

## 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](http://www.dec.ny.gov)

March 2, 2021

Mr. Walter Mugdan  
Acting Regional Administrator  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 26<sup>th</sup> 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) Subpart 225-1 as adopted on December 30, 2020.

The New York State Department of Environmental Conservation (DEC) revised 6 NYCRR Subpart 225-1, "Fuel Composition and Use – Sulfur Limitations" in order to reduce sulfur and particulate matter emissions from facilities in New York. Subpart 225-1 imposes limits on the sulfur content of distillate oil, residual oil, and coal fired in stationary sources.

The revisions to Subpart 225-1 will help New York continue to address the fine particulate matter and sulfur dioxide National Ambient Air Quality Standards (NAAQS) statewide and fulfill New York's obligations pursuant to the regional haze plan submitted to EPA on March 15, 2010.

A public review process was held for the proposed SIP revision. 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 February 5, 2020. A legislative public hearing on the proposed revisions to Subpart 225-1 and the proposed subsequent submission as a SIP revision were scheduled to be held on April 10, 2020 in Albany. However, Governor Cuomo signed Executive Order No. 202, "Declaring a Disaster Emergency in the State of New York" on March 7, 2020 because of the COVID-19 pandemic. Consequently, the scheduled hearing was cancelled, and the public comment period was extended by 30 days in order to allow the public sufficient time to submit written comments. The hearing cancellation and comment period extension notice was published in the April 1, 2020 ENB.

No comments pertaining to the SIP revision were received by the DEC during the comment period. Executive Order 202 remains in effect (by virtue of extension) as of the date of this letter.

The following documents are enclosed with this SIP revision:

1. Express Terms for 6 NYCRR Subpart 225-1, "Fuel Composition and Use – Sulfur Limitations" as proposed on February 5, 2020;
2. Notice of proposed rulemaking, including public hearing information, as published in the ENB and New York State Register on February 5, 2020;
3. Newspaper proofs of publication for the proposed rulemaking;
4. Notice of public hearing cancellation as published in the ENB on April 1, 2020;
5. Assessment of Public Comments for all comments received on the proposed rulemaking;
6. Certificate of Adoption dated December 30, 2020;
7. Express Terms for 6 NYCRR Subpart 225-1 as adopted on December 30, 2020; and
8. Notice of Adoption published in the ENB and New York State Register on January 20, 2021.

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

Sincerely,

A handwritten signature in black ink, appearing to read "J. Snyder", with a stylized flourish at the end.

Jared Snyder  
Deputy Commissioner  
Office of Climate, Air & Energy

Enclosures

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

## 6 NYCRR SUBPART 225-1, FUEL COMPOSITION AND USE-SULFUR LIMITATIONS

### Express Terms

(Statutory authority: Environmental Conservation Law, Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0325, 19-0907, 71-2103, 71-2105)

Sections 225-1.1 through 225-1.3 are amended as follows:

#### Section 225-1.1 Definitions.

(a) To the extent that they are not inconsistent with the specific definitions in Subdivision (b) of this Section, the general definitions of Part 200 and Part 201 of this Title apply.

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

(1) Fuel distributor. Any person who transports, stores, or causes the transportation or storage of distillate oil, residual oil, waste oil, and/or coal at any point between a refinery/mine or importer's facility and a retail outlet or wholesale purchaser-consumer's facility.

Section 225-1.2 Sulfur-in-fuel limitations. No person will sell, offer for sale, purchase, or fire any fuel and/or waste oil that[which] exceeds the sulfur-in-fuel limitations of this Section, except as provided in Sections 225-1.3 or 225-1.4 of this Subpart. For the purposes of this Subpart liquid bio-fuels, other than waste oils, will be required to meet the sulfur-in-fuel standards of [either number two heating oil or] distillate oil.

(a) Owners and/or operators of any emission source[stationary combustion installation(s)] that fires[fire(s)] coal and has a total heat input greater than 250 million Btu per hour, where an application for a permit was received by the department after March 15, 1973, and the stationary combustion installation is not located in New York City or Nassau, Rockland or Westchester Counties, are limited to the firing of coal with 0.60 pound of sulfur per million Btu gross heat content or less. If two or more emission sources are connected to a common air cleaning device and/or emission point, the total heat input for such emission point is the sum of

the total heat input of all emission sources[ which] that are operated simultaneously and connected to the common air cleaning device and/or emission point; or

(b)[ Owners and/or operators of any stationary combustion installation that fires either solid fuels or oil are limited to the firing of solid fuels or oil with a sulfur content listed in the table below through June 30, 2014:

Area	Liquid fuel (percent sulfur by weight)		Solid fuel (pounds of sulfur per million Btu gross heat content)
	Residual	Distillate*	
New York City	0.30	0.20	0.2 MAX
Nassau, Rockland and Westchester Counties	0.37	0.37	0.2 MAX
Suffolk County: Towns of Babylon, Brookhaven, Huntington, Islip, and Smith Town	1.00	1.00	0.6 MAX
Erie County: City of Lackawana and South Buffalo**	1.10	1.10	1.7 MAX and 1.4 AVG***
Niagara County and remainder of Erie County	1.50	1.50	1.7 MAX and 1.4 AVG***
Remainder of State	1.50	1.50	2.5 MAX, 1.9 AVG***, and 1.7 AVG (ANNUAL)****

\* Except for number two heating oil as stated in Subdivision (f) of this Section.

\*\* South Buffalo is defined as the area in the City of Buffalo south of a line from the intersection of IR 190 and Route 5 and proceeding east along IR 190 to the city line.

\*\*\* Averages are computed for each emission source by dividing the total sulfur content by the total gross heat content of all solid fuel received during any consecutive three-month period.

\*\*\*\* Annual averages are computed for each emission source by dividing the total sulfur content by the total gross heat content of all solid fuel received during any consecutive 12-month period.

(c)] Owners and/or operators of any emission source[stationary combustion installation] that fires solid fuels are limited to the firing of solid fuel with a sulfur content listed in the table below[ on or after July 1, 2014]:

Area	Solid fuel (pounds of sulfur per million Btu gross heat content)
New York City, <u>Nassau, Rockland and Westchester Counties</u>	0.2 MAX
[Nassau, Rockland and Westchester Counties	0.2 MAX]
Suffolk County: Towns of Babylon, Brookhaven, Huntington, Islip, and Smith Town	0.6 MAX
Erie and Niagara Counties	1.7 MAX, 1.4 AVG*
Remainder of State	2.5 MAX, 1.9 AVG*, and 1.7 AVG (ANNUAL)**

\* Averages are computed for each emission source by dividing the total sulfur content by the total gross heat content of all solid fuel received during any consecutive three-month period.

\*\* Annual averages are computed for each emission source by dividing the total sulfur content by the total gross heat content of all solid fuel received during any consecutive 12-month period.

[(d)](c) Owners and/or operators of any emission source[stationary combustion installation] that fires residual oil are limited to the firing of residual oil with a sulfur content listed in the table below[ on or after July 1, 2014]:

Area	Residual Oil (percent sulfur by weight)
New York City	0.30
Nassau, Rockland and Westchester Counties	0.37
<u>Remainder of State</u>	<u>0.50</u>

[(e) Owners and/or operators of any stationary combustion installation that fires residual oil are limited to the purchase of residual oil with a sulfur content listed in the table below on or after July 1, 2014, and are limited to the firing of residual oil with a sulfur content listed in the table below on or after July 1, 2016:

Area	Residual Oil (percent sulfur by weight)
Suffolk County: Towns of Babylon, Brookhaven, Huntington, Islip, and Smith Town	0.50
Erie and Niagara Counties	0.50
Remainder of State	0.50

(f) Owners and/or operators of commercial, industrial, or residential emission sources that fire number two heating oil on or after July 1, 2012 are limited to the purchase of number two heating oil with 0.0015 percent sulfur by weight or less.

(g) Owners and/or operators of a stationary combustion installation that fires distillate oil other than number two heating oil are limited to the purchase of distillate oil with 0.0015 percent sulfur by weight or less on or after July 1, 2014.

(h) ~~](d)~~ Owners and/or operators of any emission source[stationary combustion installation] that fires distillate oil[ including number two heating oil] are limited to the firing of distillate oil with 0.0015 percent sulfur by weight or less[ on or after July 1, 2016].

~~[(i)]~~(e) Owners and/or operators of any emission source[stationary combustion installation] that fires waste oil [on or after July 1, 2014 ]are limited to the firing of waste oil with[ 0.75]0.25 percent sulfur by weight or less.

#### Section 225-1.3 Exceptions contingent upon fuel shortage.

(a) Upon application by a facility owner or a fuel distributor the department may issue an order granting a temporary exception from the provisions of this Subpart where it can be shown, to the department's satisfaction, that there is an insufficient supply of conforming fuel, either:

- (1) of the proper type required for firing in a particular emission source; or
- (2) generally throughout an area of the State.

(b) The New York State Energy Research and Development Authority must certify that there exists an insufficient supply of fuel[ which] that conforms to the standards in this Subpart before a sulfur-in-fuel exception may be granted under this Subdivision.

(c) The department may grant a sulfur-in-fuel exception contingent upon a fuel shortage for a period not longer than 45 days.

(d) The department may grant a sulfur-in-fuel exception contingent upon a fuel shortage for a period longer than 45 days, but not longer than one year, only after a public hearing is held to gather information

relevant to such an exception. The applicant for the exception must publish notice of such hearings, in a form acceptable to the department, in a newspaper of general circulation in the area for which the exception is sought. The applicant will bear the cost of publication of the notice, of the hearing transcript, and for rental of space in which the hearing is conducted.

[(e) The department recognizes that, pursuant to section 117 of article 5 of the Energy Law, provisions of this Subpart may be pre-empted when the Governor declares that an energy or fuel supply emergency exists or is impending.]

#### Section 225-1.4 Variances.

(a) Fuel mixtures or equivalent emission rate variances. Fuels with sulfur content greater than that allowed by this Subpart may be fired when the facility owner can demonstrate that sulfur dioxide emissions do not exceed the value for S calculated using the following equation:  $S = (1.1AM + 2BT)/(M + T)$

where:

S = Allowable sulfur dioxide emission (in pounds per million Btu)

A = Sulfur in oil allowed by Section 225-1.2 of this Subpart (in percent by weight)

B = Average sulfur in solid fuel allowed by Section 225-1.2 of this Subpart (in pounds of sulfur per million Btu gross heat content)

M = Percent of total heat input from liquid fuel including waste oil

T = Percent of total heat input from solid fuel (including coal, coke, wood, wood waste, and refuse-derived fuel)

Fuel mixtures and equivalent emission rate variances only apply to processes or stationary combustion installations. Compliance will be based on the total heat input from all fuels fired, including gaseous fuels and waste oil. Any process or stationary combustion installation owner who chooses to fire a fuel mixture pursuant



to this Subdivision is subject to the emission and fuel monitoring requirements of Section 225-1.5 of this Subpart.

(b) Experiments variance. Upon application, the department may issue a variance allowing the sale, offering for sale, purchase and firing of fuel having a sulfur content in excess of the limits imposed by this Subpart, where such fuel would be fired to demonstrate the performance of experimental equipment and/or process(es) for reducing sulfur compounds from an emission source.

(c) Coal and coke. In New York City and Nassau, Rockland and Westchester Counties, the commissioner will permit[:

(1)] the sale and the continued, but not increased, purchase and use of coal and coke for installations with a maximum operating heat input equal to or less than one million Btu per hour if coal and coke has been used continuously since December 31, 1967 and the maximum sulfur content does not exceed 0.6 pound per million Btu gross heat content[; or].

[(2) the sale, purchase and use of coal and coke for approved conversions of stationary combustion installations to the use of coal, and for new coal-fired stationary combustion installations, provided that the coal conversion or new stationary combustion installations meet all applicable air quality and State Environmental Quality Review requirements.]

#### Section 225-1.5 Emissions and fuel monitoring.

(a) The continuous monitoring provisions of this section apply to owners of emission sources[stationary combustion installations]:

(1) with a total heat input greater than 250 million Btu per hour. If two or more emission sources are exhausted through a common emission point, the total heat input for such an emission point is either the sum of the maximum operating heat inputs of all emission sources[ which] that are operated simultaneously and

exhausted through the common emission point, or the maximum operating heat input of any individual emission source operated independently and connected to the common emission point, whichever is greater;

(2) [which]that are equipped with approved sulfur dioxide control equipment; or

(3) [which]that are subject to a sulfur dioxide equivalent emissions rate for a fuel mixture pursuant to Subdivision 225-1.4(a) of this Subpart.

(b) [Instruments for continuously monitoring and recording]Continuous emission monitors (CEM) for sulfur compound emissions (expressed as sulfur dioxide) must be installed and operated at all times that the emission source[stationary combustion installation] is in service. Such instruments must be operated in accordance with manufacturer's instructions, must satisfy the criteria in “performance specification 2”, appendix B, part 60 of title 40 of the Code of Federal Regulations (see Table 1, Section 200.9 of this Title), and must be acceptable to the department. Exceptions to these requirements are:

(1) emission sources[stationary combustion installations] where gaseous fuel is the only fuel fired; or

(2) ) emission sources[stationary combustion installations ], not including any equipped with sulfur dioxide control equipment, whose fuel (including waste oil) is subjected to representative sampling and sulfur analysis conducted in a manner approved by the department; or

(3) ) emission sources[stationary combustion installations] required to use the continuous monitoring specifications under 40 CFR part 75 (see Table 1, Section 200.9 of this Title).

(c) Measurements must be made daily of the rate of each fuel, including waste oil, fired. The gross heat content and ash content of each fuel, including waste oil, fired must be determined at least once each week. In the case of stationary combustion installations producing electricity for sale, the average electrical output and the hourly generation rate must also be measured.

(d) Owners and operators not required to install a CEM may demonstrate compliance with the sulfur-in-fuel limitations of this Subpart through the retention of fuel distributor receipts. The fuel distributor receipts

must contain the amount of fuel and/or waste oil delivered and the certified sulfur content of the fuel and/or waste oil.

Section 225-1.6 Reports, sampling, and analysis.

(a) The department will require fuel analyses, information on the quantity of fuel, including waste oil, received, fired or sold, and results of stack sampling, stack monitoring, and other procedures (including retention of fuel distributor receipts) to ensure compliance with the provisions of this Subpart.

(b) (1) Any person who sells oil, waste oil, and/or coal must retain, for at least five years, records containing the following information:

(i) fuel analyses and data on the quantities of all oil, waste oil, and/or coal received; and

(ii) the names of all purchasers, fuel analyses, including waste oil, and data on the quantities of all oil, waste oil, and/or coal sold.

(2) Such fuel analyses must contain, as a minimum:

(i) data on the sulfur content, ash content, specific gravity, and heating value of residual oil;

(ii) data on the sulfur content, specific gravity, and heating value of distillate oil and/or waste oil; and/or

(iii) data on the sulfur content, ash content, and heating value of coal.

(c) Sampling, compositing, and analysis of fuel samples, including waste oil, must be done in accordance with methods acceptable to the department.

(d) Facility owners or fuel distributors required to maintain and retain records pursuant to this Subpart must make such records available for inspection by the department.

(e) Data collected pursuant to this Subpart must be tabulated and summarized in a form acceptable to the department, and must be retained for at least five years. The owner of a Title V facility must furnish to the department such records and summaries, on a semiannual calendar basis, within 30 days after the end of the semiannual period. All other facility owners or distributors must submit these records and summaries upon request of the department.

(f) Facility owners subject to this Subpart must submit a written report of the fuel sulfur content exceeding the applicable sulfur-in-fuel limitation, measured emissions exceeding the applicable sulfur-in-fuel limitation, measured emissions exceeding the applicable equivalent emission rate, and the nature and cause of such exceedances if known, for each calendar quarter, within 30 days after the end of any quarterly period in which an exceedance[s] takes place.

#### Section 225-1.7 Severability.

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



Department of  
Environmental  
Conservation

## ENB - Statewide Notices 2/5/2020

### Public Notice

#### Notice of Proposed Rulemaking

#### 6 NYCRR Part 248, Use of Ultra Low Sulfur Diesel Fuel and Best Available Retrofit Technology for Heavy Duty Vehicles

Pursuant to Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0323, 71-2103, and 71-2105 of the Environmental Conservation Law (ECL), the New York State Department of Environmental Conservation (NYS DEC) hereby gives notice of the following:

The proposed regulation amends 6 NYCRR Part 248 Use of Ultra Low Sulfur Diesel Fuel and Best Available Retrofit Technology for Heavy Duty Vehicles, to meet statutory requirements and the overall goal of protecting the health of the residents of New York by reducing the emissions of air pollution from certain on- and off-road diesel-powered vehicles and equipment. ECL section 19-0323 mandates that any diesel powered heavy duty vehicle that is owned by, operated by or on behalf of, or leased by a New York State agency and state and regional public authority with more than half of its governing body appointed by the governor are BART compliant. For purposes of the regulation, state agencies, state public authorities and regional public authorities have been designated regulated entities. State agencies and affected state/regional public authorities (those with more than half of its governing body appointed by the Governor) are designated BART regulated entities.

These revisions to the Part 248 rulemaking would make it consistent with the amendments to ECL section 19-0323 by updating compliance dates. In addition, the revisions update the definition of heavy duty vehicle to incorporate changes made to the New York State Vehicle and Traffic Law that add additional exceptions; revises Section 248-3.1(d) and (e) to add "on behalf of"; clarifies the annual reporting period; and corrects one typographical spacing error. These clarifications should assist the regulated entity and contractor in complying with the Part 248 requirements.

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

**Written comments on the proposed rule may be submitted until 5:00 p.m. on, April 15, 2020 to the contact listed below.**

**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:** April 10, 2020

**Time:** 11:00 a.m.

**Location:** NYSDEC

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

NYS DEC will provide interpreter services for deaf persons at no charge. **Written requests for interpreter services are required and should be submitted by April 3, 2020**, to Richard McAuley, NYSDEC, 625 Broadway, Albany NY 12233-3250, Phone: (518) 402-8438, E-mail: [air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov).

**Contact:** James Bologna, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY 12233-3255, Phone: (518) 402- 8292, E-mail: [air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov)

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#### Notice of Proposed Rulemaking

#### 6 NYCRR Subpart 225-1, Fuel Composition and Use - Sulfur-in-Fuel

#### 6 NYCRR Part 200, General Provisions

Pursuant to Sections: 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0325, 19-0907, 71-2103, and 71-2105 of the Environmental Conservation Law (ECL), the New York State Department of Environmental Conservation (NYS DEC) hereby gives notice of the following:

NYS DEC is proposing to revise 6 NYCRR Subpart 225-1, "Fuel Composition and Use - Sulfur Limitations". Subpart 225-1 imposes limits on the sulfur content of distillate oil, residual oil, and coal fired in stationary sources. NYS DEC is proposing these changes as a result of both, the five-year review and to meet our obligations to reduce air pollution. The revisions to Subpart 225-1 will be a component of the State Implementation Plan (SIP) for New York State (NYS) directed at attainment of the particulate matter less than or equal to 2.5 microns in diameter (PM-2.5) national ambient air quality standard (NAAQS), the sulfur dioxide (SO<sub>2</sub>) NAAQS and

NYS DEC's obligations under the regional haze SIP submitted to United States Environmental Protection Agency (US EPA) on March 15, 2010. This is a requirement flowing from New York State's obligations under the Clean Air Act. This is not a mandate on local governments. It applies to any entity that owns or operates a subject stationary source. This proposal will not regulate transportation fuel. The revisions to Subpart 225-1 entail the inclusion of process sources and incinerators as stationary emission sources to which these revisions apply in New York State. These revisions will also include the lowering of the sulfur-in-fuel limit for waste oil, and the correction of minor typographical errors.

**Written comments on the proposed rule may be submitted until 5:00 p.m. on, April 15, 2020 to the contact listed below.**

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](mailto:air.regs@dec.ny.gov). **Written statements may be submitted until 5:00 p.m. on, April 15, 2020.**

**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:** April 10, 2020

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625 Broadway, Public Assembly Room 129A/B

Albany, NY 12233

NYS DEC will provide interpreter services for deaf persons at no charge. **Written requests for interpreter services are required and should be submitted by April 3, 2020** 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](mailto:air.regs@dec.ny.gov)

**Contact:** Mike Jennings, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY 12233-3250, Phone: (518) 402-8403, E-mail: [air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov)

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#### **Notice of Upcoming Public Workshops on Rulemaking Initiative to Revise the Hazardous Waste Management Regulations (6 NYCRR Part 370 Series) and Request for Feedback from Stakeholders. \*New Workshop Locations Added\***

New York State Department of Environmental Conservation (NYS DEC) is holding workshops statewide on the hazardous waste rules and revisions that are being considered for adoption, including the United States Environmental Protection Agency (US EPA) regulations promulgated from 2013 to the present. This initiative includes: the Solvent-Contaminated Wipes Rule; the Electronic Manifest Rules; the Definition of Solid Waste Rule; the Generator Improvements Rule; the Hazardous Waste Pharmaceuticals Rule; possible changes to the State's Universal Waste Rule and other state-initiated changes. These state-initiated changes include expanding the secondary containment requirements for the storage of liquid hazardous waste and the creation of uniform large quantity generator (LQG) requirements that would apply statewide. This rulemaking is referred to as FedReg6.

To help the public understand the draft regulations and regulatory initiatives, ask questions, and provide informal comments, NYS DEC will be hosting numerous public workshops across the state. Staff will also be available for discussions after the meetings. The workshop sessions will be primarily focused on the Generator Improvements Rule and associated state-initiated changes, the Hazardous Waste Pharmaceuticals Rule and the addition of aerosol cans and paint to the Universal Waste Rule. Those who wish to attend the workshops need to register. Information about the [rulemaking and registration details](http://www.dec.ny.gov/regulations/117115.html) for the workshops are available on the NYS DEC's website at: [www.dec.ny.gov/regulations/117115.html](http://www.dec.ny.gov/regulations/117115.html) under "Outreach Information."

A special workshop about the management of lab wastes at universities has been scheduled in New York City. Registration for this event can also be accessed at the link above.

If you do not have internet access and would like to attend a workshop, please write to the address below or call (518) 402-8651.

A formal public comment period will be provided at a later date once the regulations are officially proposed.

Unofficial written comments regarding this regulatory initiative will be accepted by NYS DEC. Comments should be submitted to: Michelle Ching, NYS DEC - Division of Materials Management, 625 Broadway, Albany, NY 12233-7256 or e-mail to [hwregs@dec.ny.gov](mailto:hwregs@dec.ny.gov). Please include "Comments on FedReg 6" in the subject line of the email.

**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, E-mail: [hwregs@dec.ny.gov](mailto:hwregs@dec.ny.gov)

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#### **Notice of Public Meeting and Notice of Public Comment Period for the Draft New York State Forest Action Plan**

New York State Department of Environmental Conservation (NYS DEC) has completed a Draft State Forest Action Plan, which is a 10-year strategic plan for NYS DEC and New York's forestry community that provides long-term, comprehensive, coordinated

## 4. Minimizing adverse impact:

Part 248 BART regulations have been in effect since 2009. During this time the Department has continued to reach out to stakeholders in an effort to minimize any adverse impacts on jobs in New York State. Over the past ten years, normal fleet attrition has reduced the number of non-compliant vehicles.

Regulated entities and prime contractors have some flexibility when complying with Part 248 BART regulations in that they have four compliance options: replace an applicable heavy-duty diesel vehicle by December 31, 2019; or install BART on an applicable heavy-duty diesel vehicle by December 31, 2019; or request a vehicle specific technology waiver under section 248-4.1(b); or request a useful life waiver under section 248-4.1(c). If approved by the Department, these useful life waivers will expire by December 31, 2020, after which the vehicle/equipment may no longer operate in New York State.

Some regulated entities and their prime contractors have systematically replaced or retrofitted their applicable heavy-duty vehicles over the last ten years and are not expected to have significant impact. In contrast, other regulated entities and their prime contractors have become accustomed to the annual postponement of the BART compliance dates and have not replaced or retrofitted their applicable vehicles over time. As a result, the regulated entities and prime contractors who have chosen to wait may face significant vehicle replacement or retrofit costs.

The Department continues to expect the impact to those affected contractors to be similar to the impacts on government entities which, in turn, may result in higher bids proposed by prime contractors on state and public authority contract work to compensate for increased costs due to these regulatory requirements. Also, some prime contractors may not be able to bid on certain state contracts if they have no BART compliant vehicles. Prime contractors may elect to rent BART compliant vehicles for state contract work. Some prime contractors may elect to reduce the number of employees to offset the costs of purchasing replacement HDDVs or installing retrofit devices on affected HDDVs.

Vendors and installers of emission control devices, (i.e., diesel particulate filters and diesel oxidation catalysts), may see a positive impact on sales and employment.

## 5. Self-employment opportunities:

None the Department is aware of at this time.

## PROPOSED RULE MAKING HEARING(S) SCHEDULED

### Sulfur-In Fuel Limitations

I.D. No. ENV-05-20-00002-P

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

**Proposed Action:** Amendment of Subpart 225-1 of Title 6 NYCRR. This rule is proposed pursuant to SAPA § 207(3), 5-Year Review of Existing Rules.

**Statutory authority:** Environmental Conservation Law, sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0325, 19-0907, 71-2103 and 71-2105

**Subject:** Sulfur-In Fuel Limitations.

**Purpose:** Limit sulfur in liquid and solid fuels throughout NYS.

**Public hearing(s) will be held at:** 11:00 a.m., April 10, 2020 at Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129 A/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/propregulations.html>

**#public):** The Department of Environmental Conservation (Department) is proposing to revise 6 NYCRR Subpart 225-1, "Fuel Composition and Use - Sulfur Limitations". Subpart 225-1 imposes limits on the sulfur content of distillate oil, residual oil, and coal fired in stationary sources. The revisions to Subpart 225-1 will add process sources and incinerators as stationary emission sources to which these revisions will apply throughout New York State. The revisions will also lower the sulfur-in-fuel limit for waste oil and correct minor typographical errors. The revisions will remove 6 NYCRR subdivision 225-1.3(e) which cites section

117 of article 5 of the Energy Law. This provision states that the Governor may pre-empt the requirements of 6 NYCRR Subpart 225-1 if an energy or fuel supply emergency is declared. Finally, the revisions will remove paragraph 225-1.4(c)(2) which has been deemed contradictory and less stringent than the sulfur-in-fuel requirements of the table in subdivision 225-1.2(b) of this Subpart.

**Text of proposed rule and any required statements and analyses may be obtained from:** Mike Jennings, NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-3254, (518) 402-8403, email: [air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov)

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

**Public comment will be received until:** April 15, 2020.

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

### Reasoned Justification for Modification of the Rule

The revisions to Subpart 225-1 entail the inclusion of process sources and incinerators as stationary emission sources to which these revisions apply in NYS. These revisions will also include the lowering of the sulfur-in-fuel limit for waste oil, and the correction of minor typographical errors. These proposed changes to Subpart 225-1 are intended to reduce the emission of SOx that are the precursors of PM below the present levels, and to comply with the mandates specified under ECL Section 19-0325. The proposed sulfur-in-fuel limits in this rule are expected to further reduce monitored values of SOx, and to enable and maintain attainment of the NAAQS.

#### Applicability of process and incineration sources

As noted above, reducing sulfur in oil in NYS will reduce SO<sub>2</sub>, PM-10, and PM-2.5 emissions. Such reductions will provide both health and visibility improvements and help New York meet its obligations under the Clean Air Act. Under the current regulation process and incineration sources are required to purchase compliant fuels when buying from distributors in NYS. This rulemaking will require that process and incineration sources use fuel compliant with the sulfur-in-fuel requirements of this regulation as well as purchase compliant fuel. The loophole that currently allows these types of emissions source to purchase higher sulfur content fuel from out-of-state distributors will be closed under this rulemaking.

Over the past several years more and more engine lubricating oils have been manufactured from natural gas. These "synthetic" oils have virtually no sulfur content. The increased use of these synthetic oils has caused the overall sulfur content of waste oil to drop. Based on data collected from several sources<sup>1</sup> (several million gallons of waste oil were tested for sulfur content) the waste oil sulfur content between 2016 and 2017 averaged at or below 0.25 percent by weight. The Department believes the sulfur content of waste oil will continue to decrease slightly over the next several years. Therefore, the Department has determined that the current waste oil sulfur content limit should be reduced from 0.75 percent by weight to 0.25 percent by weight.

The Department does not anticipate that this proposed change will increase fuel costs to process and incineration sources. The distillate oil pipeline changed over to 15 ppm sulfur distillate oil in 2011 in anticipation of the 2013 Subpart 225-1 changes requiring home heating oil and stationary combustion sources to use 15 ppm oil. Also, based on the Department's permitting data, no state nor local government facilities will be affected by these proposed regulatory changes. Therefore, the Department does not anticipate any additional costs will be incurred by state and local governments associated with this proposed regulation. Finally, the Department will face some initial administrative costs associated with the application review and permitting of the new sulfur-in-fuel limits for process sources, incinerators, and the new waste oil sulfur content limit. However, no additional monitoring, recordkeeping, or reporting requirements are being proposed under this rule-making. Therefore, no additional costs will be incurred by the regulating agency based on these factors.

<sup>1</sup> Sulfur in waste oil records received from the following companies: Sheldon Oil Services 5/16 – 7/17, Safety Kleen 2/17 – 12/17, and Norlite 1/17 – 12/17

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

#### INTRODUCTION

The New York State Department of Environmental Conservation (Department) is proposing to revise 6 NYCRR Subpart 225-1, "Fuel Composition and Use - Sulfur Limitations". Subpart 225-1 imposes limits on the sulfur content of distillate oil, residual oil, and coal fired in stationary sources. The Department is proposing these revisions to both implement a



statutory requirement and meet our obligations to reduce air pollution. The revisions to Subpart 225-1 will be a component of the State Implementation Plan (SIP) for New York State (NYS) directed at attainment of the particulate matter less than or equal to 2.5 microns in diameter (PM-2.5) national ambient air quality standard (NAAQS), the sulfur dioxide (SO<sub>2</sub>) NAAQS and the Department's obligations under the regional haze SIP submitted to U.S. Environmental Protection Agency (EPA) on March 15, 2010. This is a requirement flowing from the State's obligations under the Clean Air Act. This is not a mandate on local governments. It applies to any entity that owns or operates a subject stationary source. This proposal will not regulate transportation fuel.

The revisions to Subpart 225-1 will add process sources and incinerators as stationary emission sources to which these revisions apply in NYS. The revisions will also lower the sulfur-in-fuel limit for waste oil and correct minor typographical errors. Finally, the revisions will remove 6 NYCRR subdivision 225-1.3(e) which cites section 117 of article 5 of the Energy Law.

#### STATUTORY AUTHORITY

The following Sections of the Environmental Conservation Law (ECL) allow the Department to promulgate and implement the proposed regulation: Section 1-0101, Section 3-0301, Section 19-0103, Section 19-0105, Section 19-0301, Section 19-0303, Section 19-0305, Section 19-0325, Section 19-0907, Section 71-2103, and Section 71-2105.

#### LEGISLATIVE OBJECTIVES

Article 19 of the ECL was adopted to safeguard the air resources of NYS from pollution. To facilitate this purpose, the Legislature bestowed specific powers and duties on the Department including the power to formulate, adopt, promulgate, amend, and repeal regulations for preventing, controlling or prohibiting air pollution. This authority also specifically includes promulgating rules and regulations for preventing, controlling or prohibiting air pollution in such areas of the State as shall or may be affected by air pollution, and provisions establishing areas of the State and prescribing for such areas (1) the degree of air pollution or air contamination that may be permitted therein, and (2) the extent to which air contaminants may be emitted to the air by any air contamination source. In addition, this authority also includes the preparation of a general comprehensive plan for the control or abatement of existing air pollution and for the control or prevention of any new air pollution recognizing various requirements for different areas of the State. The legislative objectives underlying the above statutes are directed toward protection of the environment and public health.

#### NEEDS AND BENEFITS

Elevated PM-2.5 and PM-10 levels are of concern for the New York City metropolitan area. PM-2.5 and PM-10 consist of microscopic solid or liquid particles and is the major cause of the regional haze issue. PM-2.5 and PM-10 can be emitted directly from stationary sources or comprised of nitrate and sulfate particles formed through reactions involving NO<sub>x</sub> and SO<sub>2</sub> in the atmosphere. These particles are small enough to be inhaled into the lungs and can even enter the bloodstream. Ongoing scientific studies show that particulate inhalation, similarly to ozone, leads to health problems such as coughing, difficulty breathing, aggravated asthma, and a higher likelihood for other respiratory disorders. Studies have also shown that elevations in PM-2.5 and PM-10 concentrations are associated with such cardiovascular threats as irregular heartbeat and non-fatal heart attacks. Increased PM-2.5 and PM-10 exposure may even cause premature death in those with existing heart or lung disease.

The proposed changes to Subpart 225-1 are intended to reduce the emission of SO<sub>2</sub> that are the precursors of PM below the present levels and to comply with the mandates specified under ECL Section 19-0325. Existing regulations and emission control programs have been successful in the past at reducing these emissions. Regulatory efforts such as the Acid Rain program, past state and federal fuel sulfur limitations for stationary and mobile sources, and efforts like the Clean Air Interstate Rule and the Cross State Air Pollution Rule have had a significant effect on air quality and health. The proposed sulfur-in-fuel limits in this rule are expected to further reduce monitored values of SO<sub>2</sub> and to enable and maintain attainment of the NAAQS.

Regional haze refers to the presence of light-inhibiting pollutants in the atmosphere. These particles and gases scatter or absorb light to cause a net effect referred to as "light extinction." This scattering and absorbing occurs across the sight path of an observer, thus leading to a hazy condition. Emissions of pollutants such as PM-2.5, PM-10, and SO<sub>2</sub> are also primary contributors to visibility problems. These pollutants lend themselves to being transported great distances once they enter the atmosphere. Accordingly, sources contribute to visibility impairment in Class I areas far downwind of their locations, thereby necessitating a regional approach to solving the haze issue.

Applicability to process and incineration sources

As noted above, reducing sulfur in oil in NYS will reduce PM-2.5, PM-10, and SO<sub>2</sub> emissions. Such reductions will provide both health and vis-

ibility improvements and help New York meet its obligations under the Clean Air Act. Under the current regulation process and incineration sources are required to purchase compliant fuels when buying from distributors in NYS. However, these process and incineration sources may purchase higher sulfur content fuel from out-of-state distributors. This rulemaking will require that process and incineration sources fire fuel compliant with the sulfur-in-fuel requirements. Thus, process and incineration sources may only purchase compliant fuels upon promulgation of these revisions.

Lowering sulfur content requirement of waste oil

Over the past several years more and more engine lubricating oils have been manufactured from natural gas. These "synthetic" oils have virtually no sulfur content. The increased use of these synthetic oils has caused the overall sulfur content of waste oil to drop. Based on data collected from several sources<sup>1</sup> (several million gallons of waste oil were tested for sulfur content) the waste oil sulfur content between 2016 and 2017 averaged at or below 0.25 percent by weight. The Department believes the sulfur content of waste oil will continue to decrease slightly over the next several years. Therefore, the Department has determined that the current waste oil sulfur content limit should be reduced from 0.75 percent by weight to 0.25 percent by weight.

Removal of subdivision 225-1.3(e) from the regulation

This subdivision cites section 117 of article 5 of the Energy Law. This section of the Energy Law allows the Governor to pre-empt the requirements of Subpart 225-1 if an energy or fuel supply emergency is declared. The Department has determined that authority to declare an emergency lies within the Energy Law and not this regulation and therefore is redundant in this regulation.

Removal of paragraph 225-1.4(c)(2) from this regulation

This paragraph is outdated and less stringent than the sulfur-in-fuel requirements of the table in subdivision 225-1.2(b) of this Subpart. Therefore, the paragraph is being removed from the regulation.

Stakeholder meeting

The Department held a stakeholder webinar on January 29th, 2019 to discuss its proposed revisions to Subpart 225-1. The Department solicited comments on the proposed rule from the stakeholders. The stakeholder webinar consisted of attendees from the regulated community affected by the proposed regulation, consultants (both technical and legal), interested environmental groups, and the environmental justice communities.

#### COSTS

Costs to Regulated Parties and Consumers:

The Department does not anticipate that this proposed change will increase fuel costs to process and incineration sources. The distillate oil pipeline changed over to 15 ppm sulfur distillate oil in 2011 in anticipation of the 2013 Subpart 225-1 changes requiring home heating oil and stationary combustion sources to fire 15 ppm oil.

The NYSEERDA report also indicates that the oil refining industry has almost completely changed over to the production of 15 ppm distillate oil. Using data from the 2015 emissions inventory forward, the Department has confirmed that process and incineration sources subject to Title V are burning 15 ppm sulfur content fuels. Accordingly, the Department does not anticipate any increase in fuel costs for these sources.

The Department does not anticipate an increase in cost for purchasers/end users of waste oil based on the proposed reduction in the waste oil sulfur content limit from 0.75% to 0.25%. The waste oil sulfur content is reducing based on the increased use of synthetic oils that contain minimal to zero sulfur compounds. Thus, the actual surveyed data shows that the sulfur content of waste oil has been steadily decreasing over the past several years.

Costs to State and Local Governments:

Based on the Department's permitting data, no state nor local government facilities will be affected by these proposed regulatory changes. Therefore, the Department does not anticipate any additional costs will be incurred by state and local governments associated with this proposed regulation. Also, no new recordkeeping, reporting, or other requirements will be imposed on state and local governments based on this proposed rule-making.

Costs to the Regulating Agency:

The Department will face some initial administrative costs associated with the application review and permitting of the new sulfur-in-fuel limits for process sources, incinerators, and the new waste oil sulfur content limit. No additional monitoring, recordkeeping, or reporting requirements are being proposed under this rule-making. Therefore, no additional costs will be incurred by the regulating agency based on these factors.

#### LOCAL GOVERNMENT MANDATES

This is not a mandate on local governments. Local governments have no additional compliance obligations as compared to other subject entities. Also, no additional monitoring, recordkeeping, reporting, or other requirements will be imposed on local governments under this rulemaking.

#### PAPERWORK



The proposed changes to Subpart 225-1 will create no additional paperwork for facilities currently subject to the requirements of this rule. The facilities that will become subject to this rule will be required to maintain fuel receipts.

#### DUPLICATION

The proposed revisions to Subpart 225-1 do not duplicate, overlap, or conflict with any other State or federal requirements.

#### ALTERNATIVES

The Department evaluated the following alternatives:

(1) Take no action: This alternative could prevent NYS from complying with its obligations under the CAA. If the Department does not implement this regulation, it would not be able to meet its obligations to maintain attainment of the PM-2.5 NAAQS in NYS. Also, without the promulgation of Subpart 225-1, the State would not be reducing its regional haze impacts in the northeast. The reduction in sulfur-in-fuel waste oil limitation and inclusion of process sources and incinerators will directly result in reductions of SO<sub>2</sub>, PM-10, and PM-2.5. Reductions of these air contaminants will definitively aid NYS in meeting both its attainment goals for PM-2.5 and reduce the State's regional haze impact. This alternative will also not allow the correction of any existing typographical errors.

(2) Partial implementation: This alternative would allow process and incineration sources and or waste oil firing sources to purchase higher sulfur content fuels or waste oils from out-of-State retailers. In either case, this alternative could prevent NYS from complying with its obligations under the CAA and prevent reductions of SO<sub>2</sub>, PM-10, and PM-2.5 emissions.

#### FEDERAL STANDARDS

The proposed revisions to Subpart 225-1 do not exceed any minimum federal standards. The proposed reductions will lower the standards to the point where they would be equivalent to the sulfur-in-fuel standards of both 40 CFR 60 NSPS and 40 CFR 63 National Emission Standards for Hazardous Air Pollutants.

#### COMPLIANCE SCHEDULE

The Department proposes to promulgate the revisions to Subpart 225-1 by spring 2020. The provisions of this rule will take effect based on the promulgation date of the regulation.

<sup>1</sup> Sulfur in waste oil records received from the following companies: Sheldon Oil Services 5/16 – 7/17, Safety Kleen 2/17 – 12/17, and Norlite 1/17 – 12/17

#### *Regulatory Flexibility Analysis*

##### EFFECT OF RULE ON SMALL BUSINESSES AND LOCAL GOVERNMENTS

The Department proposes to revise Subpart 225-1. The proposed rulemaking will apply statewide. Small businesses are those that are independently owned, located within New York State (NYS), and that employ 100 or fewer persons. The proposed changes to the subpart 225-1 requirements flow from the State's obligations under the federal Clean Air Act and State Laws. The proposed revisions do not constitute a mandate on local governments. The Subpart 225-1 requirements apply equally to every stationary source that fires oil in NYS. The proposed changes to Subpart 225-1 will not affect small businesses or local governments differently from any other source subject to this rule.

#### COMPLIANCE REQUIREMENTS

The proposed rule will entail the inclusion of process sources and incinerators as stationary emission sources to which these revisions will apply in NYS and lower sulfur-in-fuel limits for waste oil. Minimal changes will be made in the monitoring, recordkeeping, or reporting requirements in the current version of Subpart 225-1. The revisions will include the allowance of vendor fuel receipts as an acceptable monitoring practice for sources not required to monitor with a continuous emissions monitor. Applicable sources will be required to keep the vendor receipts and make them available for Department inspection upon request. Therefore, minimal new compliance requirements will be incurred by stationary sources subject to the provisions of the proposed rule.

#### PROFESSIONAL SERVICES

The proposed rule will now specifically include process sources and incinerators as stationary emission sources to which these revisions apply in NYS and lower sulfur-in-fuel limits for distillate oil, residual oil, and waste oil. Facilities subject to this rule are simply required to purchase compliant fuels and keep the purchase receipts. Therefore, the Department does not expect small businesses or local governments will need to hire additional professional services to comply with the provisions of the proposed rule.

#### COSTS

Stationary sources subject to the Subpart 225-1 provisions are not expected to incur any increases in operating costs associated with this proposed regulation.

Local governments are not expected to incur any increases in operating costs associated with this proposed regulation.

#### MINIMIZING ADVERSE IMPACT

The Department does not expect any adverse impacts on small businesses and local governments throughout NYS. Subpart 225-1 is a statewide regulation. Its requirements are the same for all facilities. The Department does not anticipate small businesses or local governments to be impacted differently than other sources subject to the proposed changes to Subpart 225-1.

#### SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

During the drafting of Subpart 225-1, the Department held a stakeholder webinar on January 29th, 2019. The webinar was held to give representatives from the end users, which included the small business and local government stakeholders, an opportunity to meet with Department staff and discuss various issues during the rulemaking process. Finally, the Department will hold a public hearing on Subpart 225-1 and will notify small business and local government representatives of this proposed rulemaking.

#### ECONOMIC AND TECHNOLOGICAL FEASIBILITY

The Department collected data from several sources that handle or fire waste oil throughout NYS. The data was based on several million gallons of waste oil. The Department determined that the sulfur content of waste oil has been steadily declining from 2016 through 2017. This trend is based upon the growing use of synthetic motor oils in vehicles. Synthetic motor oils are made from natural gas and contain very minimal levels of sulfur. The synthetic motor oils created from natural gas also have a nearly zero sulfur content. Thus, the overall mixture of the synthetic motor oil and traditional motor oil in the waste oil stream is consistently at or below the proposed waste oil sulfur content limitation of 0.25 percent by weight and has been deemed a technically feasible limit. Finally, the Department does not anticipate any economic impacts associated with these proposed changes.

#### CURE PERIOD OR AMELIORATIVE ACTION

The Department is not including a cure period in this rulemaking. The purpose of this regulation is to provide timely emissions reductions, delaying enforcement of the regulation adversely affects such emissions reductions.

#### INITIAL REVIEW

The initial review of this rule shall occur within the third year after this rule is adopted.

#### *Rural Area Flexibility Analysis*

##### TYPES AND ESTIMATED NUMBERS OF RURAL AREAS

The proposed rule (6 NYCRR Subpart 225-1) is not expected to have a substantial adverse impact on rural areas in New York State (NYS). The proposed rulemaking will apply statewide and thus all stationary sources that fire oil in NYS will be equally affected.

Rural areas are defined as rural counties in NYS that have populations of less than 200,000 people, towns in non-rural counties where the population densities are less than 150 people per square mile, and villages within those towns.

##### REPORTING, RECORDKEEPING, AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES

The proposed rule will entail the inclusion of process sources and incinerators as stationary emission sources to which these revisions apply in NYS and lower sulfur-in-fuel limits for waste oil. Minimal changes will be made in the monitoring, recordkeeping, or reporting requirements in the current version of Subpart 225-1. The revisions will include the allowance of vendor fuel receipts as an acceptable monitoring practice for sources not required to monitor with a continuous emissions monitor. Applicable sources will be required to keep the vendor receipts and make them available for Department inspection upon request. Therefore, minimal new compliance requirements will be incurred by stationary sources subject to the provisions of the proposed rule.

#### COSTS

Stationary sources subject to the Subpart 225-1 provisions are not expected to incur any increases in operating costs associated with this proposed regulation.

#### MINIMIZING ADVERSE IMPACT

The Department does not expect any adverse impacts on rural areas. There will be positive environmental impacts from the regulation in rural areas. Rural areas should witness improved visibility with an associated decrease in airborne particulate matter and acid deposition.

Subpart 225-1 is a statewide regulation. Its requirements are the same for all facilities, and rural areas are impacted no differently than other areas in the state.

#### RURAL AREA PARTICIPATION

During the drafting of Subpart 225-1, the Department held a stakeholder webinar on January 29th, 2019. The webinar was held to give representatives from end users, which include rural-area stakeholders as well as industry, an opportunity to meet with Department staff and discuss various issues during the rulemaking process. Finally, the Department will hold a

public hearing on Subpart 225-1 and will notify interested parties of this proposed rulemaking.

#### INITIAL REVIEW

The initial review of this rule shall occur within the third year after this rule is adopted.

#### Job Impact Statement

##### NATURE OF IMPACT

The revisions to Subpart 225-1 entail the inclusion of process sources and incinerators as stationary emission sources to which these revisions apply in New York State (NYS). These revisions will also include the lowering of the sulfur-in-fuel limit for waste oil, and the correction of typographical errors. These proposed changes to Subpart 225-1 are not anticipated to have an adverse impact on employment opportunities in the State.

##### CATEGORIES AND NUMBERS OF JOBS OR EMPLOYMENT OPPORTUNITIES AFFECTED

The promulgation of Subpart 225-1 is not anticipated to have any effects on the number of current jobs or future employment opportunities throughout NYS.

The reductions in visibility-impairing pollutants resulting from the implementation of Subpart 225-1 could result in a positive impact on the tourism industry, particularly for the Adirondack and Catskill Parks. Aside from the mitigation of haze in these areas and across NYS, improvements in acid deposition will be seen, keeping trees and waterways in good condition, thus allowing state parks to remain healthy and attractive places to visit. Increased tourism could create additional job opportunities throughout NYS.

##### REGIONS OF ADVERSE IMPACT

The proposed Subpart 225-1 is a statewide regulation. This regulation is not expected to have an adverse impact on jobs or employment opportunities in NYS. It does not impact any region or area of the state disproportionately in terms of jobs or employment opportunities.

##### MINIMIZING ADVERSE IMPACT

The Department does not expect any adverse impacts on jobs in NYS based on the proposed changes to Subpart 225-1. Subpart 225-1 is a statewide regulation. Its requirements are the same for all facilities and will not impact job opportunities in NYS.

##### SELF-EMPLOYMENT OPPORTUNITIES

There are no anticipated adverse impacts towards self-employment opportunities associated with the proposed Subpart 225-1 regulation.

#### INITIAL REVIEW

The initial review of this rule shall occur within the third year after this rule is adopted.

## Department of Health

### NOTICE OF ADOPTION

#### Required Signage Warning Against the Dangers of Illegal Products

**I.D. No.** HLT-40-19-00002-A

**Filing No.** 38

**Filing Date:** 2020-01-21

**Effective Date:** 2020-02-05

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

**Action taken:** Addition of Subpart 9-2 to Title 10 NYCRR.

**Statutory authority:** Public Health Law, section 225

**Subject:** Required Signage Warning Against the Dangers of Illegal Products.

**Purpose:** To require sellers of legal e-liquids and e-cigarette products to post warning signs regarding illegal products.

**Text or summary was published in** the October 2, 2019 issue of the Register, I.D. No. HLT-40-19-00002-P.

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** Katherine Ceroalo, DOH, Bureau of Program Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqna@health.ny.gov

#### 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

The Department of Health (Department) received one comment regarding the proposed addition of Subpart 9-2, Required Signage, to Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

The comment, from the New York City Department of Health and Mental Hygiene, supported the proposed regulations, and suggested modifications to the sign currently published by the Department to include more information and graphic images related to the specific risks of e-cigarettes.

The Department acknowledges the New York City Department of Health and Mental Hygiene's support for this regulation and will take under advisement comments relating to the content of the required signage.

## Public Service Commission

### NOTICE OF ADOPTION

#### Joint Proposal and Electric Rate Plan

**I.D. No.** PSC-16-19-00005-A

**Filing Date:** 2020-01-16

**Effective Date:** 2020-01-16

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

**Action taken:** On 1/16/20, the PSC adopted an order adopting the terms of a Joint Proposal executed by Consolidated Edison Company of New York, Inc., et al. (Con Edison) and established a three-year electric rate plan, effective January 1, 2020 to December 31, 2022.

**Statutory authority:** Public Service Law, sections 5, 65 and 66

**Subject:** Joint Proposal and electric rate plan.

**Purpose:** To adopt the terms of a Joint Proposal and establish a three-year electric rate plan for Con Edison.

**Substance of final rule:** The Commission, on January 16, 2020, adopted an order adopting the terms of a Joint Proposal, executed by Consolidated Edison Company of New York, Inc. (Con Edison), Department of Public Service trial staff (Staff), New York City (NYC), Association for Energy Affordability, Blueprint Power, CALSTART, ChargePoint, Inc., Consumer Power Advocates, Direct Energy Services, Environmental Defense Fund (EDF), Metropolitan Transportation Authority, Natural Resources Defense Council, New York Energy Consumers Council, New York Geothermal Energy Organization, New York State Office of General Services, New York Power Authority (NYPA), New York Retail Choice Coalition, the Sabin Center for Climate Change Law at Columbia Law School, and Bob Wyman, with the exception of Section Q, paragraphs 5 through 11 and footnote 73 pertaining to agreements between parties not necessitating Commission approval or adoption to be effective therewith, and established a three-year electric rate plan, effective January 1, 2020 to December 31, 2022. Con Edison is directed to file cancellation supplements, effective on not less than one day's notice, on or before January 24, 2020, cancelling the tariff amendments and supplements listed in Attachment B to the Order. Con Edison is directed to file, on not less than three days' notice, to become effective on February 1, 2020, on a temporary basis, such further tariff amendments as are necessary to effectuate the terms of the order. Con Edison is also directed to file such tariff changes as are necessary to effectuate the terms of the order for Rate Year 2 ending December 31, 2021, and for Rate Year 3 ending December 31, 2022 on not less than 30 days' notice. Such tariff changes shall be effective only on a temporary basis until approved by the Commission, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

#### Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(19-E-0065SA1)

## AFFIDAVIT OF PUBLICATION

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STATE OF NEW YORK  
COUNTY OF NEW YORK

Ambika Mohan being duly sworn hereby declares and says, that she is the Advertising Account Executive responsible for placing the attached advertisement for publication in the Albany Times Union for Miller advertising Agency, Inc; located in New York, NY, and that the NYS Dept. of Environmental Conservation –Notice of Public Hearing advertisement, of which the annexed is a true copy, has been published in the said publication on the following issue date: February 5, 2020

  
Ambika Mohan

Subscribed to and Sworn before me

This 23rd day of June, 2020

  
Notary Public

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



**LEGAL**  
DONTOLU LLC. Arts. of Org. filed with SSNY on 01/07/20. Office: Albany 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, 3605 28th Avenue, Astoria, NY 11103. Purpose: Any lawful purpose. TU 6t 4093405

DRS 42-16 Broadway LLC. Arts. of Org. filed w/ SSNY 12/07/19. Exist Date: 1/1/20. Off. in Albany Co. SSNY design. as agt. of LLC whom process may be served. SSNY shall mail process to Accumera LLC, 911 Central Ave, #101, Albany, NY 12206. Purpose: any lawful activity. TU 6t 4091843

Green Visor Bookkeeping Solutions LLC. Arts. of Org. filed w/ SSNY 12/10/19. Off. in Albany Co. SSNY design. as agt. of LLC whom process may be served. SSNY shall mail process to Accumera LLC, 911 Central Ave, #101, Albany, NY 12206. Purpose: any lawful activity. TU 6t 4091830

**Key Billing LLC.** Arts. of Org. filed with SSNY on 01/09/20. Off. Loc.: Albany Co. SSNY design. as agt. upon whom process may be served. SSNY shall mail process to: The LLC, 119-45 Union Tpke. Ste. F, Forest Hills, NY 11375. General Purpose. TU 6t 4093666

Matt's Deli LLC Arts of Org. filed SSNY 1/13/20. Office: Albany Co. SSNY design agent of LLC upon whom process may be served & mail to Registered Agents Inc. 90 State St #700-40 Albany, NY 12207 General Purpose. TU 6t 4094918

Nancy Adler Psychologist PLLC Arts. of Org. filed w/ SSNY 12/19/19. Off. in Albany Co. SSNY design. as agt. of PLLC whom process may be served. SSNY shall mail process to Accumera LLC, 911 Central Ave, #101, Albany, NY 12206. Purpose: any lawful activity. TU 6t 4091825

Notice of Formation of 204 CARINA DRIVE REALTY LLC. Art/Org filed 12/20/19. Off. loc Albany City. SSNY design. agent for svc/proc & shall mail to MLS, 911 Central Ave #344 Albany NY 12206. Purpose: Any lawful activity. TU 6t 4092338

Notice of Formation of DEIDRE DENISE HOLDINGS LLC. Art/Org filed 8/16/19. Off. loc Albany City. SSNY design. agent for svc/proc & shall mail to MLS, 911 Central Ave #344 Albany NY 12206. Purpose: Any lawful activity. TU 6t 4092345

Notice of Formation of JLMARKETING ENTERPRISES, LLC. Art/Org filed 1/13/19. Off. loc Albany City. SSNY design. agent for svc/proc & shall mail to MLS, 911 Central Ave #344 Albany NY 12206. Purpose: Any lawful activity. TU 6t 4092350

Notice of Formation of MEADOW RIDGE HOSPITALITY GROUP LLC. Art/Org filed 11/14/19. Off. loc Albany City. SSNY design. agent for svc/proc & shall mail to MLS, 911 Central Ave #344 Albany NY 12206. Purpose: Any lawful activity. TU 6t 4092346

Notice of Form. of Native Manor LLC. Arts. of Org. filed with SSNY on 1/10/20. Office location: Albany SSNY design. as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 2604 Fillmore Ave., Brooklyn, NY 11229-2606. General Purpose. TU 6t 4094986

Vegan Eats LLC Arts of Org. filed SSNY 1/13/20. Office: Albany Co. SSNY design agent of LLC upon whom process may be served & mail to Registered Agents Inc. 90 State St #700-40 Albany, NY 12207 General Purpose. TU 6t 4094907

**NOTICE TO ALL CERTIFIED**  
is currently accepting quotes for materials and subcontract work on the following upcoming project:  
D264126 – Route 22 Pavement Restoration Project in the Town of Canaan, Columbia County.  
Please submit all quotes by Wednesday, February 5, 2020.  
We will be accepting quotations from qualified DBE subcontractors and suppliers until such date and times as specified. For further information regarding items of work, please contact our Estimating Dept @ (518) 374-2222 or fax quotes to: (518) 381-6779. Equal Opportunity Employer  
TU 6t 4096864

**NOTICE OF FORMATION OF LIMITED LIABILITY COMPANY ROADWAY PRESERVATION, LLC**  
The name of the limited liability company is **Roadway Preservation, LLC**. The Articles of Organization were filed on November 1, 2019, with the New York State Department of State. The County within this State where the office of the company is to be located is Albany County. The Secretary of State is designated as agent of the company upon whom process against it may be served. The post office address to which the Secretary of State may mail a copy of any process against the company is 200 Church Street, Albany, New York 12207. The purpose of the business of the LLC is any lawful purpose permitted of a limited liability company in the State of New York.  
TU 6t 4092517

**CITY SCHOOL DISTRICT OF ALBANY**  
Request for Bid  
The District is currently soliciting bids for Automotive Repair and Maintenance including snow plowing and salting equipment.  
The City School District Albany, NY, hereinafter known as the District, will receive separate bids at the Central Administration Offices, Business Office, 1 Academy Park, Albany, New York 12207 until 2:00 PM EST on February 26, 2020. Copies for the Request for Bid documents which outline the specifications are available by emailing: [rdearaway@albany.k12.ny.us](mailto:rdearaway@albany.k12.ny.us)  
The envelopes containing the proposals must be sealed, and addressed to:  
RFB#032020 Automotive Repair and Maintenance  
Attn: Purchasing Agent  
City School District of Albany  
1 Academy Park, Elk Street  
Albany, NY 12207  
Envelopes containing the proposals should be clearly marked RFB#032020 Automotive Repair and Maintenance.  
The District has the right to accept or reject any and all proposals or parts thereof as it deems to be in its best interest.  
The City School District of Albany is an Affirmative Action, Equal Opportunity Enterprise.  
TU 6t 4097236

**LEGAL**  
Notice of Form. of Fernway Properties, LLC. Arts. of Org. filed with SSNY on 12/4/19. Office location: Albany SSNY design. as agent of LLC upon whom process against it may be served. SSNY shall mail process to 90 State St., Ste 700, Box 10, Albany, NY 12207. Any lawful purpose. TU 6t 4094925

Notice of Form. of Gabriel's Hair, LLC. Arts. of Org. filed with SSNY on 12/31/19. Office location: Schenectady SSNY design. as agent of LLC upon whom process against it may be served. SSNY shall mail process to 1 Glen Ave., Scotia, NY, 12302. Any lawful purpose. TU 6t 4094927

Notice of Form. of GM Colorado Realty LLC. Arts. of Org. filed with SSNY on 1/6/20. Office location: Albany SSNY design. as agent of LLC upon whom process against it may be served. SSNY shall mail process to 90 State St., Ste 700, Box 10, Albany, NY 12207. Any lawful purpose. TU 6t 4094928

Notice of Form. of Hand Hospitality LLC. Arts. of Org. filed with SSNY on 3/22/16. Office location: Albany SSNY design. as agent of LLC upon whom process against it may be served. SSNY shall mail process to 90 State St., Ste 700, Box 10, Albany, NY 12207. Any lawful purpose. TU 6t 4094931

Notice of Form. of Her Name is Han LLC. Arts. of Org. filed with SSNY on 8/27/14. Office location: Albany SSNY design. as agent of LLC upon whom process against it may be served. SSNY shall mail process to 90 State St., Ste 700, Box 10, Albany, NY 12207. Any lawful purpose. TU 6t 4094933

Notice of Form. of Ily Blue Jam LLC. Arts. of Org. filed with SSNY on 11/6/19. Office location: Albany SSNY design. as agent of LLC upon whom process against it may be served. SSNY shall mail process to 90 State St., Ste 700, Box 10, Albany, NY 12207. Any lawful purpose. TU 6t 4094935

Notice of Form. of JTDUFFY Services LLC. Arts. of Org. filed with SSNY on 12/30/19. Office location: Albany SSNY design. as agent of LLC upon whom process against it may be served. SSNY shall mail process to 140 Old Country Rd., Mineola, NY, 11501. Any lawful purpose. TU 6t 4094936

Notice of Form. of Laverdaderagrasa LLC. Arts. of Org. filed with SSNY on 12/13/19. Office location: Albany SSNY design. as agent of LLC upon whom process against it may be served. SSNY shall mail process to 954 Prospect Ave., Bronx, NY, 10459. Any lawful purpose. TU 6t 4094939

Notice of Form. of Longnook 10th Street LLC. Arts. of Org. filed with SSNY on 7/10/19. Office location: Albany SSNY design. as agent of LLC upon whom process against it may be served. SSNY shall mail process to 90 State St., Ste 700, Box 10, Albany, NY 12207. Any lawful purpose. TU 6t 4094942

Notice of Form. of Mandak Holdings, LLC. Arts. of Org. filed with SSNY on 12/27/19. Office location: Saratoga SSNY design. as agent of LLC upon whom process against it may be served. SSNY shall mail process to 67 Middleline Rd., Ballston Spa, NY, 12020. Any lawful purpose. TU 6t 4094943

**Sphere Brands LLC.** Arts. of Org. filed with SSNY on 01/08/20. Off. Loc.: Albany Co. SSNY design. as agt. upon whom process may be served. SSNY shall mail process to the LLC, 2604 Fillmore Ave., Brooklyn, NY 11229-2606. General Purpose. TU 6t 4093673

**YK Medical PLLC.** Arts. of Org. filed with SSNY on 01/09/20. Off. Loc.: Albany Co. SSNY design. as agt. upon whom process may be served. SSNY shall mail process to: The LLC, P.O. Box 656, Saddle River, NJ 07458. Purpose: Medicine. TU 6t 4093672

DBE's: Callanan Industries, Inc. is currently accepting quotes for materials and subcontract work on the following upcoming project:  
D264126 – Route 22 Pavement Restoration Project in the Town of Canaan, Columbia County.  
Please submit all quotes by Wednesday, February 5, 2020.  
We will be accepting quotations from qualified DBE subcontractors and suppliers until such date and times as specified. For further information regarding items of work, please contact our Estimating Dept @ (518) 374-2222 or fax quotes to: (518) 381-6779. Equal Opportunity Employer  
TU 6t 4096864

**NOTICE OF FORMATION OF LIMITED LIABILITY COMPANY ROADWAY PRESERVATION, LLC**  
The name of the limited liability company is **Roadway Preservation, LLC**. The Articles of Organization were filed on November 1, 2019, with the New York State Department of State. The County within this State where the office of the company is to be located is Albany County. The Secretary of State is designated as agent of the company upon whom process against it may be served. The post office address to which the Secretary of State may mail a copy of any process against the company is 200 Church Street, Albany, New York 12207. The purpose of the business of the LLC is any lawful purpose permitted of a limited liability company in the State of New York.  
TU 6t 4092517

**CITY SCHOOL DISTRICT OF ALBANY**  
Request for Bid  
The District is currently soliciting bids for Automotive Repair and Maintenance including snow plowing and salting equipment.  
The City School District Albany, NY, hereinafter known as the District, will receive separate bids at the Central Administration Offices, Business Office, 1 Academy Park, Albany, New York 12207 until 2:00 PM EST on February 26, 2020. Copies for the Request for Bid documents which outline the specifications are available by emailing: [rdearaway@albany.k12.ny.us](mailto:rdearaway@albany.k12.ny.us)  
The envelopes containing the proposals must be sealed, and addressed to:  
RFB#032020 Automotive Repair and Maintenance  
Attn: Purchasing Agent  
City School District of Albany  
1 Academy Park, Elk Street  
Albany, NY 12207  
Envelopes containing the proposals should be clearly marked RFB#032020 Automotive Repair and Maintenance.  
The District has the right to accept or reject any and all proposals or parts thereof as it deems to be in its best interest.  
The City School District of Albany is an Affirmative Action, Equal Opportunity Enterprise.  
TU 6t 4097236

**LEGAL**  
57 PENN ST., LLC. Arts. of Org. filed with SSNY on 07/29/19. Office: Albany 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, PO Box 127, Lake Grove, NY 11755. Purpose: Any lawful purpose. TU 6t 4093178

ALTA EDITORIAL LLC. Arts. of Org. filed with SSNY on 01/28/20. Office: Albany 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, 155 Eckford Street, 1R, Brooklyn, NY 11222. Purpose: Any lawful purpose. TU 6t 4096919

C&A NY VENTURES LLC. Arts. of Org. filed with SSNY on 01/07/20. Office: Albany 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, 2113 East 74th Street, Brooklyn, NY 11234. Purpose: Any lawful purpose. TU 6t 4093363

DUJAMU PACIFIC, LLC. Arts. of Org. filed with SSNY on 01/28/20. Office: Albany 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, 104 Avenue B, New York, NY 10009. Purpose: Any lawful purpose. TU 6t 4096919

NOLATTS, LLC. Arts. of Org. filed with SSNY on 01/28/20. Office: Albany 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, 70 Charlton Street, Apartment 15C, New York, NY 10014. Purpose: Any lawful purpose. TU 6t 4096921

Pat Rooney GIS/GPS Consultant LLC. Filed with SSNY on 01/21/2020. Office: Albany County. SSNY designated as agent for process & shall mail copy to: 331 South Main Avenue, New York, NY 12209. Purpose: Any lawful. TU 6t(4095469)

Uchenna O. Umeh MD PLLC Arts. of Org. filed w/ SSNY 12/17/19. Off. in Albany Co. SSNY design. as agt. of PLLC whom process may be served. SSNY shall mail process to Accumera LLC, 911 Central Ave, #101, Albany, NY 12206. Purpose: any lawful activity. TU 6t 4091828

**SUPREME COURT STATE OF NEW YORK COUNTY OF ALBANY**  
CITIZENS BANK, N.A., Plaintiff,  
-against-  
THOMAS J. BLAIR; MIDLAND FUNDING, LLC; and UNIFUND CCR PARTNERS; Defendants.  
In pursuance of an Judgment of Foreclosure and Sale duly made on November 4, 2019, and entered on the Albany County Clerk's Office on November 14, 2019, I, the undersigned, the referee, will now sell at public auction, at the Albany County Courthouse, 16 Eagle Street, Albany, New York, on February 25, 2020 at 9:30 o'clock in the forenoon of that date, the premises directed by said judgment to be sold which are commonly known as 7 Arch Avenue, Town of Bethlehem, Albany County, New York. Tax Map No. 63.12-3-8. A complete legal description can be obtained upon request from plaintiff's attorney.  
Judgment amount - \$12,594.12 plus interest, costs and expenses.  
Dated: January 13, 2020  
Wynantskill, New York  
Sandra J. McCarthy, Esq., Referee  
COOPER ERVING & SAVAGE, LLP  
Attorneys for Plaintiff  
39 North Pearl Street  
Albany, New York 12207  
(518) 449-3900  
TU 6t 4093985

Sealed bids will be received as set forth in Instructions to Bidders (<https://www.dot.ny.gov/bids-and-lettings/construction-contractors/important-info>) until 10:30 A.M. on Thursday, February 20, 2020 at the NYSDOT, Contract Management Bureau, 50 Wolf Rd., 1st Floor, Suite 1CM, Albany, NY 12232 and will be publicly opened and read. Maps, Plans and Specifications may be seen at Electronic documents and Amendments which are posted to [www.dot.ny.gov/doing-business/opportunities/const-notices](http://www.dot.ny.gov/doing-business/opportunities/const-notices).  
The New York State Department of Transportation, in accordance with the Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title IV Program and Related Statutes, as amended, issued pursuant to such Act, hereby notifies all who respond to a written Department solicitation, request for proposal or invitation for bid that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability/handicap and income status in consideration for an award.  
BIDDERS SHOULD BE ADVISED THAT AWARD OF THESE CONTRACTS MAY BE CONTINGENT UPON THE PASSAGE OF A BUDGET APPROPRIATION BILL BY THE LEGISLATURE AND GOVERNOR OF THE STATE OF NEW YORK.  
Please call (518)457-2124 if a reasonable accommodation is needed to participate in the letting.  
Region 06: New York State Department of Transportation  
107 Broadway, Hornell, NY, 14843  
D264219, PIN DRC219, FA Proj., Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Cortland, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Schuyler, Seneca, Steuben, Tompkins, Wayne, Wyoming, Yates Cos., Upstate West, Where & Where Debris Removal Contract, All Counties in NYSDOT Regions 3, 4, 5 and 6, Bid Deposit: 5% of Bid (~ \$375,000.00), Goals: DBE: 0.00%  
Region 08: New York State Department of Transportation  
4 Burnett Blvd., Poughkeepsie, NY, 12603  
D264163, PIN 881345, FA Proj. Z240-8813-453, Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester Cos., Geothermal Subsurface Explorations at Various Locations Throughout Region 8., Bid Deposit: 5% of Bid (~ \$40,000.00), Goals: DBE: 0.00%  
TU 6t 4095472

Sealed bids will be received as set forth in Instructions to Bidders (<https://www.dot.ny.gov/bids-and-lettings/construction-contractors/important-info>) until 10:30 A.M. on Thursday, May 05, 2020 at the NYSDOT, Contract Management Bureau, 50 Wolf Rd., 1st Floor, Suite 1CM, Albany, NY 12232 and will be publicly opened and read. Maps, Plans and Specifications may be seen at Electronic documents and Amendments which are posted to [www.dot.ny.gov/doing-business/opportunities/const-notices](http://www.dot.ny.gov/doing-business/opportunities/const-notices).  
The New York State Department of Transportation, in accordance with the Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title IV Program and Related Statutes, as amended, issued pursuant to such Act, hereby notifies all who respond to a written Department solicitation, request for proposal or invitation for bid that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability/handicap and income status in consideration for an award.  
BIDDERS SHOULD BE ADVISED THAT AWARD OF THESE CONTRACTS MAY BE CONTINGENT UPON THE PASSAGE OF A BUDGET APPROPRIATION BILL BY THE LEGISLATURE AND GOVERNOR OF THE STATE OF NEW YORK.  
Please call (518)457-2124 if a reasonable accommodation is needed to participate in the letting.  
Region 01: New York State Department of Transportation  
50 Wolf Rd, Albany, NY, 12232  
D264218, PIN 121807, FA Proj RPS0-1218-073, Warren Co., Asphalt Concrete Milling and Resurfacing and Cold Recycling Asphalt Concrete on NY Route 9L in the Town of Queensbury., Bid Deposit: 5% of Bid (~ \$75,000.00), Goals: DBE: 8.00%  
Region 06: New York State Department of Transportation  
107 Broadway, Hornell, NY, 14843  
D264209, PIN 680551, FA Proj., Allegany, Chemung, Schuyler, Steuben, Yates Cos., Install Du-rable Pavement Markings, CARDS and SHARDS on Various Highways., Bid Deposit: 5% of Bid (~ \$75,000.00), Goals: DBE: 0.00%  
Region 08: New York State Department of Transportation  
4 Burnett Blvd., Poughkeepsie, NY, 12603  
D264185, PIN 881388, FA Proj. Z240-8813-883, Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester Cos., Replace Existing Pavement Markings., Bid Deposit: 5% of Bid (~ \$375,000.00), Goals: DBE: 3.00%  
D264186, PIN 881390, FA Proj. Z240-8813-903, Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester Cos., Biennial Special Markings Replacements Region Wide, Bid Deposit: 5% of Bid (~ \$125,000.00), Goals: DBE: 3.00%  
D264200, PIN 881438, Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester Cos., Where and When Graffiti Removal Contract, Bid Deposit: 5% of Bid (~ \$20,000.00), Goals: MBE: 0.00%, WBE: 0.00%  
Region 09: New York State Department of Transportation  
44 Hawley Street, Binghamton, NY, 13901  
D264154, PIN 980689, FA Proj Z001-9806-893, Broome, Sullivan Cos., Install/Modify Traffic Signals and ADA Compliant Pedestrian Facilities in Towns of Chenango & Thompson., Bid Deposit: 5% of Bid (~ \$75,000.00), Goals: DBE: 3.00%  
Region 10: New York State Department of Transportation  
NYS Office Building, Veterans Memorial Highway, Hauppauge, NY, 11788  
D264187, PIN 081003, FA Proj Z001-0810-033, Nassau, Suffolk Cos., Mill, Inlay & other Surface Treatments at Various Locations Throughout Region 10., Bid Deposit: 5% of Bid (~ \$150,000.00), Goals: DBE: 5.00%  
TU 6t 4096857

**LEGAL**  
Lt Advisors LLC Arts of Org. filed SSNY 1/7/20. Office: Albany Co. SSNY design agent for process & shall mail to Registered Agents Inc. 90 State St #700-40 Albany, NY 12207 General Purpose TU 6t 4093692

Notice of Formation of AMR PARTNERS, LLC. Articles of Organization filed with Secretary of State New York (SSNY) on 01/21/2020. Office location: Albany County. SSNY designated as agent for service of process & shall mail same to 35 Fuller Rd., Suite 200, Albany, NY 12205. Purpose: Any lawful activity. TU 6t (4096933)

Notice of formation of For Paws Home Care LLC. Art. of Org. filed with SSNY on 5/16/19. Albany County. SSNY designated as agent of the LLC. SSNY shall mail a copy of any process to: Legalinc Corporate Services Inc. #967 Wehrle Drive suite 1 #086 Buffalo, NY 14221. Purpose: Any lawful activity. TU 6t 4092124

Notice of formation of Union Arms LLC. Articles of Organization filed with SSNY on January 6th, 2020. Office location: Schenectady SSNY design. As agent of LLC upon whom process against it may be served. SSNY shall mail process to 5970 Curry Road Ext., Schenectady, New York 12303. Any lawful purpose. TU 6t 4095550

Art is Work LLC Arts. of Org. filed w/ SSNY on 12/23/19. Exist Date: 1/1/20. Off. in Albany Co. SSNY design. as agt. of LLC whom process may be served. SSNY shall mail process to Accumera LLC, 911 Central Ave, #101, Albany, NY 12206. The reg. agt. is Accumera LLC at same address. Purpose: any lawful activity TU 6t 4091839

Notice of Form. of Empowering Calm Mental Health Counseling NYC PLLC. Arts. of Org. filed with SSNY on 12/27/19. Office location: Albany SSNY design. as agent of PLLC upon whom process against it may be served. SSNY mail process to 115 Broadway, NY, NY, 10006. Any lawful purpose. TU 6t 4094921

PAPATZIDES LLC. Arts. of Org. filed with the SSNY on 01/07/20. Office: Albany County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY mail process to 115 Broadway, NY, NY, 10006. Any lawful purpose. TU 6t 4093409

**LEGAL**  
Art is Work LLC Arts. of Org. filed w/ SSNY on 12/23/19. Exist Date: 1/1/20. Off. in Albany Co. SSNY design. as agt. of LLC whom process may be served. SSNY shall mail process to Accumera LLC, 911 Central Ave, #101, Albany, NY 12206. The reg. agt. is Accumera LLC at same address. Purpose: any lawful activity TU 6t 4091839

Notice of Form. of Empowering Calm Mental Health Counseling NYC PLLC. Arts. of Org. filed with SSNY on 12/27/19. Office location: Albany SSNY design. as agent of PLLC upon whom process against it may be served. SSNY mail process to 115 Broadway, NY, NY, 10006. Any lawful purpose. TU 6t 4094921

PAPATZIDES LLC. Arts. of Org. filed with the SSNY on 01/07/20. Office: Albany County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY mail process to 115 Broadway, NY, NY, 10006. Any lawful purpose. TU 6t 4093409

Sealed bids will be received as set forth in Instructions to Bidders (<https://www.dot.ny.gov/bids-and-lettings/construction-contractors/important-info>) until 10:30 A.M. on Thursday, May 05, 2020 at the NYSDOT, Contract Management Bureau, 50 Wolf Rd., 1st Floor, Suite 1CM, Albany, NY 12232 and will be publicly opened and read. Maps, Plans and Specifications may be seen at Electronic documents and Amendments which are posted to [www.dot.ny.gov/doing-business/opportunities/const-notices](http://www.dot.ny.gov/doing-business/opportunities/const-notices).  
The New York State Department of Transportation, in accordance with the Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title IV Program and Related Statutes, as amended, issued pursuant to such Act, hereby notifies all who respond to a written Department solicitation, request for proposal or invitation for bid that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability/handicap and income status in consideration for an award.  
BIDDERS SHOULD BE ADVISED THAT AWARD OF THESE CONTRACTS MAY BE CONTINGENT UPON THE PASSAGE OF A BUDGET APPROPRIATION BILL BY THE LEGISLATURE AND GOVERNOR OF THE STATE OF NEW YORK.  
Please call (518)457-2124 if a reasonable accommodation is needed to participate in the letting.  
Region 01: New York State Department of Transportation  
50 Wolf Rd, Albany, NY, 12232  
D264218, PIN 121807, FA Proj RPS0-1218-073, Warren Co., Asphalt Concrete Milling and Resurfacing and Cold Recycling Asphalt Concrete on NY Route 9L in the Town of Queensbury., Bid Deposit: 5% of Bid (~ \$75,000.00), Goals: DBE: 8.00%  
Region 06: New York State Department of Transportation  
107 Broadway, Hornell, NY, 14843  
D264209, PIN 680551, FA Proj., Allegany, Chemung, Schuyler, Steuben, Yates Cos., Install Du-rable Pavement Markings, CARDS and SHARDS on Various Highways., Bid Deposit: 5% of Bid (~ \$75,000.00), Goals: DBE: 0.00%  
Region 08: New York State Department of Transportation  
4 Burnett Blvd., Poughkeepsie, NY, 12603  
D264185, PIN 881388, FA Proj. Z240-8813-883, Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester Cos., Replace Existing Pavement Markings., Bid Deposit: 5% of Bid (~ \$375,000.00), Goals: DBE: 3.00%  
D264186, PIN 881390, FA Proj. Z240-8813-903, Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester Cos., Biennial Special Markings Replacements Region Wide, Bid Deposit: 5% of Bid (~ \$125,000.00), Goals: DBE: 3.00%  
D264200, PIN 881438, Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester Cos., Where and When Graffiti Removal Contract, Bid Deposit: 5% of Bid (~ \$20,000.00), Goals: MBE: 0.00%, WBE: 0.00%  
Region 09: New York State Department of Transportation  
44 Hawley Street, Binghamton, NY, 13901  
D264154, PIN 980689, FA Proj Z001-9806-893, Broome, Sullivan Cos., Install/Modify Traffic Signals and ADA Compliant Pedestrian Facilities in Towns of Chenango & Thompson., Bid Deposit: 5% of Bid (~ \$75,000.00), Goals: DBE: 3.00%  
Region 10: New York State Department of Transportation  
NYS Office Building, Veterans Memorial Highway, Hauppauge, NY, 11788  
D264187, PIN 081003, FA Proj Z001-0810-033, Nassau, Suffolk Cos., Mill, Inlay & other Surface Treatments at Various Locations Throughout Region 10., Bid Deposit: 5% of Bid (~ \$150,000.00), Goals: DBE: 5.00%  
TU 6t 4096857

**LEGAL**  
Art is Work LLC Arts. of Org. filed w/ SSNY on 12/23/19. Exist Date: 1/1/20. Off. in Albany Co. SSNY design. as agt. of LLC whom process may be served. SSNY shall mail process to Accumera LLC, 911 Central Ave, #101, Albany, NY 12206. The reg. agt. is Accumera LLC at same address. Purpose: any lawful activity TU 6t 4091839

Notice of Form. of Empowering Calm Mental Health Counseling NYC PLLC. Arts. of Org. filed with SSNY on 12/27/19. Office location: Albany SSNY design. as agent of PLLC upon whom process against it may be served. SSNY mail process to 115 Broadway, NY, NY, 10006. Any lawful purpose. TU 6t 4094921

PAPATZIDES LLC. Arts. of Org. filed with the SSNY on 01/07/20. Office: Albany County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY mail process to 115 Broadway, NY, NY, 10006. Any lawful purpose. TU 6t 4093409

**LEGAL**  
Art is Work LLC Arts. of Org. filed w/ SSNY on 12/23/19. Exist Date: 1/1/20. Off. in Albany Co. SSNY design. as agt. of LLC whom process may be served. SSNY shall mail process to Accumera LLC, 911 Central Ave, #101, Albany, NY 12206. The reg. agt. is Accumera LLC at same address. Purpose: any lawful activity TU 6t 4091839

Notice of Form. of Empowering Calm Mental Health Counseling NYC PLLC. Arts. of Org. filed with SSNY on 12/27/19. Office location: Albany SSNY design. as agent of PLLC upon whom process against it may be served. SSNY mail process to 115 Broadway, NY, NY, 10006. Any lawful purpose. TU 6t 4094921

PAPATZIDES LLC. Arts. of Org. filed with the SSNY on 01/07/20. Office: Albany County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY mail process to 115 Broadway, NY, NY, 10006. Any lawful purpose. TU 6t 4093409

Sealed bids will be received as set forth in Instructions to Bidders (<https://www.dot.ny.gov/bids-and-lettings/construction-contractors/important-info>) until 10:30 A.M. on Thursday, May 05, 2020 at the NYSDOT, Contract Management Bureau, 50 Wolf Rd., 1st Floor, Suite 1CM, Albany, NY 12232 and will be publicly opened and read. Maps, Plans and Specifications may be seen at Electronic documents and Amendments which are posted to [www.dot.ny.gov/doing-business/opportunities/const-notices](http://www.dot.ny.gov/doing-business/opportunities/const-notices).  
The New York State Department of Transportation, in accordance with the Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title IV Program and Related Statutes, as amended, issued pursuant to such Act, hereby notifies all who respond to a written Department solicitation, request for proposal or invitation for bid that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability/handicap and income status in consideration for an award.  
BIDDERS SHOULD BE ADVISED THAT AWARD OF THESE CONTRACTS MAY BE CONTINGENT UPON THE PASSAGE OF A BUDGET APPROPRIATION BILL BY THE LEGISLATURE AND GOVERNOR OF THE STATE OF NEW YORK.  
Please call (518)457-2124 if a reasonable accommodation is needed to participate in the letting.  
Region 01: New York State Department of Transportation  
50 Wolf Rd, Albany, NY, 12232  
D264218, PIN 121807, FA Proj RPS0-1218-073, Warren Co., Asphalt Concrete Milling and Resurfacing and Cold Recycling Asphalt Concrete on NY Route 9L in the Town of Queensbury., Bid Deposit: 5% of Bid (~ \$75,000.00), Goals: DBE: 8.00%  
Region 06: New York State Department of Transportation  
107 Broadway, Hornell, NY, 14843  
D264209, PIN 680551, FA Proj., Allegany, Chemung, Schuyler, Steuben, Yates Cos., Install Du-rable Pavement Markings, CARDS and SHARDS on Various Highways., Bid Deposit: 5% of Bid (~ \$75,000.00), Goals: DBE: 0.00%  
Region 08: New York State Department of Transportation  
4 Burnett Blvd., Poughkeepsie, NY, 12603  
D264185, PIN 881388, FA Proj. Z240-8813-883, Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester Cos., Replace Existing Pavement Markings., Bid Deposit: 5% of Bid (~ \$375,000.00), Goals: DBE: 3.00%  
D264186, PIN 881390, FA Proj. Z240-8813-903, Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester Cos., Biennial Special Markings Replacements Region Wide, Bid Deposit: 5% of Bid (~ \$125,000.00), Goals: DBE: 3.00%  
D264200, PIN 881438, Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester Cos., Where and When Graffiti Removal Contract, Bid Deposit: 5% of Bid (~ \$20,000.00), Goals: MBE: 0.00%, WBE: 0.00%  
Region 09: New York State Department of Transportation  
44 Hawley Street, Binghamton, NY, 13901  
D264154, PIN 980689, FA Proj Z001-9806-893, Broome, Sullivan Cos., Install/Modify Traffic Signals and ADA Compliant Pedestrian Facilities in Towns of Chenango & Thompson., Bid Deposit: 5% of Bid (~ \$75,000.00), Goals: DBE: 3.00%  
Region 10: New York State Department of Transportation  
NYS Office Building, Veterans Memorial Highway, Hauppauge, NY, 11788  
D264187, PIN 081003, FA Proj Z001-0810-033, Nassau, Suffolk Cos., Mill, Inlay & other Surface Treatments at Various Locations Throughout Region 10., Bid Deposit: 5% of Bid (~ \$150,000.00), Goals: DBE: 5.00%  
TU 6t 4096857

**NOTICE OF SALE**  
**SUPREME COURT COUNTY OF ALBANY**  
Nationstar Mortgage LLC d/b/a Champion Mortgage Company, Plaintiff  
AGAINST  
Albany County Comptroller, as the Limited Administrator of the Estate of Margaretain Sloan; Susan Moore a/k/a Susan Sloan Moore; Linda Sloan a/k/a Linda D. Sloan; Mia Moore; Tiffany Moore Young; et al., Defendant(s)  
Pursuant to a Judgment of Foreclosure and Sale duly dated January 3, 2020 I, the undersigned Referee will sell at public auction at the Albany County Courthouse, Albany, New York on March 11, 2020 at 11:00AM, premises known as 12 Swartson Court, Albany, NY 12209. All that certain plot piece 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 75.50 Block 3 Lot 17. Approximate amount of judgment \$160,388.41 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index# 904822-17.  
Aaron A Louridas, Esq., Referee  
Shapiro, DiCaro & Barak, LLC  
Attorney(s) for the Plaintiff  
175 Mile Crossing Boulevard  
Rochester, New York 14624  
(877) 430-4792  
Dated: January 11, 2020 #98251  
TU 6t 4094114

**SUPREME COURT OF THE STATE OF NEW YORK - COUNTY OF RENNELAER**  
**SUNTRUST MORTGAGE, INC.,**  
v.  
PAUL W. PATRICK; ET. AL.  
**NOTICE OF SALE**  
NOTICE IS HEREBY GIVEN pursuant to a Final Judgment of Foreclosure dated October 30, 2019, and entered in the Office of the Clerk of the County of Rensselaer, wherein SUNTRUST MORTGAGE, INC. is the Plaintiff and PAUL W. PATRICK; PA

## AFFIDAVIT OF PUBLICATION

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STATE OF NEW YORK  
COUNTY OF NEW YORK

Ambika Mohan being duly sworn hereby declares and says, that she is the Advertising Account Executive responsible for placing the attached advertisement for publication in the **Buffalo News** for Miller advertising Agency, Inc; located in New York, NY, and that the **NYS Dept. of Environmental Conservation –Notice of Public Hearing** advertisement, of which the annexed is a true copy, has been published in the said publication on the following issue date: February 5, 2020

  
Ambika Mohan

Subscribed to and Sworn before me

This 23rd day of June, 2020

  
Notary Public

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

## 766 Bids &amp; Proposals



Sealed bids will be received as set forth in Instructions to Bidders (<https://www.dot.ny.gov/bids-and-lettings/construction-contractors/important-info>) until 10:30 A.M. on Thursday, February 20, 2020 at the NYSDOT, Contract Management Bureau, 50 Wolf Rd., 1st Floor, Suite 10M, Albany, NY 12232 and will be publicly opened and read. Maps, Plans and Specifications may be seen at Electronic documents and Amendments which are posted to [www.dot.ny.gov/doing-business/opportunities/const-notice](http://www.dot.ny.gov/doing-business/opportunities/const-notice). The New York State Department of Transportation, in accordance with the Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4, and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title IV Program and Related Statutes, as amended, issued pursuant to such Act, hereby notifies all who respond to a written Department solicitation, request for proposal or invitation for bid that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability/handicap and income status in consideration for an award. BIDDERS SHOULD BE ADVISED THAT AWARD OF THESE CONTRACTS MAY BE CONTINGENT UPON THE PASSAGE OF A BUDGET APPROPRIATION BILL BY THE LEGISLATURE AND GOVERNOR OF THE STATE OF NEW YORK. Please call (518)457-2124 if a reasonable accommodation is needed to participate in the letting. Region 06: New York State Department of Transportation 107 Broadway, Hornell, NY, 14843 D264219, PIN DRC219, FA Proj., Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Cortland, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Schuyler, Seneca, Steuben, Tompkins, Wayne, Wyoming, Yates Cos., Upstate West, Where & When Debris Removal Contract, All Counties in NYSDOT Regions 3, 4, 5 and 6, Bid Deposit: 5% of Bid (~ \$375,000.00), Goals: DBE: 0.00%

## 767 Liens

[BN] Thank You for your business

## BuffaloJobFinder.com

is your local job resource.

Upload your resume today.

Help employers find you.

Upload your resume today.

FREE THRIFTY ADS

Limit 1 Item \$50 or Less Private Party Items Only 3 Lines Per Ad (20-23 characters p/line) Ads Run 4 Sundays Limit 5 ads per month

[www.buffalonews.com/free](http://www.buffalonews.com/free)

NO PHONE CALLS PLEASE

Don't miss this FANTASTIC opportunity to sell your valuable merchandise FREE Of Charge!!!



Tell the story of your loved one's life and honor his or her memory in a "Celebration of Life," in the Sunday Buffalo News.\*



Written by those who know him or her best, your loved one's Celebration of Life can include color photos.

Prices start at \$375

Ask about commemorative plaques.

To create your "Celebration of Life" obituaryA contact our Death Notice Team atA (716) 856-5555 (Monday-Friday 9 a.m. to 6 p.m.)A or e-mail [dnotice@buffnews.com](mailto:dnotice@buffnews.com)A

[BN]

Nowhere But The Buffalo News

\*Celebration of Life publishes on Sunday only and does not contain a death notice lists of survivors, calling hours and services.

## ERIE COUNTY TAX 2020

NOTICE IS HEREBY GIVEN that the Tax Rolls and Warrants for the County Taxes for the District of the CITY OF BUFFALO for the year 2020 have been received by me; and that all persons and corporations named therein are required to pay their taxes on or before the 18th day of February 2020. Penalties will be added after that date (CHAPTER 812, LAWS OF 1942, as amended) as follows:

ALL TAXES PAID ON FEBRUARY 19 AND PRIOR TO MARCH 3 - 1.5%  
ALL TAXES PAID ON MARCH 3 AND PRIOR TO MARCH 17 - 3.0%  
ALL TAXES PAID ON MARCH 17 AND PRIOR TO APRIL 1 - 4.5%  
ALL TAXES PAID ON APRIL 1 AND PRIOR TO APRIL 16 - 6.0%  
ALL TAXES PAID ON APRIL 16 AND PRIOR TO MAY 1 - 7.5%

FOR ALL TAXES NOT PAID BY MAY 1st, THE 7.5% PENALTY FEE IS ADDED TO THE LEVY FORMING THE BASE OF THE TAX THEN DUE; THEREAFTER INTEREST IS ADDED TO THE BASE AT THE RATE OF 1.5% PER MONTH, ON THE FIRST OF EACH MONTH, MAKING 18.78% IN ALL, WHEN UNPAID TAXES ARE SOLD IN NOVEMBER.

If one of the above dates falls on a Saturday, Sunday, or holiday, payments will be accepted without added penalty the following business day when paid in person.

NANCY M. SNYDER  
ACTING DIRECTOR OF REAL  
PROPERTY TAX SERVICES

## ATTENTION TAXPAYERS!

The Acting Director of Real Property Tax Services has mailed the 2020 County Tax Bills to all persons and corporations.

If you have not received your bill, please write us at the address below, fax a request to (716) 858-7744 or email: [ec-rpts@erie.gov](mailto:ec-rpts@erie.gov).

PAYMENTS ACCEPTED THRU FEBRUARY 18, 2020  
WITH NO PENALTIES ADDED

CASHIER'S OFFICE HOURS 8:30 AM - 3:00 PM

CLOSED Saturdays, Sundays, January 20, and February 17

Nancy M. Snyder  
Erie County  
Acting Director of Real  
Property Tax Services

COUNTY OF ERIE  
Room 100  
95 Franklin Street  
Buffalo, NY 14202

To make an online payment log on to: [www.erie.gov/ecrpts/](http://www.erie.gov/ecrpts/)

### NOTICE OF PUBLIC HEARING

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Notice is hereby given that the New York State Department of Environmental Conservation (NYSDEC) will hold a legislative Public Hearing on two separate proposals:

1: Pursuant to Environmental Conservation Law (ECL) Sections: 1-0101, 3-0301, 19-0103, 19-0105, 19-0323, 19-0303, 19-0305, 19-0325, 19-0307, 71-2103, and 71-2105 notice is hereby given that the NYS Department of Environmental Conservation (Department) will hold the following legislative public hearings on the proposed revised rule 6 NYCRR Subpart 225-1, Fuel Composition and Use - Sulfur-in-Fuel

The Department is proposing to revise 6 NYCRR Subpart 225-1, "Fuel Composition and Use - Sulfur Limitations". Subpart 225-1 imposes limits on the sulfur content of distillate oil, residual oil, and coal fired in stationary sources. The Department is proposing these changes as a result of both, the five-year review and to meet our obligations to reduce air pollution. The revisions to Subpart 225-1 will be a component of the State Implementation Plan (SIP) for New York State (NYS) directed at attainment of the particulate matter less than or equal to 2.5 microns in diameter (PM-2.5) national ambient air quality standard (NAAQS), the sulfur dioxide (SO2) NAAQS and the Department's obligations under the regional haze SIP submitted to U.S. Environmental Protection Agency (EPA) on March 15, 2010. The revisions to Subpart 225-1 will include the applicability of process sources and incinerators to this regulation. These revisions will also include the lowering of the sulfur-in-fuel limit for waste oil, and the correction of minor typographical errors.

2: Pursuant to Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0323, 71-2103, and 71-2105 of the Environmental Conservation Law (ECL), notice is hereby given that the New York State Department of Environmental Conservation (Department) will hold the following legislative public hearings on the 6 NYCRR Part 248, Use of Ultra Low Sulfur Diesel Fuel and Best Available Retrofit Technology for Heavy Duty Vehicles.

In 2006, the Legislature passed, and the Governor signed the "Diesel Emissions Reduction Act of 2006" (DERA). The legislation charged the Department with implementing a regulatory program that would require the use of ULSD fuel and BART for any heavy duty diesel vehicle (HDDV) that is owned by, operated by or on behalf of, or leased by a state agency and state and regional public authority. The Department promulgated Part 248, effective July 30, 2009, to implement DERA.

The Legislature subsequently amended ECL section 19-0323 establishing final compliance dates of December 31, 2019 for BART compliance and December 31, 2020 for the end of useful life waivers. This proposed rulemaking is being revised to update and clarify the compliance dates for BART and useful life waivers, update the definition of heavy duty vehicle to incorporate changes made to the New York State Vehicle and Traffic Law that add additional exemptions, adds "on behalf of" to Section 248-3.1(d), clarifies the annual reporting requirement period under 248-6.1(a), and corrects a typographical spacing error. Although these deadlines were extended, the Legislature has maintained the retrofit requirement for existing vehicles, making plain its continued interest in reducing emissions from heavy duty vehicles owned by or operated on behalf of the State. The Department is seeking comments on the above-referenced changes.

A hearing for the proposed rules and attendant revisions to existing rules described above will be held as follows and is scheduled in a place that is reasonably accessible to persons with impaired mobility:

Date	Time	Location
April 10, 2020	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 April 3, 2020, to Richard McAuley, NYSDEC, 625 Broadway, Albany NY 12233-3250, (518) 402-8438, [air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov).

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

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

Information on Subpart 225-1, may be obtained from Mike Jennings, NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3251, telephone, (518) 402-8403; email, [air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov). Written statements may be submitted until 5 pm April 15, 2020.

Information on Part 248, may be obtained from James Bologna, NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3255, telephone, (518) 402-8292; email, [air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov). Written statements may be submitted until 5 pm April 15, 2020.

Requests for information and comments related to the SIP revisions 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](mailto:air.regs@dec.ny.gov). Written statements may be submitted until 5 pm April 15, 2020.

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 Nee

REGION 2 - Hunters Point Plaza, 47-40 21st Street, Long Island City, NY 11101, Attention: Sam Lieblach  
REGION 3 - 21 South Putt Corners Road, New Paltz, NY 12561, Attention: George 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 Zheng  
REGION 9 - 270 Michigan Avenue, Buffalo, NY 14202, Attention: Michael Emery

## Puzzle Corner

### Crossword / By EUGENE SHEFFER

Solution time: 21 minutes

#### ACROSS

- 1 Favorite
- 4 Existed
- 8 Author Sheehy
- 12 Chopper
- 13 Sir Guinness
- 14 Capital on a fjord
- 15 YMCA class
- 16 Dusk
- 18 Imam's holy book
- 20 Skull need
- 21 Young fellows
- 24 Monster
- 28 Plan B
- 32 Words to a backstabber
- 33 "I love," to Livy
- 34 Continental cash
- 36 Toe count
- 37 Speed
- 39 Make retroactive
- 41 — Park, Colorado
- 43 Dr. McGraw
- 44 Up to
- 46 Competitor
- 50 Couple's evening away from the kids
- 55 Lennon's lady
- 56 From the U.S.
- 57 New York canal
- 58 Race segment
- 59 Auction actions
- 60 Historic Scott
- 61 Pair

#### DOWN

- 1 Prepare to travel
- 2 Big fair, for short
- 3 Region (Abbr.)
- 4 Hopeful
- 5 Peyton's brother
- 6 Rule, for short
- 7 Canyon comeback
- 8 Be released
- 9 Simile part
- 10 Under the weather
- 11 Texter's chuckle
- 17 Bar bill
- 19 The whole enchilada
- 22 Smear
- 23 Ort
- 25 "— girl!"
- 26 Undo a dele

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	26	27
28	29	30					31		32			
33				34				35		36		
37				38		39			40			
41				42		43						
			44		45			46		47	48	49
50	51	52				53	54			55		
56					57					58		
59					60					61		

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2/5/20

### Tuesday's Answer

- 27 Melody
- 28 Disconcert
- 29 Hebrew prophet
- 30 Booty
- 31 Former NYC Mayor Ed
- 35 Sidestepped
- 38 Taxi devices
- 40 Roman 551
- 42 Do wrong
- 45 Fibbed
- 47 Electric measure
- 48 Fresh
- 49 Corporate symbol
- 50 Wee dollop
- 51 "— Blue?"
- 52 Actor Danson
- 53 Spike's warning
- 54 Hasten

B	E	A	D		A	L	E	C		T	U	G
A	C	L	U			L	I	R	E		O	T
R	O	L	L	O	V	E	R	S		Y	A	Y
				C	L	A	D		S	A	S	H
P	A	C	E	D		O	N	I	T			
A	L	O	T		T	U	N	A	R	O	L	L
A	T	L		S	O	R	E	S		R	I	O
R	O	L	L	C	A	L	L		P	E	S	O
		A	V	I	D			W	I	S	P	S
L	A	P	I	S		B	R	I	E			
A	S	S		S	W	E	E	T	R	O	L	L
P	I	E		O	P	E	D		R	U	B	E
P	A	D		R	A	T	S		E	R	S	T

## JUMBLE

Unscramble these Jumbles, one letter to each square, to form four ordinary words.

MPETT

FOYLT

SOONPI

WARELY

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Yesterday's Jumbles: CHAMP TREND

Answer: The duration between the first and second take would depend on the — "RE-ACTION" TIME

## THAT SCRAMBLED WORD GAME

By David L. Hoyt and Jeff Knurek

I think we did a lot of damage.

Not a dime left in our budget. I'm exhausted.

AFTER A LONG DAY OF SHOPPING, THE ROOMMATES CAME HOME ---

Now arrange the circled letters to form the surprise answer, as suggested by the above cartoon.

(Answers tomorrow)

ORIOLE INSIST

## Cryptoquip

If you think that X equals O, it will equal O throughout the puzzle. Single letters, short words and words using an apostrophe give you clues to locating vowels. Solution is by trial and error.

Today's Cryptoquip Clue: H equals B

A E R V B P H R H M G P A L R X B

T J T W E R X V L B Y N X Z N Q

V E T M ' Y T A P Y X P K V R X B

X T T B R W N G Z T Y - K W W T Y ?

G R J Q - T N X T .

Yesterday's Cryptoquip: When astronomers go to gyms to work out, I suppose they like to use the ecliptical machines.

CRYPTOQUIP BOOK 2! Send \$4.50 (check/m.o.) to CryptoClassics Book 2, P.O. Box 536475, Orlando, FL 32853-6475

## Word Game / By KATHLEEN SAXE

TODAY'S WORD - GLOSSARY

(GLOSSARY: GLAW-suh-ree: A list of words and their definitions in the back of a book.)

Average mark 25 words  
Time limit 40 minutes

Can you find 35 or more words in GLOSSARY?  
The list will be published tomorrow.

#### YESTERDAY'S WORD - ACCRUING

acing	circa	rang	uric
arcing	crag	rani	incur
auric	cuing	ring	gain
cairn	curing	ruin	gnar
caring	racing	ruing	grain
cigar	rain	rung	grin

RULES OF THE GAME: 1. Words must be of four or more letters. 2. Words that acquire four letters by the addition of "s," such as "bats" or "dies," are not allowed. 3. Additional words made by adding a "d" or an "s" may not be used. For example, if "bake" is used, "baked" or "bakes" are not allowed, but "bake" and "baking" are admissible. 4. Proper nouns, slang words, or vulgar or sexually explicit words are not allowed. To contact Word Game creator Kathleen Saxe, write to Word Game, Kathleen Saxe, Universal Uclick, 1130 Walnut St., Kansas City, MO 64106. © 2020 United Feature Syndicate, Distributed by Universal Uclick for UFS

## Wishing Well®

4	7	5	4	2	4	3	2	5	3	8	3	7
J	A	A	O	O	Y	Y	F	B	O	A	U	C
5	2	8	5	4	3	7	4	5	8	4	5	7
E	F	C	T	F	B	H	R	T	L	O	E	A
8	6	3	8	2	4	8	7	5	7	4	8	3
E	T	E	V	E	M	E	N	R	G	H	R	C
2	5	4	5	4	8	7	4	8	6	4	6	2
R	L	U	I	M	T	E	O	H	I	R	M	C
7	2	6	2	7	6	3	6	5	8	5	8	6
I	O	E	M	N	F	O	F	O	E	U	R	
8	3	8	2	8	6	2	7	3	2	3	7	2
G	M	H	F	T	P	O	S	E	R	D	T	T
6	7	6	3	7	3	7	3	7	3	6	3	3
L	A	A	Y	T	N	U	A	S	M	Y	I	C

Here is a pleasant little game that will give you a message every day. It's a numerical puzzle designed to spell out your fortune. Count the letters in your first name. If the number of letters is 6 or more, subtract 4. If the number is less than 6, add 3. The result is your key number. Start at the upper left-hand corner and check one of your key numbers, left to right. Then read the message the letters under the checked figures give you. © King Features Syndicate Inc. 2020Worldrights reserved.

## AFFIDAVIT OF PUBLICATION

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STATE OF NEW YORK  
COUNTY OF NEW YORK

Ambika Mohan being duly sworn hereby declares and says, that she is the Advertising Account Executive responsible for placing the attached advertisement for publication in the Glens Falls Post Star for Miller advertising Agency, Inc; located in New York, NY, and that the NYS Dept. of Environmental Conservation –Notice of Public Hearing advertisement, of which the annexed is a true copy, has been published in the said publication on the following issue date: February 5, 2020

  
Ambika Mohan

Subscribed to and Sworn before me

This 23rd day of June, 2020

  
Notary Public

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



001 LEGAL NOTICES

**SECTION 001116 INVITATION TO BID**  
A Sealed bid for the:  
**VILLAGE OF HUDSON FALLS SCHOOL STREET NEIGHBORHOOD WATER MAIN REPLACEMENT PROJECT**  
will be received at the following address:  
Village of Hudson Falls  
220 Main Street  
Hudson Falls, New York 12839  
until 2:00 p.m. local time on Wednesday March 4th, 2020 and then at said office publicly opened and read aloud.  
The Project generally consists of the following work:  
Project funding sign; replacement of existing water mains along School Street, Clark Street, and Union Street, along with associated appurtenances, hydrants, valves, and water services; connection to existing mains; capping and abandonment of existing mains; flushing, testing, and disinfection; protection of existing utilities and coordination with utility companies; maintenance and protection of traffic; coordination with local residents, businesses, and schools; removal and disposal of existing asphalt course, concrete/brick aggregate sub base, and sidewalks; selective tree/stump removal; installation and compaction of sub base, installation of pavement to match existing lines and grades; installation of concrete sidewalks; erosion and sediment control; site restoration; and record drawings.  
This work will be awarded as one (1) single contract.  
The Work shall be completed within the time durations prescribed in Article 4, Section 4.02 of the agreement (specification section 005200).  
The Bid will be received on an itemized unit price basis with alternates, if included.  
The Bid should not include sales and compensating use taxes on materials incorporated into the work.  
If the Bid is actually received by mail or by hand after the appointed time on the date specified it shall be rejected, notwithstanding that such Bid may have been placed in a mail box or other mail receptacle regularly maintained by the United States Postal Service before such time, and ordinance in sufficient time to have been delivered on time.  
The Bid must accompany the Bid in accordance with the instruction to Bidders.  
The successful Bidder will be required to furnish a performance bond and a payment bond, each in an amount equal to 100% of the contract price. Bidders will also be required to furnish a Non-Collusive Affidavit.  
This project is wholly or partially funded through a federal Community Development Block Grant (CDBG) awarded to the Village of Hudson Falls and administered by the NYS Office of Community Renewal.  
The successful bidder will be required to comply with all applicable federal, state, and local laws and regulations, including but not limited to, 24 CFR 85 and 570, Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and applicable Women and Minority Owned Business Enterprise provisions.  
This is a public works project and BOTH federal and state prevailing wages as determined by the U.S. Department of Labor and the New York State Department of Labor must be paid (the higher of the two, as applicable). Provisions for prevailing wages are set forth in Section 007310 of the Bid Manual.  
Certified Minority and Women-Owned Business Enterprises (M/WBE) and Section 3-eligible contracting firms are encouraged to consider this project.  
Section 3: To the greatest extent feasible, opportunities for training and employment will be given to lower income residents of the project area where activities are being conducted. All contracts for work in connection with those project activities should be awarded to business concerns located in or owned in substantial part by residents of that project area.  
Drawings and Specifications may be examined at the following locations:  
Village of Hudson Falls  
220 Main Street  
Hudson Falls, New York 12839  
Tel: (518) 747-5721  
The Chazen Companies  
20 Elm Street, Suite 110  
Glens Falls, New York 12801  
Tel: (518) 824-1932  
Eastern Contractors Association  
6 Airline Drive  
Albany, NY 12205  
https://www.ecainc.org/  
The bidding and contract documents for this Project will be available on compact disc (CD) only. Copies of the documents may be obtained from The Chazen Companies at no charge. If contract documents are requested to be mailed, a \$50.00, non-refundable payment must be provided to cover shipping and handling. Mail orders must include a cover letter specifically indicating which bid documents are being requested. Checks for the Contract Documents shall be made payable to "The Chazen Companies."  
Note that only bidders who purchase sets from and are registered with The Chazen Companies will receive notification of Addenda. Attention of Bidders is particularly called to the requirements for ensuring that employees and applicants for employment are not discriminated against because of their race, color, religion, sex or national origin.  
For competitive bids involving New York State funds, the State new requires bidders to certify their business has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual training toward such for all of its employees. A State agency or department may, at its discretion, also require compliance with the certification requirement even when competitive bidding is not required.  
The Village of Hudson Falls, as Owner, reserves the right to waive any informalities or irregularities in the Bid received, or to reject any Bid without explanation.  
By Order of: VILLAGE OF HUDSON FALLS  
END OF SECTION-001116  
**PUB: FEBRUARY 5, 2020**

**Sealed bids** will be received as set forth in instructions to bidders until 10:30 A.M. on Thursday, March 05, 2020 at the NYSDOT, Contract Management Bureau, 50 Wolf Rd, 1st Floor, Suite 1CM, Albany, NY 12232 and will be publicly opened and read. Bids may also be submitted via the internet using www.bids.com. A certified cashier's check payable to the NYSDOT for the sum specified in the proposal or a bid bond, form CONR 391, representing 5% of the bid total, must accompany each bid. NYS-DOT reserves the right to reject any or all bids.  
Electronic documents and Amendments are posted to www.dot.ny.gov v/doing-business/opportunities /const-notices. The Contractor is responsible for ensuring that all Amendments are incorporated into its bid. To receive notification of Amendments via e-mail you must submit a request to be placed on the Planholders List at www.dot.ny.gov/doing-business/opportunities /const-planholder. Amendments may have been issued prior to your placement on the Planholders list. NYS Finance Law restricts communication with NYS-DOT on procurements and contact can only be made with designated persons. Contact with non-designated persons or other involved Agencies will be considered a serious matter and may result in disqualification. Contact Robert Kitchen (518)457-2124. Contracts with 0% Goals are generally single operation contracts, where subcontracting is not expected, and may present direct bidding opportunities for Small Business Firms, including, but not limited to D /WMBEs.

The New York State Department of Transportation, in accordance with the Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21 Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title IV Program and Related Statutes, as amended, issued pursuant to such Act, hereby notifies all who respond to a written Department solicitation, request for proposal or invitation for bid that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability and handicap and income status in consideration for an award.

**BIDDERS SHOULD BE ADVISED THAT AWARD OF THESE CONTRACTS MAY BE CONTINGENT UPON THE PASSAGE OF A BUDGET APPROPRIATION BILL BY THE LEGISLATURE AND GOVERNOR OF THE STATE OF NEW YORK.**  
Please call (518)457-2124 if a reasonable accommodation is needed to participate in the letting.  
Region 01: New York State Department of Transportation  
50 Wolf Rd, Albany, NY, 12232  
D264218, PIN 121807, FA Proj RPSO-1218-073, Warren Co., Asphalt Concrete Milling and Resurfacing and Cold Recycling Asphalt Concrete on NY Route 9L in the Town of Queensbury., Bid Deposit: 5% of Bid (~ \$75,000.00), Goals: DBE: 8.00%  
**PUB: FEBRUARY 5, 12, 2020**

**STATE OF NEW YORK SUPREME COURT COUNTY OF WARREN**  
NOTICE OF SALE  
Index No. EF2018-65728  
R.J.N.O.:56-1-2018-0552  
PETER SHABAT  
Plaintiff  
-against-  
MICHAEL SWAN, ADMINISTRATOR CTA OF THE ESTATE OF STEPHEN C. BRITTON, WORKERS' COMPENSATION BOARD OF THE STATE OF NEW YORK, JAY K. WASSERMAN, DDS, NEW YORK STATE DEPARTEMTN OF TAXATION AND FINANCE, Defendants.  
Pursuant to a Judgement of Foreclosure and Sale duly made in the above action on the 3rd day of January, 2020, I, the undersigned Referee will sell at public auction at the main entrance of the Warren County Municipal Center, 1340 State Route 9, Lake George, New York, on February 21, 2020 at 3:00 PM, premises know as Off Michelli Road All that certain plot piece or parcel of land, with the buildings and improvements erected, situate, lying and being in the Town of Lake George, County of Warren and State of New York, Section 264.08 Block 2 Lot 11. Approximate amount of Judgement \$240,647.04 plus interest and costs. Premises will be sold subject to provisions of filed Judgement Index No. EF2018-65728. Robert Gregor, Referee.  
Matte & Nenninger, P.C. Attorney for Plaintiff, 444 Glen Street, Glens Falls, NY 12801.  
518-793-3843  
Dated: January 16, 2020  
Robert Gregor, Referee  
MATTE & NENNINGER, P.C. Attorneys for the Plaintiff  
444 Glen Street  
Glens Falls, New York 12801.  
**PUB: JANUARY 22, 29, FEBRUARY 5, 12, 2020**

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FOR PEOPLE SERVICES

When there's an item you want to buy or sell, There's a special place that could serve you well. So open our pages and plug into the source. We're talking about our Classifieds section, of course!

001 LEGAL NOTICES

**NOTICE OF SALE**  
SUPREME COURT COUNTY OF WASHINGTON, WILMINGTON SAVINGS FUND SOCIETY, FSB, DOING BUSINESS AS CHRISTIANAL TRUST, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR BCAT FOR BCAT 2014-4TT, Plaintiff vs. THE UNKNOWN HEIRS-AT-LAW, NEXT OF KIN, DISTRIBUTUTES, EXECUTORS, ADMINISTRATORS, TRUSTEES, DEVISEES, LEGATEES, ASSIGNEES, LIENORS, CREDITORS, AND SUCCESSORS IN INTEREST, AND GENERALLY ALL PERSONS HAVING OR CLAIMING, UNDER, BY OR THROUGH THE DECEDENT MARY ANN WOOD, ET AL., Defendant(s).  
Pursuant to an Order Discharging the Guardian ad Litem and Military Attorney, Confirming Referee Report and Judgment of Foreclosure and Sale dated December 10, 2019, I, the undersigned Referee will sell at public auction at the Washington County Supreme Court, 383 Broadway, Fort Edward, NY on March 3, 2020 at 3:00 p.m., premises known as 12 Bridge Street, Fort Edward, NY. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Incorporated Village of Fort Edward, County of Washington and State of New York, Section 171.5, Block 1 and Lot 12. Approximate amount of judgment is \$169,952.58 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index # 25802/2016.  
Robert A. Regan, Esq., Referee  
Knuckles, Komosinski & Manfro, LLP, 565 Taxter Road, Suite 590, Elmsford, NY 10523, Attorneys for Plaintiff  
Cash will not be accepted.  
**PUB: JANUARY 29, FEBRUARY 5, 12, 19, 2020**

**Sealed bids** will be received as set forth in instructions to bidders until 10:30 A.M. on Thursday, March 05, 2020 at the NYS-DOT, Contract Management Bureau, 50 Wolf Rd, 1st Floor, Suite 1CM, Albany, NY 12232 and will be publicly opened and read. Bids may also be submitted via the internet using www.bids.com. A certified cashier's check payable to the NYS-DOT for the sum specified in the proposal or a bid bond, form CONR 391, representing 5% of the bid total, must accompany each bid. NYS-DOT reserves the right to reject any or all bids.  
Electronic documents and Amendments are posted to www.dot.ny.gov v/doing-business/opportunities /const-notices. The Contractor is responsible for ensuring that all Amendments are incorporated into its bid. To receive notification of Amendments via e-mail you must submit a request to be placed on the Planholders List at www.dot.ny.gov/doing-business/opportunities /const-planholder. Amendments may have been issued prior to your placement on the Planholders list. NYS Finance Law restricts communication with NYS-DOT on procurements and contact can only be made with designated persons. Contact with non-designated persons or other involved Agencies will be considered a serious matter and may result in disqualification. Contact Robert Kitchen (518)457-2124. Contracts with 0% Goals are generally single operation contracts, where subcontracting is not expected, and may present direct bidding opportunities for Small Business Firms, including, but not limited to D /WMBEs.

The New York State Department of Transportation, in accordance with the Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21 Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title IV Program and Related Statutes, as amended, issued pursuant to such Act, hereby notifies all who respond to a written Department solicitation, request for proposal or invitation for bid that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability and handicap and income status in consideration for an award.

**BIDDERS SHOULD BE ADVISED THAT AWARD OF THESE CONTRACTS MAY BE CONTINGENT UPON THE PASSAGE OF A BUDGET APPROPRIATION BILL BY THE LEGISLATURE AND GOVERNOR OF THE STATE OF NEW YORK.**  
Please call (518)457-2124 if a reasonable accommodation is needed to participate in the letting.  
Region 01: New York State Department of Transportation  
50 Wolf Rd, Albany, NY, 12232  
D264218, PIN 121807, FA Proj RPSO-1218-073, Warren Co., Asphalt Concrete Milling and Resurfacing and Cold Recycling Asphalt Concrete on NY Route 9L in the Town of Queensbury., Bid Deposit: 5% of Bid (~ \$75,000.00), Goals: DBE: 8.00%  
**PUB: FEBRUARY 5, 12, 2020**

**STATE OF NEW YORK SUPREME COURT COUNTY OF WARREN**  
NOTICE OF SALE  
Index No. EF2018-65728  
R.J.N.O.:56-1-2018-0552  
PETER SHABAT  
Plaintiff  
-against-  
MICHAEL SWAN, ADMINISTRATOR CTA OF THE ESTATE OF STEPHEN C. BRITTON, WORKERS' COMPENSATION BOARD OF THE STATE OF NEW YORK, JAY K. WASSERMAN, DDS, NEW YORK STATE DEPARTEMTN OF TAXATION AND FINANCE, Defendants.  
Pursuant to a Judgement of Foreclosure and Sale duly made in the above action on the 3rd day of January, 2020, I, the undersigned Referee will sell at public auction at the main entrance of the Warren County Municipal Center, 1340 State Route 9, Lake George, New York, on February 21, 2020 at 3:00 PM, premises know as Off Michelli Road All that certain plot piece or parcel of land, with the buildings and improvements erected, situate, lying and being in the Town of Lake George, County of Warren and State of New York, Section 264.08 Block 2 Lot 11. Approximate amount of Judgement \$240,647.04 plus interest and costs. Premises will be sold subject to provisions of filed Judgement Index No. EF2018-65728. Robert Gregor, Referee.  
Matte & Nenninger, P.C. Attorney for Plaintiff, 444 Glen Street, Glens Falls, NY 12801.  
518-793-3843  
Dated: January 16, 2020  
Robert Gregor, Referee  
MATTE & NENNINGER, P.C. Attorneys for the Plaintiff  
444 Glen Street  
Glens Falls, New York 12801.  
**PUB: JANUARY 22, 29, FEBRUARY 5, 12, 2020**

**STATE OF NEW YORK SUPREME COURT COUNTY OF WARREN**  
NOTICE OF SALE  
Index No. EF2018-65728  
R.J.N.O.:56-1-2018-0552  
PETER SHABAT  
Plaintiff  
-against-  
MICHAEL SWAN, ADMINISTRATOR CTA OF THE ESTATE OF STEPHEN C. BRITTON, WORKERS' COMPENSATION BOARD OF THE STATE OF NEW YORK, JAY K. WASSERMAN, DDS, NEW YORK STATE DEPARTEMTN OF TAXATION AND FINANCE, Defendants.  
Pursuant to a Judgement of Foreclosure and Sale duly made in the above action on the 3rd day of January, 2020, I, the undersigned Referee will sell at public auction at the main entrance of the Warren County Municipal Center, 1340 State Route 9, Lake George, New York, on February 21, 2020 at 3:00 PM, premises know as Off Michelli Road All that certain plot piece or parcel of land, with the buildings and improvements erected, situate, lying and being in the Town of Lake George, County of Warren and State of New York, Section 264.08 Block 2 Lot 11. Approximate amount of Judgement \$240,647.04 plus interest and costs. Premises will be sold subject to provisions of filed Judgement Index No. EF2018-65728. Robert Gregor, Referee.  
Matte & Nenninger, P.C. Attorney for Plaintiff, 444 Glen Street, Glens Falls, NY 12801.  
518-793-3843  
Dated: January 16, 2020  
Robert Gregor, Referee  
MATTE & NENNINGER, P.C. Attorneys for the Plaintiff  
444 Glen Street  
Glens Falls, New York 12801.  
**PUB: JANUARY 22, 29, FEBRUARY 5, 12, 2020**

001 LEGAL NOTICES

**NOTICE OF PUBLIC HEARING**  
PLEASE TAKE NOTICE THAT pursuant to the Subdivision and Site Plan Review Regulations of the Town of Chester, the Town of Chester Planning Board will hold a Public Hearing at the Town Municipal Center, 6307 State Route 9, on Monday, February 24, 2020 at 7:00 p.m. to consider the following applications:  
#SPR2020-01: Brandon Hamblin is seeking Site Plan Review approval for the use of the one-half (1/2) of the existing commercial building as a small engine repair shop. Property is located at 6268 State Route 9, identified by Tax Map Parcel #: 104.14-1-37, in Zoning District Hamlet.  
#SD2020-01: Sharon Bobel, Richard Bobel, Paul Bobel and Mark Bobel are seeking approval for a two-lot minor subdivision on property located at 53 Pine Notch Road, identified by Tax Map Parcel #: 103.-1-9, in Zoning District Rural Use.  
The above applications are open for inspection at the Planning/Zoning Office, Rm#106 at the Municipal Center. All interested parties will be heard at hearing. Communications in writing in relation thereto may be filed with the Planning Board in advance, or at such hearing.  
By order of:  
Paul Little  
Chairman  
Town of Chester  
Planning Board  
**PUB: FEBRUARY 5, 2020**

**SUPREME COURT - COUNTY OF WASHINGTON**  
CITIMORTGAGE, INC., Plaintiff - against- JOPSEPH W. DENNISON AND MEGAN EDWARDS, et al Defendant(s). Pursuant to a Judgment of Foreclosure and Sale entered herein and dated November 29, 2019, I, the undersigned Referee will sell at public auction at the Washington County Courthouse, 383 Broadway, Fort Edward, NY on February 26, 2020 at 12:30 p.m. premises situate on the west side of County Route 12 in the Town of Granville, County of Washington and State of New York, bounded and described as follows: BEGINNING at a point at the northwest corner of the lands now or formerly of Candy J. Hurlburt (Book 789; Page 25); RUNNING THENCE North West 254.02 feet; North West 109.21 feet; North West 10+ feet; THENCE in a northeasterly direction, along the southern edge of the Mettewee River, as it winds and turns, a distance of 394+ feet THENCE South East 10+ feet, North East 372.12 feet; South East 19.59 feet; South West 105.36 feet; South East 25.59 feet; South West 239.13; South West 113.36 feet; THENCE South West 106.00 feet; RUNNING THENCE North West 156.50 feet.  
Section: 97 Block: 3 Lot: 48  
Said premises known as 17 COUNTRY ROUTE 12, GRANVILLE, NY  
Approximate amount of lien \$92,693.51 plus interest & costs.  
Premises will be sold subject to provisions of filed Judgment and Terms of Sale.  
If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagee, the Mortgagee or the Mortgagee's attorney.  
Index Number 28552/2018.  
JESSE ASHDOWN, ESQ., Referee  
David A. Gallo & Associates LLP  
Attorney(s) for Plaintiff  
99 Powerhouse Road, First Floor, Roslyn Heights, NY 11577  
File# 4722.2019  
**PUB: JANUARY 22, 29, FEBRUARY 5, 12, 2020**

**SUPREME COURT OF THE STATE OF NEW YORK - COUNTY OF WASHINGTON**  
BAYVIEW LOAN SERVICING LLC, V.  
RICHARD H. PARKER, JR., ET AL.  
NOTICE OF SALE  
NOTICE IS HEREBY GIVEN pursuant to a Final Judgment of Foreclosure dated September 30, 2019, and entered in the Office of the Clerk of the County of Washington, wherein BAYVIEW LOAN SERVICING LLC is the Plaintiff and RICHARD H. PARKER, JR., ET AL. are the Defendant(s). I, the undersigned Referee will sell at public auction at the WASHINGTON COUNTY COURTHOUSE, 383 BROADWAY, FORT EDWARD, NY 12828, on March 11, 2020 at 10:00 AM, premises known as 448 DEKALB ROAD, GRANVILLE, NY 12832: Section 98, Block 1, Lot 14: ALL THAT TRACT OR PARCEL OF LAND SITUATED IN THE TOWN OF GRANVILLE, COUNTY OF WASHINGTON AND STATE OF NEW YORK  
Premises will be sold subject to provisions of filed Judgment Index # 25902/2016. Bernadine M. Clements, Esq. - Referee. RAS Boriskin, LLC 900 Merchants Concourse, Suite 310, Westbury, New York 11590, Attorneys for Plaintiff.  
**PUB: FEBRUARY 5, 12, 19, 26, 2020**

**SUPREME COURT OF THE STATE OF NEW YORK - COUNTY OF WASHINGTON**  
MTGLQ INVESTORS, L.P., V.  
HEIRS AND DISTRIBUTUTES OF THE ESTATE OF MARJORIE MCDUGALL; ANY AND ALL PERSONS UNKNOWN TO PLAINTIFF, CLAIMING, OR WHO MAY CLAIM TO HAVE AN INTEREST IN, OR GENERAL OR SPECIFIC LIEN UPON THE REAL PROPERTY DESCRIBED IN THIS ACTION; ET AL.  
NOTICE OF SALE  
NOTICE IS HEREBY GIVEN pursuant to a Final Judgment of Foreclosure dated October 03, 2019, and entered in the Office of the Clerk of the County of Washington, wherein MTGLQ INVESTORS, L.P. is the Plaintiff and HEIRS AND DISTRIBUTUTES OF THE ESTATE OF MARJORIE MCDUGALL; ANY AND ALL PERSONS UNKNOWN TO PLAINTIFF, CLAIMING, OR WHO MAY CLAIM TO HAVE AN INTEREST IN, OR GENERAL OR SPECIFIC LIEN UPON THE REAL PROPERTY DESCRIBED IN THIS ACTION; ET AL. are the Defendant(s). I, the undersigned Referee will sell at public auction at the WASHINGTON COUNTY COURTHOUSE, 383 BROADWAY, FORT EDWARD, NY 12828, on March 4, 2020 at 11:00 am, premises known as 74 BROADWAY, FORT EDWARD, NY 12828: Section 171.6, Block 3, Lot 53:  
ALL THAT TRACT OR PARCEL OF LAND SITUATE ON THE EAST SIDE OF BROADWAY IN THE VILLAGE AND TOWN OF FORT EDWARD, WASHINGTON COUNTY AND STATE OF NEW YORK  
Premises will be sold subject to provisions of filed Judgment Index # 26875/2017. John J. Cromie, Esq., Referee. RAS Boriskin, LLC 900 Merchants Concourse, Suite 310, Westbury, New York 11590, Attorneys for Plaintiff.  
**PUB: JANUARY 29, FEBRUARY 5, 12, 19, 2020**

**SUPREME COURT OF THE STATE OF NEW YORK - COUNTY OF WASHINGTON**  
MTGLQ INVESTORS, L.P., V.  
HEIRS AND DISTRIBUTUTES OF THE ESTATE OF MARJORIE MCDUGALL; ANY AND ALL PERSONS UNKNOWN TO PLAINTIFF, CLAIMING, OR WHO MAY CLAIM TO HAVE AN INTEREST IN, OR GENERAL OR SPECIFIC LIEN UPON THE REAL PROPERTY DESCRIBED IN THIS ACTION; ET AL.  
NOTICE OF SALE  
NOTICE IS HEREBY GIVEN pursuant to a Final Judgment of Foreclosure dated October 03, 2019, and entered in the Office of the Clerk of the County of Washington, wherein MTGLQ INVESTORS, L.P. is the Plaintiff and HEIRS AND DISTRIBUTUTES OF THE ESTATE OF MARJORIE MCDUGALL; ANY AND ALL PERSONS UNKNOWN TO PLAINTIFF, CLAIMING, OR WHO MAY CLAIM TO HAVE AN INTEREST IN, OR GENERAL OR SPECIFIC LIEN UPON THE REAL PROPERTY DESCRIBED IN THIS ACTION; ET AL. are the Defendant(s). I, the undersigned Referee will sell at public auction at the WASHINGTON COUNTY COURTHOUSE, 383 BROADWAY, FORT EDWARD, NY 12828, on March 4, 2020 at 11:00 am, premises known as 74 BROADWAY, FORT EDWARD, NY 12828: Section 171.6, Block 3, Lot 53:  
ALL THAT TRACT OR PARCEL OF LAND SITUATE ON THE EAST SIDE OF BROADWAY IN THE VILLAGE AND TOWN OF FORT EDWARD, WASHINGTON COUNTY AND STATE OF NEW YORK  
Premises will be sold subject to provisions of filed Judgment Index # 26875/2017. John J. Cromie, Esq., Referee. RAS Boriskin, LLC 900 Merchants Concourse, Suite 310, Westbury, New York 11590, Attorneys for Plaintiff.  
**PUB: JANUARY 29, FEBRUARY 5, 12, 19, 2020**

**SUPREME COURT OF THE STATE OF NEW YORK - COUNTY OF WASHINGTON**  
MTGLQ INVESTORS, L.P., V.  
HEIRS AND DISTRIBUTUTES OF THE ESTATE OF MARJORIE MCDUGALL; ANY AND ALL PERSONS UNKNOWN TO PLAINTIFF, CLAIMING, OR WHO MAY CLAIM TO HAVE AN INTEREST IN, OR GENERAL OR SPECIFIC LIEN UPON THE REAL PROPERTY DESCRIBED IN THIS ACTION; ET AL.  
NOTICE OF SALE  
NOTICE IS HEREBY GIVEN pursuant to a Final Judgment of Foreclosure dated October 03, 2019, and entered in the Office of the Clerk of the County of Washington, wherein MTGLQ INVESTORS, L.P. is the Plaintiff and HEIRS AND DISTRIBUTUTES OF THE ESTATE OF MARJORIE MCDUGALL; ANY AND ALL PERSONS UNKNOWN TO PLAINTIFF, CLAIMING, OR WHO MAY CLAIM TO HAVE AN INTEREST IN, OR GENERAL OR SPECIFIC LIEN UPON THE REAL PROPERTY DESCRIBED IN THIS ACTION; ET AL. are the Defendant(s). I, the undersigned Referee will sell at public auction at the WASHINGTON COUNTY COURTHOUSE, 383 BROADWAY, FORT EDWARD, NY 12828, on March 4, 2020 at 11:00 am, premises known as 74 BROADWAY, FORT EDWARD, NY 12828: Section 171.6, Block 3, Lot 53:  
ALL THAT TRACT OR PARCEL OF LAND SITUATE ON THE EAST SIDE OF BROADWAY IN THE VILLAGE AND TOWN OF FORT EDWARD, WASHINGTON COUNTY AND STATE OF NEW YORK  
Premises will be sold subject to provisions of filed Judgment Index # 26875/2017. John J. Cromie, Esq., Referee. RAS Boriskin, LLC 900 Merchants Concourse, Suite 310, Westbury, New York 11590, Attorneys for Plaintiff.  
**PUB: JANUARY 29, FEBRUARY 5, 12, 19, 2020**

**SUPREME COURT OF THE STATE OF NEW YORK - COUNTY OF WASHINGTON**  
MTGLQ INVESTORS, L.P., V.  
HEIRS AND DISTRIBUTUTES OF THE ESTATE OF MARJORIE MCDUGALL; ANY AND ALL PERSONS UNKNOWN TO PLAINTIFF, CLAIMING, OR WHO MAY CLAIM TO HAVE AN INTEREST IN, OR GENERAL OR SPECIFIC LIEN UPON THE REAL PROPERTY DESCRIBED IN THIS ACTION; ET AL.  
NOTICE OF SALE  
NOTICE IS HEREBY GIVEN pursuant to a Final Judgment of Foreclosure dated October 03, 2019, and entered in the Office of the Clerk of the County of Washington, wherein MTGLQ INVESTORS, L.P. is the Plaintiff and HEIRS AND DISTRIBUTUTES OF THE ESTATE OF MARJORIE MCDUGALL; ANY AND ALL PERSONS UNKNOWN TO PLAINTIFF, CLAIMING, OR WHO MAY CLAIM TO HAVE AN INTEREST IN, OR GENERAL OR SPECIFIC LIEN UPON THE REAL PROPERTY DESCRIBED IN THIS ACTION; ET AL. are the Defendant(s). I, the undersigned Referee will sell at public auction at the WASHINGTON COUNTY COURTHOUSE, 383 BROADWAY, FORT EDWARD, NY 12828, on March 4, 2020 at 11:00 am, premises known as 74 BROADWAY, FORT EDWARD, NY 12828: Section 171.6, Block 3, Lot 53:  
ALL THAT TRACT OR PARCEL OF LAND SITUATE ON THE EAST SIDE OF BROADWAY IN THE VILLAGE AND TOWN OF FORT EDWARD, WASHINGTON COUNTY AND STATE OF NEW YORK  
Premises will be sold subject to provisions of filed Judgment Index # 26875/2017. John J. Cromie, Esq., Referee. RAS Boriskin, LLC 900 Merchants Concourse, Suite 310, Westbury, New York 11590, Attorneys for Plaintiff.  
**PUB: JANUARY 29, FEBRUARY 5, 12, 19, 2020**

**SUPREME COURT OF THE STATE OF NEW YORK - COUNTY OF WASHINGTON**  
MTGLQ INVESTORS, L.P., V.  
HEIRS AND DISTRIBUTUTES OF THE ESTATE OF MARJORIE MCDUGALL; ANY AND ALL PERSONS UNKNOWN TO PLAINTIFF, CLAIMING, OR WHO MAY CLAIM TO HAVE AN INTEREST IN, OR GENERAL OR SPECIFIC LIEN UPON THE REAL PROPERTY DESCRIBED IN THIS ACTION; ET AL.  
NOTICE OF SALE  
NOTICE IS HEREBY GIVEN pursuant to a Final Judgment of Foreclosure dated October 03, 2019, and entered in the Office of the Clerk of the County of Washington, wherein MTGLQ INVESTORS, L.P. is the Plaintiff and HEIRS AND DISTRIBUTUTES OF THE ESTATE OF MARJORIE MCDUGALL; ANY AND ALL PERSONS UNKNOWN TO PLAINTIFF, CLAIMING, OR WHO MAY CLAIM TO HAVE AN INTEREST IN, OR GENERAL OR SPECIFIC LIEN UPON THE REAL PROPERTY DESCRIBED IN THIS ACTION; ET AL. are the Defendant(s). I, the undersigned Referee will sell at public auction at the WASHINGTON COUNTY COURTHOUSE, 383 BROADWAY, FORT EDWARD, NY 12828, on March 4, 2020 at 11:00 am, premises known as 74 BROADWAY, FORT EDWARD, NY 12828: Section 171.6, Block 3, Lot 53:  
ALL THAT TRACT OR PARCEL OF LAND SITUATE ON THE EAST SIDE OF BROADWAY IN THE VILLAGE AND TOWN OF FORT EDWARD, WASHINGTON COUNTY AND STATE OF NEW YORK  
Premises will be sold subject to provisions of filed Judgment Index # 26875/2017. John J. Cromie, Esq., Referee. RAS Boriskin, LLC 900 Merchants Concourse, Suite 310, Westbury, New York 11590, Attorneys for Plaintiff.  
**PUB: JANUARY 29, FEBRUARY 5, 12, 19, 2020**

**SUPREME COURT OF THE STATE OF NEW YORK - COUNTY OF WASHINGTON**  
MTGLQ INVESTORS, L.P., V.  
HEIRS AND DISTRIBUTUTES OF THE ESTATE OF MARJORIE MCDUGALL; ANY AND ALL PERSONS UNKNOWN TO PLAINTIFF, CLAIMING, OR WHO MAY CLAIM TO HAVE AN INTEREST IN, OR GENERAL OR SPECIFIC LIEN UPON THE REAL PROPERTY DESCRIBED IN THIS ACTION; ET AL.  
NOTICE OF SALE  
NOTICE IS HEREBY GIVEN pursuant to a Final Judgment of Foreclosure dated October 03, 2019, and entered in the Office of the Clerk of the County of Washington, wherein MTGLQ INVESTORS, L.P. is the Plaintiff and HEIRS AND DISTRIBUTUTES OF THE ESTATE OF MARJORIE MCDUGALL; ANY AND ALL PERSONS UNKNOWN TO PLAINTIFF, CLAIMING, OR WHO MAY CLAIM TO HAVE AN INTEREST IN, OR GENERAL OR SPECIFIC LIEN UPON THE REAL PROPERTY DESCRIBED IN THIS ACTION; ET AL. are the Defendant(s). I, the undersigned Referee will sell at public auction at the WASHINGTON COUNTY COURTHOUSE, 383 BROADWAY, FORT EDWARD, NY 12828, on March 4, 2020 at 11:00 am, premises known as 74 BROADWAY, FORT EDWARD, NY 12828: Section 171.6, Block 3, Lot 53:  
ALL THAT TRACT OR PARCEL OF LAND SITUATE ON THE EAST SIDE OF BROADWAY IN THE VILLAGE AND TOWN OF FORT EDWARD, WASHINGTON COUNTY AND STATE OF NEW YORK  
Premises will be sold subject to provisions of filed Judgment Index # 26875/2017. John J. Cromie, Esq., Referee. RAS Boriskin, LLC 900 Merchants Concourse, Suite 310, Westbury, New York 11590, Attorneys for Plaintiff.  
**PUB: JANUARY 29, FEBRUARY 5, 12, 19, 2020**

**SUPREME COURT OF THE STATE OF NEW YORK - COUNTY OF WASHINGTON**  
MTGLQ INVESTORS, L.P., V.  
HEIRS AND DISTRIBUTUTES OF THE ESTATE OF MARJORIE MCDUGALL; ANY AND ALL PERSONS UNKNOWN TO PLAINTIFF, CLAIMING, OR WHO MAY CLAIM TO HAVE AN INTEREST IN, OR GENERAL OR SPECIFIC LIEN UPON THE REAL PROPERTY DESCRIBED IN THIS ACTION; ET AL.  
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**PUB: JANUARY 29, FEBRUARY 5, 12, 19, 2020**

005 HAPPY ADS

Wednesday, February 5, 2020

**GOREN BRIDGE**

WITH BOB JONES  
©2020 Tribune Content Agency, LLC

**ROBOTS AT PLAY**

North-South vulnerable, South deals

**ROBOT NORTH**  
♠ K Q 10  
♥ J 8 2  
♦ A J 8 6 5 2  
♣ 9

**ROBOT WEST**  
♠ J  
♥ 10 9 3  
♦ Q 10 9 7 4  
♣ K 8 6 2

**ROBOT EAST**  
♠ 9 6 5  
♥ Q 7 6 5 4  
♦ Void  
♣ Q 7 5 4 3

**SOUTH**  
♠ A 8 7 4 3 2  
♥ A K  
♦ K 3  
♣ A J 10

**WEST**  
♠ Void  
♥ Void  
♦ Q 10 9  
♣ K 8

**NORTH**  
♠ Void  
♥ J  
♦ A J 8  
♣ 9

**EAST**  
♠ Void  
♥ Q 7  
♦ Void  
♣ Q 7 5

The bidding:  
**SOUTH WEST NORTH EAST**  
1♠ Pass 20\* Pass  
2♠ Pass 3♠ Pass  
4NT Pass 5♠\*\* Pass  
7♠ All pass  
\*Game forcing  
\*\*Two key cards plus the queen of spades

Opening lead: 10 of ♥

Today's deal is from a robot tournament last year. South was the only human at the table. South's jump to seven may seem a little extreme, but dummy might well have had the queen of diamonds in addition to the jack, or instead of the jack.  
A robot declarer might have cashed

South led the four of spades and West, forced to keep all of his diamonds, shed his low club. Dummy parted with the now useless eight of diamonds and East with a low heart. A diamond to the jack forced one low club from East and the ace of diamonds forced another low club. A club to the ace now felled both the king and queen, and the jack of clubs took the thirteenth trick. Beautifully played!

001 LEGAL NOTICES

**NOTICE OF PUBLIC HEARING**  
**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
Notice is hereby given that the New York State Department of Environmental Conservation (NYSDEC) will hold a legislative Public Hearing on two separate proposals:  
1: Pursuant to Environmental Conservation Law (ECL) Sections: 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0325, 19-0907, 71-2103, and 71-2105 notice is hereby given that the NYS Department of Environmental Conservation (Department) will hold the following legislative public hearings on the proposed revised rule 6 NYCRR Subpart 225-1, Fuel Composition and Use – Sulfur-in-Fuel  
The Department is proposing to revise 6 NYCRR Subpart 225-1, "Fuel Composition and Use - Sulfur Limitations". Subpart 225-1 imposes limits on the sulfur content of distillate oil, residual oil, and coal fired in stationary sources. The Department is proposing these changes as a result of both, the five-year review and to meet our obligations to reduce air pollution. The revisions to Subpart 225-1 will be a component of the State Implementation Plan (SIP) for New York State (NYS) directed at attainment of the particulate matter less than or equal to 2.5 microns in diameter (PM-2.5) national ambient air quality standard (NAAQS), the sulfur dioxide (SO2) NAAQS and the Department's obligations under the regional haze SIP submitted to U.S. Environmental Protection Agency (EPA) on March 15, 2010. The revisions to Subpart 225-1 will include the applicability of process sources and incinerators to this regulation. These revisions will also include the lowering of the sulfur-in-fuel limit for waste oil, and the correction of minor typographical errors.  
2: Pursuant to Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0323, 71-2103, and 71-2105 of the Environmental Conservation Law (ECL), notice is hereby given that the New York State Department of Environmental Conservation (Department) will hold the following legislative public hearings on the 6 NYCRR Part 248, Use of Ultra Low Sulfur Diesel Fuel and Best Available Retrofit Technology for Heavy Duty Vehicles  
In 2006, the Legislature passed, and the Governor signed the "Diesel Emissions Reduction Act of 2006" (DERA). The legislation charged the Department with implementing a regulatory program that would require the use of ULSD fuel and BART for any heavy duty diesel vehicle (HDDV) that is owned by, operated by or on behalf of, or leased by a state agency and state and regional public authority. The Department promulgated Part 248, effective July 30, 2009, to implement DERA.  
The Legislature subsequently amended ECL section 19-0323 establishing final compliance dates of December 31, 2019 for BART compliance and December 31, 2020 for the end of useful life waivers. This proposed rulemaking is being revised to update and clarify the compliance dates for BART and useful life waivers, update the definition of heavy duty vehicle to incorporate changes made to the New York State Vehicle and Traffic Law that add additional exemptions, adds "on behalf of" to Section 248-3.1(d), clarifies the annual reporting requirement period under 248-6.1(a), and corrects a typographical spacing error. Although these deadlines were extended, the Legislature has maintained the retrofit requirement for existing vehicles, making plain its continued interest in reducing emissions from heavy duty vehicles owned by or operated on behalf of the State. The Department is seeking comments on the above-referenced changes.  
A hearing for the proposed rules and attendant revisions to existing rules described above will be held as follows and is scheduled in a place



## AFFIDAVIT OF PUBLICATION

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STATE OF NEW YORK  
COUNTY OF NEW YORK

Ambika Mohan being duly sworn hereby declares and says, that she is the Advertising Account Executive responsible for placing the attached advertisement for publication in the New York Post for Miller advertising Agency, Inc; located in New York, NY, and that the NYS Dept. of Environmental Conservation –Notice of Public Hearing advertisement, of which the annexed is a true copy, has been published in the said publication on the following issue date: February 5, 2020

  
Ambika Mohan

Subscribed to and Sworn before me

This 23rd day of June, 2020

  
Notary Public

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

FORECLOSURE NOTICES

SUPREME COURT – COUNTY OF QUEENS

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR THE HOLDERS OF THE FIRST FRANKLIN MORTGAGE LOAN TRUST 2006-FF5, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-FF5, Plaintiff against OLGA GIBBONS-SMITH, ALFORD A. SMITH, ELVIS SMITH, et al Defendant(s).

Pursuant to a Judgment of Foreclosure and Sale entered on December 4, 2019, I, the undersigned Referee will sell at public auction in the Queens County Supreme Courthouse, 88-11 Sutphin Boulevard, Court Room # 25, Jamaica, N.Y. on the 14th day of February, 2020 at 10:30 a.m. premises described as follows: All that certain plot, piece or parcel of land, situate, lying and being in the Borough and County of Queens, City and State of New York, being shown and designated on a certain map entitled Richmond Hill and Kew Gardens; Long Island, Borough of Queens, City of New York, showing property of the estate of A.P. Man, surveyed April, 1911 by Allan P. Man, Civil Engineer, and filed in the Office of the Clerk, now Register of the County of Queens, on November 29th, 1911 as map number 618 which plot is bounded and described with reference to said map as follows: BEGINNING at a point on the northerly side of 82nd Drive, formerly Audley Street, and theretofore Walcutt Street distant 195.30 feet westerly from the corner formed by the intersection of the northerly side of 82nd Drive with the Westerly side of Beverly Road

RUNNING THENCE westerly along the northerly side of 82nd Drive, 65 feet;

THENCE northerly at right angles to 82nd Drive, 100 feet;

THENCE easterly parallel with 82nd Drive, 65 feet;

THENCE southerly at right angles to 82nd Drive, 100 feet to the northerly side of 82nd Drive, at the point or place of BEGINNING.

Said premises known as 116 Audley Street, Kew Gardens, N.Y. 11435.

(Block: 3325, Lot: 36).

Approximate amount of lien \$ 1,718,583.53 plus interest and costs.

Premises will be sold subject to provisions of filed judgment and terms of sale.

Index No. 710750-16.

Dominic Louis Chiariello, Esq., Referee, Eckert Seamans Cherin & Mellott, LLC Attorney(s) for Plaintiff 10 Bank Street, Suite – 700 White Plains, N.Y. 10606 (914) 949-2574

LEGAL NOTICES

Notice is hereby given that a license, number 1319987 for an on-premises liquor license has been applied for EL Cantito Cafe LLC to sell liquor at the restaurant under the Alcohol Beverage Control Law at 1550D Central Park Avenue, Yonkers, NY 10710 for on-premises consumption.

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NOTICES

LEGAL NOTICES

NOTICE OF PUBLIC HEARING ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (CEQR No. 18DCP034K) Industry City

**Project Identification**  
CEQR No. 18DCP034K  
ULURP Nos. C190296 ZMK, N190298 ZRK, C190297 ZSK and C160146 MMK  
SEQRA Classification: Type I

**Contact Person**  
Olga Abinader, Director, 212-720-3493  
Environmental Assessment and Review Division  
New York City Department of City Planning

The City Planning Commission (CPC), acting as lead agency, issued a Notice of Completion on October 25, 2019 for a Draft Environmental Impact Statement (DEIS) for the Industry City proposal in accordance with Article 8 of the Environmental Conservation Law. A public hearing on the DEIS will be held on **Wednesday, February 19, 2020, at 10:00 AM at the City Planning Commission Hearing Room, located at 120 Broadway, Lower Concourse, New York, New York 10271 in conjunction with the CPC's public hearing pursuant to ULURP.** Comments are requested on the DEIS and will be accepted by the lead agency through Monday, March 2, 2020.

The co-applicants, 1-10 Bush Terminal Owner LP and 19-20 Bush Terminal Owner LP (collectively, the "Applicant"), seek a series of discretionary actions to facilitate the redevelopment and re-tenanting of Industry City (the Project Area) with a mixed-use project containing manufacturing, commercial, retail, hospitality, academic and other community facility uses (the Proposed Project). The area affected by the Proposed Actions (the Directly Affected Area) includes the Project Area and the Rezoning Area. The Directly Affected Area is located in the Sunset Park neighborhood of Brooklyn, Community District 7, and is bound by 32nd and 37th Streets between 2nd and 3rd Avenues, as well as 39th and 41st Streets between the waterfront and 2nd Avenue. The Project Area includes Industry City (Block 679, Lot 1; Block 683, Lot 1; Block 687, Lot 1; Block 691, Lots 1 and 44; Block 695, Lots 1, 20, and 43; Block 706, Lots 1, 24, and 101; and Block 710, Lot 1) and certain adjacent properties that the Applicant plans to acquire (Block 695, Lots 37–42; and Block 706, Lot 20). The Rezoning Area would affect three additional lots (Block 691, Lots 45 and 46; and a portion of Block 662, Lot 1) which are neither owned by the Applicant, nor does the Applicant plan to acquire these lots.

The Applicant is requesting a Zoning Text amendment to the Zoning Resolution (ZR) to establish the Special Industry City District (SICD); a Zoning Map amendment to map the SICD and to change a portion of the Directly Affected Area from an M3-1 to an M2-4 district; a Special Permit pursuant to newly created ZR Section 129-21 to modify use, bulk and parking regulations, and a change to the City Map to demap 40th Street between 1st Avenue and 2nd Avenue (the Proposed Actions). As a component of the Special Permit, the Applicant will record against its property a Restrictive Declaration (RD) to memorialize the development that may be permitted at Industry City.

Overall, the Proposed Actions would facilitate a proposal by the Applicant to re-tenant a substantial portion of the approximately 5.3 million gross square feet (gsf) of existing structure and to develop 1.46 million gsf in new construction buildings or enlargements of existing structures. In total, the Proposed Actions could result in an approximately 6.6 million-gsf (4.96 FAR) mixed-use complex consisting of a combination of manufacturing, commercial, retail, hospitality, academic and other community facility uses.

In order to assess the possible effects of the Proposed Actions, three Reasonable Worst-Case Development Scenarios (RWCDs) were composed for the future With Action condition: the Baseline Scenario, the Density-Dependent Scenario, and the Overbuild Scenario. The Baseline Scenario indicates what is currently contemplated by the Applicant, the other two scenarios provide alternative development scenarios that would be permitted under the Proposed Actions to present a reasonable and conservative analysis. The Density-Dependent Scenario considers a land use mix that results in a higher density of workers for CEQR analysis categories where density is a key consideration (e.g. Transportation); the Overbuild Scenario considers a maximized bulk and massing envelope, for conservative assessment of CEQR analysis categories related to the envelope of future development (e.g. Shadows).

The applicant is expected to enter into Restrictive Declarations, which will 1) establish environmental mitigation conditions as necessary for the Proposed Project, including the need for the Construction Protection Plan; 2) ensure that there are no potential significant adverse impacts of air toxic compounds from specific use groups in the proposed SICD; and 3) memorialize the development as a component of the Special Permit that may be permitted at Industry City. The proposed actions would also include recordation of an (E) Designation (E-527) related to hazardous materials, air quality, and noise, to commit future development of the rezoning area in accordance with any necessary conditions identified through the environmental review.

The DEIS assesses whether development resulting from the Proposed Actions could result in significant adverse environmental impacts. The DEIS identifies significant adverse impacts related to historic and cultural resources (architectural), transportation (traffic, transit, pedestrian), air quality, noise, and construction (noise). The DEIS identifies mitigation, which will be determined in consultation with DCP and involved agencies and finalized in the FEIS. If the proposed mitigation measures are determined to be infeasible, the significant adverse impacts would remain unmitigated. The DEIS also identifies unavoidable significant adverse impacts. The DEIS considered two alternatives—a No Action Alternative, and a No Unmitigated Significant Adverse Impact Alternative.

Copies of the Draft Environmental Impact Statement and Final Scope of Work for the proposed project may be obtained from the Environmental Assessment and Review Division, New York City Department of City Planning, 120 Broadway, 31st Floor, New York, NY 10271, Olga Abinader, Director (212) 720-3493; or from the Mayor's Office of Environmental Coordination, 100 Gold Street, 2nd Floor, New York, New York 10038, Hilary Semel, Director and General Counsel; and on the New York City Department of City Planning's website at [http://www.nyc.gov/html/dcp/html/env\\_review/eis.shtml](http://www.nyc.gov/html/dcp/html/env_review/eis.shtml).

REQUEST FOR BIDS

Richmond University Medical Center, a 600,00 sq/ft. teaching Hospital located on Staten Island NY, invites interested parties to participate in a Request for Proposal for the General Construction of the Second floor interior renovations at 1130 South Avenue Staten island NY,10314. This project is part of an approved NYS transitional grant award RFA#1607010255, with the goal of Providing Integrated outpatient Services (IOS) to the Staten Island Community. RUMC is seeking qualified firms experienced in similar projects with local and MBE/MMBE firms strongly encouraged to participate. Interested parties are directed to the Hospital's website to download the RFP document, rumcsi.org/bid opportunities, for full details of the project. A mandatory project meeting will be held on February 12th, 2020 at 10:00 am at the job site, 1130 South Avenue Staten Island NY 10314, at the hospital for further details please refer to the RFP document.

THE BOARDS OF TRUSTEES OF  
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ICAHN CHARTER SCHOOL 4,  
ICAHN CHARTER SCHOOL 5,  
ICAHN CHARTER SCHOOL 6, AND  
ICAHN CHARTER SCHOOL 7 will hold meetings on February 11, 2020 at 3:30 p.m. at 1500 Pelham Parkway South, Bronx, NY. It is possible that certain members of the boards may attend the meetings by videoconference. For information, please call: (718) 794-2355

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LEGAL NOTICES

NOTICE OF PUBLIC HEARING  
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Notice is hereby given that the New York State Department of Environmental Conservation (NYSDEC) will hold a legislative Public Hearing on two separate proposals:  
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2: Pursuant to Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0323, 71-2103, and 71-2105 of the Environmental Conservation Law (ECL), notice is hereby given that the New York State Department of Environmental Conservation (Department) will hold the following legislative public hearings on the 6 NYCRR Part 248, Use of Ultra Low Sulfur Diesel Fuel and Best Available Retrofit Technology for Heavy Duty Vehicles.

In 2006, the Legislature passed, and the Governor signed the "Diesel Emissions Reduction Act of 2006" (DERA). The legislation charged the Department with implementing a regulatory program that would require the use of ULSD fuel and BART for any heavy duty diesel vehicle (HDV) that is owned by, operated by or on behalf of, or leased by a state agency and state and regional public authority. The Department promulgated Part 248, effective July 30, 2009, to implement DERA.

The Legislature subsequently amended ECL section 19-0323 establishing final compliance dates of December 31, 2019 for BART compliance and December 31, 2020 for the end of useful life waivers. This proposed rulemaking is being revised to update and clarify the compliance dates for BART and useful life waivers, update the definition of heavy duty vehicle to incorporate changes made to the New York State Vehicle and Traffic Law that add additional exemptions, adds "on behalf of" to Section 248-3.1(d), clarifies the annual reporting requirement period under 248-6.1(a), and corrects a typographical spacing error. Although these deadlines were extended, the Legislature has maintained the retrofit requirement for existing vehicles, making plain its continued interest in reducing emissions from heavy duty vehicles owned by or operated on behalf of the State. The Department is seeking comments on the above-referenced changes.

A hearing for the proposed rules and attendant revisions to existing rules described above will be held as follows and is scheduled in a place that is reasonably accessible to persons with impaired mobility:

Date	Time	Location
April 10, 2020	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, April 3, 2020, to Richard McAuley, NYSDEC, 625 Broadway, Albany NY 12233-3250, (518) 402-8438, [air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov).

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

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

Information on Subpart 225-1, may be obtained from Mike Jennings, NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3251, telephone, (518) 402-8403; email, [air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov). Written statements may be submitted until 5 pm April 15, 2020.

Information on Part 248, may be obtained from James Bologna, NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3255, telephone, (518) 402-8292; email, [air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov). Written statements may be submitted until 5 pm April 15, 2020.

Requests for information and comments related to the SIP revisions 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](mailto:air.regs@dec.ny.gov). Written statements may be submitted until 5 pm April 15, 2020.

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 Lieblch

**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 Eiter

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

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

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## AFFIDAVIT OF PUBLICATION

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STATE OF NEW YORK  
COUNTY OF NEW YORK

Ambika Mohan being duly sworn hereby declares and says, that she is the Advertising Account Executive responsible for placing the attached advertisement for publication in the Rochester Democrat & Chronicle for Miller advertising Agency, Inc; located in New York, NY, and that the NYS Dept. of Environmental Conservation –Notice of Public Hearing advertisement, of which the annexed is a true copy, has been published in the said publication on the following issue date: February 5, 2020

  
Ambika Mohan

Subscribed to and Sworn before me

This 23rd day of June, 2020

  
Notary Public

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



## AFFIDAVIT OF PUBLICATION

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STATE OF NEW YORK  
COUNTY OF NEW YORK

Ambika Mohan being duly sworn hereby declares and says, that she is the Advertising Account Executive responsible for placing the attached advertisement for publication in the Syracuse Post Standard for Miller advertising Agency, Inc; located in New York, NY, and that the NYS Dept. of Environmental Conservation –Notice of Public Hearing advertisement, of which the annexed is a true copy, has been published in the said publication on the following issue date: February 4, 2020

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







# NEWSDAY AFFIDAVIT OF PUBLICATION

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: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:

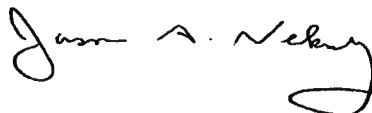
Wednesday      February 05, 2020      Nassau, Suffolk and Queens

**SWORN** to before me this  
5 Day of February, 2020.



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Jason A. Neknez  
Notary Public – State of New York  
No. 01NE6219108  
Qualified in Suffolk County  
My Commission Expires 03/22/2022



## Announcements



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

## SPECIAL OCCASIONS

## PERSONALS

Jermaine A. African American  
Male 37 yrs Ronkon. 5'7ft 140lbs  
Contact Frankie 563-507-6721  
Missing Reward \$500

## LEGAL NOTICES

**Legal Notice # 21562394**  
Notice of qualification of  
Grand Asset Management,  
LLC, Authority, filed with Secy.  
of State of NY (SSNY) on 07/12/2019. Organized in Alaska  
on 07/12/2019. NY Off. loc.:  
Queens City. SSNY designated  
as agent upon whom process  
may be served. SSNY shall mail process to:  
200 W. 34th Ave. #977, An-  
chorage, AK 99503. Which is  
also the address to be main-  
tained in Alaska. Arts. of  
Org. filed with Alaska Secy.  
of State, PO Box 110806, Ju-  
neau, AK 99811. Purpose:  
Any lawful activity.

**Legal Notice # 21564198**  
Pappas Pediatric Dentistry,  
PLLC, Arts of Org. filed with  
Secy. of State of NY (SSNY)  
8/16/2019. City: Queens.  
SSNY design. as agent upon  
whom process against may  
be served. SSNY shall mail  
process to: 215-14 23rd Rd.,  
Bayside, NY 11360. Purpose:  
Dentistry.

**Legal Notice # 102248**  
Notice of Formation of  
Boynston JB LLC Arts of Org.  
filed with New York Secy. of  
State (SSNY) on 12/30/19.  
Office location: Queens Coun-  
ty. SSNY is designated as  
agent of LLC upon whom  
process against it may be  
served. SSNY shall mail  
process to: 24 Bow St, For-  
est Hills, NY 11375. Purpose:  
any lawful activity.

**Legal Notice # 21564026**  
NASSAU COUNTY PUBLIC UTILITY  
QUEENS COUNTY PUBLIC UTILITY  
By: Alexander M. Lee, Esq., New Jersey Bar ID No. 002131996,  
354 Bloomfield Avenue, Suite 201, Caldwell, NJ 07006, tel:  
(973) 364-1688, fax: (973) 718-4314, email: alex@alexlee.com,  
Attorney for INTERNATIONAL DIODE CORPORATION, a  
New Jersey Corporation (the "Corporation").  
NOTICE TO ABSENT SHAREHOLDERS SYLVIA TREBISH  
TO: SYLVIA TREBISH, HER HEIRS, SUCCESSORS & ASSIGNS,  
SIGNS, Last Known Shareholders of INTERNATIONAL DIODE  
CORPORATION, 229 Cleveland Avenue, Harrison, New Jersey  
07029.

**NOTICE TO ABSENT SHAREHOLDERS SIDNEY ESKOFF,  
BESSIE FRIEDMAN, AND ARTHUR KAUFMAN**  
TO: SIDNEY ESKOFF, BESSIE FRIEDMAN, AND ARTHUR  
KAUFMAN, THEIR HEIRS, SUCCESSORS & ASSIGNS, Last  
Known Shareholders of INTERNATIONAL DIODE CORPORATION,  
229 Cleveland Avenue, Harrison, New Jersey 07029.  
YOU ARE HEREBY NOTIFIED a Special Meeting of the Share-  
holders of the Corporation is hereby called at the following lo-  
cation, date and time: Place of Meeting: Law Offices of  
Alexander M. Lee 354 Bloomfield Avenue, Suite 201 Caldwell,  
New Jersey 07006 Date and Time of Meeting: February 28,  
2020, 1:00 p.m. At such Special Meeting the Corporation shall  
transact any and all lawful business which may be transacted  
at such meeting or at any adjournment or adjournments there-  
of as may be deemed advisable by any member present, in-  
cluding but not limited to (1) approval of the sale/transfer of  
the Corporation's real estate property known as described  
as 229-233 Cleveland Avenue, Harrison, New Jersey 07029 to  
the Purchaser, Vale New Homes LLC; and (2) authorization of  
Lee-Min Tsong, President, to execute and deliver a Deed, Ar-  
davit of Title and all other such documents required so as to  
effect the sale/transfer of the aforesaid real estate property,  
and to accept all proceeds of the sale/transfer, on behalf of  
the Corporation. Any business transacted at such meeting or  
at any adjournment or adjournments thereof shall be as valid  
and legal and of the same force and effect as if such meeting  
or adjournment meeting were held after notice. Please respond  
to this Notice by contacting the Attorney for the Corporation,  
Alexander M. Lee, Esq., 354 Bloomfield Avenue, Suite 201  
Caldwell, NJ 07006, by February 26, 2020, or otherwise attend  
in person the Special Meeting on February 28, 2020.

**Legal Notice # 21565620**  
Notice of formation of Se-  
renely Kissed by Joella LLC.  
Articles of Organization filed  
with the Secretary of State  
of New York, SSNY on 9/2/2019. Office located in  
Queens. SSNY is designated  
for service of process. SSNY  
shall mail copy of any process  
served against the LLC  
185-15 Union Ave. Queens NY  
11412. Purpose: any lawful  
purpose.

**Legal Notice # 21564000**  
NOTICE OF SALE  
SUPREME COURT COUNTY  
OF QUEENS, CTF ASSET  
MANAGEMENT, LLC, Plain-  
tiff, vs. ET AL., DEWAIVE  
PARAG, ET AL., Defend-  
ant(s). Pursuant to an Order  
Confirming Referee Report and  
Sale duly filed on January 8,  
2019, I, the undersigned Referee  
will sell at public auction  
the real estate of Queens County  
Supreme Court, Courtroom  
25, 88-11 Sutphin Boulevard,  
Jamaica, NY on March 6,  
2020 at 10:30 a.m., premises  
known as 134-07 87th Ave.,  
Richmond Hill, NY 11418.  
All that certain plot, piece  
or parcel of land, with the  
buildings and improvements  
thereon erected, situate, lying  
and being in the Borough of  
Queens, City and State of  
New York, Block 9630 and  
Lot 11. Approximate amount  
of judgment is \$7,743,311.  
plus interest and costs. Premises  
will be sold subject to provisions  
of filed Judgment Index # 71392/2019.  
Irene M. Mattonne, Esq., Referee  
Schiller, Knapp, Lefkowitz  
& Hertz, LLP, 200 John James  
Audubon Parkway, Suite 202,  
Amherst, New York 14228, At-  
torneys for Plaintiff

**Legal Notice # 21564374**  
Thorn & Associates, LLC,  
Arts of Org. filed with Secy.  
of State of NY (SSNY) 1/13/2019.  
City: Queens. SSNY  
design. as agent upon whom  
process against may be  
served. SSNY shall mail  
process to: 40-41 188th St., Fresh  
Meadows, NY 11365. General  
Purpose.

**Legal Notice # 102249**  
Notice of Formation of Gior  
Taxi LLC Arts of Org. filed  
with New York Secy. of  
State (SSNY) on 1/20/20.  
Office location: Queens Coun-  
ty. SSNY is designated as  
agent of LLC upon whom  
process against it may be  
served. SSNY shall mail  
process to: 24 Bow St, For-  
est Hills, NY 11375. Purpose:  
any lawful activity.

**Legal Notice # 21564026**  
NASSAU COUNTY PUBLIC UTILITY  
QUEENS COUNTY PUBLIC UTILITY  
By: Alexander M. Lee, Esq., New Jersey Bar ID No. 002131996,  
354 Bloomfield Avenue, Suite 201, Caldwell, NJ 07006, tel:  
(973) 364-1688, fax: (973) 718-4314, email: alex@alexlee.com,  
Attorney for INTERNATIONAL DIODE CORPORATION, a  
New Jersey Corporation (the "Corporation").  
NOTICE TO ABSENT SHAREHOLDERS SYLVIA TREBISH  
TO: SYLVIA TREBISH, HER HEIRS, SUCCESSORS & ASSIGNS,  
SIGNS, Last Known Shareholders of INTERNATIONAL DIODE  
CORPORATION, 229 Cleveland Avenue, Harrison, New Jersey  
07029.

**Legal Notice # 21563088**  
Notice of Formation of 15  
West 61st Street 20D LLC, a  
domestic LLC. Articles of Or-  
ganization filed with the Sec-  
retary of State of New York  
(SSNY) on December 4,  
2019. Office location:  
Queens. SSNY is designated  
as agent upon whom process  
against the LLC may be  
served. SSNY shall mail process  
to: The LLC, 51-05 Flush-  
ing Avenue, Suite 305,  
Maspeth, NY 11378. Pur-  
pose: Any lawful purpose.

**Legal Notice # 21564000**  
NOTICE OF SALE  
SUPREME COURT COUNTY  
OF QUEENS, CTF ASSET  
MANAGEMENT, LLC, Plain-  
tiff, vs. ET AL., DEWAIVE  
PARAG, ET AL., Defend-  
ant(s). Pursuant to an Order  
Confirming Referee Report and  
Sale duly filed on January 8,  
2019, I, the undersigned Referee  
will sell at public auction  
the real estate of Queens County  
Supreme Court, Courtroom  
25, 88-11 Sutphin Boulevard,  
Jamaica, NY on March 6,  
2020 at 10:30 a.m., premises  
known as 134-07 87th Ave.,  
Richmond Hill, NY 11418.  
All that certain plot, piece  
or parcel of land, with the  
buildings and improvements  
thereon erected, situate, lying  
and being in the Borough of  
Queens, City and State of  
New York, Block 9630 and  
Lot 11. Approximate amount  
of judgment is \$7,743,311.  
plus interest and costs. Premises  
will be sold subject to provisions  
of filed Judgment Index # 71392/2019.  
Irene M. Mattonne, Esq., Referee  
Schiller, Knapp, Lefkowitz  
& Hertz, LLP, 200 John James  
Audubon Parkway, Suite 202,  
Amherst, New York 14228, At-  
torneys for Plaintiff

Legal 215639801

**Legal Notice # 21562494**  
NOTICE OF FORMATION  
OF DAVE BERNI CLUBHOUSE  
SERVICES, LLC Arts. of Org.  
filed with Secy. of State of  
New York, SSNY on 01/15/20.  
Office location: Queens County.  
SSNY designated as agent of  
LLC upon whom process  
against it may be served.  
SSNY shall mail process to:  
David Berni, 6934 261st St.,  
Glen Oaks, NY 11004. Pur-  
pose: Any lawful activity.

**Legal Notice # 102250**  
Notice of Formation of  
Mogen Taxi LLC Arts. of  
Org. filed with New York  
Secy. of State (SSNY) on 1/2/20.  
Office location: Queens  
County. SSNY is designated  
as agent of LLC upon whom  
process against it may be  
served. SSNY shall mail  
process to: 164-05 Hillside  
Ave, Jamaica, NY 11432. Pur-  
pose: any lawful activity.

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Department of  
Environmental  
Conservation

## New DEC Hearing Notices for 4/1/2020

### New Permit Hearing Notices for April 1, 2020: None

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### New Rulemaking Hearing Notices for April 1, 2020: None

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## Notice of Extension of Public Comment Period and Cancellation of Public Hearings

Due to the unprecedented nature of Covid-19, Governor Cuomo has issued a PAUSE Order directing non-essential meetings/gatherings to be suspended or cancelled. See Executive Order 202 and subsequent additions. **As a result, at this time the New York State Department of Environmental Conservation (NYS DEC) is cancelling the previously scheduled public hearings for the following proposed rulemakings and extending the comment periods for these rulemakings for 30 days.**

Notice is hereby given that the hearing for revisions to 6 NYCRR Part 248 Use of Ultra Low Sulfur Diesel and Best Available Retrofit Technology for Heavy Duty Vehicles, scheduled for April 10, 2020, at 11:00 a.m. at NYS DEC, 625 Broadway, Public Assembly Room 129A/B, Albany, NY 12233 is cancelled, and that the public comment period for this rulemaking is extended until Friday, May 15, 2020.

**Comments may be submitted by mail to:** James Bologna, NYS DEC - Division of Air Resources, 625 Broadway, Albany, New York 12233-3250, Phone: (518) 402-8292, E-mail: [air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov)

Notice is hereby given that the hearing for revisions to 6 NYCRR Part 225-1 Fuel Composition and Use- Sulfur-in-Fuel , scheduled for April 10, 2020 at 11:00 a.m. at NYS DEC, 625 Broadway, Public Assembly Room 129A/B, Albany, NY 12233 is cancelled, and that the public comment period for this rulemaking is extended until Friday, May 15, 2020.

**Comments may be submitted by mail to:** Mike Jennings, NYS DEC - Division of Air Resources,, 625 Broadway, Albany, New York 12233-3250, Phone: (518) 402-8403, E-mail: [air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov)

Notice is hereby given that the hearings for revisions to 6 NYCRR 230 Gasoline Dispensing Sites and Transport Vehicles scheduled for 4/14/2020 at 11:00 a.m. at NYS DEC, 625 Broadway, Public Assembly Room 129A/B, Albany, NY 12233, 4/15/2020 at 11:00 a.m. at 1 Hunter's Point Plaza, 47-40 21st Street, Room 834 NYSDOT, Long Island City, NY 11101, and 4/16/2020 at 11:00 a.m. at 6274 Avon-Lima Rd. (Routes 5 and 20), Conference Room, Avon, NY 14414-9516 are cancelled, and the public comment period for this rulemaking is extended until Thursday, May 21, 2020.

**Comments may be submitted by mail to:** Denise Prunier, NYS DEC - Division of Air Resources,, 625 Broadway, Albany, New York 12233-3250, Phone: (518) 402-8403, E-mail: [air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov)

Notice is hereby given that the hearings for revisions to 6 NYCRR 231 New Source Review for New and Modified Facilities scheduled for 4/14/2020 at 11:00 a.m. at NYS DEC, 625 Broadway, Public Assembly Room 129A/B, Albany, NY 12233, 4/15/2020 at 11:00 a.m. at 1 Hunter's Point Plaza, 47-40 21st Street, Room 834 NYSDOT, Long Island City, NY 11101, and 4/16/2020 at 11:00 a.m. at 6274 Avon-Lima Rd. (Rtes. 5 and 20), Conference Room, Avon, NY 14414-9516 are cancelled, and the public comment period for this rulemaking is extended until Thursday, May 21, 2020.

**Comments may be submitted by mail to:** Steve Yarrington, NYS DEC - Division of Air Resources,, 625 Broadway, Albany, New York 12233-3254, Phone: (518) 402-8403, E-mail: [air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov)

Notice is hereby given that the hearings for revisions to 6 NYCRR 235 Consumer Products scheduled for 4/14/2020 at 11:00 a.m. at NYS DEC, 625 Broadway, Public Assembly Room 129A/B, Albany, NY 12233, 4/15/2020 at 11:00 a.m. at 1 Hunter's Point Plaza, 47-40 21st Street, Room 834 NYSDOT, Long Island City, NY 11101, and 4/16/2020 at 11:00 a.m. at 6274 Avon-Lima Rd. (Rtes. 5 and 20), Conference Room, Avon, NY 14414-9516 are cancelled, and the public comment period for this rulemaking is extended until Thursday, May 21, 2020.

**Comments may be submitted by mail to:** Kenneth A. Newkirk, NYS DEC - Division of Air Resources,, 625 Broadway, Albany, New York 12233-3250, Phone: (518) 402-8438, E-mail: [air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov)



## Assessment of Public Comments

### Subpart 225-1, Fuel Composition and Use – Sulfur Limitations

#### General:

Comment 1: Used oil processors are potentially allowed to blend higher sulfur content with lower sulfur content oil in order to meet the new 0.25% sulfur standard. However, this option assumes that facilities have excess tank capacity and inventory to allow blending. Such excess capacity/inventory is not necessarily available, particularly at smaller facilities. (Commenter 2)

Response to Comment 1: The Commenter is correct that the New York State Department of Environmental Conservation (Department) allows for the blending of waste oil as a compliance option to meet the proposed sulfur content limitation and notes that this is not the only option available to meet the standard.

Comment 2: The Department based the lowering of the sulfur-in-fuel limit on data collected from several sources (several million gallons of waste oil that were tested for sulfur content) between 2016 and 2017, and that the waste oil sulfur content averaged at or below 0.25 percent by weight. The Commenter states that it represents over 30 member companies that provide used oil collection and/or recycling services and/or sell waste oil in New York. Therefore, the Commenter encourages a broader survey to determine if a 0.25% limit is achievable and commercially viable. (Commenters 4 & 5)

Response to Comment 2: The Department believes that the survey conducted provided an adequate sample size of waste oil collected to set the proposed waste oil sulfur content limit. The Department also notes that there are alternative compliance options for both retailers and end users to comply with the requirements of the proposed regulation. These options include blending of the waste oil and the use of an equivalent emission rate.

Comment 3: Air permits for combustion facilities are generally done at the local level where they are able to review the specific combustion and pollution control technologies proposed or employed at a location. The Commenter suggests that the Department consider a higher limit, therefore allowing local jurisdictions to implement limits customized to their locality and the technology available at the combustion facility.

(Commenters 4 & 5)

Response to Comment 3: All combustion facilities subject to air permitting requirements throughout New York State are regulated and permitted by the Department pursuant to the State's Environmental Conservation Law. While local authorities may require permits as well, the New York City Department of Environment Protection (NYCDEP) is currently the only local air permitting agency in New York State that issues air permits (the NYCDEP has banned the burning of waste oil throughout the City). All facilities that own or employ non-exempt air emission source(s) must submit an air permit application to the New York State Department of Environmental Conservation for approval in the form of an issued air permit.

#### Rule Applicability:

Comment 4: The revisions to Subpart 225-1 now include incinerators, which is assumed to apply to energy-from-waste plants that combust oil as an auxiliary fuel. (Commenter 1)

Response to Comment 4: The proposed regulation applies to the oil fired at waste-to-energy plants and not the solid waste that these facilities incinerate.

Comment 5: The rule must clarify that sulfur restrictions apply to traditional fuels and not process materials. The Commenter requests that the Department clarify the definitions in Section 225-1.2 in such a way to make it clear that process materials containing sulfur (e.g., black liquor and non-condensable gases from the pulping process) are not covered by this regulation. (Commenter 3)

Response to Comment 5: The proposed regulation is intended to limit the sulfur content of fossil fuels and fuels derived from fossil fuels. It does not regulate the sulfur content of process materials or waste materials fired in process sources or incinerators.

#### Cost vs. Environmental Benefit:

Comment 6: The Commenter states that the proposed rule change will potentially impose significant cost to its facility with little environmental benefit. Satisfying the 0.5% sulfur content restriction is estimated to potentially increase operating costs by two million dollars. The sulfur dioxide emission reduction is estimated to be about 33 tons at an estimated cost of \$60,600 per ton removed. This estimate is based on replacing all #6 fuel oil consumed at the facility with 0.5% sulfur content and converting the existing #6 fuel oil storage tank to handle the lower sulfur oil. An alternative option would be to install a second, new fuel oil storage tank and fuel delivery system to serve the two process sources affected by the proposed revisions at a cost that could exceed one million dollars. (Commenter 3)

Response to Comment 6: The Commenter's existing permit requires that its combustion source employ a sulfur dioxide control device and continuous emission monitor (CEM). Thus, the facility already meets an equivalent emission rate for its combustion source under existing Section 225-1.4. The facility will only need to fire 0.5% sulfur content oil in its process sources, which as stated by the Commenter, is approximately 25 percent of the total oil fired at the facility. Therefore, the facility would not need to replace all of the #6 fuel oil they consume, thereby reducing cost concerns. As stated in the comment, the facility may add a new tank and fuel delivery system for their process sources that fire #6 fuel oil, to accept compliant fuel. However, this is still not the facility's only option. The facility may also alleviate cost concerns by using an equivalent emission rate for its process sources, as authorized in Section 225-1.4, Variances, to demonstrate compliance. Compliance with the equivalent emission rate may be achieved either with or without installing a sulfur dioxide control device, depending on the facility's technical determination.

Comment 7: From an environmental perspective, the proposed decrease in the allowable sulfur content will have comparatively limited benefits. According to the Department, the changes are directed at reducing emissions of particulate matter (PM-2.5 and PM-10), and sulfur dioxide. However, it is the Commenter's understanding that New York State is currently in attainment for these pollutants. The decision to impose the stricter sulfur limits on burning waste oil may simply prevent facilities from beneficially burning such oil for energy recovery. The rejected shipments will still need to be managed-potentially by incineration. So, regardless of whether the waste oil is burned for energy recovery or incinerated as waste, some portion of the sulfur dioxide will likely enter the atmosphere. Facilities that would otherwise have burned the on-spec used oil for energy recovery could potentially substitute virgin oil instead, resulting in additional emissions.

(Commenter 2)

Response to Comment 7: New York State is currently in attainment with the National Ambient Air Quality Standards for PM-2.5, PM-10, and sulfur dioxide. However, the Department must maintain attainment and continues to look for ways to further reduce emissions. The reduction in maximum sulfur content limits is one of those ways and will have continuing environmental benefits. There are several options that waste oil collectors, retailers, and end users may employ to meet the requirements of this regulation. See Response to Comment 2, above.

Comment 8: The Commenter acknowledges the environmental benefits of reducing the sulfur content of used oil burned for energy recovery, however, it does not believe that the benefits outweigh the harms caused by limiting the options for managing used oil containing between 0.25% and 0.75% sulfur. Accordingly, the Commenter strongly urges the Department to increase the maximum sulfur content limit to 0.5%. This level would allow for the pickup of occasional loads of oil that exceed the 0.25% level, while still achieving reductions in sulfur dioxide emissions, and at the same time not affect the ability of small used oil processors to function cost-effectively. (Commenter 2)

Comment 9: The Commenter states that the Department is correct that the sulfur content of oil has generally decreased over time. However, used oil processors receive batches with significantly higher sulfur content (rarely above 0.5%). The Commenter sampled and tested the sulfur content of oil collected from its higher volume customers and identified at least one major customer that frequently exceeds the proposed 0.25% sulfur content limit. The higher sulfur content of this waste oil is based on the design of the engines that use this oil. The requirement for these engines is a virgin oil sulfur content between 0.325% and 0.463%. Therefore, the

sulfur content of the waste oil generated by these sources will not necessarily decrease over time. (Commenter 2)

Comment 10: The Commenter states a single load of high sulfur oil can result in an entire tank of oil (40,000 gallons) exceeding the proposed 0.25% limit. Under the proposed rulemaking, this oil violates the sulfur content limits in Subpart 225-1 and would be barred from being burned for energy recovery under Subpart 225-1. Noncompliant oil would potentially be required to be disposed of as waste rather than being burned as fuel. In the alternative, the oil could be shipped to a re-refiner (i.e., a competitor) for further processing prior to being burned as on-spec oil. The Commenter states that either alternative would significantly increase the costs of managing the waste oil. (Commenter 2)

Response to Comments 8 through 10: The Department acknowledges that some sources still generate waste oil with a higher sulfur content than the proposed waste oil limit. However, as newer sources required to use synthetic oils, which contain minimal or no sulfur content, either replace older sources or simply enter service, the percentage of these sources still operating will decrease. Thus, the sulfur content of waste oil generated will continue to decrease. Waste oil with a sulfur content higher than the proposed limit can still be burned in certain sources throughout the State. This can be allowed if the source uses the equivalent emission rate option under Section 225-1.4 through blending or has sulfur dioxide control equipment.

Comment 11: The Commenter states that, from a business perspective, the proposed changes to Subpart 225-1 will hit small used oil processors hard. To successfully manage oil under the new stricter sulfur standard, the Commenter states that it would have to do one of following three things:



- (1) increase its tank capacity (to allow for blending),
- (2) ship noncompliant tank loads for disposal as waste, or
- (3) send the noncompliant loads to a competitor for re-refining.

Each of these three options will significantly increase the company's costs as well as the costs for the generators of the oil. The Commenter states that from a business generation perspective, if waste oil exceeding 0.25% sulfur content is no longer allowed, the company will be effectively barred from bidding on contracts to accept oil that may exceed the limit, since it cannot be assured that it can cost-effectively manage the oil it receives. (Commenter 2)

Response to Comment 11: The Department agrees that the options listed above are acceptable for the use or processing of waste oil. The Commenter points out that one of its customers frequently exceeds the 0.25% sulfur content. The proposed rule does not require the installation of new equipment, i.e., additional tank capacity, which may be necessary to blend higher sulfur waste oil to meet the required sulfur content. While the Department acknowledges that there may be costs associated with these compliance options, any such costs would be dependent upon the business decisions made by the Commenter.

The Department notes that the Commenter was included in a survey during the initial stages of this rulemaking and provided records to the Department indicating that waste oil sulfur content, at that time, averaged at or below 0.25% by weight. The Commenter states that based on the gradual downward trend of the sulfur content in waste oil, an extension of the compliance period would allow time to adapt its operations to meet the lower sulfur limits. The Department agrees and will extend the compliance period of the proposed regulation (please see the response to Comments 15 and 16 below).

Equivalent Sulfur Dioxide Emission Rate:

Comment 12: The Commenter states that the "fuel mixtures or equivalent emission rate variances" in subdivision 225-1.4(a) should be expanded to include process sources. This allows sources firing multiple fuels of various sulfur content and those with existing sulfur dioxide controls to maintain fuel flexibility while meeting the sulfur dioxide emission targets established by this regulation. (Commenter 3)

Response to Comment 12: Both the current Subpart 225-1 and the proposed Subpart 225-1 allow process sources to use equivalent emission rates as a compliance option. See 225-1.4(a).

Comment 13: There are various combustion technologies and pollution control technologies currently in place throughout New York State and the rest of the country with the ability to limit air pollution. There are likely combustion facilities in New York State that could utilize waste oil at a level above 0.25%, which employ pollution control technologies to minimize the environmental impact and remain within current regulations. If a statewide level of 0.25% is approved, it may not allow facilities that employ pollution control technologies to continue to purchase and fire waste oil. This may possibly create an adverse financial impact to both the used oil recycler and the end user of the product. Commenter (4 & 5)

Response to Comment 13: Section 225-1.4 allows a facility to fire fuel (including waste oil) with a higher sulfur content by demonstrating compliance with an equivalent sulfur dioxide emission rate. Emission sources with installed sulfur dioxide emission controls are also eligible to utilize an equivalent emission rate. Therefore, the Department believes that the regulation as written addresses the Commenter's concerns.

### Monitoring Requirements:

Comment 14: The Commenter states that Section 225-1.5(a) should be changed to clearly state that the continuous monitoring provisions apply only to stationary combustion installations with a total heat input greater than 250 million Btu per hour that are equipped with approved sulfur dioxide control equipment or that are subject to a sulfur dioxide equivalent emissions rate for a fuel mixture pursuant to Subdivision 225-1.4(a). The requirement should not apply to process sources or incinerators of any size. (Commenter 3)

Response to Comment 14: The intent of the regulation was not to require process sources to install CEMs to monitor sulfur dioxide emissions. This requirement will be revised in the express terms to require stationary combustion installations and incinerators greater than 250 million British thermal units heat input to install CEMs.

### Transition Period:

Comment 15: The Commenter states that an adequate transition period must be provided to allow newly affected sources to make changes necessary to comply. The Commenter is concerned about the lack of compliance schedule in the proposed rule revisions. If a new oil storage tank is needed, a sufficient amount of time will be necessary to engineer, permit and construct a tank, secondary containment, and delivery system. The compliance schedule must take into account that outdoor construction is limited during the winter months. (Commenter 3)

Comment 16: The Commenters urge the agency to include a grace period of at least three years from the effective date of the regulations to implement the new standard. The Commenters suggest keeping the sulfur content limit at 0.75% (or be lowered to 0.5%) for three years from the effective date of the regulations before decreasing to 0.25%. (Commenters 2, 4, & 5)

Response to Comments 15 and 16: Based on the comments received, the Department will extend the compliance date for process sources, incinerators, waste oil distributors, and emissions sources firing waste oil. As a result, owners and/or operators of process sources, incinerators, waste oil distributors, and emissions sources firing waste oil will be required to meet the presumptive sulfur-in-fuel limits in Section 225-1.2 by July 1, 2023.

Comment 17: The Commenter states that it is unclear if the impacts of COVID-19 will impact that timeline of the promulgation of this proposed regulation. (Commenters 4 & 5)

Response to Comment 17: As the Commenter stated, the timeline for implementing the proposed regulation in the supporting documents is the spring of 2020. Due to the impacts of the COVID-19 pandemic, the public comment period for this regulation was extended and the proposed revisions to the regulation are expected to be finalized by the end of 2020 or early in 2021.

Commenter List:

1. Covanta
2. Sheldon Oil Services, Inc
3. International Paper Ticonderoga Mill
4. NORA
5. NORA



## 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

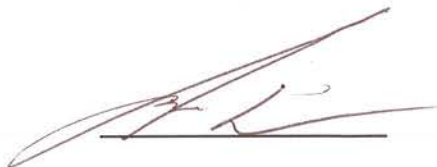
### STATE OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION

#### CERTIFICATE OF ADOPTION

#### AGENCY ACTION: 6 NYCRR Subpart 225-1, Fuel Composition and Use – Sulfur Limitations

Pursuant to the provisions of Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0325, 19-0907, 71-2103, and 71-2105 of the Environmental Conservation Law (ECL), I, Sean Mahar, Chief of Staff of the Department of Environmental Conservation (DEC), hereby certify that the amendments to 6 NYCRR Subpart 225-1, Fuel Composition and Use – Sulfur Limitations be adopted to read as on the attached original, and certify that this is the original thereof, as adopted by me on December 30, 2020, 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 February 5, 2020 under Notice No. ENV-05-20-00002-P. I also further certify that due to the unprecedented nature of COVID-19, Governor Cuomo issued a PAUSE Order directing non-essential meetings/gatherings to be suspended or cancelled. See Executive Order 202 and subsequent additions. As a result, the Department cancelled all previously scheduled public hearings for this proposed rulemaking and extended the comment period for this rulemaking for 30 days. Notice of cancellation of hearings and extension of public comment period was given in April 1, 2020 Environmental Notice Bulletin and the State Register.



Sean Mahar  
Chief of Staff  
Department of Environmental Conservation

DATED: 12/30/20

Albany, New York



Department of  
Environmental  
Conservation





## 6 NYCRR Subpart 225-1, Fuel Composition and Use-Sulfur Limitations

### Revised Express Terms

(Statutory authority: Environmental Conservation Law, Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0325, 19-0907, 71-2103, 71-2105)

Sections 225-1.1 through 225-1.3 are amended as follows:

#### Section 225-1.1 Definitions.

(a) To the extent that they are not inconsistent with the specific definitions in Subdivision (b) of this Section, the general definitions of Part 200 and Part 201 of this Title apply.

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

(1) Fuel distributor. Any person who transports, stores, or causes the transportation or storage of distillate oil, residual oil, waste oil, and/or coal at any point between a refinery/mine or importer's facility and a retail outlet or wholesale purchaser-consumer's facility.

Section 225-1.2 Sulfur-in-fuel limitations. No person will sell, offer for sale, purchase, or fire any fuel and/or waste oil that[which] exceeds the sulfur-in-fuel limitations of this Section, except as provided in Sections 225-1.3 or 225-1.4 of this Subpart. For the purposes of this Subpart, liquid bio-fuels, other than waste oils, [will be]are required to meet the sulfur-in-fuel standards of [either number two heating oil or] distillate oil.

(a) Owners and/or operators of any stationary combustion installation that fires[fire(s)] coal and has a total heat input greater than 250 million Btu per hour, where an application for a permit was received by the department after March 15, 1973, and the stationary combustion installation is not located in New York City or Nassau, Rockland or Westchester Counties, are limited to the firing of coal with 0.60 pound of sulfur per million Btu gross heat content or less. If two or more emission sources are connected to a common air cleaning device and/or emission point, the total heat input for such emission point is the sum of the total heat input of all

emission sources[ which] that are operated simultaneously and connected to the common air cleaning device and/or emission point; or

(b)[ Owners and/or operators of any stationary combustion installation that fires either solid fuels or oil are limited to the firing of solid fuels or oil with a sulfur content listed in the table below through June 30, 2014:

Area	Liquid fuel (percent sulfur by weight)		Solid fuel (pounds of sulfur per million Btu gross heat content)
	Residual	Distillate*	
New York City	0.30	0.20	0.2 MAX
Nassau, Rockland and Westchester Counties	0.37	0.37	0.2 MAX
Suffolk County: Towns of Babylon, Brookhaven, Huntington, Islip, and Smith Town	1.00	1.00	0.6 MAX
Erie County: City of Lackawana and South Buffalo**	1.10	1.10	1.7 MAX and 1.4 AVG***
Niagara County and remainder of Erie County	1.50	1.50	1.7 MAX and 1.4 AVG***
Remainder of State	1.50	1.50	2.5 MAX, 1.9 AVG***, and 1.7 AVG (ANNUAL)****

\* Except for number two heating oil as stated in Subdivision (f) of this Section.

\*\* South Buffalo is defined as the area in the City of Buffalo south of a line from the intersection of IR 190 and Route 5 and proceeding east along IR 190 to the city line.

\*\*\* Averages are computed for each emission source by dividing the total sulfur content by the total gross heat content of all solid fuel received during any consecutive three-month period.

\*\*\*\* Annual averages are computed for each emission source by dividing the total sulfur content by the total gross heat content of all solid fuel received during any consecutive 12-month period.

(c)] Owners and/or operators of any stationary combustion installation that fires solid fuels are limited to the firing of solid fuel with a sulfur content listed in the table below. On and after July 1, 2023, all emission sources, including process and incineration sources that fire solid fuels, are limited to the firing of solid fuel with a sulfur content listed in the table below [ on or after July 1, 2014]:

Area	Solid fuel (pounds of sulfur per million Btu gross heat content)
New York City, <u>Nassau, Rockland and Westchester Counties</u>	0.2 MAX
[Nassau, Rockland and Westchester Counties	0.2 MAX]
Suffolk County: Towns of Babylon, Brookhaven, Huntington, Islip, and Smith Town	0.6 MAX
Erie and Niagara Counties	1.7 MAX, 1.4 AVG*
Remainder of State	2.5 MAX, 1.9 AVG*, and 1.7 AVG (ANNUAL)**

\* Averages are computed for each emission source by dividing the total sulfur content by the total gross heat content of all solid fuel received during any consecutive three-month period.

\*\* Annual averages are computed for each emission source by dividing the total sulfur content by the total gross heat content of all solid fuel received during any consecutive 12-month period.

[(d)](c) Owners and/or operators of any stationary combustion installation that fires residual oil are limited to the firing of residual oil with a sulfur content listed in the table below. On and after July 1, 2023, all emission sources, including process and incineration sources that fire residual oil, are limited to the firing of residual oil with a sulfur content listed in the table below [ on or after July 1, 2014]:

Area	Residual Oil (percent sulfur by weight)
New York City	0.30
Nassau, Rockland and Westchester Counties	0.37
<u>Remainder of State</u>	<u>0.50</u>

[(e) Owners and/or operators of any stationary combustion installation that fires residual oil are limited to the purchase of residual oil with a sulfur content listed in the table below on or after July 1, 2014, and are limited to the firing of residual oil with a sulfur content listed in the table below on or after July 1, 2016:

Area	Residual Oil (percent sulfur by weight)
Suffolk County: Towns of Babylon, Brookhaven, Huntington, Islip, and Smith Town	0.50
Erie and Niagara Counties	0.50
Remainder of State	0.50

(f) Owners and/or operators of commercial, industrial, or residential emission sources that fire number two heating oil on or after July 1, 2012 are limited to the purchase of number two heating oil with 0.0015 percent sulfur by weight or less.

(g) Owners and/or operators of a stationary combustion installation that fires distillate oil other than number two heating oil are limited to the purchase of distillate oil with 0.0015 percent sulfur by weight or less on or after July 1, 2014.

(h) ~~](d)~~ Owners and/or operators of any stationary combustion installation that fires distillate oil[ including number two heating oil] are limited to the firing of distillate oil with 0.0015 percent sulfur by weight or less[ on or after July 1, 2016]. On and after July 1, 2023, all emission sources, including process and incineration sources that fire distillate oil, are limited to the firing of distillate oil with 0.0015 percent sulfur by weight or less.

~~[(i)](e)~~ Owners and/or operators of any emission source[stationary combustion installation] that fires waste oil [on or after July 1, 2014 ] are limited to the firing of waste oil with 0.75 percent sulfur by weight or less. On and after July 1, 2023, owners and/or operators of any emission source that fires waste oil are limited to the firing of waste oil with 0.25 percent sulfur by weight or less.

#### Section 225-1.3 Exceptions contingent upon fuel shortage.

(a) Upon application by a facility owner or a fuel distributor the department may issue an order granting a temporary exception from the provisions of this Subpart where it can be shown, to the department's satisfaction, that there is an insufficient supply of conforming fuel, either:

(1) of the proper type required for firing in a particular emission source; or

(2) generally, throughout an area of the State.

(b) The New York State Energy Research and Development Authority must certify that there exists an insufficient supply of fuel[ which] that conforms to the standards in this Subpart before a sulfur-in-fuel exception may be granted under this Subdivision.

(c) The department may grant a sulfur-in-fuel exception contingent upon a fuel shortage for a period not longer than 45 days.

(d) The department may grant a sulfur-in-fuel exception contingent upon a fuel shortage for a period longer than 45 days, but not longer than one year, only after a public hearing is held to gather information relevant to such an exception. The applicant for the exception must publish notice of such hearings, in a form acceptable to the department, in a newspaper of general circulation in the area for which the exception is sought. The applicant will bear the cost of publication of the notice, of the hearing transcript, and for rental of space in which the hearing is conducted.

[(e) The department recognizes that, pursuant to section 117 of article 5 of the Energy Law, provisions of this Subpart may be pre-empted when the Governor declares that an energy or fuel supply emergency exists or is impending.]

#### Section 225-1.4 Variances.

(a) Fuel mixtures or equivalent emission rate variances. Fuels with sulfur content greater than that allowed by this Subpart may be fired when the facility owner can demonstrate that sulfur dioxide emissions do not exceed the value for S calculated using the following equation:  $S = (1.1AM + 2BT)/(M + T)$  where:

S = Allowable sulfur dioxide emission (in pounds per million Btu)

A = Sulfur in oil allowed by Section 225-1.2 of this Subpart (in percent by weight)

B = Average sulfur in solid fuel allowed by Section 225-1.2 of this Subpart (in pounds of sulfur per million Btu gross heat content)

M = Percent of total heat input from liquid fuel including waste oil

T = Percent of total heat input from solid fuel (including coal, coke, wood, wood waste, and refuse-derived fuel)

Fuel mixtures and equivalent emission rate variances only apply to processes or stationary combustion installations. Compliance will be based on the total heat input from all fuels fired, including gaseous fuels and waste oil. Any process or stationary combustion installation owner who chooses to fire a fuel mixture pursuant to this Subdivision is subject to the emission and fuel monitoring requirements of Section 225-1.5 of this Subpart.

(b) Experiments variance. Upon application, the department may issue a variance allowing the sale, offering for sale, purchase and firing of fuel having a sulfur content in excess of the limits imposed by this Subpart, where such fuel would be fired to demonstrate the performance of experimental equipment and/or process(es) for reducing sulfur compounds from an emission source.

(c) Coal and coke. In New York City and Nassau, Rockland and Westchester Counties, the commissioner will permit[:

(1)] the sale and the continued, but not increased, purchase and use of coal and coke for installations with a maximum operating heat input equal to or less than one million Btu per hour if coal and coke has been used continuously since December 31, 1967 and the maximum sulfur content does not exceed 0.6 pound per million Btu gross heat content[; or].

[(2) the sale, purchase and use of coal and coke for approved conversions of stationary combustion installations to the use of coal, and for new coal-fired stationary combustion installations, provided that the coal conversion or new stationary combustion installations meet all applicable air quality and State Environmental Quality Review requirements.]

Section 225-1.5 Emissions and fuel monitoring.

(a) The continuous monitoring provisions of this section apply to owners of stationary combustion installations:

(1) with a total heat input greater than 250 million Btu per hour. If two or more emission sources are exhausted through a common emission point, the total heat input for such an emission point is either the sum of the maximum operating heat inputs of all emission sources[ which] that are operated simultaneously and exhausted through the common emission point, or the maximum operating heat input of any individual emission source operated independently and connected to the common emission point, whichever is greater;

(2) [which]that are equipped with approved sulfur dioxide control equipment; or

(3) [which]that are subject to a sulfur dioxide equivalent emissions rate for a fuel mixture pursuant to Subdivision 225-1.4(a) of this Subpart.

(b) [Instruments for continuously monitoring and recording]Continuous emission monitors (CEM) for sulfur compound emissions (expressed as sulfur dioxide) must be installed and operated at all times that the stationary combustion installation is in service. Such instruments must be operated in accordance with manufacturer's instructions, must satisfy the criteria in "performance specification 2", appendix B, part 60 of title 40 of the Code of Federal Regulations (see Table 1, Section 200.9 of this Title), and must be acceptable to the department. Exceptions to these requirements are:

(1) stationary combustion installations where gaseous fuel is the only fuel fired; or

(2) stationary combustion installations, not including any equipped with sulfur dioxide control equipment, whose fuel (including waste oil) is subjected to representative sampling and sulfur analysis conducted in a manner approved by the department; or

(3) stationary combustion installations required to use the continuous monitoring specifications under 40 CFR part 75 (see Table 1, Section 200.9 of this Title).

(c) Measurements must be made daily of the rate of each fuel, including waste oil, fired. The gross heat content and ash content of each fuel, including waste oil, fired must be determined at least once each week. In the case of stationary combustion installations producing electricity for sale, the average electrical output and the hourly generation rate must also be measured.



(d) Owners and operators not required to install a CEM may demonstrate compliance with the sulfur-in-fuel limitations of this Subpart through the retention of fuel distributor receipts. The fuel distributor receipts must contain the amount of fuel and/or waste oil delivered and the certified sulfur content of the fuel and/or waste oil.

Section 225-1.6 Reports, sampling, and analysis.

(a) The department will require fuel analyses, information on the quantity of fuel, including waste oil, received, fired or sold, and results of stack sampling, stack monitoring, and other procedures (including retention of fuel distributor receipts) to ensure compliance with the provisions of this Subpart.

(b) (1) Any person who sells oil, waste oil, and/or coal must retain, for at least five years, records containing the following information:

(i) fuel analyses and data on the quantities of all oil, waste oil, and/or coal received; and

(ii) the names of all purchasers, fuel analyses, including waste oil, and data on the quantities of all oil, waste oil, and/or coal sold.

(2) Such fuel analyses must contain, as a minimum:

(i) data on the sulfur content, ash content, specific gravity, and heating value of residual oil;

(ii) data on the sulfur content, specific gravity, and heating value of distillate oil and/or waste oil; and/or

(iii) data on the sulfur content, ash content, and heating value of coal.

(c) Sampling, compositing, and analysis of fuel samples, including waste oil, must be done in accordance with methods acceptable to the department.

(d) Facility owners or fuel distributors required to maintain and retain records pursuant to this Subpart must make such records available for inspection by the department.

(e) Data collected pursuant to this Subpart must be tabulated and summarized in a form acceptable to the department, and must be retained for at least five years. The owner of a Title V facility must furnish to the department such records and summaries, on a semiannual calendar basis, within 30 days after the end of the semiannual period. All other facility owners or distributors must submit these records and summaries upon request of the department.

(f) Facility owners subject to this Subpart must submit a written report of the fuel sulfur content exceeding the applicable sulfur-in-fuel limitation, measured emissions exceeding the applicable sulfur-in-fuel limitation, measured emissions exceeding the applicable equivalent emission rate, and the nature and cause of such exceedances if known, for each calendar quarter, within 30 days after the end of any quarterly period in which an exceedance[s] takes place.

#### Section 225-1.7 Severability.

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



Department of  
Environmental  
Conservation

## ENB Statewide Notices 1/20/2021

### Public Notice

#### Notice of Adoption 6 NYCRR Subpart 225-1, Fuel Composition and Use - Sulfur Limitations

**Pursuant to Sections: 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0325, 19-0907, 71-2103, and 71-2105 of the Environmental Conservation Law, the New York State Department of Environmental Conservation (NYS DEC) hereby gives notice of the following:**

NYS DEC revised 6 NYCRR Subpart 225-1, "Fuel Composition and Use - Sulfur Limitations". Subpart 225-1 imposes limits on the sulfur content of distillate oil, residual oil, and coal fired in stationary sources. NYS DEC is adopting these changes as a result of both, the five-year review and to meet its obligations to reduce air pollution. The revisions to Subpart 225-1 will be a component of the State Implementation Plan (SIP) for New York State (NYS) directed at attainment of the particulate matter less than or equal to 2.5 microns in diameter national ambient air quality standard (NAAQS), the sulfur dioxide NAAQS, and the NYS DEC's obligations under the regional haze SIP submitted to the United States Environmental Protection Agency (US EPA) on March 15, 2010, as required by the Clean Air Act. This is not a mandate on local governments. It applies to any entity that owns or operates an applicable stationary source. This proposal does not regulate transportation fuel. The revisions to Subpart 225-1 entail the inclusion of process sources and incinerators as stationary emission sources to which these revisions apply in NYS. These revisions also include the lowering of the sulfur-in-fuel limit for waste oil, and the correction of minor typographical errors.

**Requests for information related to the SIP 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](mailto:air.regs@dec.ny.gov)

#### For further information on Subpart 225-1, contact:

Mike Jennings  
NYS DEC - Division of Air Resources  
625 Broadway  
Albany, NY 12233-3250  
Phone: (518) 402-8403  
E-mail: [air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov)

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#### Notice of Proposed Rule Making - Amendments to 6 NYCRR § 703.4 - Application of Site-Specific Criteria to Class I & Class SD Waters

Notice is hereby given that the New York State Department of Environmental Conservation (NYS DEC) filed a Notice of Proposed Rule Making with the New York State Department of State on January 5, 2021 to amend 6 NYCRR § 703.4, titled "Application of Site-Specific Criteria to Class I & Class SD Waters." The proposed rule making amends 6 NYCRR § 703.4 to add site-specific criteria to select Class I and Class SD waterbodies. The new criteria use enterococcus as a fecal indicator bacteria and memorialize attainment goals for the City of New York's combined sewer overflow (CSO) abatement efforts.

#### Public Hearing Time and Location

**A public comment hearing webinar for the proposed rule will be held on March 23, 2021 at 2:00 p.m. before Administrative Law Judge (ALJ) Molly T. McBride via electronic webinar as follows and, accordingly, are reasonably accessible to persons with impaired mobility.**

**Instructions on how to "join" the hearing webinar and provide an oral statement will be posted on NYS DEC's events calendar and proposed regulations webpage by Wednesday, January 20, 2021.** NYS DEC's [events calendar](#) may be accessed at: <https://www.dec.ny.gov/calendar/>. The [proposed regulations](#) webpage for 6 NYCRR § 703.4 may be accessed at: <https://www.dec.ny.gov/regulations/121933.html>.

#### Public Comment on the Proposed Rule Making

The public comment period commences on January 20, 2021. Written statements may be submitted to: Michelle Tompkins, NYS DEC - Division of Water, 625 Broadway, 4th Floor, Albany, NY 12233-3500, E-mail: [WQSRulemakings@dec.ny.gov](mailto:WQSRulemakings@dec.ny.gov) **Written statements must be submitted to the NYS DEC by 5:00 p.m. on March 29, 2021.**

#### Environmental and Regulatory Impact Review

NYS DEC has determined that the proposed rule making will not have a significant adverse environmental impact. NYSDEC has



jointly by the appropriate investigating agency and the appropriate prosecutor through an application to the Division.

If, upon review and evaluation of such application, the Commissioner of the Division determines that any of the case and/or any of the sample requirements are not satisfied, the requestors will be notified, in writing, that a familial search cannot be performed. If all of the case and sample requirements have been satisfied, the requestors will be notified in writing that their familial search request has been approved and entered into the queue for search processing.

If the candidate profile(s) exceed the established kinship threshold value(s), and are not excluded by additional testing performed, the name(s) of the offender(s) in the DNA Databank will be released to the requestors. The search results will be provided in writing. If no candidate profile(s) on the candidate list exceed the established kinship threshold value(s), no name will be released and the requestors will be notified as such, in writing.

7. Duplication: No other legal requirements duplicate, overlap, or conflict with the rule.

8. Alternatives: At its June 5, 2020 meeting, the Commission reviewed and discussed the draft familial search policy, regulations and implementation plan as they were proposed by the DNA Subcommittee at its May 1, 2020 meeting. The Commission voted to send the policy, regulations and implementation plan, along with the Commission's revisions, back to the DNA Subcommittee for consideration.

On August 14, 2020, the DNA Subcommittee reviewed and discussed the proposed revisions to the familial search policy, implementation plan, and corresponding regulations, then made binding a recommendation to the Commission to adopt the amendments. The Commission formally adopted the amendments on September 16, 2020.

As the administrative arm of the Commission, the Division intends to carry out its duty to maintain effective procedures governing the DNA Databank by adopting and promulgating the proposed regulations.

9. Federal standards: There are no federal standards.

10. Compliance schedule: Regulated parties are expected to be able to comply with the rule immediately upon Notice of Adoption.

#### **Regulatory Flexibility Analysis**

DNA profiles generated from evidence associated with criminal investigations are routinely searched against DNA databanks. Currently, the regulations permit familial searching, which is a targeted evaluation of the convicted offenders in the State DNA Databank. This search generates a list of candidates based on kinship statistics to indicate potential biologically related individuals. Familial searching greatly increases the pool of potential suspects, thereby increasing the number of crimes solved.

While familial searching applies to forensic DNA profiles, it cannot be done with unidentified human remains. In the case of the latter, where there is evidence that the remains are those of a victim of a crime, the law presently does not allow the searching of a profile generated from the remains against the State DNA Databank. The proposed amendments add unidentified human remains to the familial search policy; however, they must meet certain case and sample requirements.

The proposed rule does not apply to small businesses nor does it impose mandates on local governments. It merely provides a tool for identification. As such, it is apparent that the rule will not impose any adverse economic effect, or reporting, recordkeeping or other compliance requirements on small businesses or local governments.

#### **Rural Area Flexibility Analysis**

DNA profiles generated from evidence associated with criminal investigations are routinely searched against DNA databanks. Currently, the regulations permit familial searching, which is a targeted evaluation of the convicted offenders in the State DNA Databank. This search generates a list of candidates based on kinship statistics to indicate potential biologically related individuals. Familial searching greatly increases the pool of potential suspects, thereby increasing the number of crimes solved.

While familial searching applies to forensic DNA profiles, it cannot be done with unidentified human remains. In the case of the latter, where there is evidence that the remains are those of a victim of a crime, the law presently does not allow the searching of a profile generated from the remains against the State DNA Databank. The proposed amendments add unidentified human remains to the familial search policy; however, they must meet certain case and sample requirements.

The proposal does not impose mandates on local governments. It merely provides a tool for identification. As such, it is apparent that the rule will not impose any adverse effect on rural areas, or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas.

#### **Job Impact Statement**

DNA profiles generated from evidence associated with criminal investigations are routinely searched against DNA databanks. Currently, the regulations permit familial searching, which is a targeted evaluation of

the convicted offenders in the State DNA Databank. This search generates a list of candidates based on kinship statistics to indicate potential biologically related individuals. Familial searching greatly increases the pool of potential suspects, thereby increasing the number of crimes solved.

While familial searching applies to forensic DNA profiles, it cannot be done with unidentified human remains. In the case of the latter, where there is evidence that the remains are those of a victim of a crime, the law presently does not allow the searching of a profile generated from the remains against the State DNA Databank. The proposed amendments add unidentified human remains to the familial search policy; however, they must meet certain case and sample requirements.

The proposal does not impose mandates on local governments. It merely provides a tool for identification. As such, it is apparent from the nature and purpose of the rule that it will not have a substantially adverse effect on jobs and employment opportunities.

## Department of Environmental Conservation

### NOTICE OF ADOPTION

#### **Sulfur-In Fuel Limitations**

**I.D. No.** ENV-05-20-00002-A

**Filing No.** 2

**Filing Date:** 2021-01-05

**Effective Date:** 30 days after filing

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

**Action taken:** Amendment of Subpart 225-1 of Title 6 NYCRR.

**Statutory authority:** Environmental Conservation Law, sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0325, 19-0907, 71-2103 and 71-2105

**Subject:** Sulfur-in Fuel Limitations.

**Purpose:** Limit sulfur in liquid and solid fuels throughout NYS.

**Substance of final rule:** The Department of Environmental Conservation (Department) is proposing to revise 6 NYCRR Subpart 225-1, "Fuel Composition and Use - Sulfur Limitations". Subpart 225-1 imposes limits on the sulfur content of distillate oil, residual oil, and coal fired in stationary sources. The revisions to Subpart 225-1 will add process sources and incinerators as stationary emission sources to which these revisions will apply throughout New York State. The revisions will also lower the sulfur-in-fuel limit for waste oil and correct minor typographical errors. The revisions will remove 6 NYCRR subdivision 225-1.3(e) which cites section 117 of article 5 of the Energy Law. This provision states that the Governor may pre-empt the requirements of 6 NYCRR Subpart 225-1 if an energy or fuel supply emergency is declared. Finally, the revisions will remove paragraph 225-1.4(c)(2) which has been deemed contradictory and less stringent than the sulfur-in-fuel requirements of the table in subdivision 225-1.2(b) of this Subpart.

**Final rule as compared with last published rule:** Nonsubstantive changes were made in sections 225-1.2(a), (b), (c), (d), (e), 225-1.3(a), 225-1.5(a), (b)(1), (2) and (3).

**Text of rule and any required statements and analyses may be obtained from:** Mike Jennings, 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, a Negative Declaration and a Coastal Assessment Form have been prepared and are on file.

#### **Summary of Revised Regulatory Impact Statement** INTRODUCTION

The New York State Department of Environmental Conservation (Department) is adopting revisions to 6 New York Codes, Rules and Regulations (NYCRR) Subpart 225-1, "Fuel Composition and Use - Sulfur Limitations" (Subpart 225-1). Subpart 225-1 imposes limits on the sulfur content of distillate oil, residual oil, and coal fired in stationary sources. The Department is adopting these revisions to both implement a statutory requirement and meet our obligations to reduce air pollution. The revisions to Subpart 225-1 will be a component of the State Implementation Plan (SIP) for New York State (NYS) directed at attainment of the

particulate matter less than or equal to 2.5 microns in diameter (PM-2.5) national ambient air quality standard (NAAQS), the sulfur dioxide (SO<sub>2</sub>) NAAQS and the Department's obligations under the regional haze SIP submitted to U.S. Environmental Protection Agency (EPA) on March 15, 2010. This is a requirement flowing from the State's obligations under the Clean Air Act (CAA). This is not a mandate on local governments. It applies to any entity that owns or operates a subject stationary source. These revisions do not regulate transportation fuel.

The revisions to Subpart 225-1 add process sources and incinerators as stationary emission sources to which these revisions apply in NYS. The revisions also lower the sulfur-in-fuel limit for waste oil and correct minor typographical errors. Finally, the revisions remove subdivision 225-1.3(e) which cites section 117 of article 5 of the Energy Law.

#### STATUTORY AUTHORITY

The following Sections of the Environmental Conservation Law (ECL) allow the Department to promulgate and implement the proposed regulation: Section 1-0101, Section 3-0301, Section 19-0103, Section 19-0105, Section 19-0301, Section 19-0303, Section 19-0305, Section 19-0325, Section 19-0907, Section 71-2103, and Section 71-2105.

#### LEGISLATIVE OBJECTIVES

Article 19 of the ECL was adopted to safeguard the air resources of NYS from pollution. To facilitate this purpose, the Legislature bestowed specific powers and duties on the Department including the power to formulate, adopt, promulgate, amend, and repeal regulations for preventing, controlling or prohibiting air pollution. This authority also specifically includes promulgating rules and regulations for preventing, controlling or prohibiting air pollution in such areas of the State as shall or may be affected by air pollution, and provisions establishing areas of the State and prescribing for such areas (1) the degree of air pollution or air contamination that may be permitted therein, and (2) the extent to which air contaminants may be emitted to the air by any air contamination source. In addition, this authority also includes the preparation of a general comprehensive plan for the control or abatement of existing air pollution and for the control or prevention of any new air pollution recognizing various requirements for different areas of the State. The legislative objectives underlying the above statutes are directed toward protection of the environment and public health.

#### NEEDS AND BENEFITS

Elevated PM-2.5 and PM-10 levels are of concern for the New York City metropolitan area. PM-2.5 and PM-10 consist of microscopic solid or liquid particles and is the major cause of the regional haze issue. PM-2.5 and PM-10 can be emitted directly from stationary sources or comprised of nitrate and sulfate particles formed through reactions involving NO<sub>x</sub> and SO<sub>2</sub> in the atmosphere. These particles are small enough to be inhaled into the lungs and can even enter the bloodstream. Ongoing scientific studies show that particulate inhalation, similarly to ozone, leads to health problems such as coughing, difficulty breathing, aggravated asthma, and a higher likelihood for other respiratory disorders. Studies have also shown that elevations in PM-2.5 and PM-10 concentrations are associated with such cardiovascular threats as irregular heartbeat and non-fatal heart attacks. Increased PM-2.5 and PM-10 exposure may even cause premature death in those with existing heart or lung disease.

The revisions to Subpart 225-1 are intended to reduce the emission of SO<sub>2</sub> that are the precursors of PM below the present levels and to comply with the mandates specified under ECL Section 19-0325. Existing regulations and emission control programs have been successful in the past at reducing these emissions. Regulatory efforts such as the Acid Rain program, past state and federal fuel sulfur limitations for stationary and mobile sources, and efforts like the Clean Air Interstate Rule and the Cross-State Air Pollution Rule have had a significant effect on air quality and health. The new sulfur-in-fuel limits in this rule are expected to further reduce monitored values of SO<sub>2</sub> and maintain attainment of the NAAQS.

Regional haze refers to the presence of light-inhibiting pollutants in the atmosphere. These particles and gases scatter or absorb light to cause a net effect referred to as "light extinction." This light extinction occurs across the sight path of an observer, thus leading to a hazy condition. Emissions of pollutants such as PM-2.5, PM-10, and SO<sub>2</sub> are also primary contributors to visibility problems. These pollutants lend themselves to being transported great distances once they enter the atmosphere. Accordingly, sources contribute to visibility impairment in Class I areas far downwind of their locations, thereby necessitating a regional approach to solving the haze issue.

#### Applicability to process and incineration sources

As noted above, reducing sulfur in oil in NYS will reduce PM-2.5, PM-10, and SO<sub>2</sub>, emissions. Such reductions will provide both health and visibility improvements and help NYS meet its obligations under the CAA. Under the current regulation, process and incineration sources are required to purchase compliant fuels when buying from distributors in NYS. However, these process and incineration sources may purchase higher

sulfur content fuel from out-of-state distributors. This rulemaking will require that process and incineration sources only combust compliant fuels after July 1, 2023.

#### Lowering sulfur content requirement of waste oil

Over the past several years more and more engine lubricating oils have been manufactured from natural gas. These "synthetic" oils have virtually no sulfur content. The increased use of synthetic oils has caused the overall sulfur content of waste oil to decline. Based on data collected from several sources (several million gallons of waste oil were tested for sulfur content) the waste oil sulfur content between 2016 and 2017 averaged at or below 0.25 percent by weight. The Department believes the sulfur content of waste oil will continue to decrease slightly over the next several years. Therefore, the Department has determined that the current waste oil sulfur content limit should be reduced from 0.75 percent by weight to 0.25 percent by weight. Compliance with the proposed waste oil sulfur content limit will be required after July 1, 2023.

#### Removal of subdivision 225-1.3(e) from the regulation

This subdivision cites section 117 of article 5 of the Energy Law. This section of the Energy Law allows the Governor to pre-empt the requirements of Subpart 225-1 if an energy or fuel supply emergency is declared. The Department has determined that authority to declare an emergency lies within the Energy Law and not this regulation and therefore is redundant in this regulation.

#### Removal of paragraph 225-1.4(c)(2) from this regulation

This paragraph is outdated and less stringent than the sulfur-in-fuel requirements of the table in subdivision 225-1.2(b) of this Subpart. Therefore, the paragraph is being removed from the regulation.

#### Stakeholder Meeting

The Department held a stakeholder webinar on January 29th, 2019 to discuss proposed revisions to Subpart 225-1. The Department solicited comments on the proposed rule from the stakeholders. The stakeholder webinar consisted of attendees from the regulated community affected by the proposed regulation, consultants (both technical and legal), interested environmental groups, and the environmental justice communities.

#### COSTS

##### Costs to Regulated Parties and Consumers:

The Department does not anticipate that this proposed change will increase fuel costs to process and incineration sources. The distillate oil pipeline changed over to 15 ppm sulfur distillate oil in 2011 in anticipation of the 2013 Subpart 225-1 changes requiring home heating oil and stationary combustion sources to fire 15 ppm oil.

A NYSEDA report indicates that the oil refining industry has almost completely changed over to the production of 15 ppm distillate oil. Using data from the 2015 emissions inventory forward, the Department has confirmed that process and incineration sources subject to Title V are burning 15 ppm sulfur content fuels. Accordingly, the Department does not anticipate any increase in fuel costs for these sources.

The Department does not anticipate an increase in cost for purchasers/end users of waste oil based on the proposed reduction in the waste oil sulfur content limit from 0.75% to 0.25%. The waste oil sulfur content is reducing based on the increased use of synthetic oils that contain minimal to zero sulfur compounds. Thus, the actual surveyed data shows that the sulfur content of waste oil has been steadily decreasing over the past several years.

##### Costs to State and Local Governments:

Based on the Department's permitting data, no state nor local government facilities will be affected by these proposed regulatory changes. Therefore, the Department does not anticipate any additional costs will be incurred by state and local governments associated with these revisions. Also, no new recordkeeping, reporting, or other requirements will be imposed on state and local governments based on this rulemaking.

##### Costs to the Regulating Agency:

The Department will encounter some initial administrative costs associated with the application review and permitting of the new sulfur-in-fuel limits for process sources, incinerators, and the new waste oil sulfur content limit. No additional monitoring, recordkeeping, or reporting requirements are being proposed under this rulemaking. Therefore, no additional costs will be incurred by the regulating agency based on these factors.

#### LOCAL GOVERNMENT MANDATES

This is not a mandate on local governments. Local governments have no additional compliance obligations as compared to other subject entities. Also, no additional monitoring, recordkeeping, reporting, or other requirements will be imposed on local governments under this rulemaking.

#### PAPERWORK

The proposed changes to Subpart 225-1 will create no additional paperwork for facilities currently subject to the requirements of this rule. The facilities that will become subject to this rule will be required to maintain fuel receipts.

#### DUPLICATION



The proposed revisions to Subpart 225-1 do not duplicate, overlap, or conflict with any other State or federal requirements.

#### ALTERNATIVES

The Department evaluated the following alternatives:

(1) Take no action: This alternative could prevent NYS from complying with its obligations under the CAA. If the Department does not implement this regulation, it would not be able to meet its obligations to maintain attainment of the PM-2.5 NAAQS in NYS. Also, without the promulgation of Subpart 225-1, NYS would not be reducing its regional haze impacts in the northeast. The reduction in sulfur-in-fuel waste oil limitation and inclusion of process sources and incinerators will directly result in reductions of SO<sub>2</sub>, PM-10, and PM-2.5. Reductions of these air contaminants will aid NYS in meeting both its attainment goals for PM-2.5 and reduce the State's regional haze impact. This alternative would prevent the correction of any existing typographical errors.

(2) Partial implementation: This alternative would allow process and incineration sources and or waste oil firing sources to purchase higher sulfur content fuels or waste oils from out-of-state retailers. In either case, this alternative could prevent NYS from complying with its obligations under the CAA and prevent reductions of SO<sub>2</sub>, PM-10, and PM-2.5 emissions.

#### FEDERAL STANDARDS

The revisions to Subpart 225-1 do not exceed any minimum federal standards. The reductions will lower the standards to the point where they would be equivalent to the sulfur-in-fuel standards of both 40 CFR 60 New Source Performance Standards and 40 CFR 63 National Emission Standards for Hazardous Air Pollutants.

#### COMPLIANCE SCHEDULE

The rule takes effect 30 days after filing notice of adoption with the New York State Department of State. Compliance with the proposed waste oil sulfur content limit will be required after July 1, 2023.

#### *Revised Regulatory Flexibility Analysis*

##### EFFECT OF RULE

The Department proposes to revise Subpart 225-1. The proposed rulemaking will apply statewide. Small businesses are those that are independently owned, located within New York State (NYS), and that employ 100 or fewer persons. The proposed changes to the subpart 225-1 requirements flow from the State's obligations under the federal Clean Air Act and State Laws. The proposed revisions do not constitute a mandate on local governments. The Subpart 225-1 requirements apply equally to every stationary source that fires oil in NYS. The proposed changes to Subpart 225-1 will not affect small businesses or local governments differently from any other source subject to this rule.

##### COMPLIANCE REQUIREMENTS

The proposed rule will entail the inclusion of process sources and incinerators as stationary emission sources to which these revisions will apply in NYS and lower sulfur-in-fuel limits for waste oil. Minimal changes will be made in the monitoring, recordkeeping, or reporting requirements in the current version of Subpart 225-1. The revisions will include the allowance of vendor fuel receipts as an acceptable monitoring practice for sources not required to monitor with a continuous emissions monitor. Applicable sources will be required to keep the vendor receipts and make them available for Department inspection upon request. Therefore, minimal new compliance requirements will be incurred by stationary sources subject to the provisions of the proposed rule.

##### PROFESSIONAL SERVICES

The proposed rule will now specifically include process sources and incinerators as stationary emission sources to which these revisions apply in NYS and lower sulfur-in-fuel limits for distillate oil, residual oil, and waste oil. Facilities subject to this rule are simply required to purchase compliant fuels and keep the purchase receipts. Therefore, the Department does not expect small businesses or local governments will need to hire additional professional services to comply with the provisions of the proposed rule.

##### COSTS

Stationary sources subject to the Subpart 225-1 provisions are not expected to incur any significant increases in operating costs associated with this proposed regulation.

Local governments are not expected to incur any increases in operating costs associated with this proposed regulation.

##### MINIMIZING ADVERSE IMPACTS

The Department does not expect any adverse impacts on small businesses and local governments throughout NYS. Subpart 225-1 is a statewide regulation. Its requirements are the same for all facilities. The Department does not anticipate small businesses or local governments to be impacted differently than other sources subject to the proposed changes to Subpart 225-1.

##### SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

During the drafting of Subpart 225-1, the Department held a stakeholder

webinar on January 29th, 2019. The webinar was held to give representatives from the end users, which included the small business and local government stakeholders, an opportunity to meet with Department staff and discuss various issues during the rulemaking process. During the webinar, the Department fielded questions and comments from the stakeholders regarding the proposed changes to the regulation.

##### ECONOMIC AND TECHNOLOGICAL FEASIBILITY

The Department collected data from several sources that handle or fire waste oil throughout NYS. The data was based on several million gallons of waste oil. The Department determined that the sulfur content of waste oil has been steadily declining from 2016 through 2017. This trend is based upon the growing use of synthetic motor oils in vehicles. Synthetic motor oils are made from natural gas and contain very minimal levels of sulfur. The synthetic motor oils created from natural gas also have a nearly zero sulfur content. Thus, the overall mixture of the synthetic motor oil and traditional motor oil in the waste oil stream is consistently at or below the proposed waste oil sulfur content limitation of 0.25 percent by weight and has been deemed a technically feasible limit. Finally, the Department does not anticipate any significant economic impacts associated with these proposed changes.

##### CURE PERIOD OR AMELIORATIVE ACTION

The Department is not including a cure period in this rulemaking. The purpose of this regulation is to provide timely emissions reductions, delaying enforcement of the regulation adversely affects such emissions reductions.

##### INITIAL REVIEW

The initial review of this rule shall occur within the third year after this rule is adopted.

#### *Revised Rural Area Flexibility Analysis*

##### TYPES AND ESTIMATED NUMBERS OF RURAL AREAS AFFECTED

The proposed rule (6 NYCRR Subpart 225-1) is not expected to have a substantial adverse impact on rural areas in New York State (NYS). The proposed rulemaking will apply statewide and thus all stationary sources that fire oil in NYS will be equally affected.

Rural areas are defined as rural counties in NYS that have populations of less than 200,000 people, towns in non-rural counties where the population densities are less than 150 people per square mile, and villages within those towns.

##### REPORTING, RECORDKEEPING, AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES

The proposed rule will entail the inclusion of process sources and incinerators as stationary emission sources to which these revisions apply in NYS and lower sulfur-in-fuel limits for waste oil. Minimal changes will be made in the monitoring, recordkeeping, or reporting requirements in the current version of Subpart 225-1. The revisions will include the allowance of vendor fuel receipts as an acceptable monitoring practice for sources not required to monitor with a continuous emissions monitor. Applicable sources will be required to keep the vendor receipts and make them available for Department inspection upon request. Therefore, minimal new compliance requirements will be incurred by stationary sources subject to the provisions of the proposed rule.

##### COSTS

Stationary sources subject to the Subpart 225-1 provisions are not expected to incur any increases in operating costs associated with this proposed regulation.

##### MINIMIZING ADVERSE IMPACT

The Department does not expect any adverse impacts on rural areas. There will be positive environmental impacts from the regulation in rural areas. Rural areas should witness improved visibility with an associated decrease in airborne particulate matter and acid deposition.

Subpart 225-1 is a statewide regulation. Its requirements are the same for all facilities, and rural areas are impacted no differently than other areas in the state.

##### RURAL AREA PARTICIPATION

During the drafting of Subpart 225-1, the Department held a stakeholder webinar on January 29th, 2019. The webinar was held to give representatives from end users, which include rural-area stakeholders as well as industry, an opportunity to meet with Department staff and discuss various issues during the rulemaking process. During the webinar, the Department fielded questions and comments from the stakeholders regarding the proposed changes to the regulation.

##### INITIAL REVIEW

The initial review of this rule shall occur within the third year after this rule is adopted.

#### *Revised Job Impact Statement*

The edits made to the Express Terms do not require any changes to the 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 2024, which is no later than the 3rd year after the year in which this rule is being adopted.

**Assessment of Public Comment**

Five Commenters commented on the proposed revisions to 6 NYCRR Subpart 225-1 (Subpart 225-1). This document summarizes those comments and the Department's responses.

**General Comments:**

One Commenter suggested that some smaller facilities may not have excess capacity or inventory available to blend higher sulfur content oil with lower sulfur content oil to meet the new 0.25% sulfur standard. The Department's response acknowledged that the proposed regulation allows for the blending of waste oil as a compliance option while also noting that this is not the only option available to meet the standard.

Multiple Commenters encouraged the Department to conduct a broader survey to determine if a 0.25% limit is achievable and commercially viable. The Department responded that it believes the survey completed between 2016 and 2017 provided an adequate sample size of waste oil collected to set the proposed waste oil sulfur content limit and that additional data collection is not necessary.

Some Commenters also advocated for allowing local authorities to regulate and permit waste oil. The Department responded that combustion facilities in New York State are regulated and permitted by the Department, pursuant to the State's Environmental Conservation Law. While local authorities may require additional permits, the New York City Department of Environment Protection (NYCDEP) is currently the only local air permitting agency in New York State that issues air permits (the NYCDEP has banned the burning of waste oil throughout the City). All facilities that own or employ non-exempt air emission source(s) must submit an air permit application to the New York State Department of Environmental Conservation for approval in the form of an issued air permit.

**Rule Applicability:**

Some Commenters sought clarification about which fuels are being regulated and whether this regulation applies to incinerators. The Department confirmed that the proposed regulation applies to the oil fired at waste-to-energy plants but not the solid waste that these facilities incinerate. The Department also reiterated that the proposed regulation does not regulate the sulfur content of process materials or waste materials fired in process sources or incinerators.

**Cost vs. Environmental Benefit:**

Multiple Commenters suggested that the proposed rule change will potentially impose significant costs on facilities with little environmental benefit. One of these Commenters argued that reducing emissions of particulate matter and sulfur dioxide was not necessary because New York State is already in attainment for these pollutants. The Commenter also stated stricter limits on burning waste oil will be counterproductive and will actually result in an increase in overall emissions. The Department's response noted that there are additional compliance options available in the rule that could reduce the potential for significant cost increases. The Department also noted that while New York State is currently in attainment with the National Ambient Air Quality Standards for PM-2.5, PM-10, and sulfur dioxide, these standards must continue to be maintained. Reducing the maximum sulfur content will help ensure continued attainment and will have continuing environmental benefits.

Additional Commenters stated that while the sulfur content of waste oil has and continues to decrease, used oil processors continue to receive batches with significantly higher sulfur content. The Commenters suggested alternative compliance limits. The Department's response acknowledged that some sources still generate waste oil with a higher sulfur content than the proposed waste oil limit. However, as newer sources required to use synthetic oils, which contain minimal or no sulfur content, either replace older sources or simply enter service, the percentage of these sources that remain in operation will decrease. Thus, the sulfur content of waste oil generated will continue to decrease. Waste oil with a sulfur content higher than the proposed limit can still be burned in certain sources throughout the State. This is allowed if the source uses the equivalent emission rate option under Section 225-1.4, which includes blending or sulfur dioxide control equipment.

Another Commenter stated that the proposed changes will hit small used oil processors hard. To successfully manage oil under the new stricter sulfur standard, the Commenter maintained that compliance options will all significantly increase the company's costs as well as the costs for the generators of the oil. The Commenter also stated that additional time to comply with the regulation would mitigate some of the costs. The Department's response acknowledged that the Commenter identified acceptable compliance options and also noted that the proposed rule does not require the installation of new equipment, i.e., additional tank capacity, which may be necessary to blend higher sulfur waste oil to meet the required sulfur content. The Department acknowledged that there may be some costs associated with various compliance options, but any such costs would be dependent upon the business decisions made by the Commenter. Finally, the Department agreed that additional time to comply is warranted and has extended the compliance period of the proposed regulation (see 'Transition Period' below).

**Equivalent Sulfur Dioxide Emission Rate:**

A Commenter suggested that fuel mixtures or equivalent emission rate variances should be expanded to include process sources. The Department's response noted that the current Subpart 225-1 and the proposed Subpart 225-1 both allow process sources to use equivalent emission rates as a compliance option.

Other Commenters stated that a statewide level of 0.25% may not allow facilities that employ pollution control technologies to continue to purchase and fire waste oil. The Department's response noted that there are multiple compliance options available in the regulation, including the use of an equivalent sulfur dioxide emission rate emission controls.

**Monitoring Requirements:**

The Department received a comment stating that process sources should not be required to install CEMs to monitor sulfur dioxide emissions. The Department's response clarified that the intent of the regulation is not to require process sources to install CEMS to monitor sulfur dioxide emissions. This requirement has been revised in the express terms to require stationary combustion installations and incinerators greater than 250 million British thermal units heat input install CEMS.

**Transition Period:**

The Department received several comments requesting a transition period to comply with the proposed requirements of the revised regulation. Based on these comments, the Department has set a compliance date of July 1, 2023.

The Department also received comments regarding the impact of COVID-19 on the timeline for the promulgation of this proposed regulation. The Department's initial timeline for implementing the proposed regulation, as stated in the supporting documents, was the Spring of 2020. Due to the impacts of the COVID-19 pandemic, the public comment period for this regulation was extended and the proposed revisions to the regulation are now expected to be adopted by the end of 2020 or early in 2021.

## PROPOSED RULE MAKING HEARING(S) SCHEDULED

### Application of Site-Specific Criteria to Class I and Class SD Waters

**I.D. No.** ENV-03-21-00010-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 703.4 of Title 6 NYCRR.

**Statutory authority:** Environmental Conservation Law, sections 3-0301(2)(a), 17-0301(5)(c)(3) and 17-0301(5)(c)(7)

**Subject:** Application of Site-Specific Criteria to Class I and Class SD Waters.

**Purpose:** Add site-specific criteria to Class I and SD waters to provide additional water quality protection of the existing best uses.

**Public hearing(s) will be held at:** 2:00 p.m., March 23, 2021 at Electronic webinar.

Instructions on how to "join" the hearing webinar and provide an oral statement will be posted on the Department's events calendar and proposed regulations webpage by Wednesday, January 20, 2021. Department's events calendar may be accessed at <https://www.dec.ny.gov/calendar/>. The proposed regulations webpage for 6 NYCRR § 703.4 may be accessed at: <https://www.dec.ny.gov/regulations/121933.html>.

Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the 703.4 public comment hearing.

The Department will provide interpreter services for hearing impaired persons at no charge upon written request submitted no later than March 9, 2021. The written request must be addressed to ALJ McBride, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to [ALJ McBride at ohms@dec.ny.gov](mailto:ohms@dec.ny.gov).

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

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

**Text of proposed rule:**

Title 6 of the New York Codes, Rules, and Regulations (NYCRR) § 703.4, entitled "Water quality standards for coliforms, enterococci, and E. coli." is amended as follows: