32 Burton Street, Whitestone, NY 11357. Purpose: Any Lawful Purpose.

Legal Notice # 21476549
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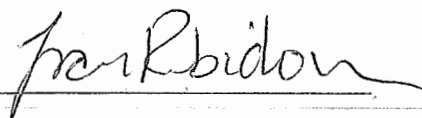
Account Number: 50930000002
Order Number: 0004045755
Order Invoice Text:

A Loveridge / T Tones / S Rawling / R Bernard / T Duquette of the city of Albany, being duly sworn, says that he/she is principal Clerk of THE TIMES UNION, a daily newspaper printed in the county of Albany, Town of Colonie, and Published in the County of Albany, Town of Colonie and the city of Albany, aforesaid and that notice of which a printed copy is annexed has been regularly published in the said ALBANY TIMES UNION on the following dates

03-20-2019



Sworn to before me, this 21 day of March 20 19.



TRACI RABIDOU
Notary Public - State of New York
No. 01RA6319968
Qualified in Albany County
My Comm. Expires Mar. 2, 2023

Notary Public
Albany County

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was not subject to Part 226 because you were cleaning something other than metal, it will now be subject to Subpart 226-1.
Consistent with the Ozone Transport Commission's (OTC) 2012 updated model rule, a new/replacement VOC requirement is being proposed for Part 226 cold cleaners, including remote reservoir cleaners. Proposed Subpart 226-1 will change the current requirement of using a solvent with a maximum vapor pressure of 1.0 mm Hg or less, at 20°C to using a cleaner with no more than 25 grams of VOC per liter (25g/l) of cleaning solution. No changes are being proposed for the other Part 226 solvent cleaning processes (open top vapor or conveyorized).
Additionally, the proposed amendments will add a new Subpart 226-2, entitled "Industrial Cleaning Solvents" which will be a new regulation consistent with the Environmental Protection Agency's (EPA's) Industrial Cleaning Solvents Control Technique Guidelines (GTG) (2006). Any owner or operator of a facility that emits to the atmosphere three (3) tons or more of volatile organic compounds (VOCs) from industrial cleaning solvents on an annual basis, may be subject. Specifically, the provisions apply to the cleaning of foreign materials from surfaces of unit operations, including large and small manufactured components: parts, equipment, floors, tanks, and vessels. Such cleaning may be done by wiping, brushing, mopping, flushing or spraying, either by hand or mechanical means. The use of cleaning solvents that are already subject to (or exempt from) other regulatory provisions are not subject to any new requirements under proposed 226-2. The proposed Subpart 226-2 will have work practice, recordkeeping and storage requirements for cleaning solvents that contain VOCs. Cleaning solutions will also have a maximum VOC content limit of fifty (50) grams of VOC per liter (0.42 pounds of VOC per gallon) of cleaning material or, as an alternative to this maximum VOC content, an industrial cleaning solvent with a maximum composite vapor pressure of eight (8) millimeters of mercury (mmHg) at 20 degrees Celsius may also be used. Further, the Department proposes to submit the Part 226 as well as the revisions to Part 201 to the United States Environmental Protection Agency as a revision to the State Implementation Plan (SIP) for New York State.
Hearings for the proposed rule and attendant revisions to existing rules described above will be held as follows and are scheduled in places that are reasonably accessible to persons with impaired mobility.

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TIMES UNION

NOTICE OF PUBLIC HEARING NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Notice is hereby given that the New York State Department of Environmental Conservation (NYSDEC) will hold a legislative Public Hearing on two separate proposals:

1. Pursuant to Sections 1-101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, and 71-2105 of the Environmental Conservation Law (ECL), notice is hereby given that the New York State Department of Environmental Conservation (Department) will hold the following legislative public hearings on the proposed revisions to 6 NYCRR Part 208, Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills, and 6 NYCRR Part 200, General Provisions.

Emissions from municipal solid waste (MSW) landfills are regulated by Part 208 which is based on the federal Emission Guideline (EG) set forth in 40 CFR Part 60, Subpart Cc, as issued in 1996. Part 208 controls landfill gas emissions by requiring landfills that exceed a specified emission threshold to install and operate a gas collection and control system (GCCS) where the landfill gas is either flared or utilized as an energy source. In 2016, the U.S. Environmental Protection Agency (EPA) updated the federal EG by replacing Subpart Cc with new Subpart Cf. New Subpart Cf applies to existing landfills that have accepted waste after November 8, 1987 and began construction, reconstruction or modification prior to July 17, 2014. In order to comply with the new federal EG, the Department is required to revise its "Section 111(d) State Plan for MSW Landfills" to include the new EG and submit the State Plan to EPA for review and approval. Consequently, the Department proposes to revise Part 208, and attendant revisions to Parts 200, to incorporate by reference the new federal EG for MSW Landfills.

The proposed revisions to Part 208 retain the rule applicability design capacity threshold of 2.5 million megagrams (Mg) and 2.5 million cubic meters of waste, but lower the non-methane organic compounds (NMOC) emission trigger threshold from 50 Mg/year to 34 Mg/year for installing and operating a GCCS. For MSW landfills that are closed, the current 50 Mg/year NMOC trigger threshold will remain. There will be a new optional methodology for determining when a landfill must install and operate a GCCS—referred to as Tier 4—which is based on site-specific surface emissions monitoring of methane. Under Tier 4, if a landfill's surface emissions of methane are above 500 parts per million for four consecutive quarters, the landfill will be required to install and operate a GCCS. Other notable changes include: new and updated definitions; the removal of certain operation standards with corresponding requirement to take corrective action for exceedances, along with monitoring and reporting requirements; required electronic reporting when using test methods supported by EPA's electronic reporting tool (ERT); criteria for capping, removing or decommissioning a portion of the GCCS in low producing landfill gas areas; expanding landfill gas treatment; and provisions for startup, shutdown and malfunction periods.

2. Pursuant to Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, and 71-2105 of the Environmental Conservation Law (ECL), notice is hereby given that the New York State Department of Environmental Conservation (Department) will hold the following legislative public hearings on the proposed revisions to 6 NYCRR Part 226, Solvent Metal Cleaning Processes, and 6 NYCRR Part 201, Permits and Registrations.

Under the proposed changes, the current Part 226 will be re-designated Subpart 226-1 and renamed "Solvent Cleaning Processes". Owners or operators of solvent cleaning processes subject to the current Part 226 will be subject to the proposed Subpart 226-1. Currently, Part 226 only applies to the cleaning of "metal". This proposal removes this distinction, opening the applicability to any material cleaned by solvent cleaning processes. If a solvent cleaning process was not subject to Part 226 because you were cleaning something other than metal, it will now be subject to Subpart 226-1.

Consistent with the Ozone Transport Commission's (OTC) 2012 updated model rule, a new/replacement VOC requirement is being proposed for Part 226 cold cleaners, including remote reservoir cleaners. Proposed Subpart 226-1 will change the current requirement of using a solvent with a maximum vapor pressure of 1.0 mm Hg or less, at 20°C to using a cleaner with no more than 25 grams of VOC per liter (25g/l) of cleaning solution. No changes are being proposed for the other Part 226 solvent cleaning processes (open top vapor or conveyorized).

Additionally, the proposed amendments will add a new Subpart 226-2, entitled "Industrial Cleaning Solvents" which will be a new regulation consistent with the Environmental Protection Agency's (EPA's) Industrial Cleaning Solvents Control Technique Guidelines (GTG) (2006). Any owner or operator of a facility that emits to the atmosphere three (3) tons or more of volatile organic compounds (VOCs) from industrial cleaning solvents on an annual basis, may be subject. Specifically, the provisions apply to the cleaning of foreign materials from surfaces of unit operations, including large and small manufactured components: parts, equipment, floors, tanks, and vessels. Such cleaning may be done by wiping, brushing, mopping, flushing or spraying, either by hand or mechanical means. The use of cleaning solvents that are already subject to (or exempt from) other regulatory provisions are not subject to any new requirements under proposed 226-2. The proposed Subpart 226-2 will have work practice, recordkeeping and storage requirements for cleaning solvents that contain VOCs. Cleaning solutions will also have a maximum VOC content limit of fifty (50) grams of VOC per liter (0.42 pounds of VOC per gallon) of cleaning material or, as an alternative to this maximum VOC content, an industrial cleaning solvent with a maximum composite vapor pressure of eight (8) millimeters of mercury (mmHg) at 20 degrees Celsius may also be used. Further, the Department proposes to submit the Part 226 as well as the revisions to Part 201 to the United States Environmental Protection Agency as a revision to the State Implementation Plan (SIP) for New York State.

Hearings for the proposed rule and attendant revisions to existing rules described above will be held as follows and are scheduled in places that are reasonably accessible to persons with impaired mobility.

Date	Time	Location
5/22/2019	1:00 pm	6274 Avon-Lima Rd. (Rtes. 5 and 20), Conference Room, Avon, NY 14414-9516
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- REGION 9** - 270 Michigan Avenue, Buffalo, NY 14202, Attention: Michael Emery

*** Proof of Publication ***

WARREN COUNTY AFFIDAVIT

STATE OF NEW YORK:

County of Warren, ss:

Debbie Kenr being duly sworn,

says that (s)he is an authorized designee for Lee Enterprises,
publishers of THE POST-STAR, a daily newspaper published in
Glens Falls, Warren County, State of New York, and that the printed
notice attached hereto was cut from the said POST-STAR, and that
the said notice was published therein, namely

Public Hearing
Mar. 20, 2019

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220 WEST 42ND STREET, 12TH FLOOR
NEW YORK NY 10036

ORDER NUMBER 71095

Signed this 20th day of Mar., 2019

Debbie Kenr

Sworn to before me this 20 day of March, 2019

[Signature]

Section: Legals

Category: 001 Legal Notices - Warren County

PUBLISHED ON: 03/20/2019

TOTAL AD COST: 145.04

FILED ON: 3/20/2019

BRIAN J. CORCORAN
Notary Public - State of New York
No. 01CO6133976
Qualified in Saratoga County
My Commission Expires September 19, 2021

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Glen Falls

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The proposed revisions to Part 208 retain the rule applicability design capacity threshold of 2.5 million megagrams (Mg) and 2.5 million cubic meters of waste, but lower the non-methane organic compounds (NMOC) emission trigger threshold from 50 Mg/year to 34 Mg/year for installing and operating a GCCS. For MSW landfills that are closed, the current 50 Mg/year NMOC trigger threshold will remain. There will be a new optional methodology for determining when a landfill must install and operate a GCCS – referred to as Tier 4 – which is based on site-specific surface emissions monitoring of methane. Under Tier 4, if a landfill's surface emissions of methane are above 500 parts per million for four consecutive quarters, the landfill will be required to install and operate a GCCS. Other notable changes include: new and updated definitions; the removal of certain operation standards with corresponding requirement to take corrective action for exceedances, along with monitoring and reporting requirements; required electronic reporting when using test methods supported by EPA's electronic reporting tool (ERT); criteria for capping, removing or decommissioning a portion of the GCCS in low producing landfill gas areas; expanding landfill gas treatment; and provisions for startup, shutdown and malfunction periods.

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THE POST-STANDARD

LEGAL AFFIDAVIT

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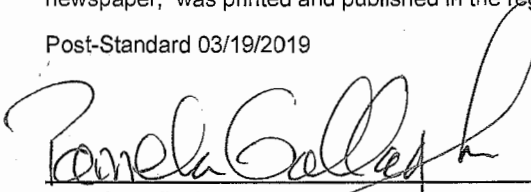
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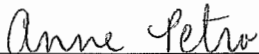
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03/19/2019	Other Legals NY		IO# R3120113	4 x 112 L

State of New York, County of Onondaga ss. Pamela Gallagher, of the City of Syracuse, in said County, being duly sworn, doth depose and says: this person is the Principal Clerk in the office of THE POST-STANDARD, a public newspaper, published in the City of Syracuse, Onondaga County, New York and that the notice, is an accurate and true copy of the ad as printed in said newspaper, was printed and published in the regular edition and issue of said newspaper on the following days, viz.:

Post-Standard 03/19/2019



Pamela Gallagher
Principal Clerk
An Authorized Designee of the President, Timothy R. Kennedy
Subscribed and sworn to before me, this 19th day of March 2019



Anne Petro

NOTARY PUBLIC

FOR QUESTIONS CONCERNING THIS AFFIDAVIT,
PLEASE CONTACT PAMELA GALLAGHER AT
(315) 470-2051 OR Legals@Syracuse.com

ANNE PETRO
Notary Public - State of New York
No. 01PE6366489
Qualified in Onondaga County
Commission Expires: 10-30-2021

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Syracuse Post
Standard

AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK
COUNTY OF NEW YORK

Ambika Mohan being duly sworn hereby declares and says, that she is the Advertising Account Executive responsible for placing the attached advertisement for publication in Rochester Democrat & Chronicle for Miller Advertising Agency, Inc; located in New York, NY, and that the NYSDEC Notice of Complete Application advertisement, of which the annexed is a true copy, has been published in the said publication on the following issue date(s):

Mar. 20, 2019

Ambika Mohan

Ambika Mohan

Subscribed to and Sworn before me

This 18th day of April, 2019

Donna Perez

Notary Public

Donna Perez

Notary Public State Of New York

No. 01PE6151365

Qualified In New York County

Commission Expires August, 14th - 2022

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5/24/2019	1:00 pm	NYSDEC, 625 Broadway, Public Assembly Room 129A/B, Albany, NY 12233

The Department will provide interpreter services for deaf persons at no charge. Written requests for interpreter services are required and should be submitted by May 15, 2019, to Richard McAuley, NYSDEC, 625 Broadway, Albany NY 12233-3250, (518) 402-8436, air.regs@dec.ny.gov.

Pursuant to Part 617 of the implementing regulations for the State Environmental Quality Review Act, the Department has prepared a Negative Declaration stating that the proposed actions will not have a significant effect on the environment.

The Department invites all persons, organizations, corporations, and government agencies that may be affected by the proposed revisions to attend the hearings. At each hearing, persons who wish to make a statement will be invited to speak. It is requested that oral statements also be submitted in writing. The Department will give equal weight to written and oral statements, and since a cumulative record will be compiled it is not necessary for interested parties to attend each hearing.

Information for Part 208 and attendant revisions, may be obtained from: Dan Brinsko, P. E., NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3251, telephone, (518) 402-8403; email, air.regs@dec.ny.gov. Written statements may be submitted until 5 pm May 29, 2019.

Information for Part 226 and attendant revisions, may be obtained from: John Henkes, P. E., NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3251, telephone, (518) 402-8403; email, air.regs@dec.ny.gov. Written statements may be submitted until 5 pm May 29, 2019.

Requests for information and comments related to the "Section 111(d) State Plan for MSW Landfills" revision and the SIP revision to incorporate Part 226, Solvent Cleaning Processes and Industrial Cleaning Solvents, may be obtained from Robert D. Bielawa, P.E., NYSDEC Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, Phone: (518) 402-8396, E-mail: air.regs@dec.ny.gov. Written statements may be submitted until 5 pm May 29, 2019.

The proposed regulations may be found on the NYSDEC's website at: <http://www.dec.ny.gov/regulations/proproregulations.html#public> or may be obtained from any of the following Department offices:

REGION 1 - NYSDEC Region One Headquarters, SUNY Stony Brook, 50 Circle Road, Stony Brook, NY 11790-3409, Attention: Shaun Snee

REGION 2 - Hunters Point Plaza, 47-40 21st Street, Long Island City, NY 11101, Attention: Sam Lieblich

REGION 3 - 21 South Putt Corners Road, New Paltz, NY 12561, Attention: George Sweikert

REGION 4 - 1130 North Westcott Rd., Schenectady, NY 12306, Attention: Victoria Schmitt

REGION 5 - Hudson Street Extension, Box 220, Warrensburg NY 12885, Attention: James Coutant

REGION 6 - Watertown State Office Bldg, 317 Washington St., Watertown, NY 13601, Attention: Robert Jacobs

REGION 7 - 615 Erie Boulevard West, Syracuse, NY 13204-2400, Attention: Thomas Elter

REGION 8 - 6274 East Avon-Lima Road, Avon, NY 14414, Attention: Yuan Zeng

REGION 9 - 270 Michigan Avenue, Buffalo, NY 14202, Attention: Michael Emery

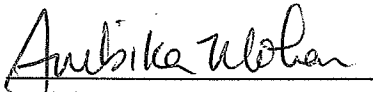
Rochester Democrat and
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STATE OF NEW YORK
COUNTY OF NEW YORK

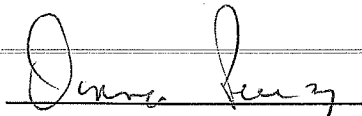
Ambika Mohan being duly sworn hereby declares and says, that she is the Advertising Account Executive responsible for placing the attached advertisement for publication in Buffalo News for Miller Advertising Agency, Inc; located in New York, NY, and that the **NYSDEC Notice of Complete Application** advertisement, of which the annexed is a true copy, has been published in the said publication on the following issue date(s):

Mar. 20, 2019


Ambika Mohan

Subscribed to and Sworn before me

This 18th day of Apr. 1, 2019


Notary Public

Donna Perez
Notary Public State Of New York
No. 01PE6151365
Qualified In New York County
Commission Expires August, 14th - 2022

**NOTICE OF PUBLIC HEARING
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Buffalo
News

Notice is hereby given that the New York State Department of Environmental Conservation (NYSDEC) will hold a legislative Public Hearing on two separate proposals:

1: Pursuant to Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, and 71-2105 of the Environmental Conservation Law (ECL), notice is hereby given that the New York State Department of Environmental Conservation (Department) will hold the following legislative public hearings on the proposed revisions to 6 NYCRR Part 208, Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills, and 6 NYCRR Part 200, General Provisions.

Emissions from municipal solid waste (MSW) landfills are regulated by Part 208 which is based on the federal Emission Guideline (EG) set forth in 40 CFR Part 60, Subpart Cc, as issued in 1996. Part 208 controls landfill gas emissions by requiring landfills that exceed a specified emission threshold to install and operate a gas collection and control system (GCCS) where the landfill gas is either flared or utilized as an energy source. In 2016, the U.S. Environmental Protection Agency (EPA) updated the federal EG by replacing Subpart Cc with new Subpart Cf. New Subpart Cf applies to existing landfills that have accepted waste after November 8, 1987 and began construction, reconstruction or modification prior to July 17, 2014. In order to comply with the new federal EG, the Department is required to revise its "Section 111(d) State Plan for MSW Landfills" to include the new EG and submit the State Plan to EPA for review and approval. Consequently, the Department proposes to revise Part 208, and attendant revisions to Parts 200, to incorporate by reference the new federal EG for MSW Landfills.

The proposed revisions to Part 208 retain the rule applicability design capacity threshold of 2.5 million megagrams (Mg) and 2.5 million cubic meters of waste, but lower the non-methane organic compounds (NMOC) emission trigger threshold from 50 Mg/year to 34 Mg/year for installing and operating a GCCS. For MSW landfills that are closed, the current 50 Mg/year NMOC trigger threshold will remain. There will be a new optional methodology for determining when a landfill must install and operate a GCCS – referred to as Tier 4 – which is based on site-specific surface emissions monitoring of methane. Under Tier 4, if a landfill's surface emissions of methane are above 500 parts per million for four consecutive quarters, the landfill will be required to install and operate a GCCS. Other notable changes include: new and updated definitions; the removal of certain operation standards with corresponding requirement to take corrective action for exceedances, along with monitoring and reporting requirements; required electronic reporting when using test methods supported by EPA's electronic reporting tool (ERT); criteria for capping, removing or decommissioning a portion of the GCCS in low producing landfill gas areas; expanding landfill gas treatment; and provisions for startup, shutdown and malfunction periods.

2: Pursuant to Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, and 71-2105 of the Environmental Conservation Law (ECL), notice is hereby given that the New York State Department of Environmental Conservation (Department) will hold the following legislative public hearings on the proposed revisions to 6 NYCRR Part 226, Solvent Metal Cleaning Processes, and 6 NYCRR Part 201, Permits and Registrations.

Under the proposed changes, the current Part 226 will be re-designated Subpart 226-1 and renamed "Solvent Cleaning Processes". Owners or operators of solvent cleaning processes subject to the current Part 226 will be subject to the proposed Subpart 226-1. Currently, Part 226 only applies to the cleaning of "metal". This proposal removes this distinction, opening the applicability to any material cleaned by solvent cleaning processes. If a solvent cleaning process was not subject to Part 226 because you were cleaning something other than metal, it will now be subject to Subpart 226-1.

Consistent with the Ozone Transport Commission's (OTC) 2012 updated model rule, a new/replacement VOC requirement is being proposed for Part 226 cold cleaners, including remote reservoir cleaners. Proposed Subpart 226-1 will change the current requirement of using a solvent with a maximum vapor pressure of 1.0 mm Hg, or less, at 20°C to using a cleaner with no more than 25 grams of VOC per liter (25g/l) of cleaning solution. No changes are being proposed for the other Part 226 solvent cleaning processes (open top vapor or conveyORIZED).

Additionally, the proposed amendments will add a new Subpart 226-2, entitled "Industrial Cleaning Solvents" which will be a new regulation consistent with the Environmental Protection Agency's (EPA's) Industrial Cleaning Solvents Control Technique Guidelines (CTG) (2006). Any owner or operator of a facility that emits to the atmosphere three (3) tons or more of volatile organic compounds (VOCs) from industrial cleaning solvents, on an annual basis, may be subject. Specifically, the provisions apply to the cleaning of foreign materials from surfaces of unit operations, including large and small manufactured components, parts, equipment, floors, tanks, and vessels. Such cleaning may be done by wiping, brushing, mopping, flushing or spraying, either by hand or mechanical means. The use of cleaning solvents that are already subject to (or exempt from) other regulatory provisions are not subject to any new requirements under proposed 226-2. The proposed Subpart 226-2 will have work practice, recordkeeping and storage requirements for cleaning solvents that contain VOCs. Cleaning solutions will also have a maximum VOC content limit of fifty (50) grams of VOC per liter (0.42 pounds of VOC per gallon) of cleaning material or, as an alternative to this maximum VOC content, an industrial cleaning solvent with a maximum composite vapor pressure of eight (8) millimeters of mercury (mmHg) at 20 degrees Celsius may also be used. Further, the Department proposes to submit the Part 226 as well as the revisions to Part 201 to the United States Environmental Protection Agency as a revision to the State Implementation Plan (SIP) for New York State.

Hearings for the proposed rule and attendant revisions to existing rules described above will be held as follows and are scheduled in places that are reasonably accessible to persons with impaired mobility:

Date	Time	Location
5/22/2019	1:00 pm	6274 Avon-Lima Rd. (Rtes. 5 and 20), Conference Room, Avon, NY 14414-9516
5/24/2019	1:00 pm	NYSDEC, 625 Broadway, Public Assembly Room 129A/B, Albany, NY 12233

The Department will provide interpreter services for deaf persons at no charge. Written requests for interpreter services are required and should be submitted by May 15, 2019, to Richard McAuley, NYSDEC, 625 Broadway, Albany NY 12233-3250, (518) 402-6438, air.regs@dec.ny.gov.

Pursuant to Part 617 of the Implementing regulations for the State Environmental Quality Review Act, the Department has prepared a Negative Declaration stating that the proposed actions will not have a significant effect on the environment.

The Department invites all persons, organizations, corporations, and government agencies that may be affected by the proposed revisions to attend the hearings. At each hearing, persons who wish to make a statement will be invited to speak. It is requested that oral statements also be submitted in writing. The Department will give equal weight to written and oral statements, and since a cumulative record will be compiled it is not necessary for interested parties to attend each hearing.

Information for Part 208 and attendant revisions, may be obtained from Dan Brinsko, P. E., NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3251, telephone, (518) 402-8403; email, air.regs@dec.ny.gov. Written statements may be submitted until 5 pm May 29, 2019.

Information for Part 226 and attendant revisions, may be obtained from John Henkes, P. E., NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3251, telephone, (518) 402-8403; email, air.regs@dec.ny.gov. Written statements may be submitted until 5 pm May 29, 2019.

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The proposed regulations may be found on the NYSDEC's website at: <http://www.dec.ny.gov/regulations/proproposals.html#public> or may be obtained from any of the following Department offices:

REGION 1 - NYSDEC Region One Headquarters, SUNY Stony Brook, 50 Circle Road, Stony Brook, NY 11790-3409, Attention: Shaun Snee

REGION 2 - Hunters Point Plaza, 47-40 21st Street, Long Island City, NY 11101, Attention: Sam Lieblich

REGION 3 - 21 South Putt Corners Road, New Paltz, NY 12561, Attention: George Sweikert

REGION 4 - 1130 North Westcott Rd., Schenectady, NY 12306, Attention: Victoria Schmitt

REGION 5 - Hudson Street Extension, Box 220, Warrensburg NY 12885, Attention: James Coulant

REGION 6 - Watertown State Office Bldg, 317 Washington St., Watertown, NY 13601, Attention: Robert Jacobs

REGION 7 - 615 Erie Boulevard West, Syracuse, NY 13204-2400, Attention: Thomas Etter

REGION 8 - 6274 East Avon-Lima Road, Avon, NY 14414, Attention: Yuan Zeng

REGION 9 - 270 Michigan Avenue, Buffalo, NY 14202, Attention: Michael Emery

In the Matter Of:
PART 208 & PART 226

HEARING
May 22, 2019



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NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In The Matter of:

The Proposed Revisions to 6 NYCRR Parts
208, 200 and 226.

Held Before: Molly T. McBride
Impartial Hearing Officer

Location: NYS DEC Region 8 Office
6274 East Avon Lima Road
Avon, New York 14414

Date: May 22, 2019

Time: 1:00 p.m.

Reported By: MICHELLE MUNDT ROCHA
Alliance Court Reporting, Inc.
120 East Avenue, Suite 200
Rochester, New York 14604

A P P E A R A N C E S

Appearing as the Administrative Law Judge:

Molly T. McBride, Esq.

Office of Hearings & Mediation Services

625 Broadway, First Floor

Albany, New York 12233-1550

Molly.mcbride@dec.ny.gov

* * *

1 IN RE: PROPOSED REVISIONS TO 6 NYCRR PARTS 208, 200 & 226

2 WEDNESDAY, MAY 22, 2019;

3 (Proceedings in the above-titled matter
4 commencing at 1:02 p.m.)

5 * * *

6 ALJ MCBRIDE: Good afternoon, everyone.
7 My name is Molly McBride, and I'm an Administrative
8 Law Judge with the New York State Department of
9 Environmental Conservation. I'll be presiding over
10 today's public comment hearing.

11 The purpose of today's hearing is to
12 receive public comment regarding the proposed
13 amendments to 6 NYCRR Parts 226 and Part 201, as well
14 as Part 208 and 200. Written comments are going to be
15 accepted through 5 p.m. on May 29, 2019. Written
16 comments may be mailed to the New York State
17 Department of Environmental Conservation Division of
18 Air Resources at 625 Broadway, Albany, New York
19 12233-3250.

20 If you wish to comment on Part 208, please
21 direct your comments to Dan Brinsko at the 625
22 Broadway address. And if you wish to comment on Part
23 226, please direct your comments to John Henkes at the
24 625 Broadway address. We are also accepting comments
25 via email. The email address is air.regs -- that's

1 IN RE: PROPOSED REVISIONS TO 6 NYCRR PARTS 208, 200 & 226
2 R-E-G-S -- air.regs@dec.ny.gov.

3 Hearings for the proposed rule revisions
4 are going to be held here today, as well as on Friday,
5 May 24, at 1 p.m. at the Department Central Office
6 located at 625 Broadway Albany New York. Notice of
7 the proposed rulemakings as well as the public
8 hearings were published in the New York State Register
9 and the Department's environmental notice bulletin.

10 This public comment session is to provide
11 the public with an opportunity to comment on the
12 proposed rulemakings and is not a question-and-answer
13 session. If anyone would like to make a comment on
14 the record here today, they will need to fill out a
15 speaker card, and we will call their name.

16 Before we see if anyone would like to make
17 a comment on the record, we will hear from Michele
18 Kharroubi, who's from the Division in the Region 8
19 office. And I will remind you that oral unwritten
20 comments are given the same weight in the Department's
21 review.

22 Michelle?

23 MS. KHARROUBI: Thank you, Judge McBride.

24 Good afternoon. My name is Michele
25 Kharroubi. I am an environmental engineer and work in

1 IN RE: PROPOSED REVISIONS TO 6 NYCRR PARTS 208, 200 & 226
2 the Division of Air Resources in Avon, New York.

3 The Department is proposing to repeal 6
4 NYCRR Part 208, Landfill Gas Collection and Control
5 Systems for Certain Municipal Solid Waste Landfills,
6 replace it with a new Part 208, and also revise 6
7 NYCRR Part 200, General Provisions, to incorporate by
8 reference as the new Part 208 the newly updated
9 federal emission guideline (EG) for municipal solid
10 waste (MSW) landfills codified at 40 CFR Part 60,
11 Subpart Cf, titled "Emission Guidelines and Compliance
12 Times for Municipal Solid Waste Landfills."

13 On August 29, 2016, the US Environmental
14 Protection Agency (EPA) updated the federal EG with 40
15 CFR 60, Subpart Cf. The new federal EG further
16 reduces emissions of methane by lowering the emission
17 threshold at which a landfill must install and operate
18 a landfill gas collection and control system (GCCS).
19 Subsequently, to continue complying with section
20 111(d) of the Clean Air Act (CAA) and the newly
21 adopted federal regulations, once this proposal is
22 adopted, the Department is required to revise its
23 State Plan to reflect the new federal EG and submit
24 such State Plan to EPA for review and approval.

25 New Part 208 will apply to existing

1 IN RE: PROPOSED REVISIONS TO 6 NYCRR PARTS 208, 200 & 226
2 landfills that have accepted waste after November 8,
3 1987, and began construction, reconstruction or
4 modification prior to July 17, 2014. The proposed
5 revisions to Part 208 retain the rule applicability
6 design capacity threshold of 2.5 million megagrams
7 (Mg) and 2.5 million cubic meters of waste, but lowers
8 the non-methane organic compound (NMOC) emission
9 trigger threshold from 50 megagrams per year to 34
10 megagrams per year for installing and operating a
11 GCCS. For MSW landfills that have closed, the current
12 50 megagram per year NMOC trigger thresholds will
13 remain.

14 There will be a new optional methodology
15 for determining when a landfill must install and
16 operate a GCCS, referred to as Tier 4, which is based
17 on site-specific surface emissions monitoring of
18 methane. Under Tier 4, if a landfill surface
19 emissions of methane are above 500 parts per million
20 for four consecutive quarters, the landfill will be
21 required to install and operate a GCCS.

22 Other notable changes include new and
23 updated definitions, the removal of certain operation
24 standards with corresponding requirements to take
25 corrective action for exceedances, along with

1 IN RE: PROPOSED REVISIONS TO 6 NYCRR PARTS 208, 200 & 226
2 monitoring and reporting requirements; required
3 electronic reporting when using test methods supported
4 by EPA's electronic reporting tool (ERT); criteria for
5 capping, removing or decommissioning a portion of the
6 GCCS in low-producing landfill gas areas; expanding
7 landfill gas treatment; and provisions for start-up
8 shutdown and malfunction periods.

9 Part 200 will be amended to update
10 incorporated references to federal rules.

11 The Department conducted a comprehensive
12 stakeholder outreach effort by way of a conference
13 call on May 16, 2018, to discuss the draft revisions
14 to Part 208 and to obtain feedback. A wide range of
15 affected parties were on call, including landfills,
16 industry associations, environmental consultants,
17 environmental groups and governmental agencies. A
18 fact sheet outlining the draft revisions was
19 circulated prior to the conference call. During the
20 conference call department staff were able to field
21 questions and hear ideas and concerns from
22 stakeholders, and all participants were encouraged to
23 submit their comments in writing. The comments
24 received from the stakeholder outreach process were
25 considered in developing this proposal.

1 IN RE: PROPOSED REVISIONS TO 6 NYCRR PARTS 208, 200 & 226

2 Public hearings for this proposed
3 rulemaking are being held in two New York State
4 locations: At Avon on May 22nd at 1 p.m. and Albany
5 on May 24th at 1 p.m. In addition to providing
6 statements at this hearing today, interested parties
7 may also submit written comments related to the
8 proposed revisions to Part 208 and Part 200.

9 Statements made at this hearing today and written
10 comments received during the public comment period
11 will be given equal weight and will become part of the
12 administrative record for this rulemaking.

13 Anyone wishing to obtain information or
14 submit comments related to the proposed revisions to
15 Part 208 or Part 200 may contact me -- not me -- Dan
16 Brinsko, P.E., with NYSDEC Division of Air Resources,
17 625 Broadway, Albany, New York 12233-3250; telephone
18 number (518) 402-8403; or email air.regs@dec.ny.gov.

19 Written comments will be accepted through
20 5 p.m. Sunday, July 29, 2019.

21 Thank you for attending this hearing.

22 ALJ MCBRIDE: Thank you.

23 Is there anyone that would like to make a
24 comment on the record? And what we'll do is go off
25 the record for about ten minutes in case anyone's

1 IN RE: PROPOSED REVISIONS TO 6 NYCRR PARTS 208, 200 & 226
2 running late.

3 (The proceeding recessed at 1:11 p.m.)

4 (The proceeding reconvened at 1:17 p.m.;
5 appearances as before noted.)

6 ALJ MCBRIDE: We took a short recess to
7 see if anyone was running late for the hearing. It's
8 now approximately 1:20, and we have no one that would
9 like to make a comment on the record. So we'll close
10 the hearing record for this hearing. And I'll remind
11 everyone there's another comment opportunity on
12 Friday, May 24th, at the Department Central Office in
13 Albany; and written comments will be accepted via mail
14 and email.

15 Thank you very much.

16 (TIME: 1:18 p.m.)

17 * * *

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C E R T I F I C A T I O N

STATE OF NEW YORK:
COUNTY OF MONROE:

I, MICHELLE M. ROCHA, do hereby certify
that I reported in machine shorthand the above-styled
cause; and that the foregoing pages were produced by
computer-aided transcription (CAT) under my personal
supervision and constitute a true and accurate record
of the testimony in this proceeding;

I further certify that I am not an
attorney or counsel of any parties, nor a relative or
employee of any attorney or counsel connected with the
action, nor financially interested in the action;

WITNESS my hand in the City of Rochester,
County of Monroe, State of New York.



MICHELLE M. ROCHA
Freelance Court Reporter and
Notary Public No. 01R05038965
in and for Monroe County, New York

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	2018	<hr/>		
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4:5 8:4,5			3:24	7:9
	2019			
111(d)	3:2,15	5	Act	amendments
5:20	8:20	3:15 8:20	5:20	3:13
12233-3250	208	50	action	anyone's
3:19 8:17	3:1,14,20	6:9,12	6:25	8:25
16	4:1 5:1,	500	addition	appearances
7:13	4,6,8,25	6:19	8:5	9:5
	6:1,5			
17	7:1,14	518 402-	address	applicabili
6:4	8:1,8,15	8403	3:22,24,	ty
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6:3				
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3:4	3:2	6	ive	5:25
	226		3:7 8:12	approval
1:11	3:1,13,23	6	adopted	5:24
9:3	4:1 5:1	3:1,13	5:21,22	approximate
	6:1 7:1	4:1 5:1,		ly
1:17	8:1 9:1	3,6 6:1	affected	9:8
9:4		7:1 8:1	7:15	
	22nd	9:1	afternoon	areas
1:18	8:4		3:6 4:24	7:6
9:16		60		
1:20	24	5:10,15	agencies	association
9:8	4:5		7:17	s
	24th	625	Agency	7:16
	8:5 9:12	3:18,21,	5:14	attending
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2	29	8:17	Air	
	3:15 5:13		3:18 5:2,	August
2.5	8:20	<hr/>	20 8:16	5:13
6:6,7		8		
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200	3	8	3:25	5:2 8:4
3:1,14		4:18 6:2		
4:1 5:1,7	34		air.regs@	<hr/>
6:1 7:1,9	6:9		dec.ny.gov.	B
8:1,8,15		<hr/>	4:2 8:18	
9:1	<hr/>	A		
	4		Albany	based
201		above-	3:18 4:6	6:16
3:13		titled	8:4,17	began
2014	4	3:3	9:13	6:3
6:4	6:16,18			

Brinsko 3:21 8:16	codified 5:10	considered 7:25	design 6:6	7:16,17
Broadway 3:18,22, 24 4:6 8:17	collection 5:4,18	constructio n 6:3	determining 6:15	EPA 5:14,24
bulletin 4:9	commencing 3:4	consultants 7:16	developing 7:25	EPA's 7:4
<hr/>	comment 3:10,12, 20,22	contact 8:15	direct 3:21,23	equal 8:11
C	4:10,11, 13,17	continue 5:19	discuss 7:13	ERT 7:4
CAA 5:20	8:10,24 9:9,11	control 5:4,18	Division 3:17 4:18 5:2 8:16	exceedances 6:25
call 4:15 7:13,15, 19,20	comments 3:14,16, 21,23,24 4:20 7:23 8:7,10, 14,19 9:13	corrective 6:25	draft 7:13,18	existing 5:25
capacity 6:6		criteria 7:4	<hr/>	<hr/>
capping 7:5	Compliance 5:11	cubic 6:7	E	F
card 4:15	complying 5:19	current 6:11	effort 7:12	fact 7:18
case 8:25	compound 6:8	<hr/>	electronic 7:3,4	federal 5:9,14, 15,21,23
Central 4:5 9:12	comprehensi ve 7:11	D	email 3:25 8:18 9:14	7:10
Cf 5:11,15	concerns 7:21	Dan 3:21 8:15	emission 5:9,11,16 6:8	feedback 7:14
CFR 5:10,15	conducted 7:11	decommissio ning 7:5	emissions 5:16 6:17,19	field 7:20
circulated 7:19	conference 7:12,19, 20	definitions 6:23	encouraged 7:22	fill 4:14
Clean 5:20	consecutive 6:20	department 3:8,17 4:5 5:3, 22 7:11, 20 9:12	engineer 4:25	Friday 4:4 9:12
close 9:9	Conservatio n 3:9,17	Department' s 4:9,20	environment al 3:9,17 4:9,25 5:13	<hr/>
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				gas 5:4,18 7:6,7
				GCCS

5:18 6:11,16, 21 7:6 General 5:7 Good 3:6 4:24 governmenta l 7:17 groups 7:17 guideline 5:9 Guidelines 5:11	incorporate 5:7 incorporate d 7:10 industry 7:16 information 8:13 install 5:17 6:15,21 installing 6:10 interested 8:6	6:2,11 7:15 late 9:2,7 Law 3:8 located 4:6 locations 8:4 low- producing 7:6 lowering 5:16 lowers 6:7	megagrams 6:6,9,10 meters 6:7 methane 5:16 6:18,19 methodology 6:14 methods 7:3 Mg 6:7 Michele 4:17,24 Michelle 4:22 million 6:6,7,19 minutes 8:25 modificatio n 6:4 Molly 3:7 monitoring 6:17 7:2 MSW 5:10 6:11 municipal 5:5,9,12	non-methane 6:8 notable 6:22 noted 9:5 notice 4:6,9 November 6:2 number 8:18 NYCRR 3:1,13 4:1 5:1, 4,7 6:1 7:1 8:1 9:1 NYSDEC 8:16
H	J	M		O
hear 4:17 7:21 hearing 3:10,11 8:6,9,21 9:7,10 hearings 4:3,8 8:2 held 4:4 8:3 Henkes 3:23	John 3:23 Judge 3:8 4:23 July 6:4 8:20 K Kharroubi 4:18,23, 25	made 8:9 mail 9:13 mailed 3:16 make 4:13,16 8:23 9:9 malfunction 7:8 matter 3:3 Mcbride 3:6,7 4:23 8:22 9:6 megagram 6:12	newly 5:8,20 NMOC 6:8,12	obtain 7:14 8:13 office 4:5,19 9:12 operate 5:17 6:16,21 operating 6:10 operation 6:23 opportunity 4:11 9:11 optional 6:14
I	L		N	
ideas 7:21 include 6:22 including 7:15	landfill 5:4,17,18 6:15,18, 20 7:6,7 landfills 5:5,10,12			

oral 4:19	Plan 5:23,24	purpose 3:11	references 7:10	review 4:21 5:24
organic 6:8	portion 7:5	<hr/> Q <hr/>	referred 6:16	revise 5:6,22
outlining 7:18	presiding 3:9	quarters 6:20	reflect 5:23	revisions 3:1 4:1,3 5:1 6:1,5 7:1,13,18 8:1,8,14 9:1
outreach 7:12,24	prior 6:4 7:19	question- and-answer 4:12	Region 4:18	
<hr/> P <hr/>	proceeding 9:3,4	questions 7:21	Register 4:8	
P.E. 8:16	proceedings 3:3	<hr/> R <hr/>	regulations 5:21	rule 4:3 6:5
p.m. 3:4,15 4:5 8:4, 5,20 9:3, 4,16	process 7:24		related 8:7,14	rulemaking 8:3,12
	proposal 5:21 7:25	R-E-G-S 4:2	remain 6:13	rulemakings 4:7,12
	proposed 3:1,12 4:1,3,7, 12 5:1 6:1,4 7:1 8:1,2,8, 14 9:1	range 7:14	remind 4:19 9:10	rules 7:10
part 3:13,14, 20,22 5:4,6,7, 8,10,25 6:5 7:9, 14 8:8, 11,15	proposing 5:3	receive 3:12	removal 6:23	running 9:2,7
	Protection 5:14	received 7:24 8:10	removing 7:5	<hr/> S <hr/>
participant s 7:22	provide 4:10	recess 9:6	repeal 5:3	section 5:19
parties 7:15 8:6	providing 8:5	recessed 9:3	replace 5:6	session 4:10,13
parts 3:1,13 4:1 5:1 6:1,19 7:1 8:1 9:1	provisions 5:7 7:7	reconstruct ion 6:3	reporting 7:2,3,4	sheet 7:18
period 8:10	public 3:10,12 4:7,10,11 8:2,10	reconvened 9:4	required 5:22 6:21 7:2	short 9:6
periods 7:8	published 4:8	record 4:14,17 8:12,24, 25 9:9,10	requirement s 6:24 7:2	shutdown 7:8
		reduces 5:16	Resources 3:18 5:2 8:16	site- specific 6:17
		reference 5:8	retain 6:5	solid 5:5,9,12
				speaker 4:15

staff 7:20	ten 8:25	<hr/> W <hr/>
stakeholder 7:12,24	test 7:3	waste 5:5,10,12 6:2,7
stakeholder s 7:22	threshold 5:17 6:6, 9	WEDNESDAY 3:2
standards 6:24	thresholds 6:12	weight 4:20 8:11
start-up 7:7	Tier 6:16,18	wide 7:14
State 3:8,16 4:8 5:23, 24 8:3	TIME 9:16 Times 5:12	wishing 8:13
statements 8:6,9	titled 5:11	work 4:25
submit 5:23 7:23 8:7,14	today 4:4,14 8:6,9	writing 7:23
Subpart 5:11,15	today's 3:10,11	written 3:14,15 8:7,9,19 9:13
Subsequentl y 5:19	tool 7:4	<hr/> Y <hr/>
Sunday 8:20	treatment 7:7	year 6:9,10,12
supported 7:3	trigger 6:9,12	York 3:8,16,18 4:6,8 5:2 8:3,17
surface 6:17,18	<hr/> U <hr/>	
system 5:18	unwritten 4:19	
Systems 5:5	update 7:9	
<hr/> T <hr/>	updated 5:8,14 6:23	
telephone 8:17		

PROCEEDINGS: MAY 24, 2019

STATE OF NEW YORK

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter

- of -

Public Comments Session to Receive Public Comments
About Title 6, Compilation of Official Codes, Rules and
Regulations, for Proposed Rules 208 and 226.

5/24/2019

1:00 p.m.

DEC

625 Broadway

Conference Room

Albany, New York

P R E S E N T:

Daniel O'Connell

Department of Environmental Conservation

Office of Hearing and Mediation Services

Administrative Law Judge

Dan Brinsko

Department of Environmental Conservation

Division of Air Resources

Professional Engineer One, Environmental

Rich McAuley

Department of Environmental Conservation

Regulatory Coordinator

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A L S O P R E S E N T :

Members of the Public

REPORTED BY: Brenda C. Griffin

P R O C E E D I N G S

MR. O'CONNELL: Good afternoon, ladies and gentlemen. My name is Daniel O'Connell. I'm from the New York State Department of Environmental Conservation, Office of Hearing and Mediation Services.

I'm the administrative law judge assigned for today's public comments session regarding the Department's proposed rulemaking.

Today's hearing is the second public comment session. The first session was held on Wednesday, May 22, 2019, at the Department's offices located in Avon, New York.

Today the public is invited to comment about two proposed rules from Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

The first is Part 208, titled Landfill Gas Collection and Control Systems For Certain Municipal Solid Waste Landfills.

The proposed revisions to Part 208 include, also, attendant revisions to Part 200, General Provisions.

The purpose of these revisions is to incorporate the new federal Emission Guideline for municipal solid waste landfills, codified under 40 CFR

1 Part 60, Subpart CF.

2 After these proposed amendments are
3 adopted, the Department is required to revise the State
4 Plan to reflect the new Emission Guidelines, and submit
5 the revised State Plan to the Environmental Protection
6 Agency for review and approval.

7 The second proposed rule concerns Part
8 226, titled Solvent Metal Cleaning Processes, which is
9 currently identified as Part 226, will be designated as
10 Subpart 226-1.

11 Subpart 226-1 will be titled Solvent
12 Cleaning Processes. The Department proposes a new
13 subpart, 226-2, that will be entitled Industrial
14 Cleaning Solvents.

15 Attendant changes to Part 201 entitled
16 Permits and Regulations are also proposed for
17 consistency purposes.

18 After these proposed amendments are
19 adopted, The Department is required to revise the State
20 Implementation Plan, which the Environmental Protection
21 Agency will review and approve.

22 Written comments are being accepted
23 through 5 p.m., on May 29, 2019.

24 Written comments about Part 208 should be
25 directed to Dan Brinsko, professional engineer, New

1 York State Department of Environmental Conservation,
2 Division of Air Resources, 625 Broadway, Albany, New
3 York, 12233-3250.

4 Written comments about Part 226 should be
5 directed to John Henkes, professional engineer, New
6 York State Department of Environmental Conservation,
7 Division of Air Resources, 625 Broadway, Albany, New
8 York, 12233-3250.

9 And I will provide these addresses again
10 at the end of the proceeding. And you can ask for them
11 during any break that we may take.

12 In addition, I understand that there are
13 forms available today so that you can submit written
14 comments to the Department.

15 Comments about the proposed rulemakings
16 can also be emailed to the following address:
17 air.regs@dec.ny.gov. In the subject line, please put
18 Part 208, Part 226, or both Part 208 and Part 226,
19 depending on the scope and nature of your comments.

20 Notice of the proposed rulemaking was
21 posted on The Department's website and it was published
22 in the State Register, as well as the Department's
23 Environmental Notice Bulletin on March 20, 2019.

24 Anyone who wishes to speak today must fill
25 out a speaker card. They are available at the sign-in

1 table here at the entrance. Speakers will be called in
2 the order which I received cards.

3 When I call your name, please come up to
4 the podium and use the podium. Please state your name
5 and address, and whether you are speaking on behalf of
6 someone or a particular group.

7 This is not a question-and-answer session.
8 The purpose of the hearing today is to provide members
9 of the public with the opportunity to comment about the
10 proposed amendments.

11 When you make your statement, please come
12 forward here. Speak slowly, loudly, and clearly. All
13 comments this afternoon are being recorded by a
14 stenographer. If we can't hear you, there's a risk
15 that the statements you are making will not be recorded
16 accurately.

17 If you wish to make a statement, you may
18 -- if you don't wish to make a statement, you may
19 submit your comments in writing, as I said before. The
20 staff reviews oral statements and written statements
21 equally.

22 Before taking comments today, we will hear
23 a brief summary of the proposed rulemaking from
24 Department staff. Dan Brinsko from the Division of Air
25 Resources will speak about the proposed Part 208 rules

1 and the proposed Part 226 rules.

2 So, Mr. Brinsko, when you're ready.

3 MR. BRINSKO: Thank you, Judge O'Connell.

4 Good afternoon. My name is Dan Brinsko.

5 I am an environmental engineer and I work in the
6 Division of Air Resources in Albany, New York.

7 The Department is proposing to repeal 6
8 NYCRR Part 208, Landfill Gas Collection and Control
9 Systems For Certain Municipal Solid Waste Landfills,
10 replace it with a new Part 208, and also revise 6 NYCRR
11 Part 200, General Provisions, to incorporate by
12 reference as the new Part 208, the newly-updated
13 federal Emission Guidelines for Municipal Solid Waste
14 Landfills, codified as 40 CFR, Part 60, Subpart CF,
15 titled Emission Guidelines and Compliance Times For
16 Municipal Solid Waste Landfills.

17 On August 29, 2016, the US Environmental
18 Protection Agency updated the federal EG, Emission
19 Guideline, with 40 CFR Part 60, Subpart CF.

20 The new federal Emission Guideline further
21 reduces emissions of methane by lowering the emission
22 threshold at which a landfill must install and operate
23 a landfill gas collection and control system.

24 Subsequently, to continue complying with
25 Section 111(d) and the Clean Air Act, and newly-adopted

1 federal regulations, once this proposal is adopted, The
2 Department is required to revise its State Plan to
3 reflect the new Emission Guidelines, and submit such
4 State Plan to EPA for a review and approval.

5 New Part 208 will apply to existing
6 landfills that have accepted waste after November 8,
7 1987, and began construction, reconstruction, or
8 modification prior to July 17, 2014.

9 The proposed revisions to Part 208 retain
10 the rule applicability design capacity threshold of
11 2.5 million megagrams and 2.5 million cubic meters of
12 waste, but lowers the non-methane organic compounds
13 emission trigger threshold from 50 megagrams per year
14 to 34 megagrams per year for installing and operating a
15 gas collection control system.

16 For Municipal Solid Waste Landfills that
17 have closed, the current 50 megagram per year NMOC
18 trigger threshold will remain.

19 There will be a new optional methodology
20 for determining when a landfill must install and
21 operate a gas collection control system, which is
22 referred to as Tier 4, which is based on site-specific
23 surface emissions monitoring of methane.

24 Under Tier 4, if a landfill's surface
25 emissions of methane are above 500 parts per million

1 for four consecutive quarters, the landfill will be
2 required to install and operate a gas collection
3 control system.

4 Other notable changes include new and
5 updated definitions; the removal of certain operation
6 standards with corresponding requirements to take
7 corrective action for exceedances; along with
8 monitoring and recording requirements; and require the
9 electronic reporting when using test methods supported
10 by EPA's Electronic Reporting Tool; and criteria for
11 capping, removing, or decommissioning a portion of the
12 gas collection control system in low-producing landfill
13 gas areas; expanding landfill gas treatment; and
14 provisions for startup, shutdown and malfunction
15 periods.

16 Part 200 will be amended to update
17 incorporated references to the federal rules.

18 The Department conducted a comprehensive
19 stakeholder outreach effort by way of a conference call
20 to May 16th, 2018, to discuss the draft revisions to
21 Part 208 and obtain feedback.

22 A wide range of affected parties were on
23 the call, including: Landfills, industry associations,
24 environmental consultants, environmental groups, and
25 governmental agencies.

1 A fact sheet outlining the draft revisions
2 was circulated prior to the conference call. During
3 the conference call, department staff were able to
4 field questions and hear ideas and concerns from
5 stakeholders and all participants were encouraged to
6 submit their comments in writing.

7 The comments received from the stakeholder
8 outreach process were considered in developing this
9 proposal.

10 Public hearings for this proposed
11 rulemaking are being held in two New York State
12 locations: In Avon on May 22, at 1:00 p.m.; and
13 Albany, on May 24th, at 1:00 p.m.

14 In addition to providing statements at
15 this hearing today, interested parties may also submit
16 written comments related to the proposed revisions to
17 Part 208 and Part 200.

18 Statements made at this hearing today and
19 written comments received during the public comment
20 period will be given equal weight and become part of
21 the administrative record for this rulemaking.

22 The changes proposed in Part 201 are
23 necessary for consistency with the proposed changes in
24 addition to -- strike that. Sorry.

25 Anyone who wishes to obtain information or

1 submit comments related to the proposed revisions to
2 Part 208 or 200 may contact me, Dan Brinsko,
3 Professional Engineer, New York State DEC, Division of
4 Air Resources, 625 Broadway, Albany, New York,
5 12233-3250. Telephone: 518-402-8403. Email:
6 air.regs@dec.ny.gov.

7 And written comments will be accepted
8 through 5:00 p.m., Wednesday, May 29, 2019.

9 Thank you for attending this hearing.

10 MR. O'CONNELL: Do you want to include the
11 statement with respect to Part 226?

12 MR. BRINSKO: I can do that. I had the
13 statement with me. I flipped it over and I was reading
14 that. That's where I said strike.

15 Thank you, Judge O'Connell. Good
16 afternoon. My name is Dan Brinsko. I'm an
17 environmental engineer in the Division of Air Resources
18 in Albany, New York.

19 The Department of Environmental
20 Conservation is proposing to amend Part 226, Solvent
21 Metal Cleaning Processes and Part 201, General
22 Provisions, Title 6 of Official Compilation of Codes,
23 Rules and Regulations of the State of New York.

24 This public hearing is one of the two
25 scheduled for receiving statements and comments on The

1 Department's proposal to adopt amendments to Part 226
2 and related revisions to Part 201.

3 These proposed changes are necessary to
4 comply with the 2012 Ozone Transport Commission's Model
5 Rule and the 2007 US Environmental Protection Agency's
6 Industrial Cleaning Solvents Control Technique
7 Guidelines.

8 Under the proposed changes, the current
9 Part 226 will be redesignated Subpart 226-1, and
10 renamed Solvent Cleaning Processes.

11 Additionally, the proposed amendments will
12 add a new Subpart 226-2, entitled Industrial Cleaning
13 Solvents.

14 All owners or operators of Solvent
15 Cleaning Processes will be subject to the current Part
16 226 will be subject to the proposed Subpart 226-1.

17 Currently, Part 226 only applies to the
18 cleaning of metal. This proposal removes this
19 distinction, opening applicability to any material
20 being cleaned by Solvent Cleaning Processes.

21 If your Solvent Cleaning Processes was not
22 subject to Part 226 because you were cleaning something
23 other than metal, you will now be subject to Subpart
24 226-1.

25 A VOC requirement is being proposed for

1 Part 226 cold cleaners, including remote reservoir
2 cleaners.

3 The proposed rule will change the current
4 requirement of using a solvent with a maximum vapor
5 pressure of 1.0 millimeters of mercury or less at
6 20 degrees Celsius to using a cleaner with no more than
7 25 grams of VOC per liter of cleaning solution. No
8 changes are being proposed for the other Part 226
9 Solvent Cleaning Processes.

10 The proposed Subpart 226-2 Industrial
11 Cleaning Solvent, will be a new regulation. Any owner
12 or operator of a facility that uses three tons or more
13 of volatile organic compounds from cleaning solvents on
14 an annual basis may be subject.

15 Specifically, the provisions apply to any
16 method of cleaning, by hand or mechanical means, of
17 foreign materials from surfaces of unit operations,
18 including large and small manufactured components,
19 parts, equipment, floors, tanks, and vessels.

20 Use of cleaning solvents that are already
21 subject to other regulatory provisions would not be
22 subject to any new requirements because of this
23 proposal.

24 Owners or operators subject to the
25 proposed Part or Subpart 226-2, Industrial Cleaning

1 Solvents, will have work practice, record keeping and
2 storage requirements for their cleaners that contain
3 VOCs.

4 Cleaning solutions will also have a
5 maximum VOC content limit of 50 grams of VOC per liter;
6 or 0.42 pounds of VOC per gallon of cleaning material;
7 or, as an alternative to this maximum VOC content, an
8 industrial cleaning solvent with a maximum composite
9 vapor pressure of 8 millimeters of Mercury at
10 20 degrees Celsius may also be used.

11 The changes proposed in Part 201 are
12 necessary for consistency with the proposed changes and
13 additions to Part 226.

14 The Department held a stakeholder meeting
15 on January 29, 2018, to discuss the likely elements of
16 the proposed revisions and to obtain feedback.

17 The comments received from the stakeholder
18 meeting as well as additional input received during the
19 stakeholder outreach process were considered in
20 developing this proposal.

21 In addition to providing statements at
22 this hearing today, anyone may also submit written
23 comments related to the proposed revisions to Part 226
24 and Part 201.

25 Statements made at this hearing today and

1 written comments received during the public comment
2 period will be given equal weight and become part of
3 the administrative record for this rulemaking.

4 Anyone who wishes to obtain information or
5 submit comments related to the proposed revisions to
6 Part 226 or Part 201 may contact John Henkes at New
7 York State DEC, Division of Air Resources, 625
8 Broadway, Albany, New York, 12233-3250. Telephone:
9 518-402-8403. E-mail:
10 www.dec.ny.gov/regulations/propregulations.html.

11 Written comments will be accepted through
12 5:00 p.m., Wednesday, May 29, 2019.

13 Thank you for attending this hearing.

14 MR. O'CONNELL: Thank you, Mr. Brinsko.
15 There are a few members of the public here in the
16 assembly room today. This is their opportunity now to
17 submit any comments. Do you wish to make any comments
18 today?

19 UNIDENTIFIED SPEAKER: No thanks. We just
20 came to see if anybody else was coming to give
21 comments.

22 MR. O'CONNELL: Right. We will go off the
23 record.

24 (At which time, a recess was held from
25 1:17 p.m. until 1:26 p.m.)

1 MR. O'CONNELL: Okay. During our
2 off-the-record break, I waited to see if any additional
3 members of the public came to offer comments today,
4 with respect to the two proposed rule changes
5 concerning Part 208 and Part 226.

6 No one else is here. I just want to check
7 with you in case you wanted to make a comment?

8 UNIDENTIFIED SPEAKER: No thank you.

9 MR. O'CONNELL: Before adjourning today, I
10 will remind everyone that the deadline for filing
11 comments is 5:00 p.m., on May 29, 2019.

12 Comments may be submitted in writing to
13 the addresses provided during today's session. They
14 may also be provided via email at air.regs@dec.ny.gov.

15 This hearing is adjourned. Thank you.

16 * * *

17 (Whereupon, the proceedings in the above-entitled
18 matter were concluded at 1:27 p.m.)

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1 RE: PROPOSED RULES 208 AND 226

2 AT: DEPARTMENT OF ENVIRONMENTAL CONSERVATION
3 625 Broadway
4 Albany, New York

5 DATE: May 24, 2019
6

7 C E R T I F I C A T I O N

8 I, Brenda C. Griffin, a shorthand reporter
9 and Notary Public in and for the State of New York do
10 hereby certify that the foregoing record taken by me at
11 the time and place noted in the heading hereof is a
12 true and accurate transcript of same, to the best of my
13 ability and belief.

14 
15 -----

16 Brenda C. Griffin
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Assessment of Public Comment

6 NYCRR Part 208, Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills

6 NYCRR Part 200, General Provisions

Comments received from March 20, 2019 through 5:00 P.M., May 29, 2019

Comment 1. We have a municipal landfill, closed and capped in 1990 with a geomembrane and an active gas control system that burns the gas in an enclosed flare. Do we have to do anything else under the proposed revisions? (Commenter 1)

Response to Comment 1: The Department does not have enough information about the MSW landfill in question to properly assess the applicability of the new regulatory requirements to the facility. Please contact DEC's Division of Air Resources staff in one of our regional offices (<https://www.dec.ny.gov/about/84152.html>) to discuss applicability of these rules to your particular facility.

Comment 2. We agree with the agency's decision to incorporate the Subpart Cf provisions by reference. At the same time EPA promulgated Subpart Cf for existing landfills, it also revised the NSPS at Subpart XXX for new landfills with the intent of maintaining the consistency of the work practice standards imposed under both rules. As such, Subparts Cf and XXX contain nearly identical requirements. With incorporations by reference, NYSDEC can be sure that its Subpart Cf State Plan will remain consistent with the requirements for new landfills, while appropriately preserving the provisions of Subpart Cf that are specifically designed for existing sources, such as the applicability provisions and the provisions governing closed landfills. We support the Agency's efforts to maintain that consistency by incorporating Subpart Cf by reference. (Commenter 2)

Response to Comment 2: The Department appreciates the commenter's support for the new regulation and agrees with the commenter that incorporation of 40 CFR Part 60, Subpart Cf (Subpart Cf) by reference into revised Part 208 provides the regulatory consistency for existing landfills and/or landfill operators transitioning from Subpart Cf to 40 CFR Part 60, Subpart XXX (Subpart XXX).

Comment 3. Since NYDEC proposes to incorporate Subpart Cf provisions by reference, the agency should adopt language stating that future amendments to Subpart Cf carry through to the state rule. To ensure consistency with any aspect of Subpart Cf that is incorporated by reference, NYSDEC should specify that such incorporation encompasses any future changes, additions, or revisions to the federal rule. Where statute may prevent such future incorporation, the agency should consider streamlining mechanisms that would allow for expedited revisions to Part 208 if and when changes are promulgated to Subpart Cf pursuant to the recently proposed changes or changes arising from industry reconsideration petitions. (Commenter 2)

Response to Comment 3: As the commenter indicated, the Department is prohibited by the State Administrative Procedures Act (SAPA) from adopting rules on a prospective basis, including the automatic incorporation by reference of future federal law changes. Rather, the Department is required to comply with SAPA's rulemaking requirements, including providing the public with notice of all proposed rulemakings as well as an opportunity for review and comment, for each proposed rule. While the adoption of new Part 208 primarily consists of the incorporation by reference of federal emission guideline (EG) requirements under Subpart Cf, any future changes to federal law will require the Department to adhere to state rulemaking requirements in order to adopt those changes into state law.

Comment 4. Any new state regulation and State Plan under Subpart Cf should not take effect until EPA has approved the State Plan. NYSDEC must also leave the current regulations and State Plan "on-the-

books," instead of overwriting them with the new Subpart Cf requirements, so that the current requirements can remain effective while the state awaits EPA approval of the state's new Subpart Cf rule and Plan. Accordingly, NYSDEC should likewise confirm in its revised regulations and new State Plan that Subpart Cf requirements will not take effect until EPA approves the State Plan. Doing so will eliminate the gap in time between the date that new state and federal regulatory requirements become effective, which would otherwise arise while the State Plan is under review at EPA. Subpart Cf itself confirms that compliance is not required until EPA approval. *See* 40 CFR §§ 60.32f, 60.38f(c) (requiring compliance within 30 months after the report that is due 90 days after EPA approval). NYSDEC should align the deadline for compliance with its new Subpart Cf rules and State Plan with the effective date of the EPA approval needed to make those requirements federally enforceable. (Commenter 2)

Response to Comment 4: The rulemaking process requires that new Part 208 be adopted prior to submitting a State Plan to EPA. New Part 208 will become effective and enforceable in New York regardless of whether EPA approves the State Plan. New York plans to submit a State Plan to EPA which includes identifying new Part 208 as the enforceable mechanism to implement the EG.

Comment 5. The state regulations should specify an approval process for design plans. Subpart Cf requires each existing landfill to operate pursuant to a state-approved site-specific design plan for the landfill's unique gas collection and control system (GCCS). However, Subpart Cf does not dictate the process through which states must approve those design plans. Since the lack of timely GCCS design plan approval can leave a landfill in an untenable position, we ask NYSDEC to include a more definite procedure in its state regulations for ensuring the review and response to all design plan submittals will be timely. For example, where NYSDEC staff may be unable to review a submitted design plan within a prescribed period of time, we ask NYSDEC to rely upon the required Professional Engineer certification of the design plan as a sufficient basis for approving it. We also ask NYSDEC to expressly indicate in its regulations that any alternatives approved

under the prior version of the standards (Subparts Cc and WWW) will also be approved under the new regulations and Subpart Cf state plan, including alternative timelines and higher operating values, so that landfills do not need to seek re-approval of every alternative. (Commenter 2)

Response to Comment 5: In 2002, the Division of Air Resources (DAR) and the Division of Solid and Hazardous Materials (DS&HM) – now called the Division of Materials Management (DMM) - entered into a Memorandum of Responsibilities (MOR) which outlines the responsibilities of each Division in the evaluation and approval of designs submitted to the Department for Part 208. Technical staff in the DMM have historically been responsible for landfill engineering, including the review of GCCS's, while technical staff in the DAR have expertise in the assessment and modeling of landfill gas emission generation and treatment system designs, including the evaluation of monitoring systems associated with such. DAR and DMM will continue to work together to ensure compliance with the requirements of 6 NYCRR Parts 208 and 360, while maintaining the timely evaluation and approval of design plans according to the MOR.

Comment 6. NYSDEC should include an Automatic Rescission Clause. In light of the petitions, court order and pending changes to Subparts AAAA and Cf referenced above, there remains some chance that Subpart Cf could be rescinded by EPA or vacated by a court. In similar circumstances, several states have adopted a provision to confirm that federal rules adopted into a state code will no longer be effective under state law if the rules cease to be effective under federal law, and EPA has approved such provisions if written properly. *See* 81 Fed. Reg. 42,587 (June 30, 2016) (Oklahoma); 81 Fed. Reg. 27,382 (May 6, 2016) (Louisiana); 79 Fed. Reg. 22,772 (Apr. 24, 2014) (Colorado). Specifically, EPA has approved "automatic rescission clauses" if they (1) ensure the public will receive reasonable notice of the rescission, and (2) the rescission will be consistent with EPA's interpretation of the triggering action. Based on EPA's prior approvals of automatic rescission clauses, we ask NYSDEC to include the following provision in its new Subpart Cf rule: If federal legislation, a federal court, or a subsequent final agency action renders the EPA's Subpart Cf emission guidelines unenforceable in

whole or in part, this rule shall become void to the same extent. (Commenter 2)

Response to Comment 6: An “automatic rescission clause” would directly conflict with the rulemaking requirements under New York’s SAPA. See Response to Comments 3 and 4.

List of Commentors:

1. Paul Lappano (Lockwood, Kessler & Bartlett, Inc.)
2. Steve Changaris / David Biderman (National Waste & Recycling Association/ Solid Waste Association of North America)

OFFICE OF THE COMMISSIONER

New York State Department of Environmental Conservation
625 Broadway, 14th Floor, Albany, New York 12233-1010
P: (518) 402-8545 | F: (518) 402-8541
www.dec.ny.gov

STATE OF NEW YORK

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

CERTIFICATE OF ADOPTION

AGENCY ACTION: 6 NYCRR Part 208, Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills; and Part 200, General Provisions.

Pursuant to the provisions of Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302 19-0303, 19-0305, 71-2103, and 71-2105 of the Environmental Conservation Law, I, Basil Seggos, Commissioner of the Department of Environmental Conservation (DEC), hereby certify that the amendments to 6 NYCRR Part 208, Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills and 6 NYCRR Part 200, General Provisions be adopted to read as on the attached original, and certify that this is the original thereof, as adopted by me on August 5, 2019, to be effective 30 days after filing with the Department of State.

I further certify that prior notice, as required under the State Administrative Procedure Act, was published in the State Register on March 20, 2019 under Notice No. ENV-12-19-00003-P. I also further certify that prior notice of public hearings, scheduled for and held on May 22 in Avon, NY; and on May 24 in Albany, NY was published in the State Register on March 20, 2019 and DEC's Environmental Notice Bulletin on March 20, 2019 and in local newspapers in the State on March 20, 2019. No other publication of prior notice was required by statute.



Basil Seggos

Commissioner
Department of Environmental Conservation

DATED: August 5, 2019

Albany, New York



Department of
Environmental
Conservation

Express Terms

6 NYCRR Part 208, Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills

The existing Part 208 is repealed. New Part 208 will be adopted as follows:

Section 208.1 Applicability.

The Federal requirements of 40 CFR Part 60, Subpart Cf, (see Table 1, section 200.9 of this Title), will apply to existing municipal solid waste (MSW) landfills that have accepted waste after November 8, 1987 and began construction, reconstruction or modification prior to July 17, 2014. Activities required by or conducted pursuant to a CERCLA, RCRA, or State remedial action are not considered construction, reconstruction, or modification for purposes of this section.

Section 208.2 Definitions.

(a) To the extent that they are not inconsistent with the specific definitions in subdivision (b) of this section, the general definitions of Parts 200 and 201 of this Title, and 40 CFR Part 60, Subpart Cf apply (see Table 1, section 200.9 of this Title).

(b) For the purposes of this Part, the following definitions apply:

(1) ‘Closed landfill subcategory’ means a closed landfill that has submitted a closure report as specified in section 60.38f(f) of 40 CFR Part 60, Subpart Cf, within one year of Part 208 becoming effective (see Table 1, section 200.9 of this Title).

Section 208.3 Severability.

Each provision of this Part shall be deemed severable, and in the event that any provision of this Part is held to be invalid, the remainder of this Part shall continue in full force and effect.

Express Terms

6 NYCRR Part 200, General Provisions

Sections 200.1 through 200.8 remain unchanged.

Existing Section 200.9, Table 1 is amended to read as follows:

Table 1

Regulation	Referenced Material	Availability
[208.8(d)]	[40 CFR Part 60 (July 1, 1999)]	[*]
	[64 <i>Federal Register</i> 7463 (Feb. 12, 1999)]	

Table 1

Regulation	Referenced Material	Availability
<u>208.1(a)</u>	<u>Federal Register, Vol 81, No 167, Page 59276</u> <u>(August 29, 2016)</u>	<u>+++</u>
<u>208.2(a)</u>	<u>Federal Register, Vol 81, No 167, Page 59276</u> <u>(August 29, 2016)</u>	<u>+++</u>
<u>208.2(b)</u>	<u>Federal Register, Vol 81, No 167, Page 59276</u> <u>(August 29, 2016)</u>	<u>+++</u>

Existing Section 200.10, Table 2 is amended to read as follows:

Table 2

Delegated Federal New Source Performance Standards of 40 CFR 60

*40 CFR 60
Subpart*

Source Category

*Page numbers in July 1,
2013 Edition of 40 CFR 60
unless otherwise cited*

[Cc]

[Municipal Solid Waste Landfills]

[122-124]

Cf

Municipal Solid Waste Landfills

81 ‘Federal Register’ 59276 (August 29, 2016)



Department of
Environmental
Conservation

ENB - Statewide Notices 8/21/2019

Public Notice

Pursuant to Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0311, 71-2103 and 71-2105 of the Environmental Conservation Law (ECL), the New York State Department of Environmental Conservation (Department) hereby gives notice of the following:

The Department is releasing a revised proposal for new 6 NYCRR Subpart 227-3, "Ozone Season Oxides of Nitrogen (NO_x) Emission Limits for Simple Cycle and Regenerative Combustion Turbines," for public review and comment. The primary goal of this proposal is to lower allowable NO_x emissions from simple cycle and regenerative combustion turbines during the ozone season. The lower emissions from these sources will help to address Clean Air Act (CAA) requirements, ozone nonattainment and protect the health of New York State residents. This proposal is only applicable to simple cycle and regenerative combustion turbines during the ozone season. This revised proposal includes changes resulting from comments submitted in regards to the original proposed rule. This is not a mandate on local governments. It applies to any entity that owns or operates a subject source. Further, the Department proposes to submit Subpart 227-3 to the United States Environmental Protection Agency as a revision to the State Implementation Plan (SIP) for New York State.

Documents pertaining to this rulemaking can be found on the [Department's website](http://www.dec.ny.gov/regulations/propregulations.html#public) at <http://www.dec.ny.gov/regulations/propregulations.html#public>

Written comments on revisions to the proposed rule may be submitted until 5:00 p.m. on October 7, 2019.

For further information please contact:

Ona Papageorgiou, P.E.
NYS Department of Environmental Conservation
Division of Air Resources
625 Broadway, Albany, NY 12233-3251
Phone: (518) 402-8396
E-mail: air.regs@dec.ny.gov

Requests for information and comments related to the SIP revision may be obtained from:

Robert D. Bielawa, P.E.
NYS Department of Environmental Conservation
Division of Air Resources
625 Broadway, Albany, NY 12233-3251
Phone: (518) 402-8396
E-mail: air.regs@dec.ny.gov

Written statements may be submitted until 5:00 p.m. on October 7, 2019. No hearings are scheduled regarding the revised proposed rule.

Pursuant to Environmental Conservation Law (ECL) Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, and 71-2105; the New York State Department of Environmental Conservation (Department) hereby gives notice of the following:

The Department is adopting revisions to 6 NYCRR Part 208, and attendant revisions to Part 200, to incorporate the new federal Emission Guideline (EG) for MSW Landfills codified under 40 CFR Part 60, Subpart Cf. The new federal EG is designed to reduce emissions of landfill gas containing non-methane organic compounds and methane by lowering the emission threshold at which a landfill must install and operate a landfill gas collection and control system. Once this rulemaking is adopted, the Department is required to revise its State Plan to reflect the new EG and submit the State Plan to EPA for review and approval.

Documents pertaining to this rulemaking can be found on the [Department's website](http://www.dec.ny.gov/regulations/propregulations.html#recent) at <http://www.dec.ny.gov/regulations/propregulations.html#recent>

For further information please contact:

Dan Brinsko, P.E.
NYS Department of Environmental Conservation
Division of Air Resources
625 Broadway, Albany, NY 12233-3250
Phone: (518) 402-8403
E-mail: air.regs@dec.ny.gov

Data Solicitation for 2020 CWA Section 303(d) List

Section 303(d) of the Federal Clean Water Act (CWA) requires States to compile every two years, a list of impaired waters that do not meet water quality standards, where designated uses are not fully supported and where a Total Maximum Daily Load (TMDL) plan is necessary to address the impairment. States are scheduled to submit their next Section 303(d) List to the United State Environmental Protection Agency (US EPA) by April 1, 2020. To support the development of the Section 303(d) Lists, States are required to assemble and consider existing, readily available water quality related data and information. New York State is currently soliciting and accepting water quality data and information that may be useful in compiling the 2020 Section 303(d) List.

Background: Water quality assessment of New York State's waters is a continuous process. Participation and input from a wide range of state, federal and local agencies and non-governmental water quality partners (watershed groups, lake associations, academic researchers, etc.) is encouraged.

Every two years, corresponding to the development of the State's Section 303(d) List, the public is solicited to provide water quality data and information for any waterbody or basin. This allows for a more comprehensive updating of the List. Solicited data and information may result in changes to the List or may be incorporated into water quality assessments.

In order to be included for consideration in the compiling of the 2020 CWA Section 303(d) List, data and information must be received by September 27, 2019.

Data submissions should be accompanied by a completed [Waterbody Inventory/Priority Waterbodies List](http://www.dec.ny.gov/chemical/36730.html) (WI/PWL) Assessment Worksheet, which may be found at: <http://www.dec.ny.gov/chemical/36730.html>. This worksheet allows for the capture of water quality information based on available data or on general observation of conditions and/or local knowledge of designated use support/non-support of a waterbody absent specific, numeric monitoring data.

Worksheet information can also be obtained by contacting: Sarah Rickard, NYS DEC - Division of Water, Bureau of Watershed Assessment and Management, 625 Broadway, 4th Floor, Albany, NY 12233-3502, Phone: (518) 402-8179. Completed WI/PWL worksheets, supporting water quality monitoring data, corresponding Quality Assurance/Quality Control (QA/QC) documentation, QA/QC results summary and a description of measures used in the collection of data should sent to the address above, or forwarded via e-mail to: 4pwlinfo@dec.ny.gov.

Guidance regarding the use of water quality data and information to conduct assessments and make listing decisions is outlined in the New York State Consolidated Assessment and Listing Methodology. Additional

Text of rule and any required statements and analyses may be obtained from: Nicholas Cartagena, State Board of Elections, 40 North Pearl Street, Ste. 5, Albany, NY 12207, (518) 474-2063, email: nicholas.cartagena@elections.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not required because the changes made to the last published rule do not necessitate revision to the previously published document. The change clarifies that a county board of elections may also request a reduction of privacy booths, as well as voting devices, and outlines the process of making a request for a reduction of voting devices and privacy booths.

Assessment of Public Comment

The agency received no public comment.

Delegated Federal New Source
Performance Standards of 40
CFR 60

40 CFR 60
Subpart

Source Category

Page numbers in
July 1, 2013
Edition of 40
CFR 60
unless otherwise
cited

[Cc]

[Municipal Solid Waste
Landfills]

[122-124]

Cf

Municipal Solid Waste Landfills

81 'Federal
Register' 59276
(August 29,
2016)

The existing Part 208 is repealed. New Part 208 will be adopted as follows:

Section 208.1 Applicability.

The Federal requirements of 40 CFR Part 60, Subpart Cf, (see Table 1, section 200.9 of this Title), will apply to existing municipal solid waste (MSW) landfills that have accepted waste after November 8, 1987 and began construction, reconstruction or modification prior to July 17, 2014. Activities required by or conducted pursuant to a CERCLA, RCRA, or State remedial action are not considered construction, reconstruction, or modification for purposes of this section.

Section 208.2 Definitions.

(a) To the extent that they are not inconsistent with the specific definitions in subdivision (b) of this section, the general definitions of Parts 200 and 201 of this Title, and 40 CFR Part 60, Subpart Cf apply (see Table 1, section 200.9 of this Title).

(b) For the purposes of this Part, the following definitions apply:

(1) 'Closed landfill subcategory' means a closed landfill that has submitted a closure report as specified in section 60.38(f) of 40 CFR Part 60, Subpart Cf, within one year of Part 208 becoming effective (see Table 1, section 200.9 of this Title).

Section 208.3 Severability.

Each provision of this Part shall be deemed severable, and in the event that any provision of this Part is held to be invalid, the remainder of this Part shall continue in full force and effect.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 200.9, 200.10, 208.1 and 208.3.

Text of rule and any required statements and analyses may be obtained from: Dan Brinsko, P. E., NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-32, (518) 402-8396, email: air.regs@dec.ny.gov

Additional matter required by statute: Pursuant to Article 8 of the State Environmental Quality Review Act, a Short Environmental Assessment Form, a Negative Declaration and a Coastal Assessment Form have been prepared and are on file.

Revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

The edits made to the express terms do not require any changes to the RIS, RFA, RAFA and JIS.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2022, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

Comment 1. We have a municipal landfill, closed and capped in 1990 with a geomembrane and an active gas control system that burns the gas in an enclosed flare. Do we have to do anything else under the proposed revisions? (Commenter 1)

Response to Comment 1: The Department does not have enough information about the MSW landfill in question to properly assess the applicability of the new regulatory requirements to the facility. Please contact DEC's Division of Air Resources staff in one of our regional offices (<https://www.dec.ny.gov/about/84152.html>) to discuss applicability of these rules to your particular facility.

Comment 2. We agree with the agency's decision to incorporate the Subpart Cf provisions by reference. At the same time EPA promulgated Subpart Cf for existing landfills, it also revised the NSPS at Subpart XXX for new landfills with the intent of maintaining the consistency of the work practice standards imposed under both rules. As such, Subparts Cf and XXX contain nearly identical requirements. With incorporations by reference, NYSDEC can be sure that its Subpart Cf State Plan will remain con-

Department of Environmental Conservation

NOTICE OF ADOPTION

Revised Part 208 Will Incorporate the New Federal Emission Guideline for MSW Landfills Pursuant to 40 CFR Part 60, Subpart Cf

I.D. No. ENV-12-19-00003-A

Filing No. 735

Filing Date: 2019-08-05

Effective Date: 30 days after filing

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of Part 200; addition of Part 208 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103 and 71-2105

Subject: Revised Part 208 will incorporate the new Federal emission guideline for MSW landfills pursuant to 40 CFR part 60, subpart Cf.

Purpose: Part 208 controls landfill gas emissions by requiring a gas collection and control system.

Text of final rule: Sections 200.1 through 200.8 remain unchanged.

Existing Section 200.9, Table 1 is amended to read as follows:

Table 1

Regulation	Referenced Material	Availability
[208.8(d)]	[40 CFR Part 60 (July 1, 1999)] [64 Federal Register 7463 (Feb. 12, 1999)]	[*]

Table 1

Regulation	Referenced Material	Availability
208.1(a)	<i>Federal Register</i> , Vol 81, No 167, Page 59276 (August 29, 2016)	+++
208.2(a)	<i>Federal Register</i> , Vol 81, No 167, Page 59276 (August 29, 2016)	+++
208.2(b)	<i>Federal Register</i> , Vol 81, No 167, Page 59276 (August 29, 2016)	+++

Existing Section 200.10, Table 2 is amended to read as follows:

Table 2

sistent with the requirements for new landfills, while appropriately preserving the provisions of Subpart Cf that are specifically designed for existing sources, such as the applicability provisions and the provisions governing closed landfills. We support the Agency's efforts to maintain that consistency by incorporating Subpart Cf by reference. (Commenter 2)

Response to Comment 2: The Department appreciates the commenter's support for the new regulation and agrees with the commenter that incorporation of 40 CFR Part 60, Subpart Cf (Subpart Cf) by reference into revised Part 208 provides the regulatory consistency for existing landfills and/or landfill operators transitioning from Subpart Cf to 40 CFR Part 60, Subpart XXX (Subpart XXX).

Comment 3. Since NYDEC proposes to incorporate Subpart Cf provisions by reference, the agency should adopt language stating that future amendments to Subpart Cf carry through to the state rule. To ensure consistency with any aspect of Subpart Cf that is incorporated by reference, NYSDEC should specify that such incorporation encompasses any future changes, additions, or revisions to the federal rule. Where statute may prevent such future incorporation, the agency should consider streamlining mechanisms that would allow for expedited revisions to Part 208 if and when changes are promulgated to Subpart Cf pursuant to the recently proposed changes or changes arising from industry reconsideration petitions. (Commenter 2)

Response to Comment 3: As the commenter indicated, the Department is prohibited by the State Administrative Procedures Act (SAPA) from adopting rules on a prospective basis, including the automatic incorporation by reference of future federal law changes. Rather, the Department is required to comply with SAPA's rulemaking requirements, including providing the public with notice of all proposed rulemakings as well as an opportunity for review and comment, for each proposed rule. While the adoption of new Part 208 primarily consists of the incorporation by reference of federal emission guideline (EG) requirements under Subpart Cf, any future changes to federal law will require the Department to adhere to state rulemaking requirements in order to adopt those changes into state law.

Comment 4. Any new state regulation and State Plan under Subpart Cf should not take effect until EPA has approved the State Plan. NYSDEC must also leave the current regulations and State Plan "on-the-books," instead of overwriting them with the new Subpart Cf requirements, so that the current requirements can remain effective while the state awaits EPA approval of the state's new Subpart Cf rule and Plan. Accordingly, NYSDEC should likewise confirm in its revised regulations and new State Plan that Subpart Cf requirements will not take effect until EPA approves the State Plan. Doing so will eliminate the gap in time between the date that new state and federal regulatory requirements become effective, which would otherwise arise while the State Plan is under review at EPA. Subpart Cf itself confirms that compliance is not required until EPA approval. See 40 CFR § 60.32f, 60.38f(c) (requiring compliance within 30 months after the report that is due 90 days after EPA approval). NYSDEC should align the deadline for compliance with its new Subpart Cf rules and State Plan with the effective date of the EPA approval needed to make those requirements federally enforceable. (Commenter 2)

Response to Comment 4: The rulemaking process requires that new Part 208 be adopted prior to submitting a State Plan to EPA. New Part 208 will become effective and enforceable in New York regardless of whether EPA approves the State Plan. New York plans to submit a State Plan to EPA which includes identifying new Part 208 as the enforceable mechanism to implement the EG.

Comment 5. The state regulations should specify an approval process for design plans. Subpart Cf requires each existing landfill to operate pursuant to a state-approved site-specific design plan for the landfill's unique gas collection and control system (GCCS). However, Subpart Cf does not dictate the process through which states must approve those design plans. Since the lack of timely GCCS design plan approval can leave a landfill in an untenable position, we ask NYSDEC to include a more definite procedure in its state regulations for ensuring the review and response to all design plan submittals will be timely. For example, where NYSDEC staff may be unable to review a submitted design plan within a prescribed period of time, we ask NYSDEC to rely upon the required Professional Engineer certification of the design plan as a sufficient basis for approving it. We also ask NYSDEC to expressly indicate in its regulations that any alternatives approved under the prior version of the standards (Subparts Cc and WWW) will also be approved under the new regulations and Subpart Cf state plan, including alternative timelines and higher operating values, so that landfills do not need to seek re-approval of every alternative. (Commenter 2)

Response to Comment 5: In 2002, the Division of Air Resources (DAR) and the Division of Solid and Hazardous Materials (DS&HM) – now called the Division of Materials Management (DMM) – entered into a Memorandum of Responsibilities (MOR) which outlines the responsibilities of each Division in the evaluation and approval of designs submitted

to the Department for Part 208. Technical staff in the DMM have historically been responsible for landfill engineering, including the review of GCCS's, while technical staff in the DAR have expertise in the assessment and modeling of landfill gas emission generation and treatment system designs, including the evaluation of monitoring systems associated with such. DAR and DMM will continue to work together to ensure compliance with the requirements of 6 NYCRR Parts 208 and 360, while maintaining the timely evaluation and approval of design plans according to the MOR.

Comment 6. NYSDEC should include an Automatic Rescission Clause. In light of the petitions, court order and pending changes to Subparts AAAA and Cf referenced above, there remains some chance that Subpart Cf could be rescinded by EPA or vacated by a court. In similar circumstances, several states have adopted a provision to confirm that federal rules adopted into a state code will no longer be effective under state law if the rules cease to be effective under federal law, and EPA has approved such provisions if written properly. See 81 Fed. Reg. 42,587 (June 30, 2016) (Oklahoma); 81 Fed. Reg. 27,382 (May 6, 2016) (Louisiana); 79 Fed. Reg. 22,772 (Apr. 24, 2014) (Colorado). Specifically, EPA has approved "automatic rescission clauses" if they (1) ensure the public will receive reasonable notice of the rescission, and (2) the rescission will be consistent with EPA's interpretation of the triggering action. Based on EPA's prior approvals of automatic rescission clauses, we ask NYSDEC to include the following provision in its new Subpart Cf rule: If federal legislation, a federal court, or a subsequent final agency action renders the EPA's Subpart Cf emission guidelines unenforceable in whole or in part, this rule shall become void to the same extent. (Commenter 2)

Response to Comment 6: An "automatic rescission clause" would directly conflict with the rulemaking requirements under New York's SAPA. See Response to Comments 3 and 4.

List of Commentors:

1. Paul Lappano (Lockwood, Kessler & Bartlett, Inc.)
2. Steve Changaris / David Biderman (National Waste & Recycling Association/ Solid Waste Association of North America)

REVISED RULE MAKING NO HEARING(S) SCHEDULED

Set Nitrogen Oxide (NOx) Emission Rate Limits for Simple Cycle and Regenerative Combustion Turbines During the Ozone Season

I.D. No. ENV-09-19-00015-RP

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following revised rule:

Proposed Action: Addition of Subpart 227-3 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0311, 71-2103 and 71-2105

Subject: Set nitrogen oxide (NOx) emission rate limits for simple cycle and regenerative combustion turbines during the ozone season.

Purpose: Reduction of nitrogen oxide (NOx) emissions from simple cycle and regenerative combustion turbines during the ozone season.

Text of revised rule: See Appendix in the back of this issue.

Revised rule compared with proposed rule: Substantial revisions were made in sections 227-3.1 and 227-3.7.

Text of revised proposed rule and any required statements and analyses may be obtained from Ona Papageorgiou, NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, (518) 402-8396, email: air.regs@dec.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: October 7, 2019.

Additional matter required by statute: Pursuant to Article 8 of the State Environmental Quality Review Act, a Short Environmental Assessment Form, a Negative Declaration and a Coastal Assessment Form have been prepared and are on file.

Summary of Revised Regulatory Impact Statement (Full text is posted at the following State website: <http://www.dec.ny.gov/regulations/propregulations.html#public>):

The New York State Department of Environmental Conservation (DEC) is proposing 6 NYCRR Subpart 227-3, "Ozone Season Oxides of Nitrogen (NOx) Emission Limits for Simple Cycle and Regenerative Combustion Turbines." The primary goal of this proposal is to lower allowable NOx emissions from simple cycle and regenerative combustion turbines during the ozone season. The lower emissions from these sources will help to ad-