

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of Climate, Air, & Energy, Deputy Commissioner
625 Broadway, 14th Floor, Albany, New York 12233-1010
P: (518) 402-2794 | F: (518) 402-9016
www.dec.ny.gov

JAN 28 2021

Mr. Walter Mugdan
Acting Regional Administrator
U.S. Environmental Protection Agency, Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866

Dear Acting Administrator Mugdan:

On behalf of the Governor of the State of New York, I am submitting for approval by the U.S. Environmental Protection Agency (EPA) a State Implementation Plan (SIP) revision to incorporate revisions to Title 6 of the New York Codes, Rules, and Regulations (NYCRR) Part 219 and Part 200.

The New York State Department of Environmental Conservation (NYSDEC) has revised 6 NYCRR Part 219, "Incinerators" with attendant revisions to 6 NYCRR Part 200, "General Provisions." DEC repealed and replaced Subpart 219-4 to better reflect the current state of cremation technology and reduce emissions of particulate matter from new crematories constructed in the state. In addition, DEC is sunsetting Subparts 219-5 and 219-6 by requiring that existing units subject to these requirements be regulated by more stringent standards under the new Subpart 219-4. DEC is also adding a new Subpart 219-10 to limit oxides of nitrogen emissions from municipal waste combustion units. Finally, DEC is making several minor changes to Subpart 219-1 and conforming changes to Section 200.9 to clarify various definitions used throughout Part 219.

A public review process was held for the proposed revisions. A "Notice of Proposed Rulemaking" that included information for three public hearings was published in the Environmental Notice Bulletin (ENB) and the New York State Register on September 25, 2019. Legislative public hearings on the proposed revisions to the regulations and the proposed subsequent submission as a SIP revision were held on December 3, 2019 in Hauppauge; December 4, 2019 in Avon; and December 6, 2019 in Albany.

The following documents are enclosed with this SIP revision:

1. Express Terms for 6 NYCRR Part 219, "Incinerators" and 6 NYCRR Part 200, "General Provisions," as proposed on September 25, 2019;
2. Notice of proposed rulemaking, including public hearing information, as published in the ENB and State Register on September 25, 2019;
3. Newspaper proofs of publication for the proposed rulemaking;
4. Transcripts of the public hearings held in Hauppauge on December 3, 2019; in Avon on December 4, 2019; and in Albany on December 6, 2019;




Department of
Environmental
Conservation

5. Assessment of Public Comments for all comments received on the proposed rulemaking;
6. Certificate of Adoption dated February 12, 2020;
7. Express Terms for 6 NYCRR Part 219 and Part 200 as adopted on February 12, 2020; and
8. Notice of Adoption published in the ENB and State Register on March 4, 2020.

If you have any questions or concerns, please contact Mr. Christopher LaLone, Acting Director, Division of Air Resources at (518) 402-8452.

Sincerely,



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

Enclosures

c: R. Ruvo, EPA Region 2
C. LaLone

SUBPART 219-1

INCINERATION - GENERAL PROVISIONS

(Statutory Authority: [Public Health Law Sections 1271, 1276;] Environmental Conservation Law Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 19-0306, 19-0311, [19-0319, 20-0109,] 71-2103, 71-2105; Clean Air Act Sections 111, 129; 40 CFR Part 60, Subpart M) (M) (M) (M)

Section 219-1.1 Definitions.

(a) For the purpose of this Part and each of the Subparts of this Part, the general definitions of Part 200 of this Title apply.

(b) For the purpose of this Part, the following definitions also apply to Subpart 219-2 through Subpart 219-6:

(1) 'Commercial waste'. Solid waste generated by stores, offices, institutions, restaurants, warehouses, and nonmanufacturing activities at industrial facilities.

(2) 'Dioxin equivalent'. Any combination or mix of polychlorinated dibenzo-para-dioxins and polychlorinated dibenzo furans [containing from four to eight chlorine atoms which are expressed as 2,3,7,8 tetrachlorinated dibenzo-para-dioxin equivalents using the toxic equivalency factors listed below. Standard conditions upon which these data are referenced are an absolute pressure of 760 mm mercury and 20°C at 7 percent oxygen.] as defined in

Paragraph 200.1(cx) of this Title.

['Compound']	['Factor']
[monochlorinated dibenzo-para-dioxins (all)]	[0]
[trichlorinated dibenzo-para-dioxins (all)]	[0]
[dichlorinated dibenzo-para-dioxins (all)]	[0]
[2,3,7,8 tetrachlorinated dibenzo-para-dioxin]	[1]
[other tetrachlorinated dibenzo-para-dioxin]	[0.01]
[2,3,7,8 pentachlorinated dibenzo-para-dioxin]	[1]
[other pentachlorinated dibenzo-para-dioxin]	[0.01]
[2,3,7,8 hexachlorinated dibenzo-para-dioxin]	[0.03]
[other hexachlorinated dibenzo-para -dioxin]	[0.0003]
[2,3,7,8 heptachlorinated dibenzo-para-dioxin]	[0.001]
[other heptachlorinated dibenzo-para-dioxin]	[0.00001]
[octachlorinated dibenzo-para-dioxins]	[0]
[2,3,7,8 tetrachlorinated dibenzo furan]	[0.33]
[other tetrachlorinated dibenzo furans]	[0.003]
[2,3,7,8 pentachlorinated dibenzo furan]	[0.33]
[other pentachlorinated dibenzo furans]	[0.003]
[2,3,7,8 hexachlorinated dibenzo furan]	[0.01]
[Other hexachlorinated dibenzo furans]	[0.0001]
[2,3,7,8 heptachlorinated dibenzo furan]	[0.001]
[other heptachlorinated dibenzo furans]	[0.00001]
[octachlorinated dibenzo furans]	[0]

(3) 'Hospital'. Any facility which has an organized medical staff, maintains at least six inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of 24 hours her admission. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who are generally not acutely ill but who require continuing medical supervision.

(4) 'Hospital/medical/infectious waste incinerator' or 'HMIWI' or 'HMIWI unit'. Any device that combusts any amount of hospital waste and/or medical/infectious waste.

(5) 'Hospital/medical/infectious waste incinerator' or 'HMIWI operator'. Any person who operates, controls or supervises the day-to-day operation of a HMIWI.

(6) 'Hospital waste'. Discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation.

(7) 'Incinerator'. Any structure or furnace in which the combustion of any amount of solid waste takes place[and type 0, 1, 2, 3, or 4 refuse is used as fuel], alone or in conjunction with fossil fuel.

(8) 'Medical/infectious waste'. Any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that is listed below:

(i) Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures.

(ii) Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers.

(iii) Human blood and blood products including:

 ('a') liquid waste human blood;

 ('b') products of blood;

 ('c') items saturated and/or dripping with human blood; or

 ('d') items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either

patient care, testing and laboratory analysis or the development of pharmaceuticals.

Intravenous bags are also included in this category.

(iv) Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), Pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agent, such as used slides and cover slips.

(v) Animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals.

(vi) Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases.

(vii) Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

The definition of medical/infectious waste does not include hazardous waste identified or listed under the regulations in Part [373] 371 of this Title; household waste, as defined in [Part 360 of this Title] 40 CFR 261.4(b)(1) (see Table 1, Section 200.9 of this Title); ash from incineration of medical/infectious waste[,] once the incineration process has been completed; human corpses, remains, and anatomical parts that are intended for interment or cremation; and domestic sewage materials.

(9) ‘Municipal solid waste’. [All materials or substances discarded from single and multiple family dwellings, and other residential sources; similar types of materials from institutional, commercial and industrial sources; concurrently incinerated sewage sludge but not hazardous waste as defined in Part 371 of this Title.] Solid waste discarded from single and multiple family dwellings and other residential sources, similar types of materials discarded from institutional, commercial and industrial sources, and comingled biosolids. Municipal solid waste does not include hazardous waste as defined in Part 371 of this Title.

(10) ‘Municipal solid waste incineration facility’. A facility that is owned, operated, or utilized by, or under contract with, a municipality or political subdivision and which utilizes high temperature thermal destruction technologies, including combustion for the recovery of thermal value or for the disposal of municipal solid waste.

‘Note:’ A municipal solid waste incineration facility may also be an infectious waste incineration

facility.

(11) 'Pathological Waste'. Waste material consisting of human and animal remains, anatomical parts, and/or tissue, the bags and containers used to collect and transport the waste material, and any incidental animal bedding.

[(11)](12) 'Private solid waste incineration facility'. Any facility, other than a municipal solid waste facility, that [burns]processes municipal solid waste, or any fuels derived from municipal solid waste using thermal destruction technologies, with or without energy recovery.

(13) 'Solid waste'. (i) Except as described in subparagraph (iii) of this paragraph, discarded materials including solid, liquid, semi-solid, or contained gaseous material, resulting from industrial, municipal, commercial, institutional, mining or agricultural operations or from residential activities including materials that are recycled or that may have value.

(ii) A material is considered discarded if it is spent, worthless, or in excess to the generator, and is:

('a') thermally, physically, chemically or biologically processed;

('b') disposed of through discharge, deposit, injection, dumping, spilling, leaking or placement into or on any land or water so that the material or any constituent thereof may enter the environment or be emitted into the air or discharged into groundwater or surface

water; or

(‘c’) accumulated or transferred instead of or before being processed or disposed.

(iii) The following are not solid waste for the purposes of this Part:

(‘a’) materials that are intended for reuse for their original function, without processing, such as materials at a garage sale, consignment shop, textile collection location or similar venue;

(‘b’) materials that are incorporated into food products for human consumption;

(‘c’) unadulterated wood generated from sources other than construction and demolition that is burned in campfires, ceremonial burns, cooking fires, wood stoves, or other similar uses;

(‘d’) any mixture of domestic sewage and other wastes that pass through a sewer system to a publicly or privately owned treatment works for treatment;

(‘e’) industrial wastewater discharges that are point source discharges subject to permits under Environmental Conservation Law (ECL) article 17;

(‘f’) irrigation return flows;

(‘g’) materials subject to in-situ mining techniques which are not removed from the ground as part of the extraction process;

(‘h’) crumb rubber;

(‘i’) materials that are used in accordance with a determination by the department pursuant to the provisions of Section 360.12 of this Title;

(‘j’) materials that are used for artificial reefs in compliance with applicable water quality criteria;

(‘k’) material removed from the waters of the State and placed or disposed in compliance with a permit issued under ECL article 15, 24, 25, or 34 or a water quality certification issued under section 401 of the Federal Water Pollution Control Act to the extent that disposal of the material is regulated by such permit or certification. However, any disposal not regulated by such permit remains subject to regulation under Parts 360, 361, 362, 363, and 365 of this Title. Dredged or excavated material generated by a manufacturing or industrial process is industrial waste, and the treatment, storage, transfer, or disposal of the material is subject to regulation under Parts 360 to 365 of this Title; and

(‘1’) waste samples received at a laboratory or educational institution for analysis of constituents.

[(12) ‘Refuse’. All waste material, including but not limited to garbage, rubbish, incinerator residue, street cleanings, dead animals, and offal. Refuse is classified in accordance with Table 1, Appendix 2.

(13) ‘Smoke’. An air contaminant consisting of small gas-borne particles emitted by an air contamination source in sufficient number to be observable.

(14) ‘Solid waste’. (i) ‘Solid waste’ means all putrescible and nonputrescible materials or substances except as described in subparagraph (iv) of this paragraph that are discarded or rejected as being spent, useless, worthless or in excess of the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal.

(ii) A material is discarded if it is abandoned by being:

(‘a’) disposed of;

(‘b’) burned or incinerated, including being burned as a fuel for the purpose of

recovering usable energy; or

(‘c’) accumulated, stored, or physically, chemically, or biologically treated (other than burned or incinerated) instead of or before being disposed of.

(iii) A material is disposed of if it is discharged, deposited, injected, dumped, spilled, leaked, or placed into or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into ground water or surface water.

(iv) The following materials are not solid waste for the purposes of this Part:

(‘a’) domestic sewage;

(‘b’) any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly owned treatment works for treatment except for any material that is introduced into such system in order to avoid the provisions of Part 360 of this Title;

(‘c’) industrial wastewater discharges that are actual point source discharges subject to permit under ECL article 17. Industrial wastewaters while they are being collected, stored, or treated before discharge, and sludges that are generated by

industrial wastewater treatment are solid wastes and are regulated by Part 360 of this Title;

(‘d’) irrigation return flows;

(‘e’) radioactive materials which are source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (see section 360-1.3a of this Title);

(‘f’) materials subject to ‘in-situ’ mining techniques which are not removed from the ground as part of the extraction process; and

(‘g’) materials that the department has determined are being beneficially used, including the following:

(1) materials that are incorporated into a manufacturing process to produce a marketable product;

(2) compost that meets the criteria for Class I public distribution and agricultural usage identified in Subpart 360-5 of this Title;

(3) wood chips used for mulch, landscaping, or erosion control purposes;

(4) ash generated from the combustion of coal if the ash has been tested for toxicity pursuant to a testing protocol approved by the department and certified to

be nontoxic and used as follows:

- (i) coal combustion bottom ash used as a traction agent on roadways, parking lots, and other driving surfaces;
- (ii) coal combustion bottom ash or fly ash used as a cement substitute or aggregate in cement or concrete products; or
- (iii) coal combustion bottom ash or fly ash used in situations where the ash is contained and leachate will not be generated, such as structural fill within building foundations.]

Section 219-1.2 [Summary of applicability.] Severability

Existing Section 219-1.2 is repealed. A new Section 219-1.2 is added as follows.

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

SUBPART 219-4

[INCINERATORS] HUMAN AND ANIMAL CREMATORIES

Existing Subpart 219-4 is repealed. A new Subpart 219-4 is proposed as follows:

Section 219-4.1 Definitions

(a) For the purpose of this Subpart, the definitions of Subpart 219-1 and Part 200 of this Title apply.

(b) For the purpose of this Subpart, the following definitions also apply:

(1) 'Existing Cremation Unit'. An emission source used for the cremation of human or animal remains at a crematory facility that was constructed on or before the effective date of this Subpart.

(2) 'Modified Cremation Unit'. An emission source used for the cremation of human or animal remains at a crematory facility that has been modified, as defined in Subdivision 200.1(aq) of this Chapter, after the effective date of this Subpart.

(3) 'New Cremation Unit'. An emission source used for the cremation of human or animal remains at a crematory facility for which an application for an air permit or registration, as described in Part 201 of this Chapter, was received by the Department after the effective date of this Subpart.

Section 219-4.2 Applicability

This Subpart applies to all new, modified, and existing cremation units used for the cremation of human and animal remains.

Section 219-4.3 Particulate emissions

(a) No person may cause or allow emissions of particulates into the outdoor atmosphere from an existing cremation unit in excess of 0.08 grains per dry standard cubic foot of flue gas, corrected to seven percent oxygen.

(b) No person may cause or allow emissions of particulates into the outdoor atmosphere from a new or modified cremation unit in excess of 0.05 grains per dry standard cubic foot of flue gas, corrected to seven percent oxygen.

Section 219-4.4 Operating requirements

(a) No person may cause or allow emissions to the outdoor atmosphere having a six-minute average opacity of 10 percent or greater from any cremation unit.

(b) The owner or operator of a cremation unit must maintain a one-hour average temperature of at least 1600 degrees Fahrenheit in the secondary combustion chamber, with a minimum residence time for combustion gases of at least one second, at all times remains are being cremated.

(c) The owner or operator of a cremation unit subject to the requirements of this subpart must install, operate, calibrate, and maintain, in accordance with manufacturer's instructions, instruments for continuously monitoring and recording the temperature of the secondary (or last) combustion chamber.

(d) No person may combust materials other than human and animal remains, their associated containers, pathological waste, and incidental animal bedding in any cremation unit subject to the requirements of this Subpart unless prior written authorization has been obtained from the department.

(e) No person may cause or allow the combustion of human and animal remains in any cremation unit subject to the requirements of this Subpart unless a cremation certification form has been completed. Each cremation certification form shall contain the following information at a minimum:

(1) The name, title, and affiliation of the person providing the remains for cremation;

(2) An attestation signed by the person providing the remains for cremation attesting that the remains and their container do not contain materials prohibited from being combusted by this subpart;

(3) The name and signature of the person accepting the remains for cremation; and

(4) The date the remains were accepted for cremation.

(f) No person may cause or allow remains to be charged at a crematory facility in excess of the manufacturer's rated hourly capacity of the cremation unit.

Section 219-4.5 Emissions testing and modeling

(a) Upon request by the Department, the owner or operator of a crematory facility must demonstrate compliance with the requirements of this subpart by either conducting onsite testing or submitting a representative stack test for an identical unit.

(b) Onsite stack testing conducted to demonstrate compliance with subdivision (a) of this section must be conducted pursuant to a Department approved testing protocol. The facility owner or operator must submit a testing protocol to the Department at least thirty days prior to the commencement of testing pursuant to Part 202 of this Chapter.

(c) Representative stack tests submitted to demonstrate compliance with subdivision (a) of this section must include the following information:

(1) A letter signed by the facility owner or operator certifying that the test report being submitted is for an identical cremation unit;

(2) A copy of the testing protocol that was used;

(3) A description of the testing methods used, including any deviations from established reference test methods;

(4) A description of all quality assurance, data reduction, and any other operating practices followed; and

(5) Testing results demonstrating compliance with the standards of this subpart in units of measurement identical to those described in this Subpart.

(d) The department may require the owner or operator of a crematory facility submitting a representative stack test to perform a stack test if the submitted test protocol or report does not meet the department's standards for approval.

(e) The department may require the owner or operator of a crematory facility to perform an air dispersion modeling analysis using procedures acceptable to the department to evaluate the impacts of the facility on the surrounding community.

Section 219-4.6 Operator training and certification

(a) No cremation unit subject to the requirements of this subpart is permitted to operate unless it is operated under the onsite supervision of a person possessing a valid crematory operator certification issued by the department.

(b) Crematory operator certifications issued pursuant to this Section shall be valid for a period of five years from the date of issuance.

Section 219-4.7 Inspection and Maintenance

(a) The owner or operator of a crematory facility must inspect each cremation unit at that facility at least once per calendar year. The facility owner or operator shall perform all necessary repairs and routine maintenance in order to ensure that each cremation unit, monitoring device, and control device is operated and maintained in accordance with manufacturer's instructions.

Section 219-4.8 Record keeping requirements

(a) The owner or operator of a crematory facility must maintain the following records at the facility for a period of at least five years:

(1) Continuous temperature monitoring records indicating the date and time of each cremation performed;

(2) Operator training and certification records for all operators at the facility;

(3) A record of the date, time, and cause of all malfunctions and any corrective action taken to resolve them;

(4) A record of any maintenance performed on each cremation unit, including the annual inspection required by Section 219-4.7 of this Subpart, and the routine replacement of parts

and components; and

(5) A copy of each cremation certification form created pursuant to Subdivision 219-4.4(e) of this Subpart.

(b) The owner or operator of a crematory facility must maintain the following records at the facility for the lifetime of each cremation unit installed at the facility:

(1) Manufacturer's operating instructions for each cremation unit and any associated monitoring equipment or emissions controls; and

(2) A copy of the most recent stack test submitted to the department in order to demonstrate compliance with this subpart.

(c) The owner or operator of a crematory facility must make all records kept pursuant to this Section available to the department upon request.

Section 219-4.9 Compliance schedule

(a) The owner or operator of an existing cremation unit shall:

(1) Obtain appropriate operator certifications, as described in Section 219-4.6 of this Subpart, within 12 months of the effective date of this Subpart for each uncertified operator at the facility;

(2) Demonstrate compliance with the requirements of this Subpart no later than 60 months from the effective date of this Subpart. A demonstration of final compliance shall include the following information for each existing cremation unit:

(i) An emissions testing report, as described in Section 219-4.5 of this Subpart, indicating that each existing cremation unit meets the particulate matter limitation specified in Subdivision 219-4.3(a) of this Subpart;

(ii) Documentation indicating that each existing cremation unit is capable of meeting the requirements of this Subpart; and

(iii) Documentation of the certification status of each operator at the facility.

(3) The owner or operator of an existing cremation unit may submit a written request for a single extension to the deadline described in Paragraph (2) above. The request shall describe in detail the circumstances necessitating the extension and shall propose a projected final compliance date. The Department, in its sole discretion, shall approve or deny the request on a case by case basis.

(b) For existing cremation units that cannot meet the requirements of this Subpart, the owner or operator shall submit a written plan to the Department that describes the proposed schedule for the replacement or removal of the affected cremation unit within 60 days of becoming aware that it cannot meet the requirements of this Subpart.

Section 219-4.10 Severability

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

SUBPART 219-5

EXISTING INCINERATORS

Existing Subpart 219-5 is repealed and reserved.

SUBPART 219-6

EXISTING INCINERATORS - NEW YORK CITY, NASSAU AND WESTCHESTER COUNTIES

Existing Subpart 219-6 is repealed and reserved.

SUBPART 219-10

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) FOR OXIDES OF NITROGEN (NO_x) AT MUNICIPAL AND PRIVATE SOLID WASTE INCINERATION UNITS

Section 219-10.1 Applicability

This Subpart applies to all new, modified and existing municipal and private solid waste incineration units.

Section 219-10.2 Control Requirements

(a) No owner or operator of a municipal or private solid waste incineration unit shall cause or allow emissions of NO_x from any municipal or private solid waste incineration unit in excess of the applicable limit in Table 1 of this Subpart on a 24-hour arithmetic average basis.

Table 1 – 24-Hour Average NO_x Emission Limits

<u>Combustion Technology</u>	<u>NO_x Emission Limit (ppmv, dry corrected to 7% oxygen)</u>
<u>Mass Burn Waterwall</u>	<u>150</u>
<u>Rotary Combustor</u>	<u>170</u>
<u>Other Technologies</u>	<u>*</u>

* See Subdivision 219-10.2(c) of this Section

(b) No owner or operator of a municipal or private solid waste incineration facility shall cause or allow emissions of NO_x from any municipal or private solid waste incineration unit in

excess of the applicable limit in Table 2 of this Subpart on an annual arithmetic average basis.

Table 2 – Annual Average NO_x Emission Limits

<u>Combustion Technology</u>	<u>NO_x Emission Limit (ppmv, dry corrected to 7% oxygen)</u>
<u>Mass Burn Waterwall</u>	<u>150</u>
<u>Rotary Combustor</u>	<u>150</u>
<u>Other Technologies</u>	<u>*</u>

* See Subdivision 219-10.2(c) of this Section

(c) The owner or operator of a municipal or private solid waste incineration unit that employs a combustion technology not listed in Table 1 or Table 2 of this Section shall develop and propose a facility specific 24-hour and annual average NO_x emission limitation. A proposal prepared pursuant to this Subdivision shall consider:

(i) The available NO_x control technologies, the projected effectiveness of the technologies considered, and the costs for installation and operation for each of the technologies; and

(ii) The technology and the appropriate emission limit selected as RACT considering the costs for installation and operation of the technology.

(d) By January 1, 2020, the owner or operator of a facility subject to the requirements of this Subpart must submit to the Department either a complete application for a permit that incorporates the requirements of this Subpart or a RACT analysis that explains why the control technology the facility currently employs should be considered RACT for that emission source.

(e) Any facility specific NO_x emissions limitation proposal made pursuant to subdivisions 219-10.2(c) or 219-10.2(d) of this Section that is approved by the Department will be recorded in the relevant Title V facility permit as the applicable NO_x RACT requirement, and must be submitted to the administrator for approval as a separate SIP revision.

Section 219-10.3 Compliance demonstration

(a) The owner or operator of a municipal or private solid waste incineration unit subject to this Subpart shall conduct an initial performance test within one year of the effective date of this Subpart. The initial performance test shall be conducted pursuant to a testing protocol approved by the Department and using appropriate reference test methods. The facility owner or operator must submit a testing protocol to the Department for approval at least thirty days prior to the commencement of testing pursuant to Part 202 of this Chapter.

(b) The owner or operator of a municipal or private solid waste incinerator unit subject to this Subpart shall install, calibrate, maintain, and operate a continuous emission monitoring system for measuring oxides of nitrogen discharged to the atmosphere, and shall record the output of that system.

(c) Following the date that the initial performance test required by Subdivision (a) of this Section is completed, the owner or operator of a unit subject to this Subpart shall demonstrate compliance with the applicable 24-hour oxides of nitrogen emission limit using the 24-hour daily

arithmetic average of the hourly emissions concentrations measured by the continuous emissions monitoring system. Each 1-hour average shall be:

(i) Based on at least two data points collected during that hour; and

(ii) Expressed in units of parts per million by volume on a dry basis, and corrected to seven percent oxygen using the 1-hour arithmetic average oxygen continuous monitoring system data.

(d) Following the date that the initial performance test required by Subdivision (a) of this Section is completed, the owner or operator of a unit subject to this Subpart shall demonstrate compliance with the applicable annual oxides of nitrogen emissions limit using the arithmetic average of the 24-hour daily arithmetic average emissions concentrations measured pursuant to Subdivision (c) of this Section.

(e) The owner or operator of a municipal or private solid waste incineration unit subject to this Subpart shall install, operate, calibrate, and maintain the continuous emissions monitoring system required by this Section in accordance with all applicable performance specifications, test methods, and manufacturer's recommendations.

(f) The owner or operator of a municipal or private solid waste incineration unit subject to this Subpart shall submit an application for a permit modification to incorporate the requirements of this Subpart, as described in Subpart 201-6 of this Title, to the Department within 180 days of the completion of the initial performance test described in Subdivision (a) of this Section.

Section 219-10.4 Severability

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

PART 200
GENERAL PROVISIONS

Express Terms

(Sections 200.1 through 200.8 remain unchanged)

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

<u>219-1.2(b)(8)</u>	<u>40 CFR Part 261.4(b)(1) (October 17, 2018)</u>	<u>*</u>
219-2.2(f)	40 CFR Part 60.58b(d)(2) (July 1, 2003)	*
219-2.7(a)	40 CFR Part 60, Appendix B (July 1987) Performance Specifications 1,2 and 3, pages 822-847	*
219-3.8	40 CFR Part 60, Appendix B (July 1987) Performance Specifications 1,2 and 3, pages 822-847	*
219-7.2	40 CFR Part 60.58(d)(2) (July 1, 2003)	*
219-9.1	40 CFR Part 60, Subpart Mmmm (March 21, 2011)	*
219-9.2	40 CFR Part 60, Subpart Mmmm (March 21, 2011)	*
219-9.3	40 CFR Part 60, Subpart Mmmm (March 21, 2011)	*
219-9.3(a)(1)(iv)	40 CFR Part 60.5175 (March 21, 2011)	*
219-9.3(a)(2)	40 CFR Part 60, Subpart Mmmm (March 21, 2011)	*
219-9.3(b)(1)(iv)	40 CFR Part 60.5175 (March 21, 2011)	*
219-9.3(b)(5)	40 CFR Part 60, Subpart Mmmm (March 21, 2011)	*



Department of
Environmental
Conservation

ENB - Statewide Notices 9/25/2019

Public Notice

State Pollutant Discharge Elimination System (SPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity

Permit No. GP-0-17-004

The New York State Department of Environmental Conservation (NYS DEC) is issuing this notice of draft permit for modifications to the SPDES Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity (GP-0-17-004).

Copies of the [draft permit and draft fact sheet](#) describing the draft changes are available on the NYSDEC webpage.

<http://www.dec.ny.gov/chemical/9009.html>

The public comment period shall end 30 days after publication in the Department's Environmental Notice Bulletin (ENB) or the last newspaper, whichever is later. Written comments on the draft general permit must be submitted to the contact listed below, or by e-mail to Stormwater_info@dec.ny.gov

If submitting comments by e-mail, please include "Comments on the proposed MSGP 0-17-004" in the subject line.

Contact: Steven McCague, NYS DEC - Division of Water, 625 Broadway, 4th Floor, Albany, NY 12233-3505, E-mail: Stormwater_info@dec.ny.gov

Notice of Proposed Rulemaking 6 NYCRR Part 219, Incinerators

Pursuant to Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 19-0306, 19-0311, 71-2103, 71-2105, the New York State Department of Environmental Conservation hereby gives notice of the following:

The New York State Department of Environmental Conservation (NYS DEC) is proposing several revisions to its operating requirements for human and animal crematories. These requirements are found in Title 6 of the New York Compilation of Codes, Rules and Regulations (6 NYCRR) Part 219, Incinerators (Part 219). NYS DEC is proposing to repeal and replace Subpart 219-4 to better reflect the current state of cremation technology and reduce emissions of particulate matter from new crematories constructed in the state. In addition, NYS DEC is proposing to sunset Subparts 219-5 and 219-6 by requiring that existing units subject to these requirements be regulated by more stringent standards under a new Subpart 219-4. NYS DEC is also proposing to add a new Subpart 219-10 to limit oxides of nitrogen emissions from municipal waste combustion units. Finally, NYS DEC is proposing to make several minor changes to Subpart 219-1 and conforming changes to Subpart 200.9 to clarify various definitions used throughout Part 219. Further, NYS DEC proposes to submit the Part 219 as well as the revisions to Part 200 to the United State Environmental Protection Agency (US EPA) as a revision to the State Implementation Plan (SIP) for New York State.

Documents pertaining to this [proposed rulemaking](#) can be found on the NYS DEC's website at:

<http://www.dec.ny.gov/regulations/propregulations.html#public>.

Written comments on the proposed rule may be submitted until 5:00 p.m. on December 11, 2019.

For further information, contact:

Mark Lanzafame
NYSDEC - 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 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. on December 11, 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: December 3, 2019

Time: 11:00 a.m.

Location: Suffolk County Water Authority
260 Motor Parkway
Hauppauge, NY 11788

Date: December 4, 2019

Time: 11:00 a.m.

Location: NYS DEC - Region 8 Office
6274 Avon-Lima Road (Routes 5 and 20), Conference Room
Avon, NY 14414-9516

Date: December 6, 2019

Time: 11:00 a.m.

Location: NYSDEC
625 Broadway, Public Assembly Room 129A/B

NYS DEC will provide interpreter services for deaf persons at no charge. Written requests for interpreter services are required and should be submitted by November 26, 2019, to Richard McAuley, NYS DEC - Division of Air Resources, 625 Broadway, Albany NY 12233-3250, Phone: (518) 402-8438, E-mail: air.regs@dec.ny.gov.

Contact: Mark Lanzafame, NYSDEC - 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 States 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 (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 be 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 information regarding Section 303(d) List development can be found on the NYS DEC website at: <http://www.dec.ny.gov/chemical/31290.html>.

For questions regarding the information in this notice please contact: Sarah Rickard, NYS DEC - Division of Water, 625 Broadway, Albany, NY 12233, Phone: (518) 402-8179, E-mail: 4pwlinfo@dec.ny.gov

ended and the section is no longer applicable. Conforming edits were also made to other sections of Part 80 consistent with the repeal of Section 80-3.6.

Revised rule making(s) were previously published in the State Register on June 26, 2019.

Revised rule compared with proposed rule: Substantial revisions were made in section 100.2(dd).

Text of revised proposed rule and any required statements and analyses may be obtained from Kirti Goswami, NYS Education Department, 89 Washington Avenue, Room 112, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Data, views or arguments may be submitted to: Petra Maxwell, NYS Education Department, Office of Higher Education, 89 Washington Avenue, Room 975, Albany, NY 12234, (518) 486-3633, email: regcomments@nysed.gov

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

Revised Regulatory Impact Statement

Since publication of a Revised Rule Making in the State Register on June 26, 2019, non-substantive technical amendments have been made to clarify the definition of the terms “leader” and “school leader” throughout the proposed rule.

The above revision to the proposed rule does not require any revisions to the previously published Regulatory Impact Statement.

Revised Regulatory Flexibility Analysis

Since publication of a Revised Notice of Proposed Rule Making in the State Register on June 26, 2019, the proposed rule was revised as set forth in the Statement Concerning the Regulatory Impact Statement submitted herewith.

The above revisions to the proposed rule do not require any revisions to the previously published Regulatory Flexibility Analysis.

Revised Rural Area Flexibility Analysis

Since publication of a Revised Notice of Proposed Rule Making in the State Register on June 26, 2019, the proposed rule was revised as set forth in the Statement Concerning the Regulatory Impact Statement submitted herewith.

The above revisions to the proposed rule do not require any revisions to the previously published Rural Area Flexibility Analysis.

Revised Job Impact Statement

Since publication of a Revised Notice of Proposed Rule Making in the State Register on June 26, 2019, the proposed rule was revised as set forth in the Statement Concerning the Regulatory Impact Statement submitted herewith.

The revised proposed rule will not have a substantial impact on jobs and employment opportunities. Because it is evidence from the nature of the revised proposed rule that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a Job Impact Statement is not required and one has not been prepared.

Assessment of Public Comment

Since publication of the Notice of Proposed Rule Making in the State Register on June 26, 2019, the State Education Department (Department) received the following comment on the proposed amendments. Below is an assessment of the public comments received.

COMMENT: Commenter, writing on behalf of an association of educator administrators, stated that certain terms referring to administrators used throughout the proposed regulation were unclear and inconsistently used. For example, Commenter stated that it was now unclear which requirements pertained to particular titles and roles. Further, Commenter stated that some sections of the regulation formerly pertaining to administrators seem to have been omitted by design or error, and there seems to be no rationale for the omissions.

DEPARTMENT RESPONSE: In response to this comment, the Department has made technical changes to the proposed regulations to clarify the use of the term “leader.”

Department of Environmental Conservation

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Part 219 Applies to Various Types of Incinerators and Crematories Operated in New York State

I.D. No. ENV-39-19-00003-P

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

Proposed Action: Amendment of Parts 200, 219; and addition of Subpart 219-10 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, 19-0306, 19-0311, 71-2103 and 71-2105

Subject: Part 219 applies to various types of incinerators and crematories operated in New York State.

Purpose: This rule establishes emission limits and operating requirements for various types of incinerators.

Public hearing(s) will be held at: 11:00 a.m., December 3, 2019 at Suffolk County Water Authority, 260 Motor Pkwy., Hauppauge, NY; 11:00 a.m., December 4, 2019 at 6274 Avon-Lima Rd. (Rtes. 5 and 20), Conference Rm., Avon, NY; and 11:00 a.m., December 6, 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.

Substance of proposed rule (Full text is posted at the following State website: <http://www.dec.ny.gov/regulations/proproregulations.html>

#public: The New York State Department of Environmental Conservation (Department) is proposing several revisions to its operating requirements for human and animal crematories. These requirements are found in Title 6 of the New York Compilation of Codes, Rules and Regulations (6 NYCRR) Part 219, Incinerators (Part 219).

Table 1 of Section 200.9 is amended to add a reference to the definition of ‘household waste’ at 40 CFR 261.4(b)(1).

Subdivision 219-1.1(b)(2) is revised to remove the table of toxic equivalency factors and refer to Paragraph 200.1(cx). Subdivision 219-1.1(b)(7) is revised to update the definition of ‘incinerator’. Subdivision 219-1.1(b)(8) is revised to correct a reference to Part 371 and to correct a reference to the definition of the term ‘household waste’. Subdivision 219-1.1(b)(9) is rewritten to better define ‘municipal solid waste’. A new Subdivision 219-1.1(b)(11) is added to define the term ‘pathological waste’. Existing Subdivision 219-1.1(b)(11) is renumbered as Subdivision 219-1.1(b)(12). Existing Subdivisions 219-1.1(b)(12) – 219-1.1(b)(14) are repealed. A new Subdivision 219-1.1(b)(13) is added to define the term ‘solid waste’. Existing Section 219-1.2 is repealed and replaced with a new Section 219-1.2 that adds a severability clause.

Existing Subpart 219-4 is repealed and replaced with a new Subpart 219-4. Section 219-4.1 includes definitions for various terms used throughout Subpart 219-4. Section 219-4.2 states that Subpart 219-4 applies to all new, modified, and existing cremation units. Section 219-4.3 establishes particulate matter emissions limitations for cremation units. Section 219-4.4 establishes various operating requirements for cremation units, including: an opacity limitation, a minimum secondary combustion chamber temperature and residence time, a continuous temperature monitoring and recording requirement, a prohibition on the combustion of certain materials, a requirement for the preparation of a cremation certification form, and a prohibition on the charging of remains in excess of the manufacturer’s rated capacity of the cremation unit. Section 219-4.5 establishes emissions testing and modeling requirements for cremation units. Section 219-4.6 establishes operator training and certification requirements. Section 219-4.7 establishes an annual inspection and maintenance requirement. Section 219-4.8 describes the recordkeeping requirements for crematory facilities. Section 219-4.9 describes the compliance

schedule for existing cremation units that are subject to the requirements of existing Subparts 219-4, 219-5, or 219-6. Section 219-4.10 adds a severability clause.

Existing Subpart 219-5 is repealed.

Existing Subpart 219-6 is repealed.

A new Subpart 219-10 is added for the regulation of Oxides of Nitrogen emissions from municipal and private solid waste combustion units. Section 219-10.1 states that Subpart 219-10 applies to all new, modified, and existing municipal and private solid waste incineration units. Section 219-10.2 establishes 24-hour and annual emissions limitations for oxides of nitrogen and describes the procedures affected facilities can use to demonstrate that they have already applied Reasonably Available Control Technology. Section 219-10.3 outlines the compliance demonstration requirements for affected facilities, including an initial performance test and continuous emissions monitoring requirements. Section 219-10.4 adds a severability clause.

Text of proposed rule and any required statements and analyses may be obtained from: Mark Lanzafame, 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: December 11, 2019.

Additional matter required by statute: Pursuant to Article 8 of the State Environmental Quality Review Act, a Short Environmental Assessment Form 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>):

The New York State Department of Environmental Conservation (Department) is proposing changes to its regulations for human and animal crematories, found in Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 219, Incinerators (Part 219). The Department is proposing to repeal and replace Subpart 219-4 to better reflect the current state of cremation technology and reduce emissions of particulate matter from new crematories constructed in the state. In addition, the Department is proposing to sunset Subparts 219-5 and 219-6 by requiring that existing units subject to those requirements be regulated by more stringent standards. The Department is also proposing a new Subpart 219-10 to limit oxides of nitrogen emissions from municipal waste combustion units. Finally, the Department is proposing to make several minor changes to Subpart 219-1 and conforming changes to Section 200.9 to clarify terms used throughout Part 219.

1. STATUTORY AUTHORITY

The statutory authority for these regulations is Environmental Conservation Law Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 19-0306, 19-0311, 71-2103, 71-2105; Clean Air Act Sections 111, 129; 40 CFR Part 60, Subpart MMMM.

2. LEGISLATIVE OBJECTIVES

Proposed Subpart 219-4 addresses the operation of human and animal crematories. It is designed to minimize the impact of crematories on the environment and the public health. The regulation incorporates monitoring and recordkeeping requirements for demonstrating continuous compliance. The proposed revisions would reduce particulate matter emissions from crematory facilities, furthering the Department's environmental and public health goals.

Proposed Subpart 219-10 addresses the operation of municipal and private solid waste combustion units (MWCs). It is intended to limit emissions of oxides of nitrogen (NOx) in order to better protect the air quality of New York and neighboring states. The regulation incorporates periodic monitoring and testing procedures. Adoption of this subpart would reduce NOx emissions from MWCs throughout the State, furthering the Department's environmental and public health goals.

3. NEEDS AND BENEFITS

The Department is proposing to repeal existing Subparts 219-4, 219-5, and 219-6 and replace them with proposed Subpart 219-4. These regulations have not been updated or revised since they were promulgated in 1988. Accordingly, many of the standards and requirements contained in these Subparts are out of date, and in need of revision.

Currently, Subpart 219-4 limits emissions of particulate matter (PM) to less than 0.08 grains per dry standard cubic foot (gr/dscf) of exhaust gas. Available emission test data indicated that a more stringent PM emissions limitation is achievable. Accordingly, the Department is proposing to reduce the PM emissions limitation for new units. To minimize the impacts of this change on small businesses and not for profit organizations operating cremation equipment, the Department is proposing to require that all cremation equipment installed on or before the effective date of these revisions meet the current 0.08 gr/dscf limit, and all cremation equipment installed after the effective date of these revisions meet an emission limit of 0.05 gr/dscf.

The Department is proposing to eliminate the primary combustion chamber temperature requirement and reduce the required secondary combustion chamber temperature from 1800 degrees Fahrenheit to 1600 degrees Fahrenheit. This change is consistent with the operation of many modern cremation units, and will provide for greater operator safety and greater emissions control.

To ensure that crematories are properly permitted, the Department is proposing to prohibit the combustion of materials other than human and animal remains and any incidental animal bedding in a crematory. This will ensure that units burning solid waste are properly addressed by federal regulations and that potentially hazardous air pollutants generated by the combustion of solid waste are not emitted from a crematory. If the owner or operator of a crematory decides to combust solid waste, they would first need to acquire all necessary approvals from the Department.

In order to demonstrate compliance with Subpart 219-4, the owner or operator of a crematory is required to conduct a performance test, or to submit a test report for an identical unit that was tested in New York State. Since performance testing is conducted pursuant to standardized USEPA reference testing methods, it is no longer necessary for representative tests to be conducted in New York. Accordingly, the Department is proposing requirements that must be met by representative tests submitted to demonstrate compliance with this requirement, regardless of where they were conducted. A test meeting these criteria will be considered acceptable for demonstrating compliance with the proposed rule.

Ambient air impact analyses are used by Department staff to gauge the impact of a proposed facility on the surrounding community. While this analysis is appropriate in some situations, such as the installation of a crematory in a densely populated area, it is not appropriate or necessary in all cases. The Department is proposing to revise this requirement by making the ambient air impact analysis discretionary. Applicants will be required to perform and submit an analysis upon request from the Department, limiting its use to those situations where it is most appropriate.

The Department currently requires operator training and certification for all crematory operators at facilities that are subject to the requirements of Subpart 219-4, but similar training and certification is not required for facilities subject to Subparts 219-5 and 219-6. In order to ensure all crematories are operated by qualified personnel, the Department is proposing to require operator training and certification for all crematory operators. Certifications are issued for a period of five years, after which the operator is required to complete the renewal process.

The Department is proposing to require that the owner or operator of a crematory maintain records at the facility for a period of at least five years. This procedure is similar to recordkeeping requirements contained in other air pollution control regulations promulgated by the Department, and will assist the facility owner or operator and Department staff in determining compliance.

The Department is proposing to adopt a new Subpart 219-10 that will limit emissions of Oxides of Nitrogen (NOx) from municipal and private solid waste combustion units (MWCs) on a 24-hour average and annual average basis. This Subpart is intended to reduce emissions of NOx from MWCs by requiring the application of Reasonably Available Control Technology (RACT) based on the combustion technology employed at the facility. Compliance will be demonstrated using data recorded by continuous emissions monitoring systems and performance testing.

4. COSTS

Repealing Subparts 219-5 and 219-6 may require some facilities to upgrade their cremation unit in order to remain in compliance with proposed Subpart 219-4. The Department estimates that the cost of new human cremation equipment ranges from approximately \$60,000 to \$165,000, and new animal cremation equipment ranges from approximately \$30,000 to \$300,000. These costs vary with the size, features, and freight and installation costs of the unit.

Another potential cost is associated with preparing a permit modification application addressing new or modified equipment and any changes in regulatory applicability. The Department estimates that the costs for state facility permit and registration applications in the downstate region range from \$1,600 to \$7,700 per emission point and from \$1,900 to \$4,300 in the upstate region. Some facilities may hire a consulting firm to assist with the permit application process. The Department estimates that the cost of hiring a consulting firm is approximately \$6,000.

The Department is sensitive to the costs of permitting for small businesses. The Small Business Environmental Assistance Program (SBEAP) provides free and confidential application preparation services for small businesses that own or operate minor facilities.

The owner or operator of an existing crematory facility may also be required to perform a stack test to demonstrate that their existing equipment meets the revised requirements if such a test is not already on file with the Department, or available as a representative test from another facility. Accordingly, some facilities may incur the costs associated with this testing.

Federal, state, and local governments that own or operate a crematory may incur costs as a result of this rulemaking. These costs are equivalent to those described above for similar facilities operating in the State.

More stringent NOx emissions limitations for MWCs may increase costs at these facilities. Facilities may incur a one-time cost of approximately \$800,000 to adjust their existing control device, apply for a permit modification to incorporate new requirements, and conduct an initial performance test. Additionally, affected facilities may also have an annual cost increase of approximately \$300,000 resulting from the use of additional reagents to control NOx emissions.

Some affected MWC facilities do not currently operate NOx control equipment. The proposal allows these facilities to perform a NOx RACT analysis, which considers available control technologies and the cost of installing them with respect to the resulting NOx emissions reduction. Affected facilities would incur costs associated with performing a RACT analysis, and may be required to purchase and install a control device. If RACT is not identified, an affected facility would be required to periodically reevaluate that conclusion until RACT can be applied.

In addition to the increased costs at MWC facilities, there may also be an increase in the tipping fee paid by local governments and other entities that contract with the MWC facilities for disposal of their solid waste. The Department anticipates that these increases, if any, will be minor in nature.

Costs associated with administration and enforcement of the proposed Part 219 will be consistent with those already incurred by the Department.

5. PAPERWORK

The proposed revisions to Part 219 are not expected to create any significant increase in the amount of paperwork for affected facilities.

6. LOCAL GOVERNMENT MANDATES

The proposed revisions to Subpart 219-4 do not create any local government mandates beyond the need for local governments operating cremation facilities to operate those facilities in a manner that is consistent with the revised requirements.

The proposed Subpart 219-10 would require one affected local government to prepare a NOx RACT analysis. This is consistent with the impacts on similar facilities operated by private industry.

7. DUPLICATION

This proposal is not intended to duplicate any state or federal regulations or statutes. The final rule will conform to the requirements of the ECL.

8. ALTERNATIVES

An alternative to this proposal is to take no action. This would allow crematories and MWCs to operate under outdated requirements, potentially increasing costs to facility owners and emissions from these facilities.

Another alternative is to make only the proposed changes to Subpart 219-4 and forego sun-setting Subparts 219-5 and 219-6. This would allow antiquated units to continue to operate under less stringent requirements. Further, operators of these units would not be required to complete operator training, potentially resulting in preventable excess emissions and other errors.

A third alternative is to require more stringent emissions limitations than what is currently achievable in practice by the cremation industry. While this would result in a greater benefit to the environment, it is not reasonably achievable for a small business or not-for-profit organization.

9. FEDERAL STANDARDS

The proposed revisions to Part 219 do not duplicate any existing federal standards or requirements.

10. COMPLIANCE SCHEDULE

Facilities with a crematory unit that is subject to the requirements of Subpart 219-5 or 219-6 will be required to conduct emissions testing of the unit to demonstrate compliance with the revised regulation within 60 months of the effective date of the proposed revisions.

Each uncertified operator shall obtain the appropriate certification within 12 months from the effective date of the proposed revisions.

The owner or operator of a crematory that cannot meet the proposed requirements must submit a written plan to the Department proposing a schedule for the replacement or removal of that unit within 60 days of becoming aware of the issue.

The owner or operator of a MWC facility must conduct an initial performance test to demonstrate compliance with the proposed NOx limit within one year of the effective date of the regulation, and apply for a permit modification within 180 days of the completion of the initial performance test.

Regulatory Flexibility Analysis

The New York State Department of Environmental Conservation (Department) is proposing several changes to its operating requirements for human and animal crematories. These requirements are found in Title 6 of the New York Compilation of Codes, Rules and Regulations (6 NYCRR) Part 219, Incinerators (Part 219). The Department is proposing to repeal and replace Subpart 219-4 to better reflect the current state of

cremation technology and reduce emissions of particulate matter from new crematories constructed in the state. In addition, the Department is proposing to sunset Subparts 219-5 and 219-6 by requiring that existing units currently subject to these subparts be regulated by more stringent standards. The Department is also proposing to add a new Subpart 219-10 to limit oxides of nitrogen emissions from municipal waste combustion units. Finally, the Department is proposing to make several minor changes to Subpart 219-1 and conforming changes to Subpart 200.9 to clarify various definitions used throughout Part 219.

1. EFFECT OF RULE

There are approximately 110 crematory facilities in operation throughout the state that are subject to the requirements of existing Subparts 219-4, 219-5, and 219-6. Many of these facilities are small businesses and non-profit organizations. These entities include funeral homes, veterinary hospitals, animal shelters, and other for-profit human and animal cremation services. Additionally, some local governments own and operate cremation equipment.

There are ten municipal waste combustion (MWC) facilities in operation throughout the state that will be affected by proposed Subpart 219-10. These are large facilities that are typically located in developed areas. Nine of the affected facilities are owned and operated by private firms. The final affected facility is owned and operated by the Oswego County Department of Solid Waste.

2. COMPLIANCE REQUIREMENTS

The owner or operator of a crematory facility subject to the revised regulation will be required to demonstrate compliance by continuously monitoring and recording the secondary combustion chamber temperature, ensuring that the opacity of the emissions from the crematory does not exceed the specified limit, completing operator training, and maintaining various records. Additionally, the Department may require the owner or operator of a facility to conduct or provide a stack test to demonstrate compliance with the particulate matter emission standard.

The owner or operator of a MWC facility subject to the proposed new Subpart 219-10 will be required to continuously monitor and record the concentration of oxides of nitrogen (NOx) in the exhaust gases from the facility to demonstrate compliance with the proposed emissions limitations. Some of the affected facilities may be required to complete a Reasonably Available Control Technology (RACT) analysis for NOx. Additionally, the Department may require the owner or operator of a facility to conduct a stack test to demonstrate compliance with the NOx emission standards.

3. PROFESSIONAL SERVICES

Small businesses and local governments may need professional installation or maintenance services for new or existing cremation equipment that is subject to the proposed requirements. These services would be necessary to install or upgrade any equipment that is necessary for compliance with the proposed regulation.

If stack testing is required to demonstrate compliance with the proposed requirements, the affected facility would need to contract with a stack testing firm to prepare a testing protocol, perform the testing, and submit a final report containing the necessary data.

Finally, professional consulting services may be needed in cases where the facility owner or operator lacks the necessary expertise to prepare any necessary permit modification applications.

4. COMPLIANCE COSTS

Compliance costs associated with this rulemaking include stack testing, installation of monitoring equipment, preparing a permit modification, and the potential replacement of the affected emission source.

The Department estimates that the cost of new human cremation equipment ranges from approximately \$60,000 to \$165,000, and new animal cremation equipment ranges from approximately \$30,000 to \$300,000. These costs vary with the size of the unit selected, any additional features or ancillary equipment desired by the owner or operator, and freight and installation costs. While these costs may be significant for a small business or nonprofit organization, cremation equipment that was installed prior to December 1, 1988 is approaching the end of its expected thirty-year useful life. Accordingly, such a facility would likely be incurring these costs in the near future regardless of this rulemaking.

An informal survey of facility owners and operators conducted in 1996 by the New York State Environmental Facilities Corporation (EFC) determined the average cost of applying for a minor facility permit in two different regions of the state: downstate and upstate. When updated to 2016 dollars, the costs for state facility permit and registration applications in the downstate region range from \$1,600 to \$7,700 per emission point. In the upstate region, these costs are estimated to be \$1,900 to \$4,300 per emission point. Some facilities may choose to hire a consulting firm to assist with the permit application process. The Department estimates that the cost of hiring a consulting firm is approximately \$6,000.

The Department is sensitive to the costs of permitting for small businesses. The Small Business Environmental Assistance Program

(SBEAP) is a component of EFC that provides free and confidential application preparation services for qualifying small businesses. This service mitigates a large portion of the costs of preparing permit applications, and helps to ensure facility owners and operators are in compliance with all applicable regulations.

The owner or operator of an existing crematory facility may also be required to perform a stack test to demonstrate that their existing equipment meets the revised requirements if such a test is not already on file with the Department, or available as a representative test from another facility. Accordingly, some facilities may incur the costs associated with this testing. The cost of testing is likely to be less burdensome than the cost of replacing the cremation unit, and therefore may provide an opportunity for crematory owners and operators to defer or eliminate the costs associated with upgrading their equipment.

Federal, state, and local governments that own or operate a human or animal crematory may also incur costs as a result of this rulemaking. These costs are equivalent to those described above for all other crematory facilities operating in the State.

The addition of more stringent NOx emissions limitations for MWCs may increase costs at these facilities. Six of the affected facilities currently employ SNCR control technology to reduce NOx emissions. Accordingly, the Department does not anticipate any capital costs associated with purchasing and installing additional control equipment at those facilities as a result of this rulemaking. Instead, these facilities may incur a one-time cost of approximately \$800,000 to adjust their existing control device, apply for a permit modification to incorporate the new requirements, and conduct testing to demonstrate compliance with the new limitation. Additionally, affected facilities may also have an annual cost increase of approximately \$300,000 resulting from the use of additional urea or ammonia to control NOx emissions. The Department does not anticipate any change in costs at the two facilities in this category that currently meet the proposed limits.

Four of the affected MWC facilities, including the Oswego County facility, do not currently operate NOx control equipment. The proposal allows these facilities to perform a RACT analysis, which considers the available control technologies and the costs of installing them with respect to the resulting reduction in NOx emissions. Affected facilities would incur the costs associated with performing a RACT analysis, and may incur further costs associated with purchasing and installing a control device that is found to be technically and economically feasible in accordance with the Department's RACT guidance. If a technically and economically feasible control strategy is not identified by the RACT analysis, an affected facility would incur costs associated with periodically reevaluating that conclusion until RACT can be applied.

In addition to the increased costs at MWC facilities, there may also be an increase in the indirect costs to local governments and other entities that contract with MWC facilities for disposal of their solid waste. These indirect costs will likely be realized as increased tipping fees paid at the time waste is hauled to an affected facility. The Department anticipates that these increases, if any, will be minor in nature.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY

The proposed standards are based on established engineering principles and stack test data collected from operating crematory facilities. The monitoring devices and other required equipment is available from several manufacturers of cremation equipment. The proposed compliance demonstration methods have been used at crematory facilities since Part 219 was first promulgated in 1989. Accordingly, the proposed requirements are technologically feasible.

Local crematories will likely face increased fixed costs as a result of this rulemaking due to the cost of new equipment and monitoring requirements. However, these increased fixed costs will be offset by a number of factors. Many of the older units subject to this rulemaking are near the end of their 30 year expected life and would need to be replaced regardless of these proposed regulations. Additionally, most human and animal crematories operating in New York State are small businesses and thus eligible for compliance assistance from SBEAP. Finally, crematories face relatively low levels of local competition and are therefore able to alleviate increased costs by marking up prices without losing business. Therefore, the regulations proposed in this rulemaking are financially feasible.

The proposed NOx emissions limitations are consistent with similar rulemakings undertaken in neighboring states for similar affected facilities. These limits are based on RACT, which considers both economic and technical feasibility as part of its implementation. Of the ten affected facilities in the state, only one is owned and operated by a local government. This proposal allows this facility to perform a site-specific RACT analysis, which will consider the cost of installing additional control equipment relative to the amount of NOx reduced. If controls are not technically or economically feasible, they will not be required to be installed.

6. MINIMIZING ADVERSE IMPACT

Section 202-b(1) of the State Administrative Procedures Act describes three potential methods for minimizing the adverse impact of a rulemaking on small businesses and local governments.

The first method is the development of an alternative compliance schedule for small businesses and local governments. Since many of the facilities potentially affected by the proposed Subpart 219-4 revisions are small businesses, the compliance schedule developed by the Department has accounted for their needs. Ample time has been given prior to the sunset of Subparts 219-5 and 219-6 for small businesses to complete the work necessary to demonstrate compliance with Subpart 219-4. Further, the proposed requirements have been evaluated for economic and technological feasibility, which included the costs and timeframes associated with demonstrating compliance. Additionally, only one facility subject to the proposed Subpart 219-10 is owned and operated by a local government. Accordingly, an alternative compliance schedule is not appropriate for this rulemaking.

The second method suggests that the Department consider establishing performance standards rather than design standards during the development of the proposed requirements. In order to ensure the safe and environmentally sound operation of cremation equipment, the use of both performance (e.g. particulate emission limit) and design (e.g. minimum operating temperature) standards is important. The combination of these standards is necessary to achieve the environmental protection goals of the Department by ensuring that cremation equipment is designed and operated in a manner consistent with limiting emissions. Additionally, the proposed NOx RACT standards in Subpart 219-10 are based on control system performance relative to the cost of installing and operating the controls, not the design of the control system itself.

The third method suggests that the Department consider excepting units operated by small businesses and local governments from the proposed requirements if human health and welfare would not be endangered by doing so. Excess air pollution can contribute to health concerns such as asthma and other respiratory issues, as well as various other human health concerns. Accordingly, it is not appropriate to exclude any crematory or MWC facilities from the proposed requirements, regardless of ownership.

7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

In order to gauge potential adverse impacts that may have been overlooked, the Department conducted stakeholder outreach to facilities potentially affected by this regulation, including small businesses and local governments, during the development of this proposal. Potentially affected entities were encouraged to comment on the draft rulemaking, and all comments were considered during the development process.

8. CURE PERIOD OR AMELIORATIVE ACTION

No additional cure period or other opportunity for ameliorative action is included in this rulemaking. This proposal will not result in immediate violations or impositions of penalties for existing facilities. To help reduce immediate impacts on affected sources, Subpart 219-4 and new Subpart 219-10 include compliance schedules with extended compliance deadlines to phase in new requirements over time.

9. INITIAL REVIEW

The initial review of these rules shall occur no later than the third calendar year after the year in which it is adopted.

Rural Area Flexibility Analysis

The New York State Department of Environmental Conservation (Department) is proposing several changes to its operating requirements for human and animal crematories. These requirements are found in Title 6 of the New York Compilation of Codes, Rules and Regulations (6 NYCRR) Part 219, Incinerators (Part 219). The Department is proposing to repeal and replace Subpart 219-4 to better reflect the current state of cremation technology and reduce emissions of particulate matter from new crematories constructed in the state. In addition, the Department is proposing to sunset Subparts 219-5 and 219-6 by requiring that existing units currently subject to these subparts be regulated by more stringent standards. The Department is also proposing to add a new Subpart 219-10 to limit oxides of nitrogen emissions from municipal waste combustion units. Finally, the Department is proposing to make several minor changes to Subpart 219-1 and conforming changes to Subpart 200.9 to clarify various definitions used throughout Part 219.

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS

Crematory facilities are located in every region of the state, including several rural areas. The proposed requirements of Subpart 219-4 would apply equally to each of these regions. Rural areas specifically affected include towns and villages that contain at least one human or animal crematory facility.

Municipal waste combustion units are located in various regions of the state. The majority of these facilities are located in urban areas, but one affected facility is located in a rural area.

2. REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES

The owner or operator of a facility subject to the replaced regulation will be required to demonstrate compliance by continuously monitoring and recording the secondary combustion chamber temperature, ensuring that the opacity of the emissions from the crematory does not exceed the specified limit, completing operator training, and maintaining various records. Additionally, the Department may require the owner or operator of a facility to conduct or provide a stack test to demonstrate compliance with the particulate matter emission standard.

Businesses located in rural areas may need professional installation or maintenance services for new or existing cremation equipment that is subject to the proposed requirements. These services would be necessary to install or upgrade any equipment that is necessary for compliance with the proposed regulation.

Municipal waste combustion units affected by this proposal may need to contract with design and testing firms in order to make the necessary adjustments to their existing oxides of nitrogen control equipment.

If stack testing is required to demonstrate compliance with the proposed regulations, the affected facility would need to contract with a stack testing firm to prepare a testing protocol, perform the testing, and submit a final report containing the necessary data.

Finally, professional consulting services may be needed in cases where the facility owner or operator lacks the necessary expertise to prepare any necessary permit modification applications.

All of the requirements discussed above are identical to the requirements for affected facilities located in non-rural areas.

3. COSTS

Compliance costs associated with this rulemaking include stack testing, installation of monitoring equipment, preparing a permit modification, and the potential replacement of the affected emission source.

The Department estimates that the cost of new human cremation equipment ranges from approximately \$60,000 to \$165,000, and new animal cremation equipment ranges from approximately \$30,000 to \$300,000. These costs vary with the size of the unit selected, any additional features or ancillary equipment desired by the owner or operator, and freight and installation costs. These costs are not expected to vary in rural areas as shipping and installation costs are applied on a per mile and per hour basis.

An informal survey of facility owners and operators conducted in 1996 by the New York State Environmental Facilities Corporation determined that the average cost of applying for a minor facility permit in the upstate region is estimated to be \$1,900 to \$4,300 per emission point when updated to 2016 dollars. Some facilities may choose to hire a consulting firm to assist with the permit application process. The Department estimates that the cost of hiring a consulting firm is approximately \$6,000. The Department does not anticipate that these costs will vary in rural areas because many consulting firms charge hourly rates or flat fees for services they provide.

The owner or operator of an existing crematory facility may also be required to perform a stack test to demonstrate that their existing equipment meets the revised requirements if such a test is not already on file with the Department, or available as a representative test from another facility. Accordingly, some facilities may incur the costs associated with this testing. The cost of testing is likely to be less burdensome than the cost of replacing the cremation unit, and therefore may provide an opportunity for crematory owners and operators to defer or eliminate the costs associated with upgrading their equipment. This cost is also unlikely to vary in rural areas as testing firms typically charge hourly or per job rates.

The addition of more stringent oxides of nitrogen (NOx) emissions limitations for MWCs may increase costs at these facilities. Since many of the facilities currently employ SNCR control technology or otherwise meet the proposed limits, there is no anticipated capital cost associated with purchasing and installing control equipment. Instead, facilities may incur a one-time cost of approximately \$800,000 to adjust their existing control device, apply for a permit modification to incorporate the new requirement, and conduct testing to demonstrate compliance with the new limitation. Additionally, some affected facilities may also have an annual cost increase of approximately \$300,000 resulting from the use of additional urea or ammonia to control NOx emissions. The Department does not anticipate any change in costs at the two facilities that currently meet the proposed limit.

Some of the affected MWC facilities do not currently operate NOx control equipment. The proposal allows these facilities to perform a Reasonably Available Control Technology (RACT) analysis, which considers the available control technologies and the costs of installing them with respect to the resulting reduction in NOx emissions. Affected facilities would incur the costs associated with performing a RACT analysis, and may incur further costs associated with purchasing and installing a control device that is found to be technically and economically feasible in accordance with the Department's RACT guidance. In the event that a technically and economically feasible control strategy is not identified by the

RACT analysis, an affected facility would incur costs associated with periodically reevaluating that conclusion until such time as RACT can be applied.

In addition to the increased costs at MWC facilities, there may also be an increase in the indirect costs to local governments and other entities that contract with MWC facilities for disposal of their solid waste. These indirect costs will likely be realized as increased tipping fees paid at the time waste is hauled to an affected facility. The Department anticipates that these increases, if any, will be minor in nature.

4. MINIMIZING ADVERSE IMPACT

The Department considered the technological and economic feasibility of the proposed requirements as part of this rulemaking. It is not anticipated that there will be any impacts on facilities located in rural areas that would not be shared by a facility located in a more urban setting.

5. RURAL AREA PARTICIPATION

The Department conducted stakeholder outreach to all facilities potentially affected by this proposal, including those that are located in rural areas. Potentially affected entities were encouraged to comment on the draft rulemaking, and all comments were considered during the development of the proposed requirements.

Job Impact Statement

The New York State Department of Environmental Conservation (Department) is proposing several changes to its operating requirements for human and animal crematories. These requirements are found in Title 6 of the New York Compilation of Codes, Rules and Regulations (6 NYCRR) Part 219, Incinerators (Part 219). The Department is proposing to repeal and replace Subpart 219-4 to better reflect the current state of cremation technology and reduce emissions of particulate matter from new crematories constructed in the state. In addition, the Department is proposing to sunset Subparts 219-5 and 219-6 by requiring that existing units currently subject to these subparts be regulated by more stringent standards. The Department is also proposing to add a new Subpart 219-10 to limit oxides of nitrogen emissions from municipal waste combustion units. Finally, the Department is proposing to make several minor changes to Subpart 219-1 and conforming changes to Subpart 200.9 to clarify various definitions used throughout Part 219.

1. NATURE OF IMPACT

The Department does not anticipate any adverse impacts to jobs and employment opportunities as a result of this rulemaking. Many existing crematory facilities meet the current requirements of Subpart 219-4, and are expected to remain in compliance following this rulemaking. Older facilities subject to Subpart 219-5 or 219-6 may need to undertake emissions testing or replace their cremation equipment, but this is not expected to adversely impact employment opportunities. Existing municipal waste combustion units are equipped with the necessary control equipment to meet the proposed oxides of nitrogen emissions standard, and currently employ the necessary staff to implement such a change.

2. CATEGORIES AND NUMBERS AFFECTED

Crematory facilities are owned and operated by a variety of entities. Human crematory facilities are typically operated by morticians and other individuals in the funeral services industry, as well as medical professionals. Animal crematories are typically operated by veterinarians and veterinary technicians, local government employees, citizens volunteering at animal shelters, research scientists, and other individuals.

The Department has identified approximately 110 crematory facilities in operation throughout the state. Each facility has an average of two operators, though some larger facilities have as many as seven. Accordingly, there are approximately 250 employees potentially affected by this proposal statewide.

There are ten municipal waste combustion facilities in operation throughout the state. Each facility has approximately 30 employees. Accordingly, there are approximately 300 individuals potentially affected by this proposal statewide.

3. REGIONS OF ADVERSE IMPACT

Crematory facilities are located in every region of the state. The proposed requirements of Subpart 219-4 would apply equally to each region of the state. Accordingly, there are no regions of the State that would have a disproportionate adverse impact on jobs or employment opportunities as a result of this rulemaking.

Municipal waste combustion units are located in various regions of the state, with the highest concentration in the New York City Metropolitan Area. Accordingly, any impact on jobs would have a greater effect in that region of the state.

4. MINIMIZING ADVERSE IMPACT

The Department considered the technological and economic feasibility of the proposed requirements as part of this rulemaking. That analysis suggests that the proposed requirements will not cause or contribute to an adverse impact on jobs or employment opportunities in the state. Additionally, the Department conducted stakeholder outreach to all facilities potentially affected by this proposal, including rural areas, small busi-

nesses and local governments. Potentially affected entities were encouraged to comment on the draft rulemaking, and all comments were considered during the development of the proposed requirements.

Department of Financial Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Licensed Cashers of Checks; Fees

I.D. No. DFS-39-19-00002-P

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

Proposed Action: Amendment of section 400.11 of Title 3 NYCRR.

Statutory authority: Banking Law, sections 10, 14, 371, 372; Financial Services Law, sections 102, 201, 202, 301 and 302

Subject: Licensed Cashers of Checks; Fees.

Purpose: To increase the maximum fee that may be charged by licensed check cashers.

Text of proposed rule: Section 400.11 is amended to read as follows:
400.11 Fees.

(a) Except with respect to the cashing of checks, drafts or money orders for payees of such checks, drafts or money orders that are other than natural persons, a licensee shall be permitted to charge or collect a fee for cashing a check, draft or money order not to exceed:

(1) [1.5] 2.19 per centum of the amount of the check, draft or money order; provided, however, effective January 1, 2006, such per centum of the amount of the check, draft or money order shall be increased by an additional 0.03 per centum in addition to any increase that shall have been heretofore or hereafter made pursuant to subdivision (b) of this section [and such additional 0.03 per centum shall not itself be subject to any increase pursuant to subdivision (b) of this section]; or

(2) \$1, whichever is greater.

(b) Effective January 1, 2005, and annually thereafter, the maximum per centum fee specified in subdivision (a) of this section, shall be increased by a per centum amount, based upon an increase in the consumer price index for the New York – [Northern N.J.] Newark – [Long Island] Jersey City, NY - NJ [- CT] - PA area for all urban consumers (annual CPI-U), as reported by the Bureau of Labor Statistics of the U.S. Department of Labor for the calendar year preceding the year in which such increase is made compared to such annual CPI-U for the year prior to such preceding year. The maximum per centum fee that may be charged or collected for cashing a check, draft or money order pursuant to this section in effect at such time shall be multiplied by such computed per centum amount and the result added to such maximum per centum fee. The resulting sum shall be the revised maximum per centum fee, which shall be posted upon the internet site of the Department of Financial Services (www.dfs.ny.gov) by the superintendent not later than 45 days following the public release of such annual index by the U.S. Department of Labor. Such revised maximum per centum fee shall be calculated and posted to the nearest one-hundredth of a per centum. Such revised maximum per centum fee shall be effective not later than 45 days after the superintendent shall have notified the Majority Leader of the Senate, the Speaker of the Assembly, and the chairperson of the Senate and Assembly Committees on Banks of his/her intention to change the maximum per centum fee pursuant to the provisions of section 372.3 of the Banking Law and shall continue in effect until revised and increased in the next succeeding year based upon an increase in such annual index. If such CPI-U does not increase in any one year, the maximum per centum fee in effect during the year in which the index does not increase shall remain unchanged in the next succeeding year. Nothing herein shall be deemed to prohibit the superintendent from setting, by regulation, a different maximum per centum fee at any time where the superintendent shall find that such a fee is necessary and appropriate to protect the public interest and to promote the stability of the check cashing industry for the purpose of meeting the needs of the communities that are served by check cashers. No maximum fee shall apply to the charging of fees by licensees for the cashing of checks, drafts or money orders for payees of such checks, drafts or money orders that are other than natural persons.

Text of proposed rule and any required statements and analyses may be obtained from: George Bogdan, Department of Financial Services, 1 State Street, 20th Floor, New York, NY 10004, (212) 480-4758, email: george.bogdan@dfs.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.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

1. Statutory authority: Financial Services Law (or “FSL”) § 102 sets forth the “purpose” and “goals” of the Financial Services Law including, as relevant, to “establish a modern system of regulation, rulemaking and adjudication” and to ensure “the prudent conduct of the providers of financial products and services, through responsible regulation and supervision.”

FSL § 201 sets forth a declaration of policy for the Department of Financial Services (the “Department”) and, as relevant, states that the Superintendent of Financial Services (the “Superintendent”) shall take such actions as the Superintendent believes necessary to “foster the growth of the financial industry in New York and spur state economic development through judicious regulation and vigilant supervision.”

FSL § 202 establishes the Superintendent and provides the Superintendent with broad rights, powers, duties and discretion with respect to matters under the FSL, the New York Banking Law (the “Banking Law”), the Insurance Law, and “all other applicable law of this state.”

FSL § 301 sets forth the powers of the Superintendent under relevant law.

FSL § 302 sets forth the power of the Superintendent to prescribe, withdraw or amend rules and regulations, including effectuating and interpreting the provisions of the Financial Services Law, the Banking Law, the Insurance Law, and any other law in which the Superintendent is given authority.

Banking Law § 10 sets forth a declaration of policy, including that banking institutions will be regulated in a manner to insure safe and sound conduct and maintain public confidence.

Banking Law § 14 references, without limitations, the policy of Banking Law § 10 and sets forth the powers of the Superintendent under the Banking Law, including the power to “make, alter and amend orders, rules and regulations not inconsistent with law.”

Banking Law § 371 provides that the Superintendent is authorized to promulgate rules and regulations for the proper conduct of licensed check cashers.

Banking Law § 372 provides that the Superintendent shall, by regulation, “establish the maximum fees which may be charged by licensees for cashing a check, draft, or money order.”

2. Legislative objectives: The proposed amendment adjusts the maximum fee that can be charged by licensed check cashers. Section 372(1) requires that the Superintendent prescribe the maximum fees that may be charged for cashing a check, draft or money order. Pursuant to section 400.11 of Title 3 NYCRR, the Superintendent has established a maximum percentage amount that each check casher may charge against the face amount of the check made payable to a natural person.

When imposing certain economic restrictions upon the conduct of business by check cashers pursuant to Chapter 546 of the laws of 1994, the Legislature stated as a matter of legislative intent that “... check cashers provide important and vital services to New York citizens; that the business of check cashers shall be supervised and regulated through the [Department of Financial Services] in such a manner as to maintain consumer confidence in such business and protect the public interest; that the licensing of check cashers shall be determined in accordance with the needs of the communities they are to serve; and that it is in the public interest to promote the stability of the check cashing business for the purpose of meeting the needs of the communities that are served by check cashers.”

3. Needs and benefits: The setting of a maximum fee is in keeping with legislative intent in that it provides essentially for a fixed percentage return per personal check, thus promoting the stability of the check cashing industry by providing the industry with a reasonable return. However, by limiting the amount of such fees, it serves to maintain the public confidence by preventing excessive fees particularly where the availability of alternate check cashing facilities may be limited. Consumers find benefits in using check cashers and continue to use their services in meaningful volumes. Potential benefits to consumers include: (i) a check casher may make cash immediately available to a consumer at the time a check is cashed, whereas following a deposit at a bank, funds may not be immediately available for a consumer’s use; (ii) a check casher may have services such as bill paying and wire transfers that a consumer can use immediately at the time the consumer receives cash from a check casher; (iii) extended business hours may be available at a check casher; and (iv) consumers may have a higher comfort level with fee transparency due to posted fees at check cashers. However, check cashers’ costs continue to increase and the usage of checks overall has decreased. The Department has heard industry concern that the



Miller Advertising Agency, Inc. • 220 West 42nd Street, 12th Floor • New York, New York 10036 • 212-929-2200

INVOICE

NYS DEPT. OF ENV. CONSERVATION - A988
Attn: Anne Behan
625 Broadway
Albany, NY 12233-3251

Client Number 020173
Invoice Number 881360 - 054
Invoice Date 09/30/19
Net 30 Page 2

Regarding
RICHARD MCAULEY

Media	Description	Ad Number	Insert Dates	Ad Size	Times	Rate	Amount
NEW YORK POST	INCINERATOR>	R919006019	09/25	1.00	1	4984.67	4984.67
						10% COMMISSION	498.47
NEW YORK POST TOTAL						\$5,483.14	
NEWSDAY	INCINERATOR>	R919006119	09/25	1.00	1	1767.15	1767.15
						10% COMMISSION	176.72
NEWSDAY TOTAL						\$1,943.87	
ALBANY TIMES UNION	INCINERATOR>	R919005919	09/25	1.00	1	173.25	173.25
						10% COMMISSION	17.33
ALBANY TIMES UNION TOTAL						\$190.58	
BUFFALO NEWS	INCINERATOR>	R919006719	09/25	1.00	1	2053.80	2053.80
						10% COMMISSION	205.38
BUFFALO NEWS TOTAL						\$2,259.18	
SYRACUSE POST-STANDARD	INCINERATOR>	R919006319	09/24	1.00	1	170.02	170.02
						10% COMMISSION	17.00
SYRACUSE POST-STANDARD TOTAL						\$187.02	
GLENS FALLS POST STAR	INCINERATOR>	R919006419	09/25	1.00	1	89.06	89.06
						10% COMMISSION	8.91
GLENS FALLS POST STAR* TOTAL						\$97.97	
ROCHESTER DEMOCRAT	INCINERATOR>	R919006519	09/25	1.00	1	2160.00	2160.00
						10% COMMISSION	216.00
ROCHESTER DEMOCRAT* TOTAL						\$2,376.00	

INVOICE TOTAL \$12,537.76

Remit Payment Checks To: Miller Advertising Agency Inc., 220 West 42nd Street - 12th Floor, New York, NY 10036
ACH/Wire Remittance To: JP Morgan Chase, ABA/Routing #:021000021, Acct #:014003583765, Acct Name: Miller Advertising Agency Inc.

Internet : <http://www.milleraa.com>

Email : JGurpersaud@milleraa.com



Miller Advertising Agency, Inc. • 220 West 42nd Street, 12th Floor • New York, New York 10036 • 212-929-2200

REMITTANCE ADVICE

NYS DEPT. OF ENV. CONSERVATION - A988
Attn: Anne Behan
625 Broadway
Albany, NY 12233-3251

Client Number 020173
Invoice Number 881360 - 054
Invoice Date 09/30/19
Terms: Net 30

Regarding
RICHARD MCAULEY

Please return this page along with your remittance of \$12,537.76.

Remit Payment Checks To:

Miller Advertising Agency Inc.
220 West 42nd Street - 12th Floor
New York, NY 10036

ACH and Wire Remittance To:

Bank Name: JP Morgan Chase Bank
ABA/Routing Number: 021000021
Account Number: 014003583765
Account Name: Miller Advertising Agency Inc.

State of New York
COUNTY OF NEW YORK

SS:

0000144098-01

Rubida 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 25th of September, 2019

Sworn to before me on this 25 day of September, 2019

Rubida Gonzalez

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

Pursuant to Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 19-0306, 19-0311, 71-2103, 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 219, *Incinerators*.

The New York State Department of Environmental Conservation (Department) is proposing several revisions to its operating requirements for human and animal crematories. These requirements are found in Title 6 of the New York Compilation of Codes, Rules and Regulations (6 NYCRR) Part 219, *Incinerators* (Part 219). The Department is proposing to repeal and replace Subpart 219-4 to better reflect the current state of cremation technology and reduce emissions of particulate matter from new crematories constructed in the state. In addition, the Department is proposing to sunset Subparts 219-5 and 219-6 by requiring that existing units subject to these requirements be regulated by more stringent standards under new Subpart 219-4. The Department is also proposing to add a new Subpart 219-10 to limit oxides of nitrogen emissions from municipal waste combustion units. Finally, the Department is proposing to make several minor changes to Subpart 219-1 and conforming changes to Subpart 200.9 to clarify various definitions used throughout Part 219. Further, the Department proposes to submit the Part 219 as well as the revisions to Part 200 to EPA 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
December 3, 2019	11:00 am	Suffolk County Water Authority, 260 Motor Pkwy, Hauppauge, NY 11788
December 4, 2019	11:00 am	6274 Avon-Lima Rd. (Rtes. 5 and 20), Conference Room, Avon, NY 14414-9516
December 6, 2019	11:00 am	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 November 26, 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.

Requests for information and comments related to the proposed Part 219, may be obtained from Mark Lanzafame, 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 on the proposed rule may be submitted until 5 pm December 11, 2019.

Requests for information and comments related to the SIP revision 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 December 11, 2019.

The proposed regulation 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 Pitt Corners Road, New Paltz, NY 12561, Attention: George Swelkert

REGION 4 - 1130 North Westcott Rd., Schenectady, NY 12306, Attention: Ben Potter

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: Bob 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

NEWSDAY AFFIDAVIT OF PUBLICATION

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

STATE OF NEW YORK)

Legal Notice No.

0021530132

:SS.:

COUNTY OF SUFFOLK)

Darryl Murphy of Newsday Media Group., Suffolk County, N.Y., being duly sworn, says that such person is, and at the time of publication of the annexed Notice was a duly authorized custodian of records of Newsday Media Group, the publisher of NEWSDAY, a newspaper published in the County of Suffolk, County of Nassau, County of Queens, and elsewhere in the State of New York and other places, and that the Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

Wednesday September 25, 2019 Nassau, Suffolk and Queens

SWORN to before me this
25 Day of September, 2019.



CHRISTOPHER LAWSON
Notary Public – State of New York
No. 01LA6348406
Qualified in Suffolk County
My Commission Expires September 26, 2020



Announcements



- Lost/Found
- Personals
- Ticket brokers
- Professional Services
- Legal Services

PERSONALS

DEAR BC, HAPPY BIRTHDAY!
TIME, SA

LOOKING FOR John P. formerly
of Freeport 718-847-4382, Betty

LIQUOR LICENSES

Legal Notice # 2152809
Notice of formation of a
restaurant wine license,
2151970 has been applied
for by Klee Brothers Inc. d/
b/a Jongro BBQ to sell beer
and wine at retail in an on
premises establishment. For
on premises consumption un-
der the ABC law at 155-14
Roosevelt Ave Flushing NY
11356.

LEGAL NOTICES

Legal Notice # 2151923
Notice of formation of
BECATTLEYA LLC Articles of
Organization filed with the
Secretary of State of New
York SSNY on 05/30/2019.
Office located in QUEENS.
SSNY has been designated
for service of process. SSNY
shall mail copy of any pro-
cess served against the LLC
3247 108 Street 2nd Floor
East Elmhurst, NY. Purpose:
any lawful purpose.

Legal Notice # 2152246
Notice of formation of JDY78
LLC. Arts of Org. filed with
the Secretary of State of New
York SSNY on 08/08/2019.
Office location: QUEENS.
SSNY has been designated
for service of process. SSNY
shall mail copy of any pro-
cess served against the LLC
122-15 25th Ave. Col-
lege Point, NY 11356. Pur-
pose: any lawful activity.

Legal Notice # 2152434
NOTICE OF SALE
SUPREME COURT COUNTY
OF QUEENS, NYCL 1998-2
TRUST AND THE BANK OF
NEW YORK MELLON AS CO-
LATERAL AGENT AND CUS-
TODIAN, Plaintiff vs. THE
HOLY TRINITY BAPTIST
CHURCH OF CHRIST INC., ET
AL., Defendant(s).
Pursuant to a Judgment of
Foreclosure and Sale dated
August 18, 2016 and entered
on September 19, 2016, and
an Order Substituting Referee
dated May 11, 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 October 4, 2019 at
10:00 a.m., all that certain
plot, piece or parcel of land,
with the buildings and im-
provements thereon erected,
situate, lying and being in
the Borough of Queens, Coun-
ty of Queens, City and State
of New York, Block 10161
and Lot 30.
Said premises may also be
known as 104-52 164 Street,
Queens, NY.
Approximate amount of judg-
ment is \$218,150.46 plus in-
terest and costs.
Premises will be sold subject
to provisions of filed judg-
ment and Terms of Sale.
Index # 9834/2012
Morton Povman, Esq.,
Referee
The Law Office of Thomas P.
Malone, PLLC, 60 East 42nd
Street, Suite 553, New York,
New York, 10165, Attorneys
for Plaintiff

Legal Notice # 21522183
Notice of formation of SEV-
ENSINGHS LLC. Articles of
Organization filed with the
Secretary of State of New
York SSNY on 6/19/2019. Of-
fice located in Queens Coun-
ty. SSNY has been designat-
ed for service of process.
SSNY shall mail copy of any
process served against the
LLC to 126-20 Linden Blvd,
South Ozone Park, NY 11420.
Purpose: any lawful purpose.

Legal Notice # 21522098
Notice of Formation of TIDY-
ING YOUR CHORES LLC. Ar-
ticles of Organization were
filed with the Secretary of
State of New York (SSNY)
on 04/25/2019. Office loca-
tion: Queens County. Amended on 07/29/
2019 to change name to
Desiree's Spotless LLC. SSNY
has been designated as
agent of the LLC upon whom
process against it may be
served. SSNY shall mail copy
of process to: ROCKET CORPORATE
SERVICES, 3804 GATEWAY
OAKS DR STE 100,
SACRAMENTO, CA 95833.
Purpose: For any lawful
purpose.

Legal Notice # 21522404
Notice of formation of RUHE
FOODS LLC. Articles of Or-
ganization filed with the Sec-
retary of State of New York
SSNY on 7/3/19. Office locat-
ed in Queens. SSNY has
been designated for service
of process. SSNY shall mail
copy of any process served
against the LLC 47-50 59th
Street Apt 8C, Woodside,
NY 11377. Purpose: any law-
ful purpose.

Legal Notice # 21524454
NOTICE OF SALE
SUPREME COURT COUNTY
OF QUEENS, WILMINGTON
SAVINGS FUND SOCIETY,
FSB, DBA CHRISTIANA
TRUST, NOT INCORPORATED,
BUT AS TRUSTEE FOR
PREMIUM MORTGAGE AC-
QUISITION TRUST, Plaintiff
vs. MAHAMUD AHMED, ET
AL., Defendant(s).
Pursuant to a Judgment of
Foreclosure and Sale and
Amendment of Caption duly
filed on January 3, 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 October 4, 2019 at
10:00 a.m., premises known
as 9720 70th Street, Ozone
Park, NY. All that certain
plot, piece or parcel of land,
with the buildings and im-
provements thereon erected,
situate, lying and being in
the Borough of Queens, Coun-
ty of Queens, City and State
of New York, Block 9047 and
Lot 16. Approximate amount
of judgment is \$454,814.19
plus interest and costs.
Premises will be sold subject
to provisions of filed judg-
ment Index # 706920/2014.
Solomon Steiman, Esq.,
Referee
Knuckles, Komosinski
& Manfro, LLP,
565 Tuxter Road, Suite 590,
Elmsford, NY 10523
Attorneys for Plaintiff
Cash will not be accepted.

Legal Notice # 21529618
The New York Racing Associ-
ation, Inc. ("NYRA") is sol-
iciting bidders to provide a
cloud-based solution to man-
age sponsorship sales, includ-
ing asset inventory manage-
ment, contract management,
reporting and analytics. NY-
RA/DBE participation is en-
couraged. Interested parties
may fax their request for a
copy of the Request for Propo-
sal to the Purchasing Dept. at
(718) 296-5109 or email procurement@nyrac.com
No Later Than 3:00 PM on
September 30, 2019.

Legal Notice # 21530978
Ahern Painting Contractors,
Inc. is seeking MWBE Subcon-
tractor proposals for the Proj-
ect "GFM 516 W.O. No. 32,
Replacement of QMT Drain-
age and Stripper Pumps
(Project to QM-40)". Please
contact Anna at
718-639-5880 for details.

Legal Notice # 21522903
Notice of Formation of 1211
34 St. LLC. Arts of Org. filed
with the Secretary of State
of New York SSNY on 03/15/19.
Office location: Queens Coun-
ty. SSNY is designated as
agent of LLC upon whom
process against it may be
served. SSNY shall mail pro-
cess to: 157-54 12th Rd,
Whitestone, NY 11357. Pur-
pose: any lawful activity.

Legal Notice # 21522903
GTVB REALTY LLC, Arts of
Org. filed with the SSNY on
03/22/18. Office: Queens
County. SSNY designated as
agent of the LLC upon whom
process against it may be
served. SSNY shall mail copy
of process to the LLC, 26-08
30th Avenue, 2nd Floor, Asto-
ria, NY 11103. Purpose: Any
lawful purpose.

Legal Notice # 21526867
Duffield LLC, Authority
filed SSNY 8/06/19. Office:
Queens Co. LLC formed DE 8
7/5/19. Exists in DE: c/o Na-
tional Registered Agents,
Inc., 160 Greentree Dr #101
Dover, DE 19904. SSNY desig-
nated agent upon whom
process against the LLC may
be served & mail to 11-11
44th Dr, 2nd Fl, Long Island
City, NY 11101. Cert of
formation filed with the Sec-
retary of State, Corporation
Dept., St. 4, Dover, DE
19901. General Purpose.

Legal Notice # 21530139
The New York Racing Associ-
ation, Inc. ("NYRA") is sol-
iciting bidders to provide Pro-
motional Giveaway Items
(i.e. apparel, coolers, hats
and various other items). NY-
RA's three racetracks:
Aqueduct Racetrack, Ozone
Park, NY 11417; Belmont
Park Racetrack, Elmont, NY
11003; Saratoga Race
Course, Saratoga Springs,
NY 12866. MW/DBE partici-
pation is encouraged. Inter-
ested parties may fax their
request for a copy of the Re-
quest for Quotation to the
Purchasing Dept. at (718)
296-5109 or email procurement@nyrac.com
No Later Than 3:00 PM on
October 9, 2019.

Legal Notice # 21530295
The New York Racing Associ-
ation, Inc. ("NYRA") is sol-
iciting bidders to provide pri-
ces for the printing and deliv-
ery of NYRA's official Condition
Books.
NYRA/DBE participation is en-
couraged. Interested parties
may fax their request for a
copy of the Request for Quota-
tion to the Purchasing Dept. at
(718) 296-5109 or email procurement@nyrac.com
No Later Than 3:00 PM on
September 27, 2019.

Legal Notice # 21530604
AGENCY: U.S. Army Corps of Engineers, New York District.
ACTION: Public Meeting for New York New Jersey Harbor &
Tributaries Coastal Storm Risk Management Feasibility Study
(NYNHAT).
SUMMARY: Historical storms have severely impacted the NY
NJ Harbor region. The study is assessing the feasibility of
coastal storm risk management alternatives that can be im-
plemented within the authorized study area. The public meet-
ing will present information on the study results to date and
will receive public questions and comments. Eight meetings
were held earlier in 2019. A ninth meeting will be held on Oc-
tober 24, 2019, in Great Neck, NY.
DATE: Thursday, October 24, 2019
TIME: 9-8 p.m.
LOCATION: Inn at Great Neck, 30 Cutter Mill Road,
Great Neck, NY 11021.
Session is in the first floor ballroom.

The schedule is:
• Welcome: 5:00 p.m.
• Initial Presentation: 5:30 p.m. - 6:00 p.m.
• Questions and Discussion: 6:00 p.m. - 7:00 p.m.
• Presentation Recap: 7:00 p.m. - 7:15 p.m.
• Further Questions and Discussion: 7:15 p.m. - 8:00 p.m.
Meeting details and comment submission information are avail-
able at the project website (address below), as well as a
webinar summarizing the report.
Transit Access: The Inn at Great Neck is located two blocks
west of the Great Neck train station (LIRR Port Washington
line). From the station, walk west to Middle Neck Road.
Cross Middle Neck Road at the crosswalk and then turn right
on intersection of Middle Neck Road and Cutter Mill Road.
Turn left onto Cutter Mill Road. Walk 500 feet to the
Inn at Great Neck. The Inn is on the left (south) side of the
road.
Parking: The Inn at Great Neck offers complimentary valet
parking for meeting attendees (up to lot capacity). There is
free parking from 5pm onwards in the municipal garage at 2
Gussack Plaza. Street parking is also available (no charge af-
ter 6pm).
FOR FURTHER INFORMATION: You may find additional infor-
mation about this study at the project website: <https://www.nan.usace.army.mil/NYNHAT>

Legal Notice # 21530604
AGENCY: U.S. Army Corps of Engineers, New York District.
ACTION: Public Meeting for New York New Jersey Harbor &
Tributaries Coastal Storm Risk Management Feasibility Study
(NYNHAT).
SUMMARY: Historical storms have severely impacted the NY
NJ Harbor region. The study is assessing the feasibility of
coastal storm risk management alternatives that can be im-
plemented within the authorized study area. The public meet-
ing will present information on the study results to date and
will receive public questions and comments. Eight meetings
were held earlier in 2019. A ninth meeting will be held on Oc-
tober 24, 2019, in Great Neck, NY.
DATE: Thursday, October 24, 2019
TIME: 9-8 p.m.
LOCATION: Inn at Great Neck, 30 Cutter Mill Road,
Great Neck, NY 11021.
Session is in the first floor ballroom.

The schedule is:
• Welcome: 5:00 p.m.
• Initial Presentation: 5:30 p.m. - 6:00 p.m.
• Questions and Discussion: 6:00 p.m. - 7:00 p.m.
• Presentation Recap: 7:00 p.m. - 7:15 p.m.
• Further Questions and Discussion: 7:15 p.m. - 8:00 p.m.
Meeting details and comment submission information are avail-
able at the project website (address below), as well as a
webinar summarizing the report.
Transit Access: The Inn at Great Neck is located two blocks
west of the Great Neck train station (LIRR Port Washington
line). From the station, walk west to Middle Neck Road.
Cross Middle Neck Road at the crosswalk and then turn right
on intersection of Middle Neck Road and Cutter Mill Road.
Turn left onto Cutter Mill Road. Walk 500 feet to the
Inn at Great Neck. The Inn is on the left (south) side of the
road.
Parking: The Inn at Great Neck offers complimentary valet
parking for meeting attendees (up to lot capacity). There is
free parking from 5pm onwards in the municipal garage at 2
Gussack Plaza. Street parking is also available (no charge af-
ter 6pm).
FOR FURTHER INFORMATION: You may find additional infor-
mation about this study at the project website: <https://www.nan.usace.army.mil/NYNHAT>

Legal Notice # 21530604
AGENCY: U.S. Army Corps of Engineers, New York District.
ACTION: Public Meeting for New York New Jersey Harbor &
Tributaries Coastal Storm Risk Management Feasibility Study
(NYNHAT).
SUMMARY: Historical storms have severely impacted the NY
NJ Harbor region. The study is assessing the feasibility of
coastal storm risk management alternatives that can be im-
plemented within the authorized study area. The public meet-
ing will present information on the study results to date and
will receive public questions and comments. Eight meetings
were held earlier in 2019. A ninth meeting will be held on Oc-
tober 24, 2019, in Great Neck, NY.
DATE: Thursday, October 24, 2019
TIME: 9-8 p.m.
LOCATION: Inn at Great Neck, 30 Cutter Mill Road,
Great Neck, NY 11021.
Session is in the first floor ballroom.

The schedule is:
• Welcome: 5:00 p.m.
• Initial Presentation: 5:30 p.m. - 6:00 p.m.
• Questions and Discussion: 6:00 p.m. - 7:00 p.m.
• Presentation Recap: 7:00 p.m. - 7:15 p.m.
• Further Questions and Discussion: 7:15 p.m. - 8:00 p.m.
Meeting details and comment submission information are avail-
able at the project website (address below), as well as a
webinar summarizing the report.
Transit Access: The Inn at Great Neck is located two blocks
west of the Great Neck train station (LIRR Port Washington
line). From the station, walk west to Middle Neck Road.
Cross Middle Neck Road at the crosswalk and then turn right
on intersection of Middle Neck Road and Cutter Mill Road.
Turn left onto Cutter Mill Road. Walk 500 feet to the
Inn at Great Neck. The Inn is on the left (south) side of the
road.
Parking: The Inn at Great Neck offers complimentary valet
parking for meeting attendees (up to lot capacity). There is
free parking from 5pm onwards in the municipal garage at 2
Gussack Plaza. Street parking is also available (no charge af-
ter 6pm).
FOR FURTHER INFORMATION: You may find additional infor-
mation about this study at the project website: <https://www.nan.usace.army.mil/NYNHAT>

LEGAL NOTICES

Legal Notice # 21520966
Notice of formation of
JSHARMON LLC. Arts. of
Org. filed with the SSNY on
06/07/19. Location: Queens
County. SSNY has been
designated for service of
process. SSNY shall mail
process against the LLC, 199-44
19th Ave., Whitestone, NY
11357. Purpose: any lawful
purpose.

Legal Notice # 21522685
Notice of formation of
Ecotird, LLC. Articles of Or-
ganization filed with the Sec-
retary of State of New York
SSNY on 5/29/19. Office lo-
cated in Queens County.
SSNY has been designated
for service of process. SSNY
shall mail copy of any pro-
cess against the LLC to 28-14
31st St. #304 Astoria
NY 11102. Purpose: any
lawful purpose.

Legal Notice # 21526428
NOTICE OF SALE
SUPREME COURT - COUNTY
OF QUEENS
U.S. BANK NATIONAL ASSO-
CIATION, NOT IN ITS IN-
DIVIDUAL CAPACITY, BUT
SOLELY AS TRUSTEE FOR
THE RCIT TRUST, SERIES
2016-CIT
Plaintiff,
Against
ANQUISES ESCARFULLER,
ET AL.,
Defendant(s).

Pursuant to a Judgment of
Foreclosure and Sale, duly
entered 3/26/2019, I, the un-
dersigned Referee, will sell at
public auction the premises
#25 of the Queens County Su-
preme Court, 88-11 Sutphin
Boulevard, Jamaica, NY
11435, on 10/11/2019 at
10:00 a.m., premises known
as 102-25 188th Street,
Hollis, New York 11423, and
described as follows:

ALL that certain plot piece
or parcel of land, with the
buildings and improvements
thereon erected, situate, ly-
ing and being in the Fourth
Ward of the Borough of
Queens, City and State of
New York, and designated on
the tax maps of the Queens
County Treasurer as Block
10367 and Lot 153.
The approximate amount of
the current Judgment lien is
\$585,376.80 plus interest
and costs. The premises will
be sold subject to provisions
of the aforesaid Judgment of
Foreclosure and Sale; Index #
712718/2015
BARRY M. GOLDSTEIN, Esq.,
Referee
SHELDON MAY & ASSOCI-
ATES Attorneys at Law,
265 Merrick Road,
Rockville Centre, NY 11570
Dated: 9/4/2019
File Number: 25676 MNB

Legal Notice # 21530604
AGENCY: U.S. Army Corps of Engineers, New York District.
ACTION: Public Meeting for New York New Jersey Harbor &
Tributaries Coastal Storm Risk Management Feasibility Study
(NYNHAT).
SUMMARY: Historical storms have severely impacted the NY
NJ Harbor region. The study is assessing the feasibility of
coastal storm risk management alternatives that can be im-
plemented within the authorized study area. The public meet-
ing will present information on the study results to date and
will receive public questions and comments. Eight meetings
were held earlier in 2019. A ninth meeting will be held on Oc-
tober 24, 2019, in Great Neck, NY.
DATE: Thursday, October 24, 2019
TIME: 9-8 p.m.
LOCATION: Inn at Great Neck, 30 Cutter Mill Road,
Great Neck, NY 11021.
Session is in the first floor ballroom.

The schedule is:
• Welcome: 5:00 p.m.
• Initial Presentation: 5:30 p.m. - 6:00 p.m.
• Questions and Discussion: 6:00 p.m. - 7:00 p.m.
• Presentation Recap: 7:00 p.m. - 7:15 p.m.
• Further Questions and Discussion: 7:15 p.m. - 8:00 p.m.
Meeting details and comment submission information are avail-
able at the project website (address below), as well as a
webinar summarizing the report.
Transit Access: The Inn at Great Neck is located two blocks
west of the Great Neck train station (LIRR Port Washington
line). From the station, walk west to Middle Neck Road.
Cross Middle Neck Road at the crosswalk and then turn right
on intersection of Middle Neck Road and Cutter Mill Road.
Turn left onto Cutter Mill Road. Walk 500 feet to the
Inn at Great Neck. The Inn is on the left (south) side of the
road.
Parking: The Inn at Great Neck offers complimentary valet
parking for meeting attendees (up to lot capacity). There is
free parking from 5pm onwards in the municipal garage at 2
Gussack Plaza. Street parking is also available (no charge af-
ter 6pm).
FOR FURTHER INFORMATION: You may find additional infor-
mation about this study at the project website: <https://www.nan.usace.army.mil/NYNHAT>

Legal Notice # 21530604
AGENCY: U.S. Army Corps of Engineers, New York District.
ACTION: Public Meeting for New York New Jersey Harbor &
Tributaries Coastal Storm Risk Management Feasibility Study
(NYNHAT).
SUMMARY: Historical storms have severely impacted the NY
NJ Harbor region. The study is assessing the feasibility of
coastal storm risk management alternatives that can be im-
plemented within the authorized study area. The public meet-
ing will present information on the study results to date and
will receive public questions and comments. Eight meetings
were held earlier in 2019. A ninth meeting will be held on Oc-
tober 24, 2019, in Great Neck, NY.
DATE: Thursday, October 24, 2019
TIME: 9-8 p.m.
LOCATION: Inn at Great Neck, 30 Cutter Mill Road,
Great Neck, NY 11021.
Session is in the first floor ballroom.

The schedule is:
• Welcome: 5:00 p.m.
• Initial Presentation: 5:30 p.m. - 6:00 p.m.
• Questions and Discussion: 6:00 p.m. - 7:00 p.m.
• Presentation Recap: 7:00 p.m. - 7:15 p.m.
• Further Questions and Discussion: 7:15 p.m. - 8:00 p.m.
Meeting details and comment submission information are avail-
able at the project website (address below), as well as a
webinar summarizing the report.
Transit Access: The Inn at Great Neck is located two blocks
west of the Great Neck train station (LIRR Port Washington
line). From the station, walk west to Middle Neck Road.
Cross Middle Neck Road at the crosswalk and then turn right
on intersection of Middle Neck Road and Cutter Mill Road.
Turn left onto Cutter Mill Road. Walk 500 feet to the
Inn at Great Neck. The Inn is on the left (south) side of the
road.
Parking: The Inn at Great Neck offers complimentary valet
parking for meeting attendees (up to lot capacity). There is
free parking from 5pm onwards in the municipal garage at 2
Gussack Plaza. Street parking is also available (no charge af-
ter 6pm).
FOR FURTHER INFORMATION: You may find additional infor-
mation about this study at the project website: <https://www.nan.usace.army.mil/NYNHAT>

Legal Notice # 21530767
LEGAL ADVERTISEMENT
NOTICE TO BIDDERS
PUBLIC TRANSPORTATION
SERVICES

The Board of Education of
the Sackheim Central School
District, Town of Brookh-
aven, Islip and Smithtown,
New York, hereby invites the
submission of sealed bids
from reputable and qualified
BUS TRANSPORTATION
COMPANIES for
BID # B-19-2540 SVS-OSS -
SCHOOL VAN SERVICE FOR
STUDENTS WITH HIGHLY
SPECIALIZED NEEDS in the
Sackheim Central School Dis-
trict for the period: upon ap-
proval through June 30, 2020
for School Van Service For
Students With Highly Special-
ized Needs. The parties may
choose to extend this con-
tract for future years,
consistent with the then cur-
rent SED regulations.

BIDS WILL BE RECEIVED
PUBLICLY OPENED AND
READ ALOUD AT THE SA-
CKHEIM CENTRAL SCHOOL
DISTRICT ADMINISTRATIVE
OFFICES PURCHASING
DEPARTMENT, 51 SCHOOL
STREET, LAKE
RONKONKOMA, NEW YORK
11766, ON OCTOBER 9, 2019
10:00 P.M. PREVALING TIME.
Forms for proposal, specifica-
tions, conditions, certifi-
cations and bids may be ob-
tained at the Administrative
Building, Purchasing Depart-
ment between the hours of
8:30 A.M. and 3:00 P.M. Mon-
day - Friday. Requests for
specifications may be faxed
to (631) 713-3004. Any de-
viation from these conditions
or specifications must be list-
ed on a separate sheet at-
tached to the bids and ap-
proved by the Board of Educa-
tion on 08/16/2019. Of-
fice location: Queens County,
SSNY designated as agent of
LLC upon whom process

Legal Notice # 21522651
NOTICE OF FORMATION OF
PRICE ACTION ENTERTAIN-
MENT LLC. Arts. of Org. filed
with Secy. of State of NY
(SSNY) on 08/16/2019. Of-
fice location: Queens County,
SSNY designated as agent of
LLC upon whom process

Legal Notice # 21527166
NOTICE OF SALE
SUPREME COURT - COUNTY
OF QUEENS
JGK EQUITIES, LLC,
Plaintiff,
Against
Index No. 70252/2014
DENNIS MOORE, et al.,
Defendant(s).
Pursuant to a Judgment of
Foreclosure and Sale, duly en-
tered 11/30/2018, I, the un-
dersigned Referee, will sell
at public auction, in Court-
room #25 of the Queens
County Supreme Court, 88-
11 Sutphin Boulevard, Jamai-
ca, NY 11435, on 10/18/2019
at 10:00 am, premises known
as 24 140th Street, Jamai-
ca, NY 11436, and described
as follows:
All that certain plot, piece
or parcel of land, with the
buildings and improvements
thereon erected, situate, ly-
ing and being in the Fourth
Ward, Borough of Queens,
County of Queens, City and
State of New York, Block
12011 and Lot 78.
The approximate amount of
the current Judgment lien is
\$711,966.95 plus interest
and costs. The Premises will
be sold subject to provisions
of the aforesaid Judgment of
Foreclosure and Sale; Index
702752/2014.
Catherine Nocco,
Purchasing Agent
9/23/2019

Legal Notice # 21527166
NOTICE OF SALE
SUPREME COURT - COUNTY
OF QUEENS
JGK EQUITIES, LLC,
Plaintiff,
Against
Index No. 70252/2014
DENNIS MOORE, et al.,
Defendant(s).
Pursuant to a Judgment of
Foreclosure and Sale, duly en-
tered 11/30/2018, I, the un-
dersigned Referee, will sell
at public auction, in Court-
room #25 of the Queens
County Supreme Court, 88-
11 Sutphin Boulevard, Jamai-
ca, NY 11435, on 10/18/2019
at 10:00 am, premises known
as 24 140th Street, Jamai-
ca, NY 11436, and described
as follows:
All that certain plot, piece
or parcel of land, with the
buildings and improvements
thereon erected, situate, ly-
ing and being in the Fourth
Ward, Borough of Queens,
County of Queens, City and
State of New York, Block
12011 and Lot 78.
The approximate amount of
the current Judgment lien is
\$711,966.95 plus interest
and costs. The Premises will
be sold subject to provisions
of the aforesaid Judgment of
Foreclosure and Sale; Index
702752/2014.
Catherine Nocco,
Purchasing Agent
9/23/2019

Legal Notice # 21527166
NOTICE OF SALE
SUPREME COURT - COUNTY
OF QUEENS
JGK EQUITIES, LLC,
Plaintiff,
Against
Index No. 70252/2014
DENNIS MOORE, et al.,
Defendant(s).
Pursuant to a Judgment of
Foreclosure and Sale, duly en-
tered 11/30/2018, I, the un-
dersigned Referee, will sell
at public auction, in Court-
room #25 of the Queens
County Supreme Court, 88-
11 Sutphin Boulevard, Jamai-
ca, NY 11435, on 10/18/2019
at 10:00 am, premises known
as 24 140th Street, Jamai-
ca, NY 11436, and described
as follows:
All that certain plot, piece
or parcel of land, with the
buildings and improvements
thereon erected, situate, ly-
ing and being in the Fourth
Ward, Borough of Queens,
County of Queens, City and
State of New York, Block
12011 and Lot 78.
The approximate amount of
the current Judgment lien is
\$711,966.95 plus interest
and costs. The Premises will
be sold subject to provisions
of the aforesaid Judgment of
Foreclosure and Sale; Index
702752/2014.
Catherine Nocco,
Purchasing Agent
9/23/2019

Legal Notice # 21527166
NOTICE OF SALE
SUPREME COURT - COUNTY
OF QUEENS
JGK EQUITIES, LLC,
Plaintiff,
Against
Index No. 70252/2014
DENNIS MOORE, et al.,
Defendant(s).
Pursuant to a Judgment of
Foreclosure and Sale, duly en-
tered 11/30/2018, I, the un-
dersigned Referee, will sell
at public auction, in Court-
room #25 of the Queens
County Supreme Court, 88-
11 Sutphin Boulevard, Jamai-
ca, NY 11435, on 10/18/2019
at 10:00 am, premises known
as 24 140th Street, Jamai-
ca, NY 11436, and described
as follows:
All that certain plot, piece
or parcel of land, with the
buildings and improvements
thereon erected, situate, ly-
ing and being in the Fourth
Ward, Borough of Queens,
County of Queens, City and
State of New York, Block
12011 and Lot 78.
The approximate amount of
the current Judgment lien is
\$711,966.95 plus interest
and costs. The Premises will
be sold subject to provisions
of the aforesaid Judgment of
Foreclosure and Sale; Index
702752/2014.
Catherine Nocco,
Purchasing Agent
9/23/2019

Legal Notice # 21527166
NOTICE OF SALE
SUPREME COURT - COUNTY
OF QUEENS
JGK EQUITIES, LLC,
Plaintiff,
Against
Index No. 70252/2014
DENNIS MOORE, et al.,
Defendant(s).
Pursuant to a Judgment of
Foreclosure and Sale, duly en-
tered 11/30/2018, I, the un-
dersigned Referee, will sell
at public auction, in Court-
room #25 of the Queens
County Supreme Court, 88-
11 Sutphin Boulevard, Jamai-
ca, NY 11435, on 10/18/2019
at 10:00 am, premises known
as 24 140th Street, Jamai-
ca, NY 11436, and described
as follows:
All that certain plot, piece
or parcel of land, with the
buildings and improvements
thereon erected, situate, ly-
ing and being in the Fourth
Ward, Borough of Queens,
County of Queens, City and
State of New York, Block
12011 and Lot 78.
The approximate amount of
the current Judgment lien is
\$711,966.95 plus interest
and costs. The Premises will
be sold subject to provisions
of the aforesaid Judgment of
Foreclosure and Sale; Index
702752/2014.
Catherine Nocco,
Purchasing Agent
9/23/2019

Legal Notice # 21527166
NOTICE OF SALE
SUPREME COURT - COUNTY
OF QUEENS
JGK EQUITIES, LLC,
Plaintiff,
Against
Index No. 70252/2014
DENNIS MOORE, et al.,
Defendant(s).
Pursuant to a Judgment of
Foreclosure and Sale, duly en-
tered 11/30/2018, I, the un-
dersigned Referee, will sell
at public auction, in Court-
room #25 of the Queens
County Supreme Court, 88-
11 Sutphin Boulevard, Jamai-
ca, NY 11435, on 10/18/2019
at 10:00 am, premises known
as 24 140th Street, Jamai-
ca, NY 11436, and described
as follows:
All that certain plot, piece
or parcel of land, with the
buildings and improvements
thereon erected, situate, ly-
ing and being in the Fourth
Ward, Borough of Queens,
County of Queens, City and
State of New York, Block
12011 and Lot 78.
The approximate amount of
the current Judgment lien is
\$711,

TIMES UNION

timesunion.com

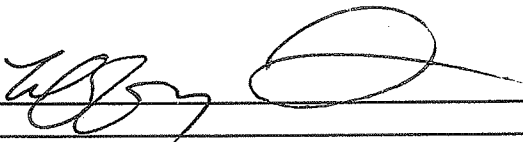
Albany Times Union
News Plaza
Box 15000
Albany, New York 12212

MILLER ADVERTISING
220 WEST 42ND STREET
12TH FLOOR
ATTN: LISA BERNER
NEW YORK, NY 10036

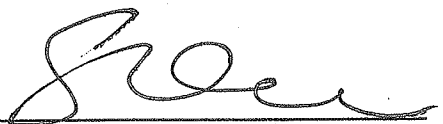
Account Number: 041821006
Order Number: 0004076542
Order Invoice Text: NOTICE OF PUBLIC

T Tomes / R Bernard / T Duquette / P Sheehan / A Rubel 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

09-25-2019



Sworn to before me, this 26 day of September 2019.



SUSAN QUINE
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01QU6396414
Qualified in Rensselaer County
Commission Expires August 19, 2023

Notary Public
Albany County

LEGALS

ATHARV LLC d/b/a 470109.
Office: RENSELAER Co.
SSNY designated as
agent for process & shall mail to:
O Kushankumar Patel, 619
Burlington Ave, Troy, NY 12186.
Purposes: General.
TUI 4074121

Shih LLC. Filed with SSNY
on 8/19/2019. Office: Albany
County. SSNY designated as
agent for process & shall mail to:
99 Washington Ave Ste
1008 Albany NY 12260. Purposes:
any lawful.
TUI 4074165

Brinkman LLC Arts of Org.
d/b/a SSNY 9/19/19. Office: Albany
County. SSNY design agent
for process & shall mail to
Registered Agents Inc. 80
State St #700-40 Albany, NY
12207 General Purpose.
TUI 4074244

Clear Choice Bakery LLC. Filed
8/28/19. Office: Albany Co.
SSNY designated as
agent for process & shall mail to:
C/O Stephanie B. Plant, 7
Nelson Rd, Albany, NY
12208. Purpose: General.
TUI 4074119

Flyway Bakery LLC. Filed
8/28/19. Office: Albany Co.
SSNY design agent
for process & shall mail to:
Registered Agents Inc. 80
State St #700-40 Albany, NY
12207 General Purpose.
TUI 4074244

Gallo Construction Co.
is seeking MWBE subcontractors
for the Schoharie Municipal
Housing Authority job.
If interested, please call (518)
273-0234. Gail Johnson is
an EOE.
TUI 4075495

Gatty Advance II LLC. Filed 8
2019. Office: Albany Co.
SSNY designated as agent
for process & shall mail to:
Box 18872 Albany, NY
12201. Purpose: General.
TUI 4074108

ifundoo II LLC. Filed 8/28/19.
Office: Albany Co. SSNY
designated as agent for
process & shall mail to:
P.O. Box 10573 Albany, NY
12201. Purpose: General.
TUI 4074107

Mad Dog Racing Stable LLC.
Filed 8/28/19. Office: Albany
County. SSNY designated
agent for process & shall mail
to: 18 Waters Edge, Rye, NY
10563. Purpose: General.
TUI 4074117

Mad Dog Racing Stable LLC.
Filed 8/28/19. Office: Albany
County. SSNY designated
agent for process & shall mail
to: 18 Waters Edge, Rye, NY
10563. Purpose: General.
TUI 4074117

Mad Dog Racing Stable LLC.
Filed 8/28/19. Office: Albany
County. SSNY designated
agent for process & shall mail
to: 18 Waters Edge, Rye, NY
10563. Purpose: General.
TUI 4074117

Mad Dog Racing Stable LLC.
Filed 8/28/19. Office: Albany
County. SSNY designated
agent for process & shall mail
to: 18 Waters Edge, Rye, NY
10563. Purpose: General.
TUI 4074117

Mad Dog Racing Stable LLC.
Filed 8/28/19. Office: Albany
County. SSNY designated
agent for process & shall mail
to: 18 Waters Edge, Rye, NY
10563. Purpose: General.
TUI 4074117

Mad Dog Racing Stable LLC.
Filed 8/28/19. Office: Albany
County. SSNY designated
agent for process & shall mail
to: 18 Waters Edge, Rye, NY
10563. Purpose: General.
TUI 4074117

Mad Dog Racing Stable LLC.
Filed 8/28/19. Office: Albany
County. SSNY designated
agent for process & shall mail
to: 18 Waters Edge, Rye, NY
10563. Purpose: General.
TUI 4074117

Mad Dog Racing Stable LLC.
Filed 8/28/19. Office: Albany
County. SSNY designated
agent for process & shall mail
to: 18 Waters Edge, Rye, NY
10563. Purpose: General.
TUI 4074117

Mad Dog Racing Stable LLC.
Filed 8/28/19. Office: Albany
County. SSNY designated
agent for process & shall mail
to: 18 Waters Edge, Rye, NY
10563. Purpose: General.
TUI 4074117

Mad Dog Racing Stable LLC.
Filed 8/28/19. Office: Albany
County. SSNY designated
agent for process & shall mail
to: 18 Waters Edge, Rye, NY
10563. Purpose: General.
TUI 4074117

Mad Dog Racing Stable LLC.
Filed 8/28/19. Office: Albany
County. SSNY designated
agent for process & shall mail
to: 18 Waters Edge, Rye, NY
10563. Purpose: General.
TUI 4074117

Mad Dog Racing Stable LLC.
Filed 8/28/19. Office: Albany
County. SSNY designated
agent for process & shall mail
to: 18 Waters Edge, Rye, NY
10563. Purpose: General.
TUI 4074117

Mad Dog Racing Stable LLC.
Filed 8/28/19. Office: Albany
County. SSNY designated
agent for process & shall mail
to: 18 Waters Edge, Rye, NY
10563. Purpose: General.
TUI 4074117

Mad Dog Racing Stable LLC.
Filed 8/28/19. Office: Albany
County. SSNY designated
agent for process & shall mail
to: 18 Waters Edge, Rye, NY
10563. Purpose: General.
TUI 4074117

Mad Dog Racing Stable LLC.
Filed 8/28/19. Office: Albany
County. SSNY designated
agent for process & shall mail
to: 18 Waters Edge, Rye, NY
10563. Purpose: General.
TUI 4074117

Mad Dog Racing Stable LLC.
Filed 8/28/19. Office: Albany
County. SSNY designated
agent for process & shall mail
to: 18 Waters Edge, Rye, NY
10563. Purpose: General.
TUI 4074117

Mad Dog Racing Stable LLC.
Filed 8/28/19. Office: Albany
County. SSNY designated
agent for process & shall mail
to: 18 Waters Edge, Rye, NY
10563. Purpose: General.
TUI 4074117

Mad Dog Racing Stable LLC.
Filed 8/28/19. Office: Albany
County. SSNY designated
agent for process & shall mail
to: 18 Waters Edge, Rye, NY
10563. Purpose: General.
TUI 4074117

LEGALS

MY INWOOD PROPERTY LLC.
Filed 8/22/19. Office: Albany
County. SSNY designated
as agent for process & shall
mail to: 389 Shaker Blvd,
Westwood, NY 11985. Purpose:
General.
TUI 4074118

Frederick LLC. Filed with
SSNY on 8/14/2019. Office:
Albany County. SSNY design-
ated as agent for process & shall
mail to: 99 Washington Ave
Ste 1008 Albany NY 12260.
Purposes: any lawful.
TUI 4074168

Rhin Design Group LLC. Arts
of Org. d/b/a SSNY 9/19/19.
Office: Albany Co. SSNY design
agent for process & shall mail
to: 2114 Convent Rd
Brooklyn, NY 11229 General
Purpose.
TUI 4073055

The Beehive NYC LLC. Arts of
Org. d/b/a SSNY 9/19/19.
Office: Albany Co. SSNY design
agent for process & shall mail
to: 2114 Convent Rd
Brooklyn, NY 11229 General
Purpose.
TUI 4073055

Wm. J. Keller Construction as a Prime Contractor is soliciting
pitches for MWBE & SOVBO subcontractors for the Village of
Cooperstown Middleburg Field Improvements Project. For fur-
ther information, contact Wm. J. Keller & Sons Construction,
1435 Route 9, Catskill, NY 12033, ext (518) 732-7782 or via
e-mail at WJKeller@kellerandsons.com. Wm. J. Keller & Sons Con-
struction is an Equal Employment Opportunity Employer and is
taking Affirmative Action in conformity with Federal and State
Civil Human Rights Laws and Legislation in recruiting
minorities and women applicants.
TUI 4076529

CG Rozana LLC. located in Johnson, NY seeks contract
for its facilities project, located at 1000 West Road, for as-
sisting, lighting road, clearing and salting as needed of both
sides and to employ public works. All interested parties should submit a bid on company
letter head for the 2019 - 2020 season, and a current copy of
proof of insurance, starting date 11/1/19 - 3/31/2020.
TUI 4076578

Supreme Court County of Albany
Wells Fargo Bank, N.A., Plaintiff
Against
Doris Leigh Davis, Defendant(s)
Pursuant to a Judgment of Foreclosure and Sale duly dated Ju-
ly 25, 2019, the undersigned Referee will sell at public auction
at the Albany County Courthouse, Albany, New York on Octo-
ber 16, 2019 at 12:00PM, premises known as 40 Bonheim
Street, Albany, NY 12204. All that certain plot or parcel
of land, with the buildings and improvements erected, situate,
lying and being in the City of Albany, County of Albany, State
of NY, Section 33, Block 14, Lot 1.1, Approximate area of 1.1
acres, more or less, and being the subject of a mortgage in
judgment \$72,567.19 plus interest and costs. Premises will be
sold subject to provisions of filed Judgment Index 804178-17.
Ryan Hertzel, Esq., Referee
TUI 4076529

Shapiro, O'Carroll & Bank, LLC
Attorneys (s) for the Plaintiff
175 Mile Croosing Boulevard
Rochester, New York 14624
(877) 434-7972
Dated: August 7, 2019 897482
TUI 4076529

Shapiro, O'Carroll & Bank, LLC
Attorneys (s) for the Plaintiff
175 Mile Croosing Boulevard
Rochester, New York 14624
(877) 434-7972
Dated: August 7, 2019 897482
TUI 4076529

Shapiro, O'Carroll & Bank, LLC
Attorneys (s) for the Plaintiff
175 Mile Croosing Boulevard
Rochester, New York 14624
(877) 434-7972
Dated: August 7, 2019 897482
TUI 4076529

Shapiro, O'Carroll & Bank, LLC
Attorneys (s) for the Plaintiff
175 Mile Croosing Boulevard
Rochester, New York 14624
(877) 434-7972
Dated: August 7, 2019 897482
TUI 4076529

Shapiro, O'Carroll & Bank, LLC
Attorneys (s) for the Plaintiff
175 Mile Croosing Boulevard
Rochester, New York 14624
(877) 434-7972
Dated: August 7, 2019 897482
TUI 4076529

Shapiro, O'Carroll & Bank, LLC
Attorneys (s) for the Plaintiff
175 Mile Croosing Boulevard
Rochester, New York 14624
(877) 434-7972
Dated: August 7, 2019 897482
TUI 4076529

Shapiro, O'Carroll & Bank, LLC
Attorneys (s) for the Plaintiff
175 Mile Croosing Boulevard
Rochester, New York 14624
(877) 434-7972
Dated: August 7, 2019 897482
TUI 4076529

Shapiro, O'Carroll & Bank, LLC
Attorneys (s) for the Plaintiff
175 Mile Croosing Boulevard
Rochester, New York 14624
(877) 434-7972
Dated: August 7, 2019 897482
TUI 4076529

Shapiro, O'Carroll & Bank, LLC
Attorneys (s) for the Plaintiff
175 Mile Croosing Boulevard
Rochester, New York 14624
(877) 434-7972
Dated: August 7, 2019 897482
TUI 4076529

Shapiro, O'Carroll & Bank, LLC
Attorneys (s) for the Plaintiff
175 Mile Croosing Boulevard
Rochester, New York 14624
(877) 434-7972
Dated: August 7, 2019 897482
TUI 4076529

Shapiro, O'Carroll & Bank, LLC
Attorneys (s) for the Plaintiff
175 Mile Croosing Boulevard
Rochester, New York 14624
(877) 434-7972
Dated: August 7, 2019 897482
TUI 4076529

Shapiro, O'Carroll & Bank, LLC
Attorneys (s) for the Plaintiff
175 Mile Croosing Boulevard
Rochester, New York 14624
(877) 434-7972
Dated: August 7, 2019 897482
TUI 4076529

Shapiro, O'Carroll & Bank, LLC
Attorneys (s) for the Plaintiff
175 Mile Croosing Boulevard
Rochester, New York 14624
(877) 434-7972
Dated: August 7, 2019 897482
TUI 4076529

Shapiro, O'Carroll & Bank, LLC
Attorneys (s) for the Plaintiff
175 Mile Croosing Boulevard
Rochester, New York 14624
(877) 434-7972
Dated: August 7, 2019 897482
TUI 4076529

Shapiro, O'Carroll & Bank, LLC
Attorneys (s) for the Plaintiff
175 Mile Croosing Boulevard
Rochester, New York 14624
(877) 434-7972
Dated: August 7, 2019 897482
TUI 4076529

Shapiro, O'Carroll & Bank, LLC
Attorneys (s) for the Plaintiff
175 Mile Croosing Boulevard
Rochester, New York 14624
(877) 434-7972
Dated: August 7, 2019 897482
TUI 4076529

Shapiro, O'Carroll & Bank, LLC
Attorneys (s) for the Plaintiff
175 Mile Croosing Boulevard
Rochester, New York 14624
(877) 434-7972
Dated: August 7, 2019 897482
TUI 4076529

Shapiro, O'Carroll & Bank, LLC
Attorneys (s) for the Plaintiff
175 Mile Croosing Boulevard
Rochester, New York 14624
(877) 434-7972
Dated: August 7, 2019 897482
TUI 4076529

Shapiro, O'Carroll & Bank, LLC
Attorneys (s) for the Plaintiff
175 Mile Croosing Boulevard
Rochester, New York 14624
(877) 434-7972
Dated: August 7, 2019 897482
TUI 4076529

LEGALS

Notice of Formation
DOMESTIC LIMITED LIABILITY COMPANY (LLC).
Name: Melinda Meadows LLC. Articles of Organization filed
with NY Secretary of State, August 22, 2019. Purpose: to en-
gage in any lawful act or activity. Office: in Seneca
County. Secretary of State is agent for process against LLC
and shall mail copy to 225 Old Pangloss Road, Dutchess,
NY 12525.
TUI 4074328

LEGAL NOTICE
C. COSTA PROPERTIES, LLC
Notice of Formation
of Limited Liability Company
Arts. of Org. of C. Costa Properties, LLC (LLC) filed with
Dept. of State of NY on 8/19/19. Office location: Albany County,
N.Y. A designated agent of LLC upon whom process
against it may be served and shall mail process to: 43 Rother-
ham Dr., Glenmont, NY 12077, please send address to: LLC
does not have a specific date of dissolution. Purpose: All legal
purposes. Flor. Lavell & Finn, LLP, 29 British American Bldg.,
Salem, NY 12151.
TUI 4076588

Notice of Formation
of Limited Liability Company
of the New York Limited Liability Law.
a. The name of the Limited Liability Company is
Winding Brook Holdings, LLC.
b. The Articles of Organization were filed with the
Secretary of State on September 19, 2019.
c. The office of the Limited Liability Company will be
located in Albany County.
d. The Secretary of State is designated as agent of the
Limited Liability Company upon whom process against it
may be served. The address to which the Secretary
of State shall mail a copy of any process against the
Limited Liability Company served upon her or his is:
Linda Anastopoulos,
7 Thruway Avenue
Rensselaer, New York 12144
e. The Limited Liability Company is formed for any lawful
business purpose or purposes.
TUI 4076588

Notice of Formation
of Limited Liability Company
of the New York Limited Liability Law.
a. The name of the Limited Liability Company is
Winding Brook Holdings, LLC.
b. The Articles of Organization were filed with the
Secretary of State on September 19, 2019.
c. The office of the Limited Liability Company will be
located in Albany County.
d. The Secretary of State is designated as agent of the
Limited Liability Company upon whom process against it
may be served. The address to which the Secretary
of State shall mail a copy of any process against the
Limited Liability Company served upon her or his is:
Linda Anastopoulos,
7 Thruway Avenue
Rensselaer, New York 12144
e. The Limited Liability Company is formed for any lawful
business purpose or purposes.
TUI 4076588

Notice of Formation
of Limited Liability Company
of the New York Limited Liability Law.
a. The name of the Limited Liability Company is
Winding Brook Holdings, LLC.
b. The Articles of Organization were filed with the
Secretary of State on September 19, 2019.
c. The office of the Limited Liability Company will be
located in Albany County.
d. The Secretary of State is designated as agent of the
Limited Liability Company upon whom process against it
may be served. The address to which the Secretary
of State shall mail a copy of any process against the
Limited Liability Company served upon her or his is:
Linda Anastopoulos,
7 Thruway Avenue
Rensselaer, New York 12144
e. The Limited Liability Company is formed for any lawful
business purpose or purposes.
TUI 4076588

Notice of Formation
of Limited Liability Company
of the New York Limited Liability Law.
a. The name of the Limited Liability Company is
Winding Brook Holdings, LLC.
b. The Articles of Organization were filed with the
Secretary of State on September 19, 2019.
c. The office of the Limited Liability Company will be
located in Albany County.
d. The Secretary of State is designated as agent of the
Limited Liability Company upon whom process against it
may be served. The address to which the Secretary
of State shall mail a copy of any process against the
Limited Liability Company served upon her or his is:
Linda Anastopoulos,
7 Thruway Avenue
Rensselaer, New York 12144
e. The Limited Liability Company is formed for any lawful
business purpose or purposes.
TUI 4076588

Notice of Formation
of Limited Liability Company
of the New York Limited Liability Law.
a. The name of the Limited Liability Company is
Winding Brook Holdings, LLC.
b. The Articles of Organization were filed with the
Secretary of State on September 19, 2019.
c. The office of the Limited Liability Company will be
located in Albany County.
d. The Secretary of State is designated as agent of the
Limited Liability Company upon whom process against it
may be served. The address to which the Secretary
of State shall mail a copy of any process against the
Limited Liability Company served upon her or his is:
Linda Anastopoulos,
7 Thruway Avenue
Rensselaer, New York 12144
e. The Limited Liability Company is formed for any lawful
business purpose or purposes.
TUI 4076588

Notice of Formation
of Limited Liability Company
of the New York Limited Liability Law.
a. The name of the Limited Liability Company is
Winding Brook Holdings, LLC.
b. The Articles of Organization were filed with the
Secretary of State on September 19, 2019.
c. The office of the Limited Liability Company will be
located in Albany County.
d. The Secretary of State is designated as agent of the
Limited Liability Company upon whom process against it
may be served. The address to which the Secretary
of State shall mail a copy of any process against the
Limited Liability Company served upon her or his is:
Linda Anastopoulos,
7 Thruway Avenue
Rensselaer, New York 12144
e. The Limited Liability Company is formed for any lawful
business purpose or purposes.
TUI 4076588

Notice of Formation
of Limited Liability Company
of the New York Limited Liability Law.
a. The name of the Limited Liability Company is
Winding Brook Holdings, LLC.
b. The Articles of Organization were filed with the
Secretary of State on September 19, 2019.
c. The office of the Limited Liability Company will be
located in Albany County.
d. The Secretary of State is designated as agent of the
Limited Liability Company upon whom process against it
may be served. The address to which the Secretary
of State shall mail a copy of any process against the
Limited Liability Company served upon her or his is:
Linda Anastopoulos,
7 Thruway Avenue
Rensselaer, New York 12144
e. The Limited Liability Company is formed for any lawful
business purpose or purposes.
TUI 4076588

Notice of Formation
of Limited Liability Company
of the New York Limited Liability Law.
a. The name of the Limited Liability Company is
Winding Brook Holdings, LLC.
b. The Articles of Organization were filed with the
Secretary of State on September 19, 2019.
c. The office of the Limited Liability Company will be
located in Albany County.
d. The Secretary of State is designated as agent of the
Limited Liability Company upon whom process against it
may be served. The address to which the Secretary
of State shall mail a copy of any process against the
Limited Liability Company served upon her or his is:
Linda Anastopoulos,
7 Thruway Avenue
Rensselaer, New York 12144
e. The Limited Liability Company is formed for any lawful
business purpose or purposes.
TUI 4076588

Notice of Formation
of Limited Liability Company
of the New York Limited Liability Law.
a. The name of the Limited Liability Company is
Winding Brook Holdings, LLC.
b. The Articles of Organization were filed with the
Secretary of State on September 19, 2019.
c. The office of the Limited Liability Company will be
located in Albany County.
d. The Secretary of State is designated as agent of the
Limited Liability Company upon whom process against it
may be served. The address to which the Secretary
of State shall mail a copy of any process against the
Limited Liability Company served upon her or his is:
Linda Anastopoulos,
7 Thruway Avenue
Rensselaer, New York 12144
e. The Limited Liability Company is formed for any lawful
business purpose or purposes.
TUI 4076588

Notice of Formation
of Limited Liability Company
of the New York Limited Liability Law.
a. The name of the Limited Liability Company is
Winding Brook Holdings, LLC.
b. The Articles of Organization were filed with the
Secretary of State on September 19, 2019.
c. The office of the Limited Liability Company will be
located in Albany County.
d. The Secretary of State is designated as agent of the
Limited Liability Company upon whom process against it
may be served. The address to which the Secretary
of State shall mail a copy of any process against the
Limited Liability Company served upon her or his is:
Linda Anastopoulos,
7 Thruway Avenue
Rensselaer, New York 12144
e. The Limited Liability Company is formed for any lawful
business purpose or purposes.
TUI 4076588

Notice of Formation
of Limited Liability Company
of the New York Limited Liability Law.
a. The name of the Limited Liability Company is
Winding Brook Holdings, LLC.
b. The Articles of Organization were filed with the
Secretary of State on September 19, 2019.
c. The office of the Limited Liability Company will be
located in Albany County.
d. The Secretary of State is designated as agent of the
Limited Liability Company upon whom process against it
may be served. The address to which the Secretary
of State shall mail a copy of any process against the
Limited Liability Company served upon her or his is:
Linda Anastopoulos,
7 Thruway Avenue
Rensselaer, New York 12144
e. The Limited Liability Company is formed for any lawful
business purpose or purposes.
TUI 4076588

Notice of Formation
of Limited Liability Company
of the New York Limited Liability Law.
a. The name of the Limited Liability Company is
Winding Brook Holdings, LLC.
b. The Articles of Organization were filed with the
Secretary of State on September 19, 2019.
c. The office of the Limited Liability Company will be
located in Albany County.
d. The Secretary of State is designated as agent of the
Limited Liability Company upon whom process against it
may be served. The address to which the Secretary
of State shall mail a copy of any process against the
Limited Liability Company served upon her or his is:
Linda Anastopoulos,
7 Thruway Avenue
Rensselaer, New York 12144
e. The Limited Liability Company is formed for any lawful
business purpose or purposes.
TUI 4076588

Notice of Formation
of Limited Liability Company
of the New York Limited Liability Law.
a. The name of the Limited Liability Company is
Winding Brook Holdings, LLC.
b. The Articles of Organization were filed with the
Secretary of State on September 19, 2019.
c. The office of the Limited Liability Company will be
located in Albany County.
d. The Secretary of State is designated as agent of the
Limited Liability Company upon whom process against it
may be served. The address to which the Secretary
of State shall mail a copy of any process against the
Limited Liability Company served upon her or his is:
Linda Anastopoulos,
7 Thruway Avenue
Rensselaer, New York 12144
e. The Limited Liability Company is formed for any lawful
business purpose or purposes.
TUI 4076588

Notice of Formation
of Limited Liability Company
of the New York Limited Liability Law.
a. The name of the Limited Liability Company is
Winding Brook Holdings, LLC.
b. The Articles of Organization were filed with the
Secretary of State on September 19, 2019.
c. The office of the Limited Liability Company will be
located in Albany County.
d. The Secretary of State is designated as agent of the
Limited Liability Company upon whom process against it
may be served. The address to which the Secretary
of State shall mail a copy of any process against the
Limited Liability Company served upon her or his is:
Linda Anastopoulos,
7 Thruway Avenue
Rensselaer, New York 12144
e. The Limited Liability Company is formed for any lawful
business purpose or purposes.
TUI 4076588

Notice of Formation
of Limited Liability Company
of the New York Limited Liability Law.
a. The name of the Limited Liability Company is
Winding Brook Holdings, LLC.
b. The Articles of Organization were filed with the
Secretary of State on September 19, 2019.
c. The office of the Limited Liability Company will be
located in Albany County.
d. The Secretary of State is designated as agent of the
Limited Liability Company upon whom process against it
may be served. The address to which the Secretary
of State shall mail a copy of any process against the
Limited Liability Company served upon her or his is:
Linda Anastopoulos,
7 Thruway Avenue
Rensselaer, New York 12144
e. The Limited Liability Company is formed for any lawful
business purpose or purposes.
TUI 4076588

Notice of Formation
of Limited Liability Company
of the New York Limited Liability Law.
a. The name of the Limited Liability Company is
Winding Brook Holdings, LLC.
b. The Articles of Organization were filed with the
Secretary of State on September 19, 2019.
c. The office of the Limited Liability Company will be
located in Albany County.
d. The Secretary of State is designated as agent of the
Limited Liability Company upon whom process against it
may be served. The address to which the Secretary
of State shall mail a copy of any process against the
Limited Liability Company served upon her or his is:
Linda Anastopoulos,
7 Thruway Avenue
Rensselaer, New York 12144
e. The Limited Liability Company is formed for any lawful
business purpose or purposes.
TUI 4076588

Notice of Formation
of Limited Liability Company
of the New York Limited Liability Law.
a. The name of the Limited Liability Company is
Winding Brook Holdings, LLC.
b. The Articles of Organization were filed with the
Secretary of State on September 19, 2019.
c. The office of the Limited Liability Company will be
located in Albany County.
d. The Secretary of State is designated as agent of the
Limited Liability Company upon whom process against it
may be served. The address to which the Secretary
of State shall mail a copy of any process against the
Limited Liability Company served upon her or his is:
Linda Anastopoulos,
7 Thruway Avenue
Rensselaer, New York 12144
e. The Limited Liability Company is formed for any lawful
business purpose or purposes.
TUI 4076588

Notice of Formation
of Limited Liability Company
of the New York Limited Liability Law.
a. The name of the Limited Liability Company is
Winding Brook Holdings, LLC.
b. The Articles of Organization were filed with the
Secretary of State on September 19, 2019.
c. The office of the Limited Liability Company will be
located in Albany County.
d. The Secretary of State is designated as agent of the
Limited Liability Company upon whom process against it
may be served. The address to which the Secretary
of State shall mail a copy of any process against the
Limited Liability Company served upon her or his is:
Linda Anastopoulos,
7 Thruway Avenue
Rensselaer, New York 12144
e. The Limited Liability Company is formed for any lawful
business purpose or purposes.
TUI 4076588

THE BUFFALO NEWS

-Affidavit-

Maureen Elardo of the City of Buffalo, New York, being duly sworn, deposes and says that he/she is Principal Clerk of THE BUFFALO NEWS INC., Publisher of THE BUFFALO NEWS, a newspaper published in said city, that the notice of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein **1** times, the first insertion being on **09/25/2019** and the last insertion being on **09/25/2019**

Maureen Elardo

Dates Ad Ran:

Buffalo News (P1) 09/25/19

Sworn to before me this 25th day of September 2019

Debra M Palkowski

Notary Public, Erie County, New York

DEBRA M. PALKOWSKI
Notary Public - State of New York
No. 01P84955693
Qualified in Erie County
My Commission Expires Sept. 5, 2021

NOTICE OF PUBLIC HEARING

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Pursuant to Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 19-0306, 19-0311, 71-2103, 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 219, *Incinerators*.

The New York State Department of Environmental Conservation (Department) is proposing several revisions to its operating requirements for human and animal crematories. These requirements are found in Title 6 of the New York Compilation of Codes, Rules and Regulations (6 NYCRR) Part 219, *Incinerators* (Part 219). The Department is proposing to repeal and replace Subpart 219-4 to better reflect the current state of cremation technology and reduce emissions of particulate matter from new crematories constructed in the state. In addition, the Department is proposing to sunset Subparts 219-5 and 219-6 by requiring that existing units subject to these requirements be regulated by more stringent standards under new Subpart 219-4. The Department is also proposing to add a new Subpart 219-10 to limit oxides of nitrogen emissions from municipal waste combustion units. Finally, the Department is proposing to make several minor changes to Subpart 219-1 and conforming changes to Subpart 200.9 to clarify various definitions used throughout Part 219. Further, the Department proposes to submit the Part 219 as well as the revisions to Part 200 to EPA 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
December 3, 2019	11:00 am	Suffolk County Water Authority, 260 Motor Pkwy, Hauppauge, NY 11788
December 4, 2019	11:00 am	6274 Avon-Lima Rd. (Rtes. 5 and 20), Conference Room, Avon, NY 14414-9516
December 6, 2019	11:00 am	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 November 26, 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.

Requests for information and comments related to the proposed Part 219, may be obtained from Mark Lanzafame, 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 on the proposed rule may be submitted until 5 pm December 11, 2019.

Requests for information and comments related to the SIP revision 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 December 11, 2019.

The proposed regulation 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: Ben Potter

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: Bob 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 Zenn

THE POST-STANDARD

LEGAL AFFIDAVIT

INV#: 0009335285

ADVANCE

MEDIA NEW YORK

syracuse.com | THE POST-STANDARD

NYup.com

MILLER ADVERTISING AGENCY INC
220 W 42 ST 12TH FL
NEW YORK, NY 10036

Name: MILLER ADVERTISING AGENCY INC

Sales Rep: Lois Rotchford

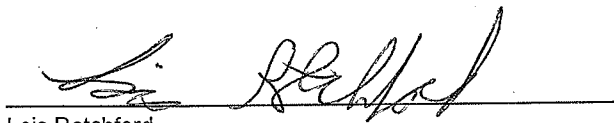
Account Number: 1001507

INV#: 0009335285

Date	Position	Description	P.O. Number	Ad Size
09/24/2019	Other Legals NY		IO# R9190063	3 x 84 L

State of New York, County of Onondaga ss. Lois Rotchford, 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 09/24/2019



Lois Rotchford

Principal Clerk

An Authorized Designee of the President, Timothy R. Kennedy
Subscribed and sworn to before me, this 24th day of September
2019



NOTARY PUBLIC

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

HEIDI A. STEPHENS
Notary Public - State of New York
No. 01ST6290718
Qualified in Onondaga County
My Commission Expires: 10/7/2021

Date	Position	Description	P.O. Number	Ad Size
09/24/2019	Other Legals NY		IO# R9190063	3 x 84 L

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

Pursuant to Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 19-0306, 19-0311, 71-2103, 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 219, *Incinerators*.

The New York State Department of Environmental Conservation (Department) is proposing several revisions to its operating requirements for human and animal crematories. These requirements are found in Title 6 of the New York Compilation of Codes, Rules and Regulations (6 NYCRR) Part 219, Incinerators (Part 219). The Department is proposing to repeal and replace Subpart 219-4 to better reflect the current state of cremation technology and reduce emissions of particulate matter from new crematories constructed in the state. In addition, the Department is proposing to sunset Subparts 219-5 and 219-6 by requiring that existing units subject to these requirements be regulated by more stringent standards under new Subpart 219-4. The Department is also proposing to add a new Subpart 219-10 to limit oxides of nitrogen emissions from municipal waste combustion units. Finally, the Department is proposing to make several minor changes to Subpart 219-1 and conforming changes to Subpart 200.9 to clarify various definitions used throughout Part 219. Further, the Department proposes to submit the Part 219 as well as the revisions to Part 200 to EPA 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
December 3, 2019	11:00 am	Suffolk County Water Authority, 260 Motor Pkwy, Hauppauge, NY 11788
December 4, 2019	11:00 am	6274 Avon-Lima Rd. (Rtes. 5 and 20), Conference Room, Avon, NY 14414-9516
December 6, 2019	11:00 am	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 November 26, 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.

Requests for information and comments related to the proposed Part 219, may be obtained from Mark Lanzafame, 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 on the proposed rule may be submitted until 5 pm December 11, 2019.

Requests for information and comments related to the SIP revision 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 December 11, 2019.

The proposed regulation 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 Platt Corners Road, New Paltz, NY 12561, Attention: George Sweikert

REGION 4 - 1130 North Westcott Rd., Schenectady, NY 12306, Attention: Ben Potter

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: Bob 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

*** Proof of Publication ***

WARREN COUNTY AFFIDAVIT

STATE OF NEW YORK:

County of Warren, ss:

Kerr: Ward 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

NOTICE OF PUBLIC HEARING
September 25, 2019

MILLER ADVERTISING-LEGAL

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

ORDER NUMBER 83962

Signed this 25th day of September, 2019
[Signature]

Sworn to before me this 25th day of September, 2019
[Signature]

JOHN R. WALSH
Notary Public - State of New York
No. 01WA6390461
Qualified in Saratoga County
My Commission Expires April 15, 2023

Section: Legals

Category: 001 Legal Notices - Warren County

PUBLISHED ON: 09/25/2019.

TOTAL AD COST: 89.02

FILED ON: 9/25/2019

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
the Rochester Democrat & Chronicle for Miller
Advertising Agency, Inc; located in New York, NY, and
that the NYSDEC Notice of Public Hearing (Incinerators)
advertisement, of which the annexed is a true copy, has
been published in the said publication on the following
issue date(s):

Sept. 25, 2019

Ambika Mohan

Ambika Mohan

Subscribed to and Sworn before me

This 18th day of October, 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

Classified

585-454-1111
classified.democratandchronicle.com

Stuff

Firewood & Fuel

APPLYWOOD
Delivered & Stacked.
Call 855-252-1017

Furniture & Household Items

DINING ROOM TABLE, 6 chairs, china
cabinet & set. Antique oak. Call 855-252-1017, ext. 200. \$700.00. 855-252-1017

General Merchandise

TICKETS: New England at Buffalo.
6 tickets together, Sat. 5:00 PM. \$150 each. 715-232-0137

the job network

Get started by visiting jobs.ustoday.com

Sporting Goods

THE ROCHESTER GUN SHOW
Sat. Sept. 29th & Sun. Sept. 30th at the
Rochester Convention Center, 1000
Rd. Henrietta NY 14621. Sat. 9-5pm.
Sun. 9-5pm. 200+ dealers. Admission \$5

Wheels

Autos Wanted

JUNK CARS • Trucks • Vans wanted,
better cash paid for most, unless same
day pickup. (855) 252-5855

CALL NOW

Red's
We come to you!
We pay more for newer
cars, trucks & vans!
We buy classic cars!
Open 7 days a week
Call 585-272-1185

Cars

LOOK

Honda 18 Civic LX, 4 Door Sedan, 73k
mi., Power windows/locks, ABS, BT, key-
less entry, \$12,999. 585-455-5317

VW / AUDI USED, 7 DAYS

SALE • 10% OFF • Cash • Finance!
Service • 915-769-2200
GulfcoastCars.com

Homes

ROCHESTERHOMES.COM

Legals

To place a legal ad please call 585-946-7000

Legal Notices & P.C.

LEGAL NOTICE

BOTTOM FEEDING MOBILE LLC, 44
of C. Road, with the SSNY on
09/01/19. Office: Monroe County, Local
Zone. Registered Agent of this LLC
upon whom process against it may be
served. SSNY shall mail copy of process
to the LLC, 638 Seneca Dr.,
Watertown, NY 13603. Pursuant to any
law purpose. 585-272-1185

LEGAL NOTICE

NOTICE OF FORMATION OF
Brockport-Market Properties LLC. Brock
Avenue of Organization with the NY
DOS on September 19, 2019. The DOS
is designated agent of this LLC upon
whom process against it may be
served. The office of the LLC is located
at which the Secretary of State shall
mail a copy of any process shall
be 638 Seneca Dr., Watertown, NY 13603.
The purpose of the LLC is to acquire in
any business permitted under law.
585-272-1185

LEGAL NOTICE

Notice of Formation of The Art Administration LLC, 44 of C. Road, with the
Secretary of State of New York (SSNY) on
09/01/19. Office location: Monroe County,
SSNY designated agent of agent of
LLC upon whom process against it may
be served. SSNY shall mail copy of
process to the LLC, 638 Seneca Dr.,
Watertown, NY 13603. Pursuant to any
law purpose. Any further notice shall
be 638 Seneca Dr., Watertown, NY 13603.
585-272-1185

FINDING WORK SHOULDN'T BE WORK.

the job network

Get started by visiting
jobs.ustoday.com

HOME IMPROVEMENT @YOURservice

Asphalt, Blacktop & Concrete

G Enterprises Paving & Masonry
Working Since 1981. Licensed
Batter Business Bureau 15%
Early Bird Discount All Work
Guaranteed Warranty, Fully
Insured. Serving all County's
NYS/OSG Certified
Call 685-317-4029

Electrical

RETURNED ELECTRICIAN
Small Jobs My Specialty!
• Reasonable Rates • Licensed
• Call Bruno 585-720-1680 •

Home Improvement

J.O. & HANDYMAN SERVICE
Professional top quality craftsmanship.
Free Est. 20+ yrs exp.
Interior work, Windows, Doors, Siding,
Fencing, Decks, Porches,
Patios & Light Fixtures
No job too small
Call anytime. Ask for Jon
855-743-5170

Landscaping

SEPTEMBER CLEAN-UP
Shrub & Hedge Trimming,
Weeding, Mulch, Edging &
more! Reasonable Rates,
Free Est. Senior Disc.
Call Bob 585-697-4780

Carpet Installations

Carpet Re-Stretching
& Repair
Over 50 Years in the
Carpet Industry.
Call today
for a Free Estimate.
BAYVIEW CARPET
SERVICE
585-739-1808

Roche Residential Remodeling

• Siding • Windows • Roofing
• Kitchen Baths • Fences
• Remodeling
Specialized Tradesmen
No Money Till Finished
585-442-4700

Two Veterans

• Cleaning Gutters
• Painting Int/Ext
Call Dale
576-5042

Mallo Home Improvements

Family Owned
20 Years Service
• Additions • Bathrooms • Kitchens
• Garages • 1st Floor Rooms
• Licensed Plumbers & Electricians
Free Estimates
585-654-9530
www.mallohomeimprovements.com
BCB Member

Insulation

Ice Dams? Cold Rooms?
High Bills? Owl Fix It!
Home Diagnostics, HVAC
Insulation, A/C Servicing,
Results Guaranteed.
270-5858
www.WiseHomeEnergy.com
WISE HOME ENERGY

Landscaping

Ext. Painting,
Ext. Staining,
Deck Staining
Call 585-738-6695

Electrical

FAST ECH ELECTRIC
Family Owned Business for over 20 yrs.
Reasonable Prices/Reasonable Dependable
No Job Too Big or Small. General Service
Call For Free Estimate
All Jobs Completed
Tony 585-474-2923 or
Tony 585-687-2101

Construction Services

Professional General Contractor
and all aspects of contracting. Interior
and exterior remodeling, additions, etc.
• Bathrooms • Kitchens • Basements •
• Additions • Decks • Porches • Siding •
• Fences • Garages • 1st Floor Rooms
• Licensed Plumbers & Electricians
Free Estimates
585-654-9530
www.mallohomeimprovements.com
BCB Member

Painting

Lorenzo Boss Contracting
Ex/Int. Painting,
Deck Restoration,
Water Resistance
Veteran Owned.
Call 585-944-6508

Paving

SHEPARD
PAVING
Driveways, Parking Lots, Seal
Coating, Concrete, Top Soil,
Residential & Commercial
585-733-2781
Chris a Quality at DMWIE
24-hour emergency service at DMWIE.com

Find a home that fits your family in a neighborhood that fits your life.

Your dream home should come with a dream neighborhood. That's why Democrat and Chronicle / Homes provides exclusive details on neighborhoods, lifestyles and area amenities with every listing.

Homes

Love the house. Know the neighborhood.

DemocratandChronicle.com/homes

PART OF THE USA TODAY NETWORK

In the Matter Of:
SUFFOLK COUNTY WATER AUTHORITY

PUBLIC HEARING

December 03, 2019



ESQUIRE
DEPOSITION SOLUTIONS

800.211.DEPO (3376)
EsquireSolutions.com

SUFFOLK COUNTY WATER AUTHORITY
PUBLIC HEARING

260 Motor Parkway
Hauppauge, New York
December 3, 2019
11:00 a.m.

Reported By: Sindee J. Baum.

1 MR. FONDA: Good morning. My name is Bill Fonda.
2 I am a public participation specialist with the
3 Department of Environmental Conservation. I have been
4 assigned to moderate today's public hearing regarding
5 proposed amendments to 6 NYCRR Part 219 -- crematories
6 and incinerators. This proposed rule making establishes
7 emission limits and operating requirements for various
8 types of incinerators in New York State. Notice of the
9 proposed rule making was published in the Environmental
10 Notice Bulletin, the State Register, the New York Post
11 and Newsday on September 25, 2019.

12 The purpose of today's hearing is to receive
13 your comments on the proposed regulations. If you wish
14 to make a statement, and haven't already done so, please
15 complete a speaker registration card and return it to
16 me.

17 Speakers are encouraged to submit lengthy
18 statements in writing and provide only a summary of
19 their comments here today. Please be respectful of all
20 those wishing to speak today by keeping your comments
21 brief.

22 Note that the written and oral comments are
23 given equal weight by the Department. If you would like
24 to submit written comments, you may do so today. You
25 may also submit comments online through the Department's

1 website or or by sending your comments to the
2 Department's central office in Albany. I have complete
3 contact information for written comments here with me,
4 and that contact information is also available in the
5 notice of public hearing. Written comments must be
6 received by the Department by close of business,
7 December 11, 2019.

8 I will now introduce Meir Cynamon, who has
9 prepared a brief overview of the regulations and will
10 present that now.

11 MR. CYNAMON: Thank you. Good morning. My
12 name is Meir Cynamon. I am an environmental engineer in
13 the Division of Air Resources.

14 The Department is proposing to amend Part
15 219 "Incinerators" and part 200 "General Provisions" of
16 Title 6 of the Official Compilation of Codes, Rules, and
17 Regulations of the State of New York.

18 This public hearing is one of three
19 scheduled for the purpose of receiving statements and
20 comments on the Department of Environmental
21 Conservation's (Department's) proposal to repeal Subpart
22 219-4, repeal Subparts 219-5 and 219-6, adopt a new
23 219-10 and revise Subparts 219-1 and Part 200.

24 Subpart 219-4 currently imposes a
25 particulate matter emissions limitation and other

1 design and operating on human and animal crematories
2 operating throughout the state. In order to better
3 reflect the current state of the industry, the
4 Department is proposing to repeal and replace Subpart
5 219-4 with up-to-date requirements that ensure all
6 crematoriums are operated in a safe and environmentally
7 sound manner.

8 The Department is also proposing to submit
9 Subparts 219-5 and 219-6, which apply to crematoriums
10 installed prior to January 1, 1989. Crematoriums
11 currently subject to those subparts will be required to
12 meet the requirements being proposed in Subpart 219-4.

13 Additionally, the Department is proposing to
14 promulgate a new Subpart 219-10, which will establish an
15 oxides of nitrogen limitation for municipal waste
16 combustors operating in the state. This limitation is
17 based on reasonably achievable control technology, and
18 is consistent with other efforts taken by neighboring
19 states in recent years.

20 Finally, the Department is proposing several
21 clarifying changes to Subpart 219-1 and Part 200 as they
22 relate to this proposal.

23 The Department held stakeholder meetings on
24 February 6, 2018, and April 7, 2018, to discuss the
25 likely elements of the proposed revisions to Part 219

1 and to obtain feedback. The comments received from the
2 stakeholder meetings, as well as additional input
3 received during the stakeholder outreach process, were
4 considered in developing this proposal.

5 In addition to providing statements at this
6 hearing today, anyone may also submit written comments
7 related to the proposed revisions to Part 219 and Part
8 200. Any statements made at this hearing today, as well
9 as, written comments received during the public comment
10 period, will be given equal weight and will become part
11 of the administrative record for this rulemaking.

12 Anyone who wishes to obtain information or
13 submit comments related to the proposed revisions to
14 Part 219 or Part 200 can contact Mark Lanzafame, P.E. at
15 NYSDEC Division of Air Resources, 625 Broadway, Albany,
16 New York 12233-3254, telephone (518) 402-8403, e-mail
17 air.regs@dec.ny.gov, or visit the Department's website
18 at www.dec.ny.gov/regulations/propregulations.html.

19 Written comments will be accepted through
20 5:00 p.m., Wednesday, December 11, 2019. Thank you for
21 for attending this hearing.

22 MR. FONDA: Thank you, Meir.

23 When I call your name, you have indicated
24 that you may not wish to speak. Please state your full
25 name and organization, if any. Please spell your last

1 name for the court reporter, and please speak clearly so
2 the court reporter is able to accurately transcribe your
3 statement.

4 I have one card, Craig Freiderich, you'd
5 like to comment.

6 MR. FREIDERICH: Not at this time.

7 MR. FONDA: Would anybody else like to
8 comment? With nobody else wishing to comment, the
9 hearing is now closed. I will close the meeting. We
10 will stay here for a little while, and reopen the
11 meeting in case anybody else comes by and wishes to
12 comment. Written comments can be sent to Mark
13 Lanzaframe, and that address was previously given.

14 So thank you for attending, and I'm now
15 closing the meeting and will open later, if some more
16 people show up. Thank you.

17 With no one else being present, I will open
18 and reclose this hearing. Thank you very much for
19 coming.

CERTIFICATION

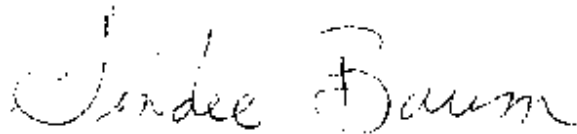
STATE OF NEW YORK)
 ss.:
COUNTY OF NASSAU)

I, SINDEE J. BAUM a Notary Public for
and within the State of New York, do hereby certify:

That the within transcript is a true and
accurate transcription of the stenographic notes of the
hearing.

I further certify that I am not related
to any of the parties to the action by blood or marriage
and that I am in no way interested in the outcome of
this hearing taken on December 3, 2019.

IN WITNESS WHEREOF, I have hereunto set
my hand this 10th day of December, 2019.



SINDEE J. BAUM

1	5	administrat ive	C	Conservatio n's
		5:11		3:21
1 4:10	518 402- 8403	adopt 3:22	call 5:23	considered 5:4
11 3:7 5:20	5:16 5:00	Air 3:13 5:15	card 2:15 6:4	consistent 4:18
12233-3254 5:16	5:20	air.regs@ dec.ny.gov	case 6:11	contact 3:3,4 5:14
1989 4:10	6	5:17	central 3:2	control 4:17
	6	Albany 3:2 5:15	clarifying 4:21	court 6:1,2
2	2:5 3:16 4:24	amend 3:14	close 3:6 6:9	Craig 6:4
200 3:15,23 4:21 5:8, 14	625 5:15	amendments 2:5	closed 6:9	crematories 2:5 4:1
2018 4:24	7	animal 4:1	closing 6:15	crematorium s
2019 2:11 3:7 5:20	4:24	apply 4:9	Codes 3:16	4:6,9,10
219 2:5 3:15 4:25 5:7, 14	A	April 4:24	combustors 4:16	current 4:3
219-1 3:23 4:21	accepted 5:19	assigned 2:4	comment 5:9 6:5, 8,12	Cynamon 3:8,11,12
219-10 3:23 4:14	accurately 6:2	attending 5:21 6:14	comments 2:13,19, 20,22,24, 25 3:1,3, 5,20 5:1, 6,9,13,19 6:12	D
219-4 3:22,24 4:5,12	achievable 4:17	B	based 4:17	December 3:7 5:20
219-5 3:22 4:9	addition 5:5	based 4:17	Bill 2:1	Department 2:3,23 3:6,14,20 4:4,8,13, 20,23
219-6 3:22 4:9	additional 5:2	Broadway 5:15	Compilation 3:16	Department ' s
25 2:11	Additionall y	Bulletin 2:10	complete 2:15 3:2	2:25 3:2, 21 5:17
	address 6:13	business 3:6	Conservatio n	design

PUBLIC HEARING
SUFFOLK COUNTY WATER AUTHORITY

December 03, 2019
Index: developing..oxides

4:1		incinerator		Note
developing	F	s	M	2:22
5:4		2:6,8		notice
discuss	February	3:15	made	2:8,10
4:24	4:24	industry	5:8	3:5
Division	feedback	4:3	make	NYCRR
3:13 5:15	5:1	information	2:14	2:5
	Finally	3:3,4	making	NYSDEC
	4:20	5:12	2:6,9	5:15
E	Fonda	input	manner	
	2:1 5:22	5:2	4:7	O
e-mail	6:7	installed	Mark	
5:16		4:10	5:14 6:12	obtain
efforts	Freiderich	introduce	matter	5:1,12
4:18	6:4,6	3:8	3:25	office
elements	full		meet	3:2
4:25	5:24	J	4:12	Official
emission	G	January	meeting	3:16
2:7		4:10	6:9,11,15	online
emissions	General		meetings	2:25
3:25	3:15	K	4:23 5:2	open
encouraged	Good		Meir	6:15,17
2:17	2:1 3:11	keeping	3:8,12	operated
engineer		2:20	5:22	4:6
3:12	H		moderate	operating
ensure		L	2:4	2:7 4:1,
4:5	hearing		morning	2,16
environment	2:4,12	Lanzafame	2:1 3:11	oral
al	3:5,18	5:14	municipal	2:22
2:3,9	5:6,8,21	Lanzaframe	4:15	order
3:12,20	6:9,18	6:13		4:2
environment	held	lengthy	N	organizatio
ally	4:23	2:17		n
4:6	human	limitation	neighboring	5:25
equal	4:1	3:25	4:18	outreach
2:23 5:10		4:15,16	Newsday	5:3
establish	I	limits	2:11	overview
4:14		2:7	nitrogen	3:9
establishes	imposes		4:15	oxides
2:6	3:24			

4:15	proposed	Register	rulemaking	statements
	2:5,6,9,	2:10	5:11	2:18 3:19
P	13 4:12,	registratio	Rules	5:5,8
	25 5:7,13	n	3:16	states
P.E.	proposing	2:15		4:19
5:14	3:14 4:4,	regulations	s	stay
p.m.	8,13,20	2:13 3:9,		6:10
5:20	provide	17	safe	subject
part	2:18	relate	4:6	4:11
2:5 3:14,	providing	4:22	scheduled	submit
15,23	5:5	related	3:19	2:17,24,
4:21,25	Provisions	5:7,13	sending	25 4:8
5:7,10,14	3:15	reopen	3:1	5:6,13
participati	public	6:10	September	Subpart
on	2:2,4	repeal	2:11	3:21,24
2:2	3:5,18	3:21,22	show	4:4,12,
particulate	5:9	4:4	6:16	14,21
3:25	published	replace	sound	subparts
people	2:9	4:4	4:7	3:22,23
6:16	purpose	reporter	speak	4:9,11
period	2:12 3:19	6:1,2	2:20 5:24	summary
5:10		required	6:1	2:18
Post	R	4:11	speaker	T
2:10		requirement	2:15	
prepared	receive	s	Speakers	technology
3:9	2:12	2:7 4:5,	2:17	4:17
present	received	12	specialist	telephone
3:10 6:17	3:6 5:1,	Resources	2:2	5:16
previously	3,9	3:13 5:15	spell	time
6:13	receiving	respectful	5:25	6:6
prior	3:19	2:19	stakeholder	Title
4:10	recent	return	4:23 5:2,	3:16
process	4:19	2:15	3	today
5:3	reclose	revise	state	2:19,20,
promulgate	6:18	3:23	2:8,10	24 5:6,8
4:14	record	revisions	3:17 4:2,	today's
proposal	5:11	4:25 5:7,	3,16 5:24	2:4,12
3:21 4:22	reflect	13	statement	transcribe
5:4	4:3	rule	2:14 6:3	6:2
		2:6,9		

types	5:18
2:8	
<hr/>	
	y
<hr/>	
u	
<hr/>	
up-to-date	years
4:5	4:19
<hr/>	
	York
	2:8,10
v	3:17 5:16
<hr/>	
visit	
5:17	
<hr/>	
w	
<hr/>	
waste	
4:15	
website	
3:1 5:17	
Wednesday	
5:20	
weight	
2:23 5:10	
wishes	
5:12 6:11	
wishing	
2:20 6:8	
writing	
2:18	
written	
2:22,24	
3:3,5	
5:6,9,19	
6:12	
www.dec.ny.	
gov/	
regulations	
/	
propregulat	
ions.html.	

In the Matter Of:

REPEAL AND REPLACE 6 NYCRR PART 219

HEARING

December 04, 2019



ESQUIRE
DEPOSITION SOLUTIONS

800.211.DEPO (3376)
EsquireSolutions.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
IN THE MATTER OF THE PROPOSED RULEMAKING PROPOSING TO
REPEAL AND REPLACE 6 NYCRR PART 219

DATE: December 4, 2019

LOCATION: Avon, New York

RESIDING: MOLLY McBRIDE

1 A.L.J. MCBRIDE: Good morning everyone.
2 My name is Molly McBride and I'm an administrative
3 law judge with the New York State Department of
4 Environmental Conservation. I will be presiding over
5 today's public comment session, regarding several
6 revisions to Title Six of the Official Compilation of
7 Codes, Rules and Regulations of the State of New
8 York, part Two Nineteen. In addition, the Department
9 is proposing to amend certain parts of Six N.Y.C.R.R.
10 Part Two Hundred. Notice of this proposed
11 rulemaking, was published in the State Register and
12 the Environmental Notice Bulletin on September 25th,
13 2019. Notice was posted on the Department's website
14 under Proposed Regulations and also notice was
15 published in the New York Post, Newsday, Times Union,
16 Buffalo News, Syracuse Post Standard, Rochester
17 Democratic and Chronicle and the Post Star.

18 Public hearings for this proposed
19 rulemaking, are scheduled for three different
20 locations in the State. Hearings were held in the
21 Department's Region One office on December 3rd, today
22 in the Department's Avon office and on Friday,
23 December 6th, the final hearing will be held at the
24 D.E.C.'s central office, located at 625 Broadway,

1 Albany, New York. This public comment session is to
2 provide an opportunity for the public to comment on
3 the proposed rulemaking. Department Staff will be
4 providing a brief presentation on the rulemaking prior
5 to the public comments.

6 To obtain more information or to submit
7 written comments, you may submit them to the D.E.C.
8 Division of Air Resources. The email address is
9 air.regs@dec.ny.gov. All comments must be received by
10 five p.m. on December 11th, 2019 to be considered.
11 Anyone who wishes to make a statement today, must fill
12 out a speaker card. I will call you name when it is
13 your turn to make your comment on the record but
14 before that, we will hear from Department Staff,
15 regarding a summary on the proposed rulemaking.

16 MS. ZENG: Thank you Judge McBride.
17 Good morning. My name is Yuan Zeng. I am
18 Environmental Engineer in the Division of Air
19 Resources. The Department is proposing to amend Part
20 Two Nineteen, Incinerators and Part Two Hundred,
21 General Provisions of Title Six of the Official
22 Compilation of Codes, Rules and Regulations of the
23 State of New York. The Department -- I'm sorry, this
24 public hearing is one of three scheduled for the

1 purpose of receiving statements and comments on the
2 Department's -- the Department of Environmental
3 Conservation's Department's proposal to repeal and
4 replace Sub-Part Two Nineteen Four, repeal Sub-Parts
5 Two Nineteen Five and Two Nineteen Six, adopt a new
6 Sub-Part Two Nineteen Ten and revise Sub-Parts Two
7 Nineteen One and Part Two Hundred.

8 Sub-Part Two Nineteen Four, currently
9 imposes a particular matter limitation and other
10 design and operating requirements of human and animal
11 crematories operated throughout the State. In order
12 to better reflect the current state of the industry,
13 the Department is proposing to repeal and replace Sub-
14 Part Two Nineteen Four, with up to date requirements
15 that ensure all crematories are operated in a safe and
16 environmentally sound manner.

17 The Department is also proposing to
18 sunset Sub-Parts Two Nineteen Five and Two Nineteen
19 Six, which apply to crematories installed prior to
20 January 1st, 1989. Crematories currently subject to
21 those sub-parts, will be required to meet the
22 requirements being proposed in Sub-part Two Nineteen
23 Four.

24 Additionally, the Department is

1 proposing to promulgate -- promulgate a new Sub-Part
2 Two Nineteen Ten, which will establish an oxidize of
3 nitrogen limitation for municipal waste combustors
4 operating in the State. This limitation is based on
5 reasonably achievable control technology and is
6 consistent with other efforts taken by neighboring
7 states in recent years.

8 Finally, the Department is proposing
9 several clarifying changes to Sub-Part Two Nineteen
10 One and Part Two Hundred, as they relate to this
11 proposal. The Department held stakeholder meetings on
12 February 6th, 2018 and April 7th, 2018 to discuss the
13 likely elements of the proposed revisions to Part Two
14 Nineteen and to obtain feedback. The comments
15 received from these stakeholder meetings, as well as
16 additional input received during the stakeholder
17 outreach process, were considered in developing this
18 proposal.

19 In addition to providing statements at
20 this hearing today, anyone may also submit written
21 comments related to the proposed revisions to Part Two
22 Nineteen and Part Two Hundred. Any statements made at
23 this hearing today, as well as written comments
24 received during the public comment period, will be

1 giving equal weight and will become part of the
2 administrative record for this rulemaking. Anyone who
3 wishes to obtain information or submit comments
4 related to the proposed revisions to Part Two Nineteen
5 or Part Two Hundred, may contact Mark Lanzaframe, P.E.
6 at NYSDEC Division of Air Resources, 625 Broadway,
7 Albany, New York, 12233-3254, television -- I'm sorry,
8 telephone 518-402-8403; email airregs -
9 air.regs@dec.ny.gov or visit the Department's website
10 at www.dec.ny.gov/regulations/propregulations.html.
11 Written comments will be accepted through five p.m.
12 Wednesday, December 11th, 2019. Thank you for
13 attending this hearing.

14 A.L.J. MCBRIDE: Thank you. We have
15 one speaker today. Mr. Reed, you can make your
16 comments from there if you'd like, since we have a
17 small gathering.

18 MR. REED: Oh, sure. Would you like
19 copies of --

20 A.L.J. MCBRIDE: Court reporter, it
21 would be great if you can give him a copy. That would
22 be great.

23 THE REPORTER: Absolutely.

24 MR. REED: Thanks. Thank you, Judge.

1 Good morning. My name is Jeffrey Reed. I'm the
2 President of Mount Calvary Cemetery in Cheektowaga,
3 New York, Vice President of the New York State
4 Cemeteries Associations, which I'll refer to as NYSAC
5 going forward and Chair of the Association's Cremation
6 Committee.

7 As President of Mount Calvary, I
8 oversee a crematory, which conducts an average of six
9 hundred and eighty five cases a year. As an officer
10 of NYSAC, I'm honored to represent New York's not-for-
11 profit cemeteries of every size and location across
12 the State of New York. This includes cemetery
13 crematory operations, as well as stand-alone crematory
14 operations. It also includes those currently under
15 construction and to those which have been in service
16 in New York, serving families for years. I've been
17 honored to accumulate practical administrative
18 operational expertise in crematory operations over my
19 several years in the crematory cemetery industry.

20 I would like to begin by thanking you
21 for holding this informational gathering today and for
22 seeking the input and recommendations of the
23 organization most impacted by this proposal, to change
24 the operation requirements for crematories in New

1 York.

2 Based on the content of this proposal,
3 we are sure that the D.E.C. in part, is responding to
4 the rapidly rising cremation rate in New York.
5 Several areas of the State, already witness localized
6 cremation rates of over seventy percent. The
7 Cremation Association of North America Statistical
8 Report, indicates that the current statewide cremation
9 rate, is projected to increase by two percent over a
10 year -- over a year for the next ten years.

11 It is a fact that New York -- New
12 Yorkers have dramatically shifted their attitudes
13 towards cremation and that this option, while it may
14 still be evolving, will be the predominant choice of
15 disposition for human remains, that most families will
16 look to for the years to come.

17 The challenge, based on the regulatory
18 proposal before us today, is that the regulation of
19 cemetery crematories, is shared not just by the D.E.C.
20 and the ethical standards of our association but also
21 with strict and separate regulatory oversight with the
22 Department of State, Division of Cemeteries and the
23 State Cemetery Board.

24 The proposed crematory regulatory

1 amendments language provided today, does not take into
2 account the impact of existing statutes, related to
3 the Department of State Enforcement and Supervision,
4 in contrast with the D.E.C. emissions and oversight
5 review. It is also NYSAC's understanding, that while
6 a previous draft proposal was presented to the
7 Department of State, the current draft, which now
8 appears to be fast tracked for adoption, was not
9 shared with our human -- human crematory regulators
10 before its publication. This fact along -- this fact
11 along -- alone, has brought deep concern to regulated
12 non-for-profit cemeteries that have a significant
13 quasi-governmental operational charge and
14 responsibilities under State law.

15 What is clear to us and what we hope to
16 make very clear to you, is that not all crematories
17 are the same. There is a vast difference in
18 operations, oversight and regulatory structure between
19 human crematories, animal crematories, medical waste
20 incinerators and garbage incinerators. Specifically,
21 human crematories operated by the charge under the
22 State law as not-for-profit entities, must operate
23 under strict guidelines by our Division of Cemeteries
24 regulators, in ways that this proposal does not

1 acknowledge nor accommodate.

2 I am pleased to state clearly, that
3 NYSAC appreciates the efforts made by the D.E.C. to
4 address some of the concerns that were raised in the
5 previous drafts of these regulations. The temperature
6 changes to address manufacturer and industry
7 standards, are important, as is the extended phase-in
8 of the regulation to accommodate some of the realities
9 of the marketplace our members operate within.

10 Specifically, I would like to offer
11 some comments on the proposed regulation. Section Two
12 Nineteen dash Four Four states, no person may combust
13 materials, other than human and animal remains, their
14 associated containers, pathological waste and
15 incidental animal bedding in any cremation unit
16 subject to the requirements of this sub-part, unless
17 prior written authorization has been obtained from the
18 Department.

19 While this assertion requirement that
20 no such material that is present to be provided to the
21 crematory operator is important, it adds yet another
22 form or consent form, already required in other parts
23 of State law.

24 In writing, this also sounds

1 appropriate. In reality, there are inherent
2 contradictions, not the least of which is Section --
3 out of Section Fifteen Seventeen D of the Not-for-
4 Profit Corporation Law, that specifically prohibits
5 crematory personnel from opening cremation containers.
6 Only funeral directors are allowed to open such
7 containers. Crematory operators have no way of
8 determining whether or not there is foreign material
9 in a casket or combustible container and therefore,
10 compliance with this proposal, is not within their
11 ability to conform or to comply.

12 Further, while an explicit exception is
13 made in the proposal for the inclusion of incidental
14 animal bedding, there is no clear allowance for
15 similar human burial items. Normally, inside of
16 caskets, there are mattresses, bed rails, pillows,
17 blankets and anything else a family or funeral
18 director may place inside. None of this material will
19 be known to the human crematory operator.

20 Proposed Section Two Nineteen Four Four
21 F states, no person may cause or allow remains to be
22 charged at a crematory facility in excess of the
23 manufacturer's rated hourly capacity of that cremation
24 unit. Does this mean that human crematory operators

1 will only be able to cremate cases at a rate stated by
2 each manufacturer's unit or if so, will they need to
3 help -- excuse me, if so, will they need to provide
4 documentation?

5 In practical terms, the amount of
6 cremations allowed per unit, can be different based on
7 weight and container type. If a cemetery crematory
8 operator has a day of light cases and they have not
9 met their amount suggested by the manufacturer, does
10 this mean they cannot cremate any longer? Also, if a
11 cemetery has a busy day, does this mean they cannot
12 offer overtime to get more cremations done, if they
13 have not met their reported limit? If so, this
14 proposal needs to be further addressed and does not
15 reflect the capacity problem that already exists for
16 human cremations in New York. In also does not
17 address the Department of State and Department of
18 Health requirements, for storage of remains or address
19 contagion issues where the disposition of remains must
20 be handled promptly.

21 Section Two Nineteen Four dash Eight,
22 Paragraph Three deals with recordkeeping requirements.
23 This section states, that operators will need to
24 retain a record of the date, time and cause of all

1 malfunctions and any corrective action taken to
2 resolve them. This section provides no definition, as
3 to what is malfunction, nor does it provide and/or
4 outline as to how to record this information. It also
5 leaves an operator questioning what should be
6 recorded, based on normal procedures, such as thermal-
7 couple and general operational actions.

8 Of additional concern, is proposed
9 Sections Two Nineteen dash Four dash Three and Two
10 Nineteen Four dash Four, relating to emissions. NYSAC
11 understands the concept of how D.E.C. wishes crematory
12 operators to visually inspect what -- but what is
13 exactly is supposed to happen if there is an issue
14 where the six minute average opacity is exceeded.
15 These sections are unclear and leave far too much to
16 be interpreted.

17 As I expressed earlier, we are
18 appreciative for some changes in the implementation
19 schedule of this regulatory proposal. NYSAC remains
20 firmly convinced that this new oversight scheme, will
21 essentially lead to the elimination of nearly thirty
22 percent of the existing human crematory retorts in New
23 York. We believe that this will have an unintended
24 consequence of merely shifting human cremations to

1 border states and provide a massive and negative
2 fiscal impact on New York's highly regulated not-for-
3 profit cemeteries.

4 Given this significant decrease in the
5 number of traditional burials and the increase in
6 cremation rates, this will mean the forced closure of
7 many cemetery operations that rely on crematory income
8 to sustain their operations. Without the retorts to
9 provide this income due to forced state closure under
10 this proposal or the long delays to install new -- new
11 retorts, based on other agency oversight, closures
12 will be inevitable.

13 This will have -- this will have the
14 consequences that the maintenance and operations of
15 these cemeteries, would then be transferred to the
16 responsibility of local taxpayers. Simply put, New
17 York's highly regulated cemeteries with crematories,
18 would find themselves unable to come up with their
19 share of the roughly three point five million to
20 comply with this proposal, regardless of the
21 implementation period.

22 Therefore, it is also NYSAC's position,
23 that the D.E.C. should detail and designate a State
24 revenue stream for New York's non-for-profit

1 cemeteries, to access in order to comply with this
2 proposal, given its estimated statewide cost in the
3 millions of dollars. Governor Cuomo frequently
4 addresses a lack of designated revenue streams for new
5 proposals, as the prime reason for vetoing legislative
6 efforts. There is no reason that -- that this same
7 rule should not be followed in such a sweeping change
8 in the regulatory policy that has no impact -- that
9 has no input by the Legislature.

10 In conclusion, NYSAC strongly encourage
11 the D.E.C. to spend more time in development of this
12 regulatory proposal in conjunction with their
13 Department of State government partners, that also
14 regulate our members. NYSAC stands ready and would be
15 -- would welcome the opportunity to assist the D.E.C.
16 in its efforts to meet the administrative concerns of
17 the Department and the operational concerns and
18 protection of our members and New York's tax payers.
19 Thank you for this opportunity to provide this
20 information and I too stand ready to provide any
21 information you may require. Thank you very much.

22 A.L.J. MCBRIDE: Thank you very much.

23 MR. REED: You're welcome. Thank you.

24 A.L.J. MCBRIDE: Is there anyone else

1 in the room that would like to make a comment? All
2 right. Let the record reflect that there's no one
3 else in attendance who would like to make a comment on
4 the record, so we will close this hearing. I thank
5 you for coming out here today.

6 MR. REED: You're welcome. Thank you.

7 A.L.J. MCBRIDE: Off the record.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 STATE OF NEW YORK

2 I, CONNOR DIX, do hereby certify that the foregoing was
3 reported by me, in the cause, at the time and place, as
4 stated in the caption hereto, at Page 1 hereof; that the
5 foregoing typewritten transcription consisting of pages 1
6 through 17, is a true record of all proceedings had at the
7 hearing.

8 IN WITNESS WHEREOF, I have hereunto
9 subscribed my name, this the 14th day of December, 2019.

10
11 *Connor Dix*

12 CONNOR DIX, Reporter
13
14
15
16
17
18
19
20
21
22
23
24

Exhibits	6	actions 13:7	6:8	association 8:7,20
4499704 DEC	625 2:24 6:6	addition 2:8 5:19	Albany 3:1 6:7	Association 's 7:5
.Hearing.		additional 5:16 13:8	allowance 11:14	Association s 7:4
EXHIBITATTA	6th 2:23 5:12	Additional	allowed 11:6 12:6	
CHMENT		y 4:24	amend 2:9 3:19	attending 6:13
1	7	address 3:8 10:4, 6 12:17, 18	amendments 9:1	attitudes 8:12
11th 3:10 6:12	7th 5:12	addressed 12:14	America 8:7	authorizati on 10:17
12233-3254 6:7	A	addresses 15:4	amount 12:5,9	average 7:8 13:14
1989 4:20	A.L.J. 2:1 6:14, 20 15:22, 24	adds 10:21	and/or 13:3	Avon 2:22
1st 4:20	ability 11:11	administrat ive 2:2 6:2 7:17 15:16	animal 4:10 9:19 10:13,15 11:14	B
2	Absolutely 6:23	adopt 4:5	appears 9:8	based 5:4 8:2, 17 12:6 13:6 14:11
2018 5:12	accepted 6:11	adoption 9:8	apply 4:19	bed 11:16
2019 2:13 3:10 6:12	access 15:1	agency 14:11	appreciates 10:3	bedding 10:15 11:14
25th 2:12	accommodate 10:1,8	Air 3:8,18 6:6	appreciati v e 13:18	begin 7:20
3	account 9:2	air.regs@ dec.ny.gov 6:9	April 5:12	blankets 11:17
3rd 2:21	accumulate 7:17	air.regs@ dec.ny.gov. 3:9	areas 8:5	Board 8:23
5	achievable 5:5	airregs	assertation 10:19	border 14:1
518-402- 8403 6:8	acknowledge 10:1		assist 15:15	
	action 13:1			

Broadway 2:24 6:6	cemetery 7:2,12,19 8:19,23 12:7,11 14:7	5:3 comment 2:5 3:1, 2,13 5:24	consequence s 14:14 Conservatio n 2:4 Conservatio n's 4:3 considered 3:10 5:17 consistent 5:6 constructio n 7:15 contact 6:5 contagion 12:19 container 11:9 12:7 containers 10:14 11:5,7 content 8:2 contradicti ons 11:2 contrast 9:4 control 5:5 convinced 13:20 copies 6:19 copy 6:21	Corporation 11:4 corrective 13:1 cost 15:2 couple 13:7 Court 6:20 cremate 12:1,10 cremation 7:5 8:4, 6,7,8,13 10:15 11:5,23 14:6 cremations 12:6,12, 16 13:24 crematories 4:11,15, 19,20 7:24 8:19 9:16,19, 21 14:17 crematory 7:8,13, 18,19 8:24 9:9 10:21 11:5,7, 19,22,24 12:7 13:11,22 14:7 Cuomo 15:3 current 4:12 8:8 9:7
brought 9:11	central 2:24	comments 3:5,7,9 4:1 5:14, 21,23 6:3,11,16 10:11		
Buffalo 2:16	Chair 7:5	Committee 7:6		
Bulletin 2:12	challenge 8:17	Compilation 2:6 3:22		
burial 11:15	change 7:23 15:7	compliance 11:10		
burials 14:5	charge 9:13,21	comply 11:11 14:20 15:1		
busy 12:11	charged 11:22	concept 13:11		
<hr/> C <hr/>	Cheektowaga 7:2	concern 9:11 13:8		
call 3:12	choice 8:14	concerns 10:4 15:16,17		
Calvary 7:2,7	Chronicle 2:17	conclusion 15:10		
capacity 11:23 12:15	clarifying 5:9	conducts 7:8		
card 3:12	clear 9:15,16 11:14	conform 11:11		
cases 7:9 12:1, 8	closure 14:6,9	conjunction 15:12		
casket 11:9	closures 14:11	consent 10:22		
caskets 11:16	Codes 2:7 3:22	consequence 13:24		
cemeteries 7:4,11 8:22 9:12,23 14:3,15, 17 15:1	combust 10:12 combustible 11:9 combustors			

	17,24	documentati	4:15	expressed
D	5:8,11	on	entities	13:17
	8:22 9:3,	12:4	9:22	extended
D.E.C.	7 10:18	dollars	Environment	10:7
3:7 8:3,	12:17	15:3	al	
19 9:4	15:13,17	draft	2:4,12	F
10:3	Department'	9:6,7	3:18 4:2	
13:11	s	drafts	environment	facility
14:23	2:13,21,	10:5	ally	11:22
15:11,15	22 4:2,3	dramaticall	4:16	fact
D.e.c.'s	6:9	y	equal	8:11 9:10
2:24	design	8:12	6:1	families
dash	4:10	due	essentially	7:16 8:15
10:12	designate	14:9	13:21	family
12:21	14:23		establish	11:17
13:9,10	designated	E	5:2	fast
date	15:4		estimated	9:8
4:14	detail	earlier	15:2	February
12:24	14:23	13:17	ethical	5:12
day	determining	efforts	8:20	feedback
12:8,11	11:8	5:6 10:3	evolving	5:14
deals	developing	15:6,16	8:14	Fifteen
12:22	5:17	eighty	exceeded	11:3
December	development	7:9	13:14	fill
2:21,23	15:11	elements	exception	3:11
3:10 6:12	difference	5:13	11:12	final
decrease	9:17	elimination	excess	2:23
14:4	director	13:21	11:22	Finally
deep	11:18	email	excuse	5:8
9:11	directors	3:8 6:8	12:3	find
definition	11:6	emissions	existing	14:18
13:2	discuss	9:4 13:10	9:2 13:22	firmly
delays	5:12	encourage	exists	13:20
14:10	disposition	15:10	12:15	fiscal
Democratic	8:15	Enforcement	expertise	14:2
2:17	12:19	9:3	7:18	forced
Department	Division	Engineer	explicit	14:6,9
2:3,8	3:8,18	3:18	11:12	foreign
3:3,14,	6:6 8:22	ensure		11:8
19,23	9:23			
4:2,13,				

form 10:22	happen 13:13	9:2 14:2 15:8	input 5:16 7:22 15:9	2:3 9:14, 22 10:23 11:4
forward 7:5	Health 12:18	impacted 7:23	inside 11:15,18	lead 13:21
frequently 15:3	hear 3:14	implementat ion 13:18 14:21	inspect 13:12	leave 13:15
Friday 2:22	hearing 2:23 3:24 5:20,23	important 10:7,21	install 14:10	leaves 13:5
funeral 11:6,17	6:13		installed 4:19	legislative 15:5
<hr/> G <hr/>	hearings 2:18,20	imposes 4:9	interpreted 13:16	Legislature 15:9
garbage 9:20	held 2:20,23 5:11	incidental 10:15 11:13	issue 13:13	light 12:8
gathering 6:17 7:21	highly 14:2,17	incinerator s 3:20 9:20	issues 12:19	limit 12:13
general 3:21 13:7	holding 7:21	includes 7:12,14	items 11:15	limitation 4:9 5:3,4
give 6:21	honored 7:10,17	inclusion 11:13	<hr/> J <hr/>	local 14:16
giving 6:1	hope 9:15	income 14:7,9	January 4:20	localized 8:5
Good 2:1 3:17 7:1	hourly 11:23	increase 8:9 14:5	Jeffrey 7:1	located 2:24
government 15:13	human 4:10 8:15 9:9,19,21 10:13	industry 4:12 7:19 10:6	judge 2:3 3:16 6:24	location 7:11
Governor 15:3	11:15,19, 24 12:16 13:22,24	inevitable 14:12	<hr/> L <hr/>	locations 2:20
great 6:21,22	hundred 2:10 3:20 4:7 5:10, 22 6:5 7:9	information 3:6 6:3 13:4 15:20,21	lack 15:4	longer 12:10
guidelines 9:23		information al 7:21	language 9:1	<hr/> M <hr/>
<hr/> H <hr/>	<hr/> I <hr/>	inherent 11:1	Lanzaframe 6:5	made 5:22 10:3 11:13
handled 12:20	impact		law	

maintenance	9:19	Nineteen		14:7,8,14
14:14		2:8 3:20	O	
meet		4:4,5,6,		operator
make	4:21	7,8,14,		10:21
3:11,13	15:16	18,22	obtain	11:19
6:15 9:16		5:2,9,14,	3:6 5:14	12:8 13:5
meetings		22 6:4	6:3	operators
malfunction	5:11,15	10:12	obtained	11:7,24
13:3	members	11:20	10:17	12:23
malfunction	10:9	12:21	offer	13:12
s	15:14,18	13:9,10	10:10	opportunity
13:1	met	nitrogen	12:12	3:2
manner	12:9,13	5:3	office	15:15,19
4:16	million	non-for-	2:21,22,	option
manufacture	14:19	profit	24	8:13
r		9:12	officer	order
10:6 12:9	millions	14:24	7:9	4:11 15:1
manufacture	minute	normal	Official	organizatio
r's	13:14	13:6	2:6 3:21	n
11:23	Molly	North	opacity	7:23
12:2	2:2	8:7	13:14	outline
Mark	morning	not-for-	open	13:4
6:5	2:1 3:17	7:10 11:3	11:6	outreach
marketplace	7:1	14:2	opening	5:17
10:9	Mount	not-for-	11:5	oversee
massive	7:2,7	profit	operate	7:8
14:1	municipal	9:22	9:22 10:9	oversight
material	5:3	notice	operated	8:21 9:4,
10:20		2:10,12,	4:11,15	18 13:20
11:8,18	N	13,14	9:21	14:11
materials		number	operating	overtime
10:13	N.Y.C.R.R.	14:5	4:10 5:4	12:12
matter	2:9	NYSAC	operation	oxidize
4:9	negative	7:4,10	7:24	5:2
mattresses	14:1	10:3	operational	
11:16	neighboring	13:10,19	7:18 9:13	P
Mcbride	5:6	15:10,14	13:7	
2:1,2	News	NYSAC's	15:17	P.E.
3:16	2:16	9:5 14:22	operations	6:5
6:14,20	Newsday	NYSDEC	7:13,14,	p.m.
15:22,24	2:15	6:6	18 9:18	3:10 6:11
medical				

Paragraph	policy	14:3	provided	rated
12:22	15:8	prohibits	9:1 10:20	11:23
part	position	11:4	providing	rates
2:8,10	14:22	projected	3:4 5:19	8:6 14:6
3:19,20	Post	8:9	Provisions	ready
4:7,14	2:15,16,	promptly	3:21	15:14,20
5:10,13,	17	12:20	public	realities
21,22	posted	promulgate	2:5,18	10:8
6:1,4,5	2:13	5:1	3:1,2,5,	reality
8:3	practical	proposal	24 5:24	11:1
partners	7:17 12:5	4:3 5:11,	publication	reason
15:13	predominant	18 7:23	9:10	15:5,6
parts	8:14	8:2,18	published	received
2:9 10:22	present	9:6,24	2:11,15	3:9 5:15,
pathologica	10:20	11:10,13	purpose	16,24
1	presentatio	12:14	4:1	receiving
10:14	n	13:19	put	4:1
payers	3:4	14:10,20	14:16	recent
15:18	presented	15:2,12		5:7
percent	9:6	proposals	Q	recommenda
8:6,9	President	15:5		tions
13:22	7:2,3,7	proposed	quasi-	7:22
period	presiding	2:10,14,	governmenta	record
5:24	2:4	18 3:3,15	l	3:13 6:2
14:21	previous	4:22	9:13	12:24
person	9:6 10:5	5:13,21	questioning	13:4
10:12	prime	6:4 8:24	13:5	recorded
11:21	15:5	10:11		13:6
personnel	prior	11:20	R	recordkeepi
11:5	3:4 4:19	13:8		ng
phase-in	10:17	proposing	rails	12:22
10:7	problem	2:9 3:19	11:16	Reed
pillows	12:15	4:13,17	raised	6:15,18,
11:16	procedures	5:1,8	10:4	24 7:1
place	13:6	protection	rapidly	15:23
11:18	process	15:18	8:4	refer
pleased	5:17	provide	rate	7:4
10:2	profit	3:2 12:3	8:4,9	reflect
point	7:11 11:4	13:3	12:1	4:12
14:19		14:1,9		12:15
		15:19,20		

Region 2:21	4:4,13 Report 8:8	revenue 14:24 15:4	sections 13:9,15	sounds 10:24
Register 2:11	reported 12:13	review 9:5	seeking 7:22	speaker 3:12 6:15
regulate 15:14	reporter 6:20,23	revise 4:6	separate 8:21	specificall y 9:20 10:10 11:4
regulated 9:11 14:2,17	represent 7:10	revisions 2:6 5:13, 21 6:4	September 2:12	
regulation 8:18 10:8,11	require 15:21	rising 8:4	service 7:15	spend 15:11
regulations 2:7,14 3:22 10:5	required 4:21 10:22	Rochester 2:16	serving 7:16	Staff 3:3,14
regulators 9:9,24	requirement 10:19	roughly 14:19	session 2:5 3:1	stakeholder 5:11,15, 16
regulatory 8:17,21, 24 9:18 13:19 15:8,12	requirement s 4:10,14, 22 7:24 10:16 12:18,22	rule 15:7	seventy 8:6	stand 15:20
relate 5:10	resolve 13:2	rulemaking 2:11,19 3:3,4,15 6:2	share 14:19	stand-alone 7:13
related 5:21 6:4 9:2	Resources 3:8,19 6:6	Rules 2:7 3:22	shared 8:19 9:9	Standard 2:16
relating 13:10	responding 8:3	safe 4:15	shifted 8:12	standards 8:20 10:7
rely 14:7	responsibil ities 9:14	schedule 13:19	shifting 13:24	stands 15:14
remains 8:15 10:13 11:21 12:18,19 13:19	responsibil ity 14:16	scheduled 2:19 3:24	significant 9:12 14:4	Star 2:17
repeal 4:3,4,13	retain 12:24	scheme 13:20	similar 11:15	state 2:3,7,11, 20 3:23 4:11,12 5:4 7:3, 12 8:5, 22,23 9:3,7,14, 22 10:2, 23 12:17 14:9,23 15:13
replace	retorts 13:22 14:8,11	section 10:11 11:2,3,20 12:21,23 13:2	small 6:17	stated
			sound 4:16	

12:1	10:16	terms	understandi	wishes
statement	submit	12:5	ng	3:11 6:3
3:11	3:6,7	thanking	9:5	13:11
statements	5:20 6:3	7:20	understands	writing
4:1 5:19, 22	suggested	thermal-	13:11	10:24
states	12:9	13:6	unintended	written
5:7 10:12	summary	thirty	13:23	3:7 5:20,
11:21	3:15	13:21	Union	23 6:11
12:23	sunset	time	2:15	10:17
14:1	4:18	12:24	unit	www.dec.ny.
statewide	Supervision	15:11	10:15	gov/
8:8 15:2	9:3	Times	11:24	regulations
Statistical	supposed	2:15	12:2,6	/
8:7	13:13	Title		propregulat
statutes	sustain	2:6 3:21	V	ions.html.
9:2	14:8	today		6:10
storage	sweeping	2:21 3:11	vast	Y
12:18	15:7	5:20,23	9:17	
stream	Syracuse	6:15 7:21	vetoing	year
14:24	2:16	8:18 9:1	15:5	7:9 8:10
streams		today's	Vice	years
15:4	T	2:5	7:3	5:7 7:16,
strict	tax	tracked	visit	19 8:10,
8:21 9:23	15:18	9:8	6:9	16
strongly	taxpayers	traditional	visually	York
15:10	14:16	14:5	13:12	2:3,8,15
structure	technology	transferred		3:1,23
9:18	5:5	14:15	W	6:7 7:3,
Sub-	telephone	turn		12,16
4:13	6:8	3:13	waste	8:1,4,11
sub-part	television	type	5:3 9:19	12:16
4:4,6,8, 22 5:1,9	6:7	12:7	10:14	13:23
10:16	temperature	U	ways	York's
sub-parts	10:5	unable	9:24	7:10
4:4,6,18, 21	ten	14:18	website	14:2,17,
subject	4:6 5:2	unclear	2:13 6:9	24 15:18
4:20	8:10	13:15	Wednesday	Yorkers
			6:12	8:12
			weight	Yuan
			6:1 12:7	3:17

Z

Zeng

3:16,17

PROCEEDINGS: December 6, 2019

STATE OF NEW YORK

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter

- of -

Proposed Revisions to Part 219 (Incinerators)

of

Title 6 of the Official Compilation of Codes, Rules and

Regulations of the State of New York (6NYCRR)

12/6/2019

11:00 a.m.

DEC Office of Hearings

& Mediation Services

625 Broadway

Conference Room

Albany, New York

P R E S E N T:

Maria E. Villa,
Department of Environmental Conservation
Office of Hearing and Mediation Services
Administrative Law Judge

Richard McAuley
Department of Environmental Conservation
Regulatory Coordinator

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

Denise Prunier,
Chief of Permitting and Compliance Section
Bureau of Stationary Resources,
Division of Air Resources
Department of Environmental Conservation

David Fleming, Jr.
Acting Executive Director
New York State Association of Cemeteries

REPORTED BY: Suzanne T. Harrington, Shorthand Reporter

P-R-O-C-E-E-D-I-N-G-S

ALJ VILLA: So it's 11:00 by my watch and we'll get started. I have a rather lengthy opening statement to read into the record, so we'll get started on that. Good morning. This is an administrative public hearing with a legislative format before the New York State Department of Environmental Conservation, in the matter of Department Staff's proposed revisions to Part 219 of the Official Compilation of Codes, Rules and Regulations of the State of New York or 6 NYCRR for short.

The Department proposes to make several revisions to the operating requirements for incinerators and human and animal crematories. Conforming changes to Part 200.9 will be made, and the Department proposes to submit the revised Part 219, as well as the revisions to Part 200, to EPA as a revision to the State Implementation Plan or SIP.

The purpose of this hearing is to receive comments on the proposed revisions. If you wish to make a statement, please fill out one of the cards that's over there and give it to me. The cards will be used to call the speakers in the order that I received the cards.

1 I am Maria Villa, serving as hearing officer
2 for the Department.

3 All persons, organizations, corporations or
4 government agencies that may be affected by the
5 proposed rule are invited to submit either written or
6 oral statements. All statements taken today, whether
7 written or spoken, will be incorporated into the
8 official record of this proceeding.

9 Statements are not given under oath nor will
10 there be any cross-examination. Hearings have already
11 been held on Long Island and in western New York and a
12 cumulative record will be compiled of all the comments
13 received at the three area hearing sessions.

14 Written statements received during the
15 public comment period and oral statements made at
16 hearings such as these are given equal weight. Please
17 submit any lengthy statements in writing. If you
18 wish, you can summarize those statements verbally.
19 Written comments can also be submitted on or before
20 5:00 p.m. on December 11th, 2019.

21 The contact person for further information
22 with respect to Part 219 is Mark Lanzafame, P.E. I
23 have his contact information. That also appears in
24 the notices of today's hearing.

25 To submit written comments on the SIP

1 revisions, contact Robert Bielawa, P.E. of the
2 Division of Air Resources. I have his contact
3 information as well. That information appears in the
4 notice of hearing. If you want to send comments via
5 email, the address is air.regs@dec.ny.gov.

6 The Department Staff has provided me copies
7 of the notices of the hearing sessions that were
8 published in the September 25, 2019 edition of the
9 Department's Environmental Notice bulletin as well as
10 in the New York Register on the same date.

11 In addition, I have affidavits of
12 publication of the Notice published in the New York
13 *Post*, *Newsday*, the *Albany Times Union*, the *Buffalo*
14 *News*, the *Glens Falls Post Star* and the *Rochester*
15 *Democrat and Chronicle* on September 25, 2019. The
16 Notice was published in the September 24, 2019 edition
17 the *Syracuse Post-Standard*.

18 I'm now going to call upon Miss Denise
19 Prunier to make a brief presentation regarding the
20 rule. Whenever you're ready.

21 MS. PRUNIER: Okay. Thank you, Judge Villa.
22 Good morning. My name is Denise Prunier. I'm the
23 Chief of the Permitting and Compliance Section, Bureau
24 of Stationary Sources in the Division of Air
25 Resources. The Department is proposing to amend Part

1 219, "incinerators" and Part 200, "General Provisions"
2 of Title 6 of the Official Compilation of Codes, Rules
3 and Regulations of the State of New York.

4 This public hearing is one of three
5 scheduled for the purposes of receiving statements and
6 comments on the Department of Environmental
7 Conservation's proposal to repeal and replace Subpart
8 219-4, repeal Subparts 219-5 and 219-6, adopt a new
9 Subpart 219-10 and revise Subpart 219-1 and Part 200.

10 Subpart 219-4 currently imposes a
11 particulate matter emissions limitation and other
12 design and operating requirements on human and animal
13 crematories operated through the state. In order to
14 better reflect the current state of the industry, the
15 Department is proposing to repeal and replace Subpart
16 219-4 with up to date requirements to ensure all
17 crematories are operated in a safe and environmentally
18 sound manner.

19 The Department is also proposing to sunset
20 Subparts 219-5 and 219-6, which apply to crematories
21 installed prior to January 1st, 1989. Crematories
22 currently subject to those Subparts will be required
23 to meet the requirements being proposed in Subpart
24 219-4.

25 Additionally, the Department is proposing to

1 promulgate a new Subpart 219-10 which will establish
2 an oxides of nitrogen limitation for municipal waste
3 combusters operating in the state. This limitation is
4 based on Reasonably Available -- Achievable Control
5 Technology, and is consistent with other efforts taken
6 by neighboring states in recent years.

7 Finally, the Department is proposing several
8 clarifying changes to Subpart 219-1 and Part 200 as
9 they relate to this proposal. The Department held
10 stakeholder meetings on February 6, 2018 and April 7,
11 2018 to discuss the likely elements of the proposed
12 revisions to Part 219 and to obtain feedback. The
13 comments received from these stakeholder meetings, as
14 well as additional input received during the
15 stakeholder outreach process, were considered in
16 developing this proposal.

17 In addition to providing statements at this
18 hearing today, anyone may also submit written comments
19 related to the proposed revisions to Part 219 and Part
20 200. Any statements made at this hearing today as
21 well as written comments received during the public
22 comment period will be given equal weight and will
23 become part of the administrative record for this
24 rulemaking.

25 Anyone who wishes to obtain information or

1 submit comments related to the proposed revisions to
2 Part 219 or Part 200 may contact Mark Lanzafame, P.E.
3 at New York State DEC, Division of Air Resources, 625
4 Broadway, Albany, New York 12233-3254. Telephone:
5 (518)402-8403, e-mail: air.regs@dec.ny.gov or visit
6 the Department's website at
7 www.dec.ny.gov/regulations/promulgations.html. Thank
8 you.

9 ALJ VILLA: Thank you. I only have one
10 card. Is there anyone else here who wanted to speak?
11 And hearing no response, Mr. Fleming.

12 MR. FLEMING: Do you want me to come up
13 there?

14 ALJ VILLA: If you would, it's easier for
15 the court reporter. Thank you.

16 MR. FLEMING: Good morning. My name is
17 David Fleming. I'm the acting executive director of
18 the New York State Association of Cemeteries, (NYSAC),
19 which represents New York's not-for-profit cemeteries
20 of every size and location in the Empire State. Thank
21 you for holding this information gathering session
22 today to secure public comment on the proposed
23 regulations to further regulate crematories in New
24 York.

25 By way of background, in addition in the

1 extensive policy work of NYSAC in cemetery regulation,
2 crematory operations and consumer protections, I have
3 a comprehensive 24 year background in general cemetery
4 management and regulation. I have had the opportunity
5 to represent some of New York's largest as well as
6 some of the smallest cemeteries. I have also
7 personally operated three upstate municipal cemeteries
8 and have helped develop, secure regulatory approval
9 for and construction of many of the newest crematories
10 in New York.

11 During my cemetery management and advocacy
12 career, I have published numerous cemetery articles,
13 and my white paper on cemetery restructuring and
14 abandonment, published by the Tug Hill Commission, is
15 the New York industry standard.

16 I have been called on by local governments
17 to handle cemetery abandonment cases and have
18 successfully implemented the restructuring of the
19 largest crematory/cemetery abandonment reorganization
20 and restoration in state history.

21 Moreover, I have been honored to have
22 negotiated some of the most significant changes in
23 cemetery policy in New York which are now utilized as
24 national models for cemetery regulation. This
25 includes my involvement in the development and

1 complete rewrite of New York's cremation regulation
2 and operations law found in the Not-for-Profit
3 Corporation Law.

4 This rewrite of state cemetery law included
5 the development of crematory operator certification
6 requirements which have been implemented and are
7 administered via annual training by NYSAC, in tandem
8 with the Cremation Association of North America.

9 This technical training is done in
10 cooperation with DEC and the State Division of
11 Cemeteries. This certification program was a
12 pioneering effort nationally, and made New York the
13 only state that involved regulators directly in the
14 training and certification process.

15 The development and implementation of this
16 certification program and the inclusion of all
17 interested parties is a road map for positive cemetery
18 policy development. It is with this comprehensive
19 background and experience in mind that I seek to
20 provide comment on the Department's proposal to
21 further regulate crematories in New York.

22 New York's human crematory operations differ
23 from crematory operations in other states. In fact,
24 our cemetery crematories are mandated to be
25 not-for-profit entities and are seen as

1 quasi-governmental entities. Their operation involves
2 a direct public purpose, which is why they operate
3 under the additional regulation of Article 15 of the
4 Not-for-Profit Corporation Law.

5 Human crematories themselves are also
6 distinctly different, both in statutory operation and
7 charge from animal crematories, medical waste
8 incinerators and other forms of incineration
9 equipment. Our members serve families in grief and
10 under a state framework that provides dignity, safety
11 and confidence in consumer protections.

12 For some time cremation has rapidly
13 accelerated as a preferred disposition method chosen
14 by the families our members serve. There are pockets
15 of population centers in New York where cremation
16 rates are at or exceed 70 percent for all deaths in
17 those areas. These high numbers greatly impact
18 general cemetery operations, as our members are also
19 the principal providers of these services.

20 All human crematories in New York are
21 cemeteries. They are not animal crematories or waste
22 incinerators. They provide a dignified final
23 disposition of someone's loved one.

24 Based on an analysis of the Department of
25 State's own numbers, the proposed changes to Part 219

1 would negatively impact all, and inadvertently
2 eliminate approximately 30 percent of all retorts
3 operating in New York today. This is at a time when
4 the rate of cremations is increasing and the demand
5 for New York operators is unprecedentedly high.

6 The loss of crematory business for the
7 cemeteries we represent, even for an extended period
8 of time, even if a cemetery was able to comply with
9 this proposal, would create a shortage of retorts for
10 human cremations.

11 A retort shortage would drive volume and
12 business to border states, where identification and
13 consumer protections are in no way matched to those
14 provided to New York's consumers.

15 Cremation operations in other states have
16 little to no government oversight. At the same time,
17 the driving of this service to other states will
18 create a serious additional burden on the families who
19 will experience an extended wait for memorial services
20 as they await the return of their loved one's remains.

21 Our neighboring border states do not share
22 our chain of custody requirements and operate devoid
23 of the consumer protections we value in New York.
24 Without New York's chain of custody requirements, some
25 families may be left with legitimate concern that the

1 loved ones sent out of state for cremation may not be
2 the cremated remains an out of state operator sends
3 back.

4 The loss of New York's capacity created by
5 the implementation of this regulation may not be
6 corrected in any short period of time. The highly
7 regulated nature of New York's not-for-profit
8 crematories means that the entire development and
9 operation of retorts is also subject to oversight
10 related to any operational changes by the Department
11 of State through the Division of Cemeteries and the
12 State Cemetery Board.

13 This shared oversight with DEC is clearly
14 not taken into account in this regulatory proposal.
15 Section 1505-a of the Not-for-Profit Corporation Law
16 outlines a complex and detailed purpose for
17 application and approval to install, expand or add
18 crematories or retorts in New York. State Cemetery
19 Board Directive 201.16 provides further regulatory
20 direction on addressing changes to facilities to
21 accommodate new retorts and equipment.

22 The process modifying crematory facilities
23 may take more than a year to complete, assuming a
24 cemetery has the financial means to contemplate this
25 course.

1 Crematory operations in New York yield a low
2 margin and are highly competitive. Prices are fixed
3 by the State, as are the number of retorts allowed to
4 operate in geographical areas. These are all issues
5 regulated by the Department of State and not DEC.

6 Further, most of these operations have very
7 limited financial resources. And in many instances,
8 the limited income from cremations may be the only
9 revenue stream keeping these not-for-profits viable.
10 Should they fail as quasi-government operation, they
11 become the wards of the municipalities in which they
12 are located.

13 This is a very competitive marketplace. The
14 loss of cremation operations at one facility will
15 shift those cases to other cemetery operations, and in
16 many instances that business will not return. This is
17 evidenced by the fact that crematory operators keep
18 their facility running to the best of their ability
19 when machines are being serviced to prevent this loss
20 in revenue and long term business.

21 The cost estimates outlined in this proposed
22 regulations do not adequately reflect the actual cost
23 of retort replacement or the overall impact on
24 cemetery operations.

25 From a practical perspective, there are

1 cemeteries who are completely unable to take retorts
2 out of service in their existing structure and replace
3 them with new equipment. This is because the historic
4 structures in which they are located may not be
5 altered, or the building they occupy may not
6 accommodate the configuration and installation of new
7 equipment.

8 This would mean the cemetery would be forced
9 to construct a new building to house the retorts and
10 cremation operations. This cost alone to comply with
11 new building standards and regulatory requirements
12 would be significant.

13 Changes of equipment and these massive
14 capital costs are issues addressed over long periods
15 of time with cemetery operators and the Division of
16 Cemeteries. These are not decisions that are made in
17 the short term and paid for immediately.

18 I recently spoke with a crematory operator
19 who indicated all three retorts in their facility were
20 installed just prior to 1989 and that the proposed
21 regulation would render their retorts obsolete.
22 Without adequate resources to pay for the renovation
23 to the crematory building for the new stacks and
24 engineering, this cemetery would be put out of the
25 cremation business entirely. The proposed regulation

1 would therefore be devastating to the overall
2 financial stability of that cemetery.

3 Recent project approvals by the State
4 Cemetery Board provide a more accurate picture of the
5 cost associated with crematory replacement. A newly
6 approved small scale crematory replacement costs just
7 under one million dollars in the Hudson Valley. A
8 more significant operation in western New York cost
9 nearly three million dollars.

10 The cost estimates presented in this
11 proposal are limited to retort replacement, and even
12 at that low end, include non-human cremation
13 equipment. The actual cost estimates need to include
14 more than the cost of the machine. Engineers are
15 required to evaluate structures and plan for the
16 replacement. Walls and roofs may need to be removed
17 to install new retorts.

18 Attorney's fees for the application to the
19 State Cemetery Board are needed application production
20 for the State Cemetery Board must be created and
21 submitted; zoning and code requirements must also be
22 met. The existing machines need to be decommissioned
23 and dismantled.

24 All this work has significant fiscal impact
25 on crematory operators. On top of these costs, a

1 cemetery may need to wait a year before approval is
2 granted by the State Cemetery Board, given the Board's
3 low staffing levels and the complexity of their
4 oversight review. This is all before the waiting
5 periods and costs associated with DEC approval to
6 operate the systems and to comply with current
7 regulatory requirements.

8 Therefore the actual cost of
9 \$160,000-\$250,000 per human retort is just a fraction
10 of the true cost of replacement, and is far more
11 complicated than other types of incinerators regulated
12 by DEC. While not-for-profit cemeteries provide a
13 vital public service, this regulatory change would
14 significantly impact a crematory operator's fiscal
15 stability and limit their revenue source.

16 This proposal is outlined as an incinerator
17 regulation. Human cremation is a totally different
18 issue. These regulations, as drafted, reflect the DEC
19 incinerator perspective for oversight, and reflect
20 nearly no practical concerns of regulated human
21 crematories dealing with multiple regulators.

22 Quite frankly, this regulation should be
23 redrafted to separately account for the very unique
24 and specific issues related to human cremation and
25 multi-jurisdictional oversight.

1 Cemetery cremation involves the dignified
2 disposition of human remains. That process sometimes
3 includes personal items placed in the casket or
4 container with the deceased. The language of this
5 proposal would prohibit families from including
6 mementos such as a child's favorite blanket, family
7 photos, a grandmother's quilt, without creating a
8 violation of this proposal.

9 Our members would also be in violation of
10 this regulation if families did include such momentos
11 inside the sealed cremation container delivered to our
12 operation, because Section 1517(d) of the
13 Not-for-Profit Corporation Law prohibits us from
14 opening the container and we have no way of knowing
15 what is inside.

16 By failing to address the very specific
17 needs of the families our members service, this
18 proposal strips away the comfort, dignity and respect
19 for the deceased provided by our members. By failing
20 to allow the disposition of human remains in a way
21 that honors those lost, this proposal equates this
22 process with medical waste or garbage disposal

23 NYSAC estimates that the minimum impact of
24 the proposed regulation on our members would be
25 \$3,500,000. This estimation includes the lowest end

1 retort replacement, and assumes no other construction
2 or administrative costs would be required to comply
3 with building and zoning requirements. The estimation
4 figure also assumes the existing structures are
5 compatible with new retort installation.

6 Compliance with existing DEC and DOS
7 regulations and adherence to current statutes to add
8 retorts or crematories is already a lengthy process.
9 This new administrative hurdle may take six months to
10 a year for a single review to be completed by the
11 State. This will force the elimination of a large
12 portion of retort capacity in New York.

13 The elimination of many retorts for extended
14 periods of time, especially in the state's urban
15 areas, will also impact many religious groups that
16 rely on existing facilities to meet the date and time
17 requirements of their specifical funeral rites.

18 In closing, our members provide a comforting
19 and important service for the families of New York.
20 The proposal as written would be a negative fiscal
21 impact on our cemetery operators and inhibit our
22 members from delivering the same level of care that
23 New Yorkers value.

24 This is a tremendously complicated area to
25 implement regulatory amendments. It is further

1 complicated by the fact that DEC's enforcement and
2 supervision oversight is shared with the Department of
3 State, and in some reasons, the Department of Health.

4 We cannot change this regulatory scheme in
5 one aspect without negative impacting the overall
6 regulatory landscape. All parties, all agencies, all
7 stakeholders, along with regulating entities, must be
8 involved in a dialogue and this process.

9 The fact that this has not been done, to
10 date, is a compelling basis for stopping the
11 implementation of this regulation as proposed, and to
12 redraft the proposal including all parties in a
13 constructive dialogue.

14 NYSAC stands ready to provide further
15 practical information to assist in the thoughtful
16 crafting of this regulatory proposal. I thank you for
17 the opportunity to present this information to the
18 Department today. Thank you.

19 ALJ VILLA: Thank you very much. Is there
20 anyone -- I don't think there have been any new folks
21 coming in. Anyone else want to make a statement on
22 the record?

23 (No response.)

24 ALJ VILLA: Hearing no response, we'll
25 adjourn for about ten minutes to see if anybody else

1 comes in, and if no one arrives we'll close the
2 hearing. Thank you, we're off the record.

3 *(Off the record.)*

4 ALJ VILLA: I've got close to 11:30, I think
5 we're going to go back on the record. Anyone else who
6 wanted to make a statement? All right. A reminder,
7 the public comment period will close on December 11th,
8 2019. Comments can be made to contacts in the notice
9 or sent by e-mail. Once again, the e-mail address for
10 comments is air.regs@dec.ny.gov. This hearing session
11 is adjourned. Thank you all very much for coming.

12 * * *

13 *(At which time, the proceedings in*
14 *the above-entitled matter were concluded*
15 *at 11:36 a.m.)*

1 RE: DEC

2 AT: 625 Broadway
3 Conference Room
4 Albany, New York

5 DATE: December 6, 2019

6

7

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

8

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

15

16

17



18

19 Suzanne Harrington

20

21

22

23

24

25

Assessment of Public Comments

6 NYCRR Part 200, General Provisions

6 NYCRR Part 219, Incinerators

Comments received from September 25, 2019 through 5:00 P.M., December 11, 2019

General Comments

1. Comment: Human crematories are distinctly different, both in statutory operation and charge from animal crematories, medical waste incinerators and other forms of incineration equipment. Commenters 3, 9

Response: With respect to air pollution control, there is no statutory difference between human and animal crematories. Further, both types of operations produce similar emissions to the atmosphere from nearly identical equipment. While the Department agrees that there may be fundamental differences in the day to day business practices in each industry, from an environmental regulation standpoint they are the same.

2. Comment: Based on an analysis of Department of State's own numbers, the proposed changes to Part 219 would negatively impact all, and inadvertently eliminate approximately 30 percent of all retorts operating in New York today. Commenter 3

Response: The intention of this regulation is to reduce emissions of particulate matter from new crematories and better reflect the current state of cremation technology. This is being done by requiring

crematories more than 30 years old to meet the standards in place for those constructed after December 1, 1988 and new crematories to meet state of the art standards. Some existing crematories already meet these standards in practice, and those who do not are being afforded 5 years to come into compliance by this proposal. The Department does not believe that this will negatively affect all crematories in New York. In addition, the Department believes that there will be benefits to the crematory operators in addition to the environment. Also please see Comments 13, 14 and 15 below.

3. Comment: This regulation should be redrafted to separately account for the unique and specific issues related to human cremation and multi-jurisdictional oversight. Commenter 3

Response: The Department understands the complex regulatory landscape for human crematories operating in the State. However, many of the issues resulting from multi-jurisdictional oversight do not impact the Department's statutory authority and obligation to regulate sources of air pollution.

Accordingly, this proposal considers the technical specifications of cremation equipment in general and not the specific business practices being conducted. This approach is identical to the Department's long-standing regulation of this sector.

4. Comment: The Connecticut Department of Energy and Environmental Protection (DEEP) supports the proposed revisions to Part 219 concerning nitrogen oxide emissions from municipal waste combustion units. DEEP also supports the submission of these revisions to the U.S. Environmental Protection Agency as a revision to New York's State Implementation Plan. Commenter 5
5. Comment: We are generally in favor of the Subpart 219-10 proposal and agree with the Department's intent of utilizing a uniform approach for safeguarding New York State and neighboring state air

resources. Commenter 7

Response to Comments 4 and 5: The Department thanks you for your comments.

6. Comment: At the recent December 6, 2019 hearing DEC representatives indicated a stakeholder meeting was conducted in February of this year. Commenter 8

Response: The Department held no stakeholder meeting in February 2019. Rather, as the official transcript of the December 6, 2019 public hearing held in Albany, New York indicates, “The Department held stakeholder meetings on February 6, 2018 and April 7, 2018 to discuss the likely elements of the proposed revisions to Part 219 and to obtain feedback.” (see Page 7, lines 9 – 12).

Sunset of Subparts 219-5 and 219-6

7. Comment: The retrofit of crematory machinery (such as adding a thermocouple) is expensive, especially for smaller operations, but also difficult due to the lack of skilled labor in the State to perform these services. Commenter 1

Response: The Department understands that most manufacturers of cremation equipment are located outside the State which may increase the cost associated with modification of cremation equipment. However, crematory owners and operators often contract with skilled personnel to perform routine maintenance and repair of their cremation equipment. Given that the proposed compliance schedule provides 60 months (5 years) for the facility owner to achieve final compliance with this proposal, the Department believes that sufficient time has been provided to plan for the costs associated with any

necessary equipment installation.

8. Comment: The addition of a temperature recorder and operator training & certification are not an issue for units installed prior to 1989. Recorders can be installed on any cremator and are not cost prohibitive. Training & certification is already a requirement of the NY Division of Cemeteries for all crematory personnel. Commenter 2

Response: The Department thanks you for your comment.

9. Comment: There is strong concern about the cost of a “stack test”. One of our members stated that such a test had to be submitted to NYSDEC prior to the machinery even being installed. Commenter 1

Response: Stack testing of cremation equipment is important as it allows the Department to determine whether a proposed cremation unit meets the particulate matter emissions limitation described in the regulation. Under the current Section 219-4.8, the owner or operator of a crematory facility installing a new cremation unit must either conduct a stack test or submit a copy of a test report for an identical unit that was conducted in New York State. As the commenter suggests, this requirement can be costly for certain crematory operators. In order to mitigate this cost and still maintain the compliance demonstration benefit of stack testing, proposed Section 219-4.5 requires the owner or operator of a crematory facility to either perform a stack test or submit a representative stack test report for an identical unit upon request of the Department. It is important to note that the representative stack test need not have been conducted in New York so long as it meets certain criteria described in the proposal. This change allows the crematory owner or operator to submit a test report that has already been conducted, thus mitigating the cost of performing a separate test.

In the case where a stack test was already submitted at the time of construction, a new stack test would not necessarily be required to demonstrate compliance with this proposal provided the original test demonstrates compliance with the proposed particulate matter emissions limitation. However, the Department reserves the right to request a new stack test be performed pursuant to its authority under 6 NYCRR Section 202-1.1 and the proposed language of Subdivision 219-4.5(a).

10. Comment: Existing IEE Power Pak IE43 (PP) and ALL 1701 cremators are not capable of complying with the proposed requirements of 1600F in the after-chamber at 1.0 second residence time. Commenter 2

Response: The Department understands that some older cremation equipment installed prior to January 1, 1989 may not be able to comply with the requirements of this proposal. However, as discussed in the Regulatory Impact Statement, these units are typically at or approaching the end of their 30-year expected useful life. Accordingly, many of the affected facilities would need to consider replacement of this equipment soon regardless of this proposal. To mitigate costs associated with the replacement of these units, the proposal allows for a 60-month (5 year) period for the facility owner to come into compliance with the new requirements.

11. Comment: Compliance with existing DEC and DOS regulations and adherence to current statutes to add retorts or crematories is already a lengthy process. This new administrative hurdle may take six months to a year for a single review to be completed by the State. This will force the elimination of a large portion of the retort capacity in New York. Commenters 3, 9

Response: The proposed regulation includes a compliance schedule which requires an existing crematory to demonstrate compliance with the proposed requirements 60 months (5 years) from the effective date of the proposed regulation (see proposed paragraph 219-4.9(a)(2)). In addition, the proposed regulation includes a provision allowing the Department to grant an extension to the final compliance date described above following a demonstration of cause by the crematory owner (see proposed paragraph 219-4.9(a)(3)). The extension provision allows for the crematory owner or operator to propose a final compliance date. Combined, these provisions allow for sufficient time to address the approval processes the commenter references. Further, existing cremation equipment will not be prohibited from operating during the transitional period. Accordingly, there is no immediate reduction in cremation capacity as a result of this proposal.

Crematory Operating Requirements

12. Comment: We support DEC's recommendations. Reducing the after-chamber temperature from 1800F to 1600F will not have a negative impact on the environment. In fact, as previously noted on Page 3, Paragraphs 2 & 3 of the attached, it would result in lower PM emissions, fewer incidences of visible emissions and reduced fuel consumption. Commenter 2
13. Comment: The removal of the primary chamber temperature requirement is also beneficial and brings DEC into alignment with all the other state environmental agencies as none have a primary chamber temperature requirement. Commenter 2
14. Comment: The temperature changes to address manufacturer and industry standards are important, as is the extended phase-in of the regulation to accommodate some of the realities of the marketplace.

Commenter 9

Response to Comments 12, 13, and 14: The Department thanks you for your support of this proposal.

15. Comment: Cremation involves the dignified disposition of human remains. That process sometimes includes personal items placed in the casket or container with the deceased. The language of this proposal would prohibit families from including mementos in the casket or container without creating a violation of this proposal. Commenters 3, 9

Response: The combustion of items other than human and animal remains, their container, and incidental animal bedding is currently prohibited by existing regulations at 6 NYCRR Section 219-4.6. This proposal rephrases the existing requirements to clarify the Department's intent with regard to the types of materials that can be combusted in a human or animal crematory. Accordingly, there is no material change in the Department's regulatory approach with respect to this issue.

16. Comment: There is an expressed concern related to honoring religious practices for human cremation and the varied ways our members are called on to meet particular and varied religious customs. The proposed draft regulation treats cremation the same as incineration of waste and does not specifically address these concerns. Commenters 3, 8

Response: This regulation updates air pollution emission requirements for crematories. This regulation is in no way intended to interfere with religious practices for human cremation and indeed does not do so.

17. Comment: Our members would be in violation of this regulation if families did include mementos inside the sealed cremation container delivered to our operation because Section 1517(d) of the Not-for-Profit Corporation Law prohibits crematory operators from opening the container. Commenters 3, 9

Response: The Department is aware of the prohibitions outlined in Section 1517(d) of the Not-for-Profit Corporation Law (Section 1517(d)) and the challenges they present with respect to both the existing regulation and this proposal. Accordingly, the proposed language at Subdivision 219-4.4(e) requires the person providing the remains for cremation to attest in writing that the remains and their container do not contain materials prohibited from being combusted by the proposed regulation. It is the Department's intention that this attestation be provided by an individual who is authorized by Section 1517(d) to open the container and verify its contents.

18. Comment: Proposed Subdivision 219-4.4(f) states that no person may cause or allow remains to be charged at a crematory facility in excess of the manufacturer's rated hourly capacity of that cremation unit. Does this mean that human crematory operators will only be able to cremate cases at a rate stated by each manufacturer's unit? If so, will they need to provide documentation? Commenter 9

Response: Cremation equipment is rated by the manufacturer for a certain hourly capacity. Exceeding this rating may cause operational issues which cause or contribute to excess emissions. To mitigate these concerns, the language proposed at Subdivision 219-4.4(f) requires the owner or operator of a cremation unit to follow the manufacturer's specifications for the loading of the unit. If the owner or operator is following the proper operating procedures as described by the equipment manufacturer, compliance with this requirement should not be an issue. Documentation such as the operating manual for the cremation

unit and a record of cremations performed that includes the approximate weight of the remains will be sufficient to demonstrate compliance with this requirement.

19. Comment: What exactly is supposed to happen if the 6-minute average opacity exceeds the proposed standard at Subdivision 219-4.4(a)? Commenter 9

Response: As with the current regulation, the owner or operator of a cremation unit should take appropriate corrective action immediately after becoming aware that the opacity standard at Subdivision 219-4.4(a) has been exceeded. The owner or operator should determine the cause of the excess opacity and note the malfunction in the facility's operating records as required by proposed Paragraph 219-4.8(a)(3). Finally, the facility owner or operator should follow the notification procedures specified in 6 NYCRR Section 201-1.4 for malfunctions.

Recordkeeping and Reporting

20. Comment: The draft 219 proposal does not conform to recordkeeping requirements by the Division of Cemeteries. There should be consistency in the recordkeeping requirements and not duplicative requirements or process for retaining records. Commenter 8

Response: The Department and the Division of Cemeteries have differing statutory obligations with respect to the cremation industry. As a result, each agency requires the upkeep of records relevant to demonstrating compliance with the requirements they impose. This proposal does not specify the format of records, only their content. If a record kept pursuant to Division of Cemeteries requirements contains identical information to records required to be kept by the proposed regulation, there is no need to

duplicate the record. The Department will accept this information as part of a successful compliance demonstration.

21. Comment: Proposed Paragraph 219-4.8(a)(3) states that operators will need to retain a record of the date, time, and cause of all malfunctions and any corrective action taken to resolve them. This section provides no definition of the term ‘malfunction’, nor does it describe how to record this information.

Commenter 9

Response: The term ‘malfunction’ is defined in 6 NYCRR Paragraph 201-2.1(b)(22). The Department will clarify that in the final express terms. The required information related to a malfunction should be recorded using a method that allows it to be easily maintained by the facility and easily reviewed by Department staff during an inspection of the facility, such as in a bound log book, separate file, or in an electronic format.

NOx RACT for Municipal Waste Combustors

22. Comment: If a waste combustion unit can currently meet the proposed technology-based NOx limits or “presumptive Reasonably Available Control Technology (RACT)” limits (either with or without control technology), we do not believe there is a need to prepare and submit a NOx RACT analysis.

Commenters 4, 7

Response: The proposed language at Subdivision 219-10.2(d) indicates that the owner or operator of a facility subject to the proposed Subpart 219-10 must submit either a complete application for a permit that incorporates the proposed requirements or a RACT analysis explaining why the facility’s current

control strategy should be considered RACT. Accordingly, a facility that currently meets the proposed emission limits would not need to prepare and submit a NO_x RACT analysis.

23. Comment: Subdivisions 219-10.3(a), (b), and (d) should be revised to include language related to the transition to the new requirements for units that already have continuous emissions monitors (CEMs) in place. This language should include the use of CEMs rather than performance testing to demonstrate initial compliance. Commenters 4, 6, 7

Response: The Department agrees that a performance test is not necessary for a facility which can demonstrate compliance with proposed Subpart 219-10 using an existing CEMs system. Accordingly, the language of Subdivision 219-10.3(a) has been revised to reflect this method of compliance demonstration. The language of Subdivision 219-10.3(d) has also been revised to reflect this change.

A municipal waste combustion facility which already operates CEMs for oxides of nitrogen does not need to install a new CEMs system to demonstrate compliance with this proposal. Accordingly, no additional action would be required for such a facility to demonstrate compliance with Subdivision 219-10.3(b).

24. Comment: The proposed language in Paragraphs 219-10.3(c)(1) and (2) conflicts with federal CEMs monitoring guidance at 40 CFR 60.13(h)(2) which existing waste combustors are already in compliance with. This language should be replaced with references to the federal CEMs monitoring requirements. Commenters 4, 7

Response: The proposed language in Paragraphs 219-10.3(c)(1) and (2) does not conflict with federal

CEMs monitoring guidance. The owner or operator of a facility with an existing NO_x CEMs system that is using the requirements at 40 CFR 60.13(h)(2) to demonstrate compliance with the applicable federal emission standard for NO_x will be deemed to be in compliance with proposed Subdivision 219-10.3(c) because the monitoring requirements at 40 CFR 60.13(h)(2) are more stringent. Accordingly, by demonstrating compliance with those requirements the facility owner or operator is also demonstrating compliance with proposed Subpart 219-10. The Department will continue to include the most stringent monitoring requirements in the facility's Title V permit, as required by state and federal Title V permitting procedures and guidance.

25. Comment: It is not necessary to prepare a Title V permit modification application simply to incorporate new requirements. The Department has the authority to modify the permit to incorporate new requirements as described at 6 NYCRR Subdivision 621.13(a). Commenters 4, 7

Response: As suggested by the commenter, a Department initiated modification may be appropriate for certain facilities subject to this proposal. However, some facilities may need to complete an economic and technical feasibility analysis, purchase and install CEMs, or take other steps to demonstrate compliance with the proposed regulation. Accordingly, it is more appropriate for the facility owner or operator to prepare and submit a Title V permit modification that addresses the specific compliance methodology the facility will follow.

26. Comment: It needs to be clarified that the compliance calculation for the proposed 150 ppm/24-hour limit can exclude hourly averages during periods of start-up, shutdown, and malfunction as currently provided in federal New Source Performance Standards for large municipal waste combustors.

Commenter 6

27. Comment: Concentration-based emission limits are not practical during periods of start-up and shutdown because it is technically infeasible to comply with the emission rates due to the 7% oxygen correction factor. If it is intended for the RACT limit to apply during start-up, shutdown, and malfunction, an alternative limit must be provided with a compliance calculation method that does not include the 7% oxygen correction factor. Commenter 6

28. Comment: The annual average should also be exclusive of periods of start-up, shutdown, and malfunction as described in Comment 23. Commenter 6

Response to Comments 26, 27 and 28: The Department understands the technical issues that may result from including periods of start-up, shutdown, and malfunction in the calculation of the proposed 24-hour and annual NO_x limits. Accordingly, the proposed language of Section 219-10.2 has been revised to exclude these periods.

29. Comment: The proposed compliance date of January 1, 2020 for the submission of a complete permit application incorporating the RACT requirements or RACT analysis cannot be achieved since the regulation has not been adopted. Commenter 6

Response: The proposed compliance date has been revised to June 30, 2021.

30. Comment: One year after the effective date of the Subpart is not sufficient time to conduct a compliance demonstration if a permit application is required to be submitted and a NO_x control system needs to be engineered and installed to meet the proposed limit. The date of compliance demonstration should

instead be one year after receipt of any permits to allow sufficient time for installation and commissioning of new NO_x control systems. Commenter 6

Response: To alleviate this issue, proposed Subdivision 219-10.3(a) has been revised to indicate that the compliance demonstration date will be one year after the issuance of a Title V permit modification to incorporate the proposed requirements as described in proposed Subdivisions 219-10.2(d) or 219-10.3(f), as applicable.

31. Comment: It should be clarified that the proposed 24-hour average is calculated based on a minimum of 18 valid hourly averages. This would ensure there is sufficient data to provide a representative average in the event a CEM is offline for maintenance or repair. Commenter 6

Response: The Department agrees with this comment. The proposed language of Subdivision 219-10.3(c) has been revised to clarify.

32. Comment: The annual NO_x average should be calculated on a 365-day rolling average basis to provide for tracking of compliance on a real time basis. Commenter 6

Response: The Department intended the annual average to be calculated on an annual rolling basis. Accordingly, proposed Subdivisions 219-10.2(b) and 219-10.3(d) have been revised to clarify this requirement.

33. Comment: Proposed Subdivision 219-10.3(f) appears to be redundant with proposed Subdivision 219-10.2(d) as both Subdivisions require the submittal of a Title V permit modification. Commenter 6

Response: The commenter is correct, both Subdivisions require the submittal of a permit modification. However, both provisions may not apply to a given facility. As discussed in the response to Comment 22 above, a facility may either submit a complete application for a Title V permit modification to incorporate the requirements of this Subpart or prepare a facility specific NO_x RACT analysis. Facilities that choose to prepare a NO_x RACT analysis will be required to submit a complete Title V permit modification application as described in Subdivision 219-10.3(f). The language of Subdivision 219-10.3(f) has been revised to more clearly state this.

Costs to Crematories

34. Comment: The cost estimates outlined in this proposed regulation do not adequately reflect the actual cost of retort replacement. There are crematories who are unable to take their existing retorts out of service and replace them with new units because they are in historic structures which cannot be altered, or the building they occupy may not accommodate the configuration and installation of new equipment. This would mean the cemetery would need to construct a new building and incur the costs associated with that. These capital costs are typically addressed over long periods of time. Commenter 3

35. Comment: The cost estimates presented in this proposal are limited to retort replacement and include non-human cremation equipment. The actual cost estimates need to include more than the cost of the machine. Commenter 3

Response to Comments 34 and 35: The Department understands that some crematory owners and operators may face different challenges than others when considering the replacement of their existing

units. While these changes may affect the total cost of replacement for certain facilities, they are not universal. Further, construction costs may be different depending on factors such as geographic location or project specific parameters. Accordingly, the Department focused the cost analysis in this proposal on the only consistent cost between facilities – the retort itself. As this proposal affects both human and animal crematories, the Department must consider the costs of both human and animal cremation equipment.

Regulatory Flexibility Analysis for Small Businesses and Local Governments

36. Comment: Paragraph 2 of the Effect of Rule section and Paragraph 3 of the Economic and Technical Feasibility section incorrectly state that only one of the 10 affected municipal waste combustion facilities is owned by a local government. This does not properly account for the two facilities (MacArthur Resource Recovery Facility (RRF) and Dutchess County RRF) owned by a public entity yet operated by a separated private entity. Commenter 4

Response: Both the Islip Resource Recovery Agency (MacArthur Resource Recovery Facility) and the Dutchess County Resource Recovery Agency are public benefit corporations and not municipalities.

37. Comment: Paragraph 8 of the Compliance Costs section suggests that MacArthur RRF would be required to complete a NOx RACT analysis. This should be corrected for the reasons described in Comment 36 above. Commenter 4

Response: Thank you for your comment. See response to Comment 36 above.

Miscellaneous Comments

38. Comment: Sixteen “stand-a-lone” crematories owned by funeral homes were afforded legal protection under the 1998 Anti-Combination Act to continue operating provided they a) operated the crematory or performed cremations prior to January 1, 1998, and b) filed an application with the State Cemetery Board for the operation of a crematory prior to that same date. We wanted to call your attention to this and seek your concurrence that the continued ownership of these crematories by funeral homes should not be jeopardized due to their owner’s efforts to comply with this proposal. Commenter 1

Response: The 1998 “Anti-Combination Act (chapter 560 of the Laws of 1998) largely pertains to the business relationships between cemetery corporations and funeral entities and is irrelevant to the environmental regulation of crematories.

List of Commenters

1. New York State Funeral Directors Association, Inc.
2. Matthews Environmental Solutions
3. New York State Association of Cemeteries (verbal)
4. Islip Resource Recovery Agency
5. Connecticut Department of Energy & Environmental Protection
6. Wheelabrator Technologies Inc.
7. Covanta Holding Corporation
8. New York State Association of Cemeteries (written)
9. Mr. Jeffery Reed

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 219, "Incinerators"; 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, 19-0306, 19-0311, 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 219, "Incinerators" 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 2/12/20, 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 September 25, 2019 under Notice No. ENV-39-19-00003-P. I also further certify that prior notice of public hearings, scheduled for and held on December 3, 2019 in Hauppauge, NY; December 4, 2019 in Rochester, NY; and December 6, 2019 in Albany, NY was published in the State Register on September 25, 2019 and DEC's Environmental Notice Bulletin on September 25, 2019 and in local newspapers in the State on September 25, 2019. No other publication of prior notice was required by statute.



Basil Seggos
Commissioner
Department of Environmental Conservation

DATED: 2/12/20

Albany, New York



Department of
Environmental
Conservation

Revised SUBPART 219-1

INCINERATION - GENERAL PROVISIONS

(Statutory Authority: [Public Health Law Sections 1271, 1276;] Environmental Conservation Law Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 19-0306, 19-0311, [19-0319, 20-0109,] 71-2103, 71-2105; Clean Air Act Sections 111, 129; 40 CFR Part 60, Subpart M) (M) (M) (M)

Section 219-1.1 Definitions.

(a) For the purpose of this Part and each of the Subparts of this Part, the general definitions of Parts 200 and 201 of this Title apply.

(b) For the purpose of this Part, the following definitions also apply to Subpart 219-2 through Subpart 219-6:

(1) 'Commercial waste'. Solid waste generated by stores, offices, institutions, restaurants, warehouses, and nonmanufacturing activities at industrial facilities.

(2) 'Dioxin equivalent'. Any combination or mix of polychlorinated dibenzo-para-dioxins and polychlorinated dibenzo furans [containing from four to eight chlorine atoms which are expressed as 2,3,7,8 tetrachlorinated dibenzo-para-dioxin equivalents using the toxic equivalency factors listed below. Standard conditions upon which these data are referenced are an absolute pressure of 760 mm mercury and 20°C at 7 percent oxygen.] as defined in

Subdivision 200.1(cx) of this Title.

['Compound']	['Factor']
[monochlorinated dibenzo-para-dioxins (all)]	[0]
[trichlorinated dibenzo-para-dioxins (all)]	[0]
[dichlorinated dibenzo-para-dioxins (all)]	[0]
[2,3,7,8 tetrachlorinated dibenzo-para-dioxin]	[1]
[other tetrachlorinated dibenzo-para-dioxin]	[0.01]
[2,3,7,8 pentachlorinated dibenzo-para-dioxin]	[1]
[other pentachlorinated dibenzo-para-dioxin]	[0.01]
[2,3,7,8 hexachlorinated dibenzo-para-dioxin]	[0.03]
[other hexachlorinated dibenzo-para -dioxin]	[0.0003]
[2,3,7,8 heptachlorinated dibenzo-para-dioxin]	[0.001]
[other heptachlorinated dibenzo-para-dioxin]	[0.00001]
[octachlorinated dibenzo-para-dioxins]	[0]
[2,3,7,8 tetrachlorinated dibenzo furan]	[0.33]
[other tetrachlorinated dibenzo furans]	[0.003]
[2,3,7,8 pentachlorinated dibenzo furan]	[0.33]
[other pentachlorinated dibenzo furans]	[0.003]
[2,3,7,8 hexachlorinated dibenzo furan]	[0.01]
[Other hexachlorinated dibenzo furans]	[0.0001]
[2,3,7,8 heptachlorinated dibenzo furan]	[0.001]
[other heptachlorinated dibenzo furans]	[0.00001]
[octachlorinated dibenzo furans]	[0]

(3) 'Hospital'. Any facility which has an organized medical staff, maintains at least six inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of 24 hours her admission. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who are generally not acutely ill but who require continuing medical supervision.

(4) 'Hospital/medical/infectious waste incinerator' or 'HMIWI' or 'HMIWI unit'. Any device that combusts any amount of hospital waste and/or medical/infectious waste.

(5) 'Hospital/medical/infectious waste incinerator' or 'HMIWI operator'. Any person who operates, controls or supervises the day-to-day operation of a HMIWI.

(6) 'Hospital waste'. Discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation.

(7) 'Incinerator'. Any structure or furnace in which the combustion of any amount of solid waste takes place[and type 0, 1, 2, 3, or 4 refuse is used as fuel], alone or in conjunction with fossil fuel.

(8) 'Medical/infectious waste'. Any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that is listed below:

(i) Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures.

(ii) Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers.

(iii) Human blood and blood products including:

 ('a') liquid waste human blood;

 ('b') products of blood;

 ('c') items saturated and/or dripping with human blood; or

 ('d') items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either

patient care, testing and laboratory analysis or the development of pharmaceuticals.

Intravenous bags are also included in this category.

(iv) Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), Pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agent, such as used slides and cover slips.

(v) Animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals.

(vi) Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases.

(vii) Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

The definition of medical/infectious waste does not include hazardous waste identified or listed under the regulations in Part [373] 371 of this Title; household waste, as defined in [Part 360 of this Title] 40 CFR 261.4(b)(1) (see Table 1, Section 200.9 of this Title); ash from incineration of medical/infectious waste[,] once the incineration process has been completed; human corpses, remains, and anatomical parts that are intended for interment or cremation; and domestic sewage materials.

(9) ‘Municipal solid waste’. [All materials or substances discarded from single and multiple family dwellings, and other residential sources; similar types of materials from institutional, commercial and industrial sources; concurrently incinerated sewage sludge but not hazardous waste as defined in Part 371 of this Title.] Solid waste discarded from single and multiple family dwellings and other residential sources, similar types of materials discarded from institutional, commercial and industrial sources, and comingled biosolids. Municipal solid waste does not include hazardous waste as defined in Part 371 of this Title.

(10) ‘Municipal solid waste incineration facility’. A facility that is owned, operated, or utilized by, or under contract with, a municipality or political subdivision and which utilizes high temperature thermal destruction technologies, including combustion for the recovery of thermal value or for the disposal of municipal solid waste.

‘Note:’ A municipal solid waste incineration facility may also be an infectious waste incineration

facility.

(11) 'Pathological Waste'. Waste material consisting of human and animal remains, anatomical parts, and/or tissue, the bags and containers used to collect and transport the waste material, and any incidental animal bedding.

[(11)](12) 'Private solid waste incineration facility'. Any facility, other than a municipal solid waste facility, that [burns]processes municipal solid waste, or any fuels derived from municipal solid waste using thermal destruction technologies, with or without energy recovery.

(13) 'Solid waste'. (i) Except as described in subparagraph (iii) of this paragraph, discarded materials including solid, liquid, semi-solid, or contained gaseous material, resulting from industrial, municipal, commercial, institutional, mining or agricultural operations or from residential activities including materials that are recycled or that may have value.

(ii) A material is considered discarded if it is spent, worthless, or in excess to the generator, and is:

('a') thermally, physically, chemically or biologically processed;

('b') disposed of through discharge, deposit, injection, dumping, spilling, leaking or placement into or on any land or water so that the material or any constituent thereof may enter the environment or be emitted into the air or discharged into groundwater or surface

water; or

(‘c’) accumulated or transferred instead of or before being processed or disposed.

(iii) The following are not solid waste for the purposes of this Part:

(‘a’) materials that are intended for reuse for their original function, without processing, such as materials at a garage sale, consignment shop, textile collection location or similar venue;

(‘b’) materials that are incorporated into food products for human consumption;

(‘c’) unadulterated wood generated from sources other than construction and demolition that is burned in campfires, ceremonial burns, cooking fires, wood stoves, or other similar uses;

(‘d’) any mixture of domestic sewage and other wastes that pass through a sewer system to a publicly or privately owned treatment works for treatment;

(‘e’) industrial wastewater discharges that are point source discharges subject to permits under Environmental Conservation Law (ECL) article 17;

(‘f’) irrigation return flows;

(‘g’) materials subject to in-situ mining techniques which are not removed from the ground as part of the extraction process;

(‘h’) crumb rubber;

(‘i’) materials that are used in accordance with a determination by the department pursuant to the provisions of Section 360.12 of this Title;

(‘j’) materials that are used for artificial reefs in compliance with applicable water quality criteria;

(‘k’) material removed from the waters of the State and placed or disposed in compliance with a permit issued under ECL article 15, 24, 25, or 34 or a water quality certification issued under section 401 of the Federal Water Pollution Control Act to the extent that disposal of the material is regulated by such permit or certification. However, any disposal not regulated by such permit remains subject to regulation under Parts 360, 361, 362, 363, and 365 of this Title. Dredged or excavated material generated by a manufacturing or industrial process is industrial waste, and the treatment, storage, transfer, or disposal of the material is subject to regulation under Parts 360 to 365 of this Title; and

(‘1’) waste samples received at a laboratory or educational institution for analysis of constituents.

[(12) ‘Refuse’. All waste material, including but not limited to garbage, rubbish, incinerator residue, street cleanings, dead animals, and offal. Refuse is classified in accordance with Table 1, Appendix 2.

(13) ‘Smoke’. An air contaminant consisting of small gas-borne particles emitted by an air contamination source in sufficient number to be observable.

(14) ‘Solid waste’. (i) ‘Solid waste’ means all putrescible and nonputrescible materials or substances except as described in subparagraph (iv) of this paragraph that are discarded or rejected as being spent, useless, worthless or in excess of the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal.

(ii) A material is discarded if it is abandoned by being:

(‘a’) disposed of;

(‘b’) burned or incinerated, including being burned as a fuel for the purpose of

recovering usable energy; or

(‘c’) accumulated, stored, or physically, chemically, or biologically treated (other than burned or incinerated) instead of or before being disposed of.

(iii) A material is disposed of if it is discharged, deposited, injected, dumped, spilled, leaked, or placed into or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into ground water or surface water.

(iv) The following materials are not solid waste for the purposes of this Part:

(‘a’) domestic sewage;

(‘b’) any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly owned treatment works for treatment except for any material that is introduced into such system in order to avoid the provisions of Part 360 of this Title;

(‘c’) industrial wastewater discharges that are actual point source discharges subject to permit under ECL article 17. Industrial wastewaters while they are being collected, stored, or treated before discharge, and sludges that are generated by

industrial wastewater treatment are solid wastes and are regulated by Part 360 of this Title;

(‘d’) irrigation return flows;

(‘e’) radioactive materials which are source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (see section 360-1.3a of this Title);

(‘f’) materials subject to ‘in-situ’ mining techniques which are not removed from the ground as part of the extraction process; and

(‘g’) materials that the department has determined are being beneficially used, including the following:

(1) materials that are incorporated into a manufacturing process to produce a marketable product;

(2) compost that meets the criteria for Class I public distribution and agricultural usage identified in Subpart 360-5 of this Title;

(3) wood chips used for mulch, landscaping, or erosion control purposes;

(4) ash generated from the combustion of coal if the ash has been tested for toxicity pursuant to a testing protocol approved by the department and certified to

be nontoxic and used as follows:

- (i) coal combustion bottom ash used as a traction agent on roadways, parking lots, and other driving surfaces;
- (ii) coal combustion bottom ash or fly ash used as a cement substitute or aggregate in cement or concrete products; or
- (iii) coal combustion bottom ash or fly ash used in situations where the ash is contained and leachate will not be generated, such as structural fill within building foundations.]

Section 219-1.2 [Summary of applicability.] Severability

Existing Section 219-1.2 is repealed. A new Section 219-1.2 is added as follows.

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

SUBPART 219-4

[INCINERATORS] HUMAN AND ANIMAL CREMATORIES

Existing Subpart 219-4 is repealed. A new Subpart 219-4 is proposed as follows:

Section 219-4.1 Definitions

- (a) For the purpose of this Subpart, the definitions of Subpart 219-1, Part 200, and Part 201 of this Title apply.
- (b) For the purpose of this Subpart, the following definitions also apply:
- (1) 'Existing Cremation Unit'. An emission source used for the cremation of human or animal remains at a crematory facility that was constructed on or before the effective date of this Subpart.
 - (2) 'Modified Cremation Unit'. An emission source used for the cremation of human or animal remains at a crematory facility that has been modified, as defined in Subdivision 200.1(aq) of this Chapter, after the effective date of this Subpart.
 - (3) 'New Cremation Unit'. An emission source used for the cremation of human or animal remains at a crematory facility for which an application for an air permit or registration, as described in Part 201 of this Chapter, was received by the Department after the effective date of this Subpart.

Section 219-4.2 Applicability

This Subpart applies to all new, modified, and existing cremation units used for the cremation of human and animal remains.

Section 219-4.3 Particulate emissions

(a) No person may cause or allow emissions of particulates into the outdoor atmosphere from an existing cremation unit in excess of 0.08 grains per dry standard cubic foot of flue gas, corrected to seven percent oxygen.

(b) No person may cause or allow emissions of particulates into the outdoor atmosphere from a new or modified cremation unit in excess of 0.05 grains per dry standard cubic foot of flue gas, corrected to seven percent oxygen.

Section 219-4.4 Operating requirements

(a) No person may cause or allow emissions to the outdoor atmosphere having a six-minute average opacity of 10 percent or greater from any cremation unit.

(b) The owner or operator of a cremation unit must maintain a one-hour average temperature of at least 1600 degrees Fahrenheit in the secondary combustion chamber, with a minimum residence time for combustion gases of at least one second, at all times remains are being cremated.

(c) The owner or operator of a cremation unit subject to the requirements of this subpart must install, operate, calibrate, and maintain, in accordance with manufacturer's instructions, instruments for continuously monitoring and recording the temperature of the secondary (or last) combustion chamber.

(d) No person may combust materials other than human and animal remains, their associated containers, pathological waste, and incidental animal bedding in any cremation unit subject to the requirements of this Subpart unless prior written authorization has been obtained from the department.

(e) No person may cause or allow the combustion of human and animal remains in any cremation unit subject to the requirements of this Subpart unless a cremation certification form has been completed. Each cremation certification form shall contain the following information at a minimum:

(1) The name, title, and affiliation of the person providing the remains for cremation;

(2) An attestation signed by the person providing the remains for cremation attesting that the remains and their container do not contain materials prohibited from being combusted by this subpart;

(3) The name and signature of the person accepting the remains for cremation; and

(4) The date the remains were accepted for cremation.

(f) No person may cause or allow remains to be charged at a crematory facility in excess of the manufacturer's rated hourly capacity of the cremation unit.

Section 219-4.5 Emissions testing and modeling

(a) Upon request by the Department, the owner or operator of a crematory facility must demonstrate compliance with the requirements of this subpart by either conducting onsite testing or submitting a representative stack test for an identical unit.

(b) Onsite stack testing conducted to demonstrate compliance with subdivision (a) of this section must be conducted pursuant to a Department approved testing protocol. The facility owner or operator must submit a testing protocol to the Department at least thirty days prior to the commencement of testing pursuant to Part 202 of this Chapter.

(c) Representative stack tests submitted to demonstrate compliance with subdivision (a) of this section must include the following information:

(1) A letter signed by the facility owner or operator certifying that the test report being submitted is for an identical cremation unit;

(2) A copy of the testing protocol that was used;

(3) A description of the testing methods used, including any deviations from established reference test methods;

(4) A description of all quality assurance, data reduction, and any other operating practices followed; and

(5) Testing results demonstrating compliance with the standards of this subpart in units of measurement identical to those described in this Subpart.

(d) The department may require the owner or operator of a crematory facility submitting a representative stack test to perform a stack test if the submitted test protocol or report does not meet the department's standards for approval.

(e) The department may require the owner or operator of a crematory facility to perform an air dispersion modeling analysis using procedures acceptable to the department to evaluate the impacts of the facility on the surrounding community.

Section 219-4.6 Operator training and certification

(a) No cremation unit subject to the requirements of this subpart is permitted to operate unless it is operated under the onsite supervision of a person possessing a valid crematory operator certification issued by the department.

(b) Crematory operator certifications issued pursuant to this Section shall be valid for a period of five years from the date of issuance.

Section 219-4.7 Inspection and Maintenance

(a) The owner or operator of a crematory facility must inspect each cremation unit at that facility at least once per calendar year. The facility owner or operator shall perform all necessary repairs and routine maintenance in order to ensure that each cremation unit, monitoring device, and control device is operated and maintained in accordance with manufacturer's instructions.

Section 219-4.8 Record keeping requirements

(a) The owner or operator of a crematory facility must maintain the following records at the facility for a period of at least five years:

(1) Continuous temperature monitoring records indicating the date and time of each cremation performed;

(2) Operator training and certification records for all operators at the facility;

(3) A record of the date, time, and cause of all malfunctions and any corrective action taken to resolve them;

(4) A record of any maintenance performed on each cremation unit, including the annual inspection required by Section 219-4.7 of this Subpart, and the routine replacement of parts

and components; and

(5) A copy of each cremation certification form created pursuant to Subdivision 219-4.4(e) of this Subpart.

(b) The owner or operator of a crematory facility must maintain the following records at the facility for the lifetime of each cremation unit installed at the facility:

(1) Manufacturer's operating instructions for each cremation unit and any associated monitoring equipment or emissions controls; and

(2) A copy of the most recent stack test submitted to the department in order to demonstrate compliance with this subpart.

(c) The owner or operator of a crematory facility must make all records kept pursuant to this Section available to the department upon request.

Section 219-4.9 Compliance schedule

(a) The owner or operator of an existing cremation unit shall:

(1) Obtain appropriate operator certifications, as described in Section 219-4.6 of this Subpart, within 12 months of the effective date of this Subpart for each uncertified operator at the facility;

(2) Demonstrate compliance with the requirements of this Subpart no later than 60 months from the effective date of this Subpart. A demonstration of final compliance shall include the following information for each existing cremation unit:

(i) An emissions testing report, as described in Section 219-4.5 of this Subpart, indicating that each existing cremation unit meets the particulate matter limitation specified in Subdivision 219-4.3(a) of this Subpart;

(ii) Documentation indicating that each existing cremation unit is capable of meeting the requirements of this Subpart; and

(iii) Documentation of the certification status of each operator at the facility.

(3) The owner or operator of an existing cremation unit may submit a written request for a single extension to the deadline described in Paragraph (2) above. The request shall describe in detail the circumstances necessitating the extension and shall propose a projected final compliance date. The Department, in its sole discretion, shall approve or deny the request on a case by case basis.

(b) For existing cremation units that cannot meet the requirements of this Subpart, the owner or operator shall submit a written plan to the Department that describes the proposed schedule for the replacement or removal of the affected cremation unit within 60 days of becoming aware that it cannot meet the requirements of this Subpart.

Section 219-4.10 Severability

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

SUBPART 219-5

EXISTING INCINERATORS

Existing Subpart 219-5 is repealed and reserved.

SUBPART 219-6

EXISTING INCINERATORS - NEW YORK CITY, NASSAU AND WESTCHESTER COUNTIES

Existing Subpart 219-6 is repealed and reserved.

Revised SUBPART 219-10

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) FOR OXIDES OF
NITROGEN (NO_x) AT MUNICIPAL AND PRIVATE SOLID WASTE INCINERATION
UNITS

Section 219-10.1 Applicability

This Subpart applies to all new, modified and existing municipal and private solid waste incineration units.

Section 219-10.2 Control Requirements

(a) No owner or operator of a municipal or private solid waste incineration unit shall cause or allow emissions of NO_x from any municipal or private solid waste incineration unit in excess of the applicable limit in Table 1 of this Subpart on a 24-hour arithmetic average basis, excluding periods of start-up, shutdown, and malfunction.

Table 1 – 24-Hour Average NO_x Emission Limits

<u>Combustion Technology</u>	<u>NO_x Emission Limit (ppmv, dry corrected to 7% oxygen)</u>
<u>Mass Burn Waterwall</u>	<u>150</u>
<u>Rotary Combustor</u>	<u>170</u>
<u>Other Technologies</u>	<u>*</u>

* See Subdivision 219-10.2(c) of this Section

(b) No owner or operator of a municipal or private solid waste incineration facility shall cause or allow emissions of NO_x from any municipal or private solid waste incineration unit in excess of the applicable limit in Table 2 of this Subpart on an annual rolling average basis, excluding periods of start-up, shutdown, and malfunction.

Table 2 – Annual Average NO_x Emission Limits

<u>Combustion Technology</u>	<u>NO_x Emission Limit (ppmv, dry corrected to 7% oxygen)</u>
<u>Mass Burn Waterwall</u>	<u>150</u>
<u>Rotary Combustor</u>	<u>150</u>
<u>Other Technologies</u>	<u>*</u>

* See Subdivision 219-10.2(c) of this Section

(c) The owner or operator of a municipal or private solid waste incineration unit that employs a combustion technology not listed in Table 1 or Table 2 of this Section shall develop and propose a facility specific 24-hour and annual average NO_x emission limitation. A proposal prepared pursuant to this Subdivision shall consider:

(1) The available NO_x control technologies, the projected effectiveness of the technologies considered, and the costs for installation and operation for each of the technologies; and

(2) The technology and the appropriate emission limit selected as RACT considering the costs for installation and operation of the technology.

(d) By June 30, 2021, the owner or operator of a facility subject to the requirements of this Subpart must submit to the Department either a complete application for a permit that incorporates the requirements of this Subpart or a RACT analysis that explains why the control technology the facility currently employs should be considered RACT for that emission source.

(e) Any facility specific NO_x emissions limitation proposal made pursuant to subdivisions 219-10.2(c) or 219-10.2(d) of this Section that is approved by the Department will be recorded in the relevant Title V facility permit as the applicable NO_x RACT requirement, and must be submitted to the administrator for approval as a separate SIP revision.

Section 219-10.3 Compliance demonstration

(a) The owner or operator of a municipal or private solid waste incineration unit subject to this Subpart shall conduct an initial compliance demonstration within one year of the date of issuance of a permit modification issued pursuant to the requirements of this Subpart. The initial compliance demonstration shall be conducted using the continuous emissions monitoring system required by Subdivision (b) of this Section.

(b) The owner or operator of a municipal or private solid waste incinerator unit subject to this Subpart shall install, calibrate, maintain, and operate a continuous emission monitoring system for measuring oxides of nitrogen discharged to the atmosphere, and shall record the output of that system.

(c) Following the date that the initial compliance demonstration required by Subdivision (a) of this Section is completed, the owner or operator of a unit subject to this Subpart shall demonstrate compliance with the applicable 24-hour oxides of nitrogen emission limit using the 24-hour daily arithmetic average of the hourly emissions concentrations measured by the continuous emissions monitoring system.

(1) Each 1-hour average shall be:

(i) Based on at least two data points collected during that hour; and

(ii) Expressed in units of parts per million by volume on a dry basis and corrected to seven percent oxygen using the 1-hour arithmetic average oxygen continuous monitoring system data.

(2) Each 24-hour average shall be based on a minimum of 18 valid hourly averages.

(d) Following the date that the initial performance test required by Subdivision (a) of this Section is completed, the owner or operator of a unit subject to this Subpart shall demonstrate compliance with the applicable annual oxides of nitrogen emissions limit using a rolling 365 day average of the 24-hour daily arithmetic average emissions concentrations measured pursuant to Subdivision (c) of this Section.

(e) The owner or operator of a municipal or private solid waste incineration unit subject to this Subpart shall install, operate, calibrate, and maintain the continuous emissions monitoring system required by this Section in accordance with all applicable performance specifications, test methods, and manufacturer's recommendations.

(f) The owner or operator of a municipal or private solid waste incineration unit that submitted a facility specific RACT plan as required by Subdivision 219-10.2(c) of this Subpart shall submit an application for a permit modification to incorporate the requirements of this Subpart, as described in Subpart 201-6 of this Title, to the Department within 180 days of the Department's approval of the facility specific RACT plan.

Section 219-10.4 Severability

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

PART 200
GENERAL PROVISIONS

Revised Express Terms

(Sections 200.1 through 200.8 remain unchanged)

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

<u>219-1.1(b)(8)</u>	<u>40 CFR Part 261.4(b)(1) (October 17, 2018)</u>	<u>*</u>
219-2.2(f)	40 CFR Part 60.58b(d)(2) (July 1, 2003)	*
219-2.7(a)	40 CFR Part 60, Appendix B (July 1987) Performance Specifications 1,2 and 3, pages 822-847	*
219-3.8	40 CFR Part 60, Appendix B (July 1987) Performance Specifications 1,2 and 3, pages 822-847	*
219-7.2	40 CFR Part 60.58(d)(2) (July 1, 2003)	*
219-9.1	40 CFR Part 60, Subpart MMMM (March 21, 2011)	*
219-9.2	40 CFR Part 60, Subpart MMMM (March 21, 2011)	*
219-9.3	40 CFR Part 60, Subpart MMMM (March 21, 2011)	*
219-9.3(a)(1)(iv)	40 CFR Part 60.5175 (March 21, 2011)	*
219-9.3(a)(2)	40 CFR Part 60, Subpart MMMM (March 21, 2011)	*
219-9.3(b)(1)(iv)	40 CFR Part 60.5175 (March 21, 2011)	*
219-9.3(b)(5)	40 CFR Part 60, Subpart MMMM (March 21, 2011)	*



Department of
Environmental
Conservation

ENB - Statewide Notice 3/4/2020

Public Meeting Notice

Meeting of the New York Invasive Species Advisory Committee

The next meeting of the New York Invasive Species Advisory Committee (25 Non-governmental Organizations) will be held on Wednesday, March 11, 2020 from 10:00 a.m. to 2:00 p.m. at the New York Farm Bureau offices located at 159 Wolf Road, Albany NY 12205.

Once finalized, the [meeting agenda](#) will be posted to the following web page:
<http://www.dec.ny.gov/animals/6989.html>.

Contact: Dave Adams, New York State Department of Environmental Conservation (NYS DEC) - Division of Lands and Forests, Invasive Species Coordination Section, 625 Broadway, Albany, NY 12233, Phone: (518) 402-9149.

Public Notice

Notice of Adoption of 6 NYCRR Part 218, Emission Standards for Motor Vehicles and Motor Vehicle Engines

Pursuant to Sections 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-1101, 19-1103, 19-1105, 71-2103, 71-2105 of the Environmental Conservation Law (ECL) and Section 177 of the federal Clean Air Act (42 USC 7507), the New York State Department of Environmental Conservation (NYS DEC) hereby gives notice of the following:

NYS DEC is adopting amendments to Part 218 to incorporate revisions to the standards for new California certified aftermarket catalytic converters (AMCCs). The amendments prohibit the sale and installation of federal AMCC in New York State absent a waiver from NYS DEC. The amendments also include provisions pertaining to AMCC installation requirements; AMCC installer recordkeeping requirements; recordkeeping requirements for AMCC manufacturers, distributors, wholesalers, and retailers; and clarification of AMCC manufacturer reporting requirements. Further, NYS DEC will submit the Part 218 as well as the revisions to Part 200 to the United States Environmental Protection Agency (US EPA) as a revision to the State Implementation Plan (SIP) for New York State.

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

For further information, please contact:

Jeff Marshall
NYS DEC - Division of Air Resources
625 Broadway
Albany, NY 12233-3250
Phone: (518) 402-8292
E-mail: air.regs@dec.ny.gov

Notice of Adoption of 6 NYCRR Part 219, Incinerators

Pursuant to Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 19-0306, 19-0311, 71-2103, 71-2105, the New York State Department of Environmental Conservation (NYS DEC) hereby gives notice of the following:

NYS DEC is adopting several revisions to its operating requirements for human and animal crematories. These requirements are found in Title 6 of the New York Compilation of Codes, Rules and Regulations (6 NYCRR) Part 219, Incinerators (Part 219). NYS DEC is repealing and replacing Subpart 219-4 to better reflect the current state of cremation technology and reduce emissions of particulate matter from new crematories constructed in the state. In addition, the Department is sunsetting Subparts 219-5 and 219-6 by requiring that existing units subject to these requirements be regulated by more stringent standards under a new Subpart 219-4. NYS DEC is also adding a new Subpart 219-10 to limit oxides of nitrogen emissions from municipal waste combustion units. Finally, NYS DEC is making several minor changes to Subpart 219-1 and conforming changes to Section 200.9 to clarify various definitions used throughout Part 219. Further, NYS DEC will submit Part 219 and the revisions to Part 200 to the United States Environmental Protection Agency (US EPA) 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 at <http://www.dec.ny.gov/regulations/propregulations.html#public>.

For further information, please contact:

Mark Lanzafame
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 Adoption of Amendments to 6 NYCRR Parts 370-374 and 376 of the Hazardous Waste Management Regulations

Notice is hereby given that the New York State Department of Environmental Conservation (NYS DEC) filed a Notice of Adoption with the New York State Department of State to amend 6 NYCRR Parts 370-374 and 376 of the Hazardous Waste Management Regulations to incorporate (1) federal rules from September 30, 1999 to April 8, 2015; and (2) State-initiated changes, including clarification of language and corrections of errors found in the regulations. This rule making is referred to as FedReg5.

The regulations will become effective on April 19, 2020.

The Notice of Adoption for the rule is available in the March 4, 2020 issue of the State Register. The express terms for 6 NYCRR [Parts 370-374 and 376 as well as supporting documents](#) are available on DEC's web site at <https://www.dec.ny.gov/regulations/propregulations.html#recent>.

For further information, please contact:

Michelle Ching
NYS DEC - Division of Materials Management
RCRA Compliance and Technical Support Section
625 Broadway
Albany, NY 12233-7256
Phone: (518) 402-8651

New York State Department of Environmental Conservation (NYS DEC) Announces 17th Annual Environmental Excellence Awards - Applications Accepted Through April 17, 2020

NYS DEC is now accepting applications for the 2020 NYS Environmental Excellence Awards program. The awards program recognizes businesses, institutions, governments, and organizations for their outstanding commitment to environmental sustainability, social responsibility, and economic viability.

This annual awards program recognizes outstanding, innovative and sustainable projects and unique partnerships. Benefits of receiving an award include statewide recognition and visibility for environmental leadership, and increased marketing, promotional and networking opportunities.

Eligible applicants include:

- Businesses (small, medium and large businesses, manufacturing, retail, agri-business, renewable energy, hospitality, sports, etc.)
- Not-for-profit organizations
- Education, health care and recreational facilities
- Local, state, federal and Indian Nation government agencies

Eligible projects must:

- Be located in New York state
- Result in measurable environmental and economic benefits beyond those achieved through standard techniques or regulatory requirements
- Be initiated within the past three years and be fully operational for at least 12 months
- Be in good standing with NYS DEC and in full compliance with the Environmental Conservation Law currently and for the previous three years. Applicants shall not be involved in any litigation against NYS DEC or with the State of New York within the past seven years.

NOTICE OF ADOPTION

Part 219 Applies to Various Types of Incinerators and Crematories Operated in New York State

I.D. No. ENV-39-19-00003-A

Filing No. 132

Filing Date: 2020-02-13

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 Parts 200 and 219 of 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, 19-0306, 19-0311, 71-2103 and 71-2105

Subject: Part 219 applies to various types of incinerators and crematories operated in New York State.

Purpose: This rule establishes emission limits and operating requirements for various types of incinerators.

Substance of final rule: The New York State Department of Environmental Conservation (Department) is proposing several revisions to its operating requirements for human and animal crematories. These requirements are found in Title 6 of the New York Compilation of Codes, Rules and Regulations (6 NYCRR) Part 219, Incinerators (Part 219).

Table 1 of Section 200.9 is amended to add a reference to the definition of 'household waste' at 40 CFR 261.4(b)(1).

Paragraph 219-1.1(b)(2) is revised to remove the table of toxic equivalency factors and refer to Subdivision 200.1(cx). Paragraph 219-1.1(b)(7) is revised to update the definition of 'incinerator'. Paragraph 219-1.1(b)(8) is revised to correct a reference to Part 371 and to correct a reference to the definition of the term 'household waste'. Paragraph 219-1.1(b)(9) is rewritten to better define 'municipal solid waste'. A new Paragraph 219-1.1(b)(11) is added to define the term 'pathological waste'. Existing Paragraph 219-1.1(b)(11) is renumbered as Paragraph 219-1.1(b)(12). Existing Paragraphs 219-1.1(b)(12) – 219-1.1(b)(14) are repealed. A new Paragraph 219-1.1(b)(13) is added to define the term 'solid waste'. Existing Section 219-1.2 is repealed and replaced with a new Section 219-1.2 that adds a severability clause.

Existing Subpart 219-4 is repealed and replaced with a new Subpart 219-4. Section 219-4.1 includes definitions for various terms used throughout Subpart 219-4. Section 219-4.2 states that Subpart 219-4 applies to all new, modified, and existing cremation units. Section 219-4.3 establishes particulate matter emissions limitations for cremation units. Section 219-4.4 establishes various operating requirements for cremation units, including: an opacity limitation, a minimum secondary combustion chamber temperature and residence time, a continuous temperature monitoring and recording requirement, a prohibition on the combustion of certain materials, a requirement for the preparation of a cremation certification form, and a prohibition on the charging of remains in excess of the manufacturer's rated capacity of the cremation unit. Section 219-4.5 establishes emissions testing and modeling requirements for cremation units. Section 219-4.6 establishes operator training and certification requirements. Section 219-4.7 establishes an annual inspection and maintenance requirement. Section 219-4.8 describes the recordkeeping requirements for crematory facilities. Section 219-4.9 describes the compliance schedule for existing cremation units that are subject to the requirements of existing Subparts 219-4, 219-5, or 219-6. Section 219-4.10 adds a severability clause.

Existing Subpart 219-5 is repealed.

Existing Subpart 219-6 is repealed.

A new Subpart 219-10 is added for the regulation of Oxides of Nitrogen emissions from municipal and private solid waste combustion units. Section 219-10.1 states that Subpart 219-10 applies to all new, modified, and existing municipal and private solid waste incineration units. Section 219-10.2 establishes 24-hour and annual emissions limitations for oxides of nitrogen and describes the procedures affected facilities can use to demonstrate that they have already applied Reasonably Available Control Technology. Section 219-10.3 outlines the compliance demonstration requirements for affected facilities, including an initial performance test and continuous emissions monitoring requirements. Section 219-10.4 adds a severability clause.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 200.9, Table 1, 219-1.1(a), (b)(2), 219-4.1(a), 219-10.2(a), (b), (c), (d), 219-10.3(a), (c), (d) and (f).

Text of rule and any required statements and analyses may be obtained from: Mark Lanzafame, P.E., NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-3254, (518) 402-8403, 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 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 2023, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

Comments received from September 25, 2019 through 5:00 P.M., December 11, 2019

Nine commenters commented on the proposed revisions to 6 NYCRR Parts 200 and 219 (Part 219). This document summarizes those comments and the Department's responses.

General Comments

Two commenters questioned the Department's statutory obligation to regulate the cremation industry and the approach taken in this proposal. The Department explained its statutory obligations and explained how they differ from other state agencies.

Two commenters expressed support for this proposal. The Department thanked those commenters for their support.

Sunset of Subparts 219-5 and 219-6

One commenter expressed concern regarding the potential costs of upgrades to existing equipment to comply with this proposal. Another commenter indicated that these upgrades are not cost prohibitive. The Department explained the proposed compliance schedule, which affords affected facilities 60 months (five years) to demonstrate compliance with the proposed requirements and provides for an extension of the compliance date following a demonstration of cause. The Department believes sufficient time has been provided for affected facilities to plan for any costs.

One commenter expressed concern over the cost of stack testing to demonstrate compliance with proposed Subpart 219-4, particularly where the affected facility has already submitted a stack test to the Department. The Department explained that proposed Subpart 219-4 does not require a stack test in all cases. Further, the crematory owner or operator may be able to submit a representative stack test conducted on an identical unit. If a representative test is provided the crematory owner would not incur any testing costs.

One commenter indicated that existing IEE Power Pak IE43 (PP) and ALL 1701 cremators cannot comply with this proposal. The Department is aware some older cremation equipment installed prior to January 1, 1989 may not be able to meet the proposed requirements. These units are typically approaching the end of their 30-year expected useful life and would need to be replaced regardless of this proposal. To ameliorate costs associated with the replacement of these units, the proposal contains a 60-month (5 year) compliance period.

Two commenters indicated that compliance with existing regulations to construct crematories is already a lengthy process and that this proposal may add additional time to that process. The Department responded that the proposed regulation includes a compliance schedule allowing existing crematories 60 months (5 years) to demonstrate compliance. In addition, the proposed regulation allows the Department to grant an extension following a demonstration of cause. These provisions allow for sufficient time to address the approval processes the commenters reference.

Crematory Operating Requirements

Three commenters expressed support for the operating requirements contained in the proposed Subpart 219-4. The Department thanked these commenters for their support.

Two commenters expressed concern that this proposal would prohibit items other than human or animal remains from being placed in the container with the remains. The Department reminded the commenters that this practice is currently prohibited by Subpart 219-4. This proposal clarifies the types of materials that can and cannot be combusted in a crematory to clarify the requirements of Subpart 219-4.

Two commenters expressed concern related to honoring religious practices for human cremation and the varied ways crematory owners are called on to meet religious customs. The proposed regulation places no specific restrictions on religious practices. The Department responded by stating that this regulation is in no way intended to interfere with religious practices for human cremation and indeed does not do so.

Two commenters indicated that crematory owners would be in violation of the proposed regulation if families included mementos inside the sealed cremation container delivered to the crematory facility because Section 1517(d) of the Not-for-Profit Corporation Law prohibits crematory operators from opening the container. The Department is aware of Section

1517(d) and the challenges it presents to both the existing Subpart 219-4 and this proposal. To address this, the proposed regulation requires the person providing the remains for cremation to attest in writing that the remains and their container do not contain materials prohibited from being combusted in a crematory.

One commenter inquired if the proposed Subdivision 219-4.4(f) meant that human crematory operators would only be able to operate at a rate stated by each manufacturer, and if so, would they need to provide documentation. The Department responded by stating that cremation equipment is rated by the manufacturer for a certain capacity to avoid operational issues which may cause excess emissions. If the operator is following the proper operating procedures described by the manufacturer, compliance with this requirement should not be an issue. Documentation such as the operating manual for the cremation unit and a record of cremations including the approximate weight of the remains will be sufficient to demonstrate compliance with this requirement.

One commenter inquired what action should be taken if the 6-minute average opacity exceeds the proposed standard. The Department responded that the crematory owner should take the same actions as those that are taken under the current regulation which has an identical requirement.

Recordkeeping and Reporting

One commenter indicated that the proposed recordkeeping requirements do not conform to recordkeeping requirements by the Division of Cemeteries and that there should be consistency between the two agencies. The Department responded by stating that the Department and the Division of Cemeteries have differing statutory obligations, and therefore require records relevant to demonstrating compliance with their requirements. If a record kept pursuant to Division of Cemeteries requirements contains identical information to records required to be kept by this proposal, there is no need to duplicate the record.

One commenter indicated that proposed Subpart 219-4 states that operators will need to retain a record of the date, time, and cause of all malfunctions and any corrective action taken to resolve them, but no definition of malfunction is provided. The Department stated that the term 'malfunction' is defined in 6 NYCRR Paragraph 201-2.1(b)(22) and clarified this in the final express terms.

NOx RACT for Municipal Waste Combustors

Two commenters indicated that if a waste combustion unit currently meets the proposed technology-based NOx limits there is no need to prepare and submit a NOx RACT analysis. The Department clarified that a facility that currently meets the proposed emission limits would not need to prepare and submit a NOx RACT analysis.

Three commenters indicated that Subdivisions 219-10.3(a), (b), and (d) should be revised to include language related to the transition to the new requirements for units that already have continuous emissions monitors (CEMs). This language should include the use of CEMs rather than performance testing to demonstrate initial compliance. The Department agreed with the commenters and made the necessary changes to the express terms.

Two commenters indicated that the proposed Paragraphs 219-10.3(c)(1) and (2) conflict with federal CEMs monitoring guidance at 40 CFR 60.13(h)(2). The commenters suggested that this language be replaced with references to the federal requirements. The Department indicated that the proposed language does not conflict with federal CEMs monitoring guidance. A facility with an existing NOx CEM system using the requirements at 40 CFR 60.13(h)(2) to demonstrate compliance with the applicable federal NOx emission standard will be deemed to be in compliance with proposed Subdivision 219-10.3(c) because the monitoring requirements at 40 CFR 60.13(h)(2) are more stringent.

Two commenters stated that it is not necessary to prepare a Title V permit modification application to incorporate new requirements because the Department has the authority to modify the permit under 6 NYCRR Subdivision 621.13(a). While the Department agrees that it has this authority, some facilities may need to complete an economic and technical feasibility analysis, purchase and install CEMs, or take other steps to demonstrate compliance with the proposed regulation. Accordingly, it is more appropriate for the facility owner or operator to prepare and submit a Title V permit modification that addresses the specific compliance methodology the facility will follow.

One commenter presented technical concerns with respect to the ability of affected facilities to meet the proposed NOx emission standards during periods of start-up, shutdown, and malfunction. The Department considered these technical issues and agreed with the commenters concerns. The proposed language of Section 219-10.2 has been revised to exclude these periods.

One commenter indicated that the proposed compliance date of January 1, 2020 cannot be achieved since the regulation has not been adopted. The Department agrees and has extended the proposed compliance date to June 30, 2021.

One commenter indicated that one year after the effective date of the

Subpart is not sufficient time to conduct a compliance demonstration if a permit application is required to be submitted and a NOx control system needs to be engineered and installed to meet the proposed limit. The date of compliance demonstration should instead be one year after receipt of any permits. The Department agreed with the commenter's concern and revised Subdivision 219-10.3(a) to indicate that the compliance demonstration date will be one year after the issuance of a Title V permit modification to incorporate the proposed requirements.

One commenter suggested that the proposed 24-hour average be calculated based on a minimum of 18 valid hourly averages to ensure there is sufficient data to provide a representative average in the event a CEM is offline for maintenance or repair. The Department agreed with this comment and revised Subdivision 219-10.3(c) accordingly.

One commenter suggested that the annual NOx average be calculated on a 365-day rolling average basis. The Department intended the annual average to be calculated in this way, and revised Subdivisions 219-10.2(b) and 219-10.3(d) to clarify this requirement.

One commenter indicated that proposed Subdivision 219-10.3(f) is redundant with proposed Subdivision 219-10.2(d). While both Subdivisions require the submittal of a permit modification, they may not apply to a given facility. A facility may either submit a complete application for a Title V permit modification to incorporate the proposed requirements or prepare a facility specific NOx RACT analysis. Facilities that choose to prepare a NOx RACT analysis will be required to submit a complete Title V permit modification application as described in Subdivision 219-10.3(f). The language of Subdivision 219-10.3(f) has been revised to more clearly state this.

Costs to Crematories

One commenter indicated that the cost estimates do not adequately reflect the actual cost of retort replacement as some owners may need to construct new buildings to house new equipment. Further, the commenter indicated that the cost estimates presented in this proposal include non-human cremation equipment. While these changes may affect the total cost of replacement for certain facilities, they are not universal. Construction costs may differ based on geographic location or project specific parameters. Accordingly, the Department focused the cost analysis in this proposal on the only consistent cost between facilities – the retort itself. As this proposal affects both human and animal crematories, the Department must consider the costs of both types of equipment.

Regulatory Flexibility Analysis for Small Businesses and Local Governments (RFA)

One commenter indicated that the RFA incorrectly states that only one of the 10 affected municipal waste combustion facilities is owned by a local government. This does not properly account for the two facilities owned by a public entity yet operated by a separated private entity. The Islip Resource Recovery Agency (MacArthur Resource Recovery Facility) and the Dutchess County Resource Recovery Agency are public benefit corporations and not municipalities.

One commenter indicated that Paragraph 8 of the Compliance Costs section suggests that MacArthur RRF would be required to complete a NOx RACT analysis and that this should be corrected. The Department thanked the commenter for this comment.

Miscellaneous Comments

One commenter indicated that sixteen "stand-alone" crematories owned by funeral homes were afforded legal protection under the 1998 Anti-Combination Act to continue operating provided they met certain requirements. The commenter wanted to call attention to this and seek concurrence that the continued ownership of these crematories by funeral homes should not be jeopardized due to this proposal. The Department responded that the Anti-Combination Act largely pertains to the business relationships between cemetery corporations and funeral entities and is irrelevant to the environmental regulation of crematories.

Department of Financial Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Enterprise Risk Management and Own Risk and Solvency Assessment; Group-Wide Supervision

I.D. No. DFS-09-20-00008-P

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