

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of Climate, Air, & Energy, Deputy Commissioner
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March 2, 2021

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

Dear Acting Administrator Mugdan:

On behalf of the Governor of the State of New York, I am submitting for approval by the U.S. Environmental Protection Agency (EPA) a State Implementation Plan (SIP) revision to incorporate revisions to Title 6 of the New York Codes, Rules, and Regulations (NYCRR) Part 230 and attendant revisions to 6 NYCRR Part 200 as adopted on January 5, 2021. I am also requesting withdrawal of the New York State Department of Environmental Conservation's (Department's) related collection of Reasonably Available Control Technology (RACT) variances that were submitted to EPA on January 31, 2011.

The Department revised 6 NYCRR Part 230, "Gasoline Dispensing Sites and Transport Vehicles" in order to reduce volatile organic compound (VOC) emissions from gasoline dispensing sites and transport vehicles in New York. The Department also revised 6 NYCRR Part 200, "General Provisions," to incorporate by reference applicable federal and California Air Resources Board test methods; inspection procedures; and gasoline tanker truck marking, reporting and record retention provisions which are required by the revised 6 NYCRR Part 230. The emissions reductions to be realized because of the revisions to 6 NYCRR Part 230 will help the New York – Northern New Jersey – Long Island, NY-NJ-CT ozone nonattainment area as it strives to attain the 2008 and 2015 ozone standards.

The RACT variance SIP revision submitted to EPA on January 31, 2011 that included a list of gasoline dispensing facilities and associated economic feasibility analysis is being withdrawn because the portion of 6 NYCRR Part 230 that regulated Stage II vapor recovery systems has been repealed. Stage II gasoline dispensing vapor recovery systems are incompatible with the Onboard Refueling Vapor Recovery (ORVR) systems that are required to be installed on all motor vehicles manufactured after 2006. As of 2016, 95 percent of vehicles in New York State are equipped with ORVR systems.

A public review process was held for the proposed SIP revisions. A "Notice of Proposed Rulemaking" that included information for three public hearings was published in the Environmental Notice Bulletin (ENB) and the New York State Register on February 12, 2020. Legislative public hearings on the proposed revisions to the regulations and the

proposed subsequent submission as a SIP revision were scheduled to be held on April 14, 2020 in Albany; April 15, 2020 in Long Island City; and April 16, 2020 in Avon. 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 hearings were 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 discussing the SIP revision were received by the Department 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 Part 230, "Gasoline Dispensing Sites and Transport Vehicles" and 6 NYCRR Part 200, "General Provisions," as proposed on February 12, 2020;
2. Notice of proposed rulemaking, including public hearing information, as published in the ENB and New York State Register on February 12, 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 January 5, 2021;
7. Express Terms for 6 NYCRR Part 230 and 6 NYCRR Part 200 as adopted on January 27, 2021; and
8. Notice of Adoption published in the ENB and New York State Register on January 27, 2021.

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

Sincerely,



Jared Snyder
Deputy Commissioner
Office of Climate, Air & Energy

Enclosures

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

Express Terms

6 NYCRR Part 230 Gasoline Dispensing Sites and Transport Vehicles

Existing Part 230 is repealed.

A new Part 230 is added as follows:

230.1 Applicability

230.2 Definitions

230.3 Gasoline dispensing sites – prohibitions and requirements

230.4 Gasoline dispensing sites – recordkeeping and reporting

230.5 Gasoline dispensing sites – test company certification

230.6 Gasoline transport vehicles – prohibitions and requirements

230.7 Gasoline transport vehicles – recordkeeping and reporting

230.8 Variances

230.9 Severability Clause

§ 230.1 Applicability. This Part applies to all gasoline transport vehicles, and all gasoline dispensing sites that have gasoline storage tanks larger than 250 gallons.

§ 230.2 Definitions

(a) For the purposes of this Part, the general definitions of Part 200 apply.

(b) The following definitions shall also apply to this Part:

(1) 'Annual throughput'. The amount of gasoline transferred into or dispensed from a gasoline dispensing site during any 12 consecutive months.

(2) 'CARB'. California Air Resources Board as defined in California's Health and Safety Code, section 39003 (2004) (see Table 1, section 200.9 of this Title).

(3) 'Dual-point vapor recovery system'. A gasoline storage tank equipped with an entry port for gasoline and a separate exit port for vapor collection.

(4) 'Gasoline'. A petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals or greater, which is used as a fuel for internal combustion engines.

(5) 'Gasoline dispensing site'. A site where gasoline is dispensed into motor vehicle fuel tanks or into portable containers from a stationary gasoline storage tank larger than 250 gallons.

(6) 'Gasoline storage tank'. A stationary storage tank larger than 250 gallons located at a gasoline dispensing site which is used to store gasoline.

(7) 'Gasoline transport vehicle'. A tank truck, trailer or railroad tank car, with a capacity of 300 gallons or more, used to transport gasoline.

(8) 'Gauge well'. An opening in the top of a gasoline storage tank used to measure the amount of

product in the tank.

(9) 'Reconstructed'. Any physical change to a gasoline storage tank where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source.

(10) 'Stage I vapor recovery system'. A system that forces gasoline vapors from a gasoline storage tank into a vapor-tight gasoline transport vehicle through direct displacement of the gasoline being transferred.

(11) 'Stage II vapor recovery system'. A system that captures gasoline vapors displaced or withdrawn from a vehicle fuel tank during refueling and returns the vapors back to the gasoline storage tank.

(12) 'Submerged filling'. The use of a fill pipe or drop tube intended to minimize splashing of gasoline when loading a gasoline storage tank.

(13) 'Vapor-tight'. A condition that precludes vapor loss. Compliance with vapor-tight requirements can be determined by checking to ensure that the concentration at a potential leak source is less than 100 percent of the lower explosive limit (LEL) when measured with a combustible gas detector, calibrated with propane, at a distance of 1 inch from the source.

(14) 'Vehicle dismantling facility'. A facility that decommissions, dismantles and recycles end of life vehicles.

§ 230.3 Gasoline dispensing sites – prohibitions and requirements

(a) Submerged filling. All gasoline storage tanks must be equipped with a metallic fill pipe designed and installed to minimize vapor emissions and the generation of static electricity by terminating the pipe within 6 inches of the bottom of the tank.

(b) Minimizing vapor releases. Owners and/or operators of any gasoline dispensing site must follow best management practices to minimize vapor releases to the atmosphere. Measures to minimize vapor releases include, but are not limited to, the following:

(1) minimizing gasoline spills;

(2) cleaning up spills as expeditiously as practicable;

(3) covering all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use; and

(4) minimizing the amount of gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

(c) Stage I vapor recovery systems. The installation and operation of Stage I vapor recovery systems are required for the transfer of gasoline into gasoline storage tanks, based upon the site location and/or the annual gasoline throughput of a gasoline dispensing site. Exempt sources are not required to meet the provisions of

paragraphs (2), (3), (4), (5), (6) and (7) of this subdivision.

(1) Exempt sources. The installation and operation of Stage I vapor recovery systems is not required for the transfer of gasoline into the following storage tanks:

(i) gasoline storage tanks with a capacity less than 550 gallons and which are used exclusively for farm tractors engaging in agricultural or snowplowing activities and

(ii) gasoline storage tanks used to store gasoline drained from vehicles at a vehicle dismantling facility.

(2) Minimum requirements. Owners and/or operators of any Stage I vapor recovery system must replace, repair or modify any worn or ineffective components or design elements to ensure the vapor-tight integrity and efficiency of the vapor collection and control system.

(3) Gasoline dispensing sites located in the New York City or Lower Orange County metropolitan areas with an annual throughput less than 120,000 gallons.

(i) No person may transfer or allow the transfer of gasoline into any gasoline storage tank, installed or reconstructed after January 1, 1979, located in the New York City metropolitan area without a Stage I vapor recovery system that meets the requirements of paragraph (2) of this subdivision.

(ii) No person may transfer or allow the transfer of gasoline into any gasoline storage tank, installed or reconstructed after October 15, 1994, located in the Lower Orange County metropolitan area without

a Stage I vapor recovery system that meets the requirements of paragraph (2) of this subdivision.

(4) Gasoline dispensing sites located in the New York City metropolitan areas with an annual throughput of 120,000 gallons or more.

(i) Gasoline dispensing sites with an annual throughput greater than or equal to 120,000 gallons but less than 800,000 gallons. No person may transfer or allow the transfer of gasoline into a gasoline storage tank without a Stage I vapor recovery system that meets the requirements of paragraph (2) of this subdivision.

(ii) Gasoline dispensing sites with an annual throughput greater than or equal to 800,000 gallons. Six months after the effective date of this regulation, no person may transfer or allow the transfer of gasoline into a gasoline storage tank without a Stage I vapor recovery system that meets the requirements of paragraphs (6)(i), (6)(ii), 6(iii), and 6(iv) of this subdivision.

(5) Gasoline dispensing sites located outside the New York City metropolitan areas with an annual throughput greater than or equal to 120,000 gallons but less than 1,200,000 gallons. No person may transfer or allow the transfer of gasoline into a gasoline storage tank without a Stage I vapor recovery system that meets the requirements of paragraph (2) of this subdivision.

(6) Gasoline dispensing sites located outside the New York City metropolitan areas with an annual throughput of 1,200,000 gallons or more.

(i) No person may transfer or allow the transfer of gasoline into a gasoline storage tank

without a Stage I vapor recovery system that meets the following requirements:

(‘a’) vapor connections and lines must be equipped with closures that seal upon disconnect;

(‘b’) the vapor line from the gasoline storage tank to the gasoline cargo tank must be vapor-tight;

(‘c’) the pressure in the tank truck must not exceed 18 inches of water pressure or 5.9 inches of water vacuum during transfer of gasoline from the truck into the gasoline storage tank;

(‘d’) the vapor recovery and product adapters, and the method of connection with the delivery elbow, must be designed to prevent the over-tightening or loosening of fittings during normal delivery operations;

(‘e’) gauge wells must have a submerged drop tube that extends the same distance from the bottom of the gasoline storage tank as required by subdivision 230.3(a) of this Part;

(‘f’) liquid fill connections for all gasoline storage tanks must be equipped with vapor-tight caps;

(‘g’) pressure/vacuum (P/V) vent valves must be installed and maintained on the gasoline storage tank vent pipes in accordance with the following specifications:

(‘1’) a positive pressure setting of 2.5 to 6.0 inches of water;

(‘2’) a negative pressure setting of 6.0 to 10.0 inches of water; and

(‘3’) the total leak rate of all P/V vent valves at a gasoline dispensing site, including connections, may not exceed 0.17 cubic foot per hour at a pressure of 2.0 inches of water and 0.63 cubic foot per hour at a vacuum of 4.0 inches of water; and

(‘h’) Stage I vapor recovery systems must be capable of meeting the static pressure performance requirements of the following equation:

$$Pf = 2e^{-500.887/v}$$

Where:

Pf = minimum allowable final pressure, inches of water

v = total ullage affected by the test, gallons

e = dimensionless constant equal to approximately 2.718

2 = the initial pressure, inches water

(ii) Any gasoline storage tank installed or reconstructed after November 9, 2006 must be equipped with a dual-point vapor recovery system as defined in section 230.2(b)(3) of this Part.

(iii) Upon installation of a Stage I vapor recovery system and every 3 years thereafter, an owner and/or operator must:

(‘a’) demonstrate compliance with the CARB Vapor Recovery Test Procedure TP-201.1E - Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves (see Table 1, Section 200.9 of this Title); and

(‘b’) demonstrate compliance with the CARB Vapor Recovery Test Procedure TP-201.3 - Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities (see Table 1, Section 200.9 of this Title).

(iv) the CARB vapor recovery tests required in subparagraph 230.3(c)(6)(iii) must be performed by a testing company that satisfies the certification requirements outlined in section 230.5 of this Part.

(7) A gasoline dispensing site that becomes subject to the regulatory requirements in paragraphs (3), (4), (5) or (6) of this subdivision due to an increase in monthly gasoline throughput, must comply with paragraphs (3), (4), (5) and (6) within 6 months of such increase.

(d) Stage II Decommissioning.

(1) An owner and/or operator of a gasoline dispensing site with a Stage II vapor recovery system shall decommission the system within 12 months of the effective date of this regulation in accordance with the following:

(i) drain and collect all accumulated liquids from all Stage II equipment;

(ii) if applicable, remove any liquid drop-out tank or condensate trap or remove any

accumulated liquid and cap off any siphon line associated with the tank;

(iii) if the Stage II vapor recovery system includes a vacuum-assist vapor pump, either remove or disable the pump;

(iv) disconnect and cap off the Stage II vapor recovery line at the dispenser end with a vapor-tight cap or plug after purging the vapor recovery line with nitrogen to void accumulated liquid;

(v) if accessible without excavation, disconnect and cap off the Stage II vapor recovery line at the tank end with a vapor-tight cap or plug;

(vi) if excavation exposes the Stage II vapor recovery line after decommissioning, the vapor recovery line must be removed;

(vii) replace the Stage II vapor recovery system hanging hardware with conventional (non-Stage II) hanging hardware;

(viii) remove the Stage II vapor recovery system operating instructions from all dispensers;

(ix) conduct a passing CARB Vapor Recovery Test Procedure TP-201.3 - Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities (see Table 1, Section 200.9 of this Title); and

(x) within 30 days of completing the decommissioning of the Stage II vapor recovery

system, provide documentation to the department of the procedures used to demonstrate that the Stage II vapor recovery system has been decommissioned accordingly. Documentation should include a completed copy of the Decommissioning Checklist found on the department's website and a copy of the leak testing report required by subparagraph 230.3(d)(1)(ix). Documentation in a format acceptable to the department shall be sent to the Division of Air Resources, New York State Department of Environmental Conservation at dar.web@dec.ny.gov.

(2) Prior to decommissioning, owners and/or operators of a gasoline dispensing site with a Stage II vapor recovery system shall:

(i) continue to operate the system with equipment on the department approved equipment list; and

(ii) operate the system as designed and ensure that all necessary components of the system are maintained.

§ 230.4 Gasoline dispensing sites - recordkeeping and reporting

(a) The owner and/or operator of a gasoline dispensing site shall maintain records showing the quantity of all gasoline delivered to the site. These records must be kept at the gasoline dispensing site for at least 2 years, and must be made available to the department upon request. The sum of all gasoline deliveries to a gasoline dispensing site during every 12 consecutive months must be used to determine whether the requirements of this Part apply. Once a gasoline dispensing site becomes subject to the requirements of this Part because its annual gasoline throughput exceeds an applicability level, subsequent decreases in gasoline deliveries or throughput do not excuse a site owner from compliance with requirements of this Part for that applicability level.

(b) The owner and/or operator of a gasoline dispensing site required to demonstrate compliance with the leak rate and cracking pressure requirement and/or the static pressure performance requirement for a Stage I vapor recovery system pursuant to sections 230.3(c)(6)(iii)(‘a’) and (‘b’) of this Part shall report all test results to the Division of Air Resources, New York State Department of Environmental Conservation, within 30 days after the test at dar.web@dec.ny.gov. A copy of the most recent test results must be retained at the gasoline dispensing site. The test results must contain:

(1) the pass/fail results;

(2) information on any failed tests including equipment repairs and replacements needed to attain passing test results; and

(3) site information including owner name, operator name, site address, telephone number, Petroleum Bulk Storage (PBS) program registration number, tank installation dates, and most recent annual throughput.

§ 230.5 Gasoline dispensing sites - test company certification

Test companies shall certify that Stage I vapor recovery system compliance tests are performed in accordance with the procedures and protocols contained in the CARB test procedures referenced in section 230.3(c)(6)(iii)(‘a’) and (‘b’) of this Part (see Table 1, Section 200.9 of this Title) and that testing staff have been trained accordingly to perform these tests. Written certification must be submitted to the department 30 days prior to performing the tests or within 30 days after the effective date of this regulation, whichever is later.

Notification to the department shall be sent to the Division of Air Resources, New York State Department of Environmental Conservation at dar.web@dec.ny.gov.

§ 230.6 Gasoline transport vehicles - prohibitions and requirements

(a) No owner or operator of a gasoline transport vehicle may transport gasoline or allow the vehicle to be filled or emptied in New York State unless the gasoline transport vehicle meets:

(1) the federal Department of Transportation (DOT) requirements for leak testing as required by 49 CFR 180.407(h) (see Table 1, Section 200.9 of this Title); and

(2) the federal DOT requirements for test markings as required by 49 CFR 180.415 (see Table 1, Section 200.9 of this Title).

(b) No operator of a gasoline transport vehicle may transfer gasoline into a gasoline storage tank with a Stage I vapor recovery system unless the vehicle operator:

(1) connects the Stage I vapor recovery hose before connecting the gasoline delivery hose prior to tank loading;

(2) ensures that all tank truck vapor return equipment is compatible in size and forms a vapor-tight connection with the vapor balance equipment on the gasoline storage tank;

(3) ensures that all hoses in the vapor balance system are properly connected;

(4) ensures that the adapters or couplers that attach the vapor line to the vapor port on the gasoline storage tank have closures that seal upon disconnect;

(5) ensures that all vapor return hoses, couplers, and adapters used to transfer the gasoline vapor are vapor-tight;

(6) ensures that all hatches on the tank truck are closed and securely fastened;

(7) ensures that the filling of gasoline storage tanks is limited to unloading from vapor-tight gasoline cargo tanks which meet the requirements in 230.6(a)(1) and (2); and

(8) disconnects the gasoline delivery hose before disconnecting the Stage I vapor recovery hose after tank loading.

(c) Vapor leaks from the gasoline transport vehicle or vapor recovery system may not equal or exceed the lower explosive limit (LEL measured as propane) when measured at a distance of 1 inch from the source with a combustible gas detector. The combustible gas detector used for determining compliance with this standard must be properly calibrated and have a minimum range of 0-100 percent of the LEL as propane, have a probe with an external diameter of one quarter inch (0.635 cm), and a response time less than 30 seconds with sampling line and probe attached.

(d) Dome covers on a gasoline transport vehicle must not be open while the vehicle is in motion or while gasoline is being transferred into the vehicle, except where gasoline transport vehicles are hatch-loaded in

conformance with Subparagraph 229.3(c)(3)(ii) or 229.3(d)(2)(i) of this Title.

§ 230.7 Gasoline transport vehicles - recordkeeping and reporting

(a) The owner of any gasoline transport vehicle subject to the leak testing requirements outlined in section 230.6(a) of this Part shall keep:

(1) leak testing records with information as prescribed by 49 CFR 180.417(b)(1) and (2) (see Table 1, Section 200.9 of this Title) for 5 years; and

(2) a copy of the most recent leak testing results with the gasoline transport vehicle.

§ 230.8 Variances

Where it can be shown to the satisfaction of the department that a gasoline dispensing site or gasoline transport vehicle cannot comply with the requirements of this Part for reasons of technological or economic feasibility, the commissioner may, upon submission of satisfactory evidence, grant to the source owner or operator a variance from the requirements of this Part and accept a lesser degree of control or an alternate compliance schedule.

§ 230.9 Severability

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

Express Terms
Part 200 General Provisions

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

Table 1

Regulation	Referenced Material	Availability
<u>230.2(b)(2)</u>	<u>California Health and Safety Code, Section 39003 (1975)</u>	<u>**</u>
<u>230.3(c)(6)(iii)(b)</u>	<u>California Air Resources Board TP-201.3 (Amended July 26, 2012)</u>	<u>††</u>
<u>230.3(c)(6)(iii)(a)</u>	<u>California Air Resources Board TP-201.1E (Amended October 8, 2003)</u>	<u>††</u>
<u>230.3(d)(1)(ix)</u>	<u>California Air Resources Board TP-201.3 (Amended July 26, 2012)</u>	<u>††</u>
[230.4(b)]	40 CFR Part 60, Appendix A (July 1989) Method 27, pages 945-947	*]
<u>230.6(a)(1)</u>	<u>49 CFR 180.407(h) (October 1, 2017)</u>	<u>*</u>
<u>230.6(a)(2)</u>	<u>49 CFR 180.415 (October 1, 2017)</u>	<u>*</u>
<u>230.7(a)(1)</u>	<u>49 CFR 180.417(b)(1) and (2) (October 1, 2017)</u>	<u>*</u>



Department of
Environmental
Conservation

ENB - Statewide Notices 2/12/2020

Public Notice

Notice of Proposed Rulemaking

6 NYCRR Part 230, Gasoline Dispensing Sites and Transport Vehicles

Pursuant to Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0304, 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 proposes to repeal and replace 6 NYCRR Part 230, Gasoline Dispensing Sites and Transport Vehicles to reduce volatile organic compound (VOC) emissions from gasoline dispensing sites and transport vehicles in New York State. As part of this rulemaking, NYS DEC also proposes to revise 6 NYCRR Part 200 to incorporate by reference applicable federal and California Air Resources Board (CARB) test methods; inspection procedures; and gasoline tanker truck marking, reporting and record retention provisions which are required by new Part 230. The emission reductions resulting from the proposed replacement of Part 230 and the revision to Part 200 are necessary to help the state demonstrate attainment of both the 2008 and 2015 ozone National Ambient Air Quality Standards (NAAQS). This proposal will affect approximately 7,500 gasoline dispensing sites in New York State. In addition, NYS DEC proposes to submit the new Part 230 as well as the revisions to Part 200 to the United State Environmental Protection Agency (US EPA) as a revision to the State Implementation Plan (SIP) for New York State.

Written comments on the proposed rule may be submitted until 5:00 p.m. on April 21, 2020. For further information, contact: Denise Prunier, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY 12233-3250, Phone: (518) 402-8403, E-mail: air.regs@dec.ny.gov

Requests for information and comments related to the SIP revision may be obtained from: Robert D. Bielawa, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, Phone: (518) 402-8396, E-mail: air.regs@dec.ny.gov. **Written statements may be submitted until 5:00 pm on April 21, 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: 4/14/2020

Time: 11:00 a.m.

Location: NYS DEC

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

Date: 4/15/2020

Time: 11:00 a.m.

Location: 1 Hunter's Point Plaza

47-40 21st Street, Room 834 NYSDOT
Long Island City, NY 11101

Date: 4/16/2020

Time: 11:00 a.m.

Location: 6274 Avon-Lima Road (Routes 5 and 20), Conference Room
Avon, NY 14414-9516

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 7, 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

For further information, contact:

Denise Prunier
NYS DEC - Division of Air Resources
625 Broadway
Albany, NY 12233-3250

previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-03-20-00004-P, Issue of January 22, 2020.

Department of Environmental Conservation

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Repeal and Replacement of 6 NYCRR Part 230 Gasoline Dispensing Sites and Transport Vehicles

I.D. No. ENV-06-20-00018-P

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

Proposed Action: Amendment of Part 200; repeal of Part 230; addition of new Part 230 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0304, 71-2103 and 71-2105

Subject: Repeal and replacement of 6 NYCRR Part 230 Gasoline Dispensing Sites and Transport Vehicles.

Purpose: To further reduce harmful volatile organic compounds (VOCs) emitted into the atmosphere.

Public hearing(s) will be held at: 11:00 a.m., April 14, 2020 at Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY; 11:00 a.m., April 15, 2020 at Department of Transportation, One Hunter's Point Plaza, 47-40 21st St., Rm. 834, Long Island City, NY; 11:00 a.m., April 16, 2020 at Department of Environmental Conservation, 6274 Avon-Lima Rd., Rtes. 5 and 20, Conference Rm., Avon, 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 New York State Department of Environmental Conservation (Department) proposes to revise Part 200.9 "General Provisions, Referenced Material, Table 1" and repeal and replace Part 230 "Gasoline Dispensing Sites and Transport Vehicles" of the Official Compilation of Codes, Rules, and Regulations of New York State (6 NYCRR).

The revisions to 6 NYCRR Part 200.9 "General Provisions, Referenced Material, Table 1" are being made to incorporate the applicable standards, guidelines and methodologies necessary to meet the specific requirements of 6 NYCRR Part 230.

Repeal and replacement of 6 NYCRR Part 230 "Gasoline Dispensing Sites and Transport Vehicles" is being proposed to further reduce volatile organic compound (VOC) source emissions from gasoline dispensing facilities (GDFs) and transport vehicles across New York State.

The Department proposes to adopt EPA's control measures for federal "enhanced" Stage I vapor recovery, submerged fill, dual-point vapor control systems, new performance test requirements and best management practices outlined in 40 CFR 63 Subpart CCCCCC (Subpart 6C).

The proposed incorporation of federal "enhanced" Stage I controls into new Part 230 will provide better vapor capture efficiency during the loading of gasoline storage tanks than the existing regulation currently requires.

New submerged filling requirements are proposed in Part 230 for all gasoline storage tanks at GDFs to address the requirements in the current New York State Fire Code and minimize the generation of gasoline vapors caused by splash loading.

The federal requirement for dual-point vapor control systems, equipping storage tanks with an entry port for a gasoline fill pipe and a separate exit port for a vapor connection, is necessary to maintain a proper seal when the vapor recovery line is disconnected.

The proposal to add the federal performance test requirements for vapor recovery systems will ensure more consistent vapor capture at GDFs.

Other federal requirements being adopted include best management practices to minimize the amount of VOC released from spills and uncovered gasoline storage containers.

The proposed changes also include the removal of Stage II vapor recovery systems due to the equipment incompatibility with onboard refueling vapor recovery (ORVR) systems.

The "phase-in" requirements for installation of Stage I and Stage II vapor recovery systems are being removed because they are no longer applicable.

Gasoline storage tanks with a capacity of less than 550 gallons and which are used exclusively for farm tractors engaging in agricultural or snowplowing activity and automobile dismantling facilities would be exempt from the requirements of Stage I because it would not be cost effective to require these facilities to install vapor recovery systems.

The Department proposes to require test companies to certify that Stage I vapor recovery system tests will be performed in accordance with federal regulation testing procedures and protocols.

The information regarding registration schedules is being removed because the schedules for compliance have already been completed.

The Department proposes to require pressure-vacuum cargo tank testing and markings that coincide with the Federal Department of Transportation (DOT) testing and marking requirements making these requirements consistent on the state and federal level.

The proposal to revise the gasoline transport vehicle recordkeeping retention requirements from 2 years to 5 years supports the recent recordkeeping amendment made to federal Subpart 6C.

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

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

Public comment will be received until: April 21, 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.

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

The New York State Department of Environmental Conservation (Department) proposes to repeal and replace 6 NYCRR Part 230 to reduce volatile organic compound (VOC) emissions from gasoline dispensing sites and transport vehicles in New York State. As part of this rulemaking, the Department also proposes to revise 6 NYCRR Part 200 to incorporate by reference applicable federal and California Air Resources Board (CARB) test methods; inspection procedures; and gasoline tanker truck marking, reporting and record retention provisions which are required by new Part 230. The emission reductions resulting from the proposed replacement of Part 230 and the revision to Part 200 are necessary to help the state demonstrate attainment of both the 2008 and 2015 ozone National Ambient Air Quality Standards (NAAQS). The attainment demonstrations for both the 2008 and 2015 ozone NAAQS must be documented in State Implementation Plans (SIPs) that must be submitted to the Environmental Protection Agency prior to the end of 2020 and 2021, respectively.

According to the Environmental Conservation Law (ECL), the Department has the authority to develop and enforce regulations for the protection of New York State's natural resources and the environment. ECL sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, and 19-0303 establish the authority of the Department to regulate air pollution and air contamination sources. ECL section 19-0305 authorizes the Department to enforce the codes, rules and regulations of the Department, and ECL sections 71-2103 and 71-2105 set forth the applicable civil and criminal penalty structures. Together, these sections of the ECL set out the overall state policy goal of reducing air pollution and providing clean, healthy air for the citizens of New York and provides the Department with the general authority to adopt and enforce measures to do so.

Replacement of 6 NYCRR Part 230

The Department is proposing to adopt a new Part 230, "Gasoline Dispensing Sites and Transport Vehicles," to further reduce VOC source

emissions from gasoline dispensing sites and transport vehicles. A gasoline dispensing site is a federally regulated Gasoline Dispensing Facility (GDF) with gasoline storage tank(s) greater than 250 gallons. Emissions of VOCs from the transfer of gasoline at GDFs can be significant. Over 6 billion gallons of gasoline are distributed to about 7,540 retail sites in New York State each year.

Vapor recovery measures at GDFs help reduce VOC emissions into the atmosphere. Stage I and Stage II vapor recovery systems collect and control these emissions. Stage I systems are used to control the emissions from gasoline storage tanks whereas outdated Stage II systems control the emissions from vehicle fuel tanks during refueling. Additional control measures can include submerged filling for gasoline storage tanks and dual-point vapor balancing systems that have an entry port for a gasoline fill pipe and a separate exit port for better vapor collection. Proposed Part 230 will require some or all these control measures depending on site location and the annual gasoline throughput of a gasoline dispensing site or GDF.

The Department proposes to adopt the federal requirements of 40 CFR Part 63 Subpart CCCCCC (Subpart 6C) for “enhanced” Stage I vapor recovery control, submerged filling, dual-point vapor control systems, new performance testing and best management practices in new Part 230. Incorporation of these measures into new Part 230 will make the state regulation consistent with federal requirements. The Department also proposes to extend these same federal requirements to medium-sized GDFs not covered by the federal rule to achieve further reductions in NYMA emissions. Additionally, new Part 230 proposes to increase the frequency of performance testing and decommission all remaining Stage II vapor recovery systems.

Federal “enhanced” Stage I systems achieve greater emission reductions than the Stage I systems currently allowed under the existing Part 230 state regulation. Under the federal rule, Stage I vapor recovery systems are only required at large GDFs with annual throughputs of 1,200,000 gallons or greater. The Department proposes to extend these same federal requirements to medium-sized GDFs located in the New York City Metropolitan Area (NYMA) with annual throughputs between 800,000 and 1,200,000 gallons to achieve greater VOC emission reductions in the ozone nonattainment area.

New submerged filling requirements are being proposed in Part 230 for all GDFs with gasoline storage tanks that have capacities greater than 250 gallons. Submerged filling is already required by the New York State Fire Code for all top-loaded gasoline storage tanks with capacities greater than 60 gallons. Inclusion of this requirement in Part 230 will make the regulation consistent with the State Fire Code for the larger gasoline storage tanks. Submerged filling reduces vapor emissions where gasoline is dispensed through a fill pipe that extends to within 6 inches of the bottom of a tank.

Proposed Part 230 incorporates the federal requirement to equip new or reconstructed gasoline storage tanks with a dual-point vapor control system that has both an entry port for a gasoline fill pipe and a separate exit port for a vapor connection. Coaxial pipes, with only one port for both gasoline filling and vapor extraction, don’t always maintain a proper seal when the vapor line is disconnected. As with the federal Stage I vapor recovery requirements, the Department proposes to extend this requirement to medium-sized GDFs in the NYMA to achieve greater reductions in VOC emissions.

The Department proposes to replace the current Part 230 performance test requirements with the federal requirements for testing vapor recovery systems to ensure better vapor capture and control. These improved performance test methods will ensure that vapor recovery systems are functioning properly and meet the federal control requirements. Requiring these tests to be conducted once every three years, rather than every five years, will help improve yearly compliance. This rulemaking proposal also extends the federal testing requirements to medium-sized GDFs in the NYMA.

Other proposed, new provisions include the federal requirement for best management practices to minimize spills and the amount of VOC released from uncovered gasoline storage containers. Proposed best management practices include requirements to keep all gasoline containers covered, minimize spills, and to clean-up spills as expeditiously as possible. These measures will apply to all GDFs with annual throughputs of 120,000 gallons or greater.

The required removal of Stage II vapor recovery systems is being proposed due to equipment incompatibility with onboard refueling vapor recovery systems (ORVR). As ORVR becomes more widespread, the counter productiveness of Stage II increases. Modeling has shown that the percentage of vehicles equipped with ORVR in New York State is high and that excess emissions are starting to increase because of the incompatibility problem with Stage II systems. Removal of the Stage II systems from GDFs will help New York State attain the ozone standard.

The “phase-in” requirements for installation of Stage I and Stage II

vapor recovery systems are being removed because they are no longer applicable. Existing Part 230 phased in Stage I and Stage II requirements over time depending on tank size, annual throughput and location of the GDF. All the compliance dates have since passed making these requirements obsolete.

The Department proposes to exempt auto dismantling facilities from the requirements of Stage I because there are no cargo trucks in which to return captured vapors. These facilities fill storage tanks with gasoline collected from drained and dismantled vehicles. There are approximately 800 of these facilities located throughout New York which handle a small volume of gasoline per year.

Companies doing performance tests will also be required to provide certification of testing experience. Approximately 3,545 GDFs will be required to comply with the proposed testing requirements. New self-certification requirements will also help enforcement staff verify that tests are being conducted properly.

The Department also proposes to remove the registration schedules in existing Part 230.7 because the compliance dates have passed. All GDFs operating in New York State must currently be registered with the Department.

The proposal to replace the pressure-vacuum cargo tank testing and marking provisions with current Federal Department of Transportation (DOT) requirements will make these requirements consistent on the state and federal level.

The proposal to revise the recordkeeping retention requirements for gasoline transport vehicles from two to five years matches federal Subpart 6C requirements.

Potential costs to regulated parties due to the proposed repeal and replacement of Part 230 will include costs to medium-sized GDFs located in the NYMA with annual throughputs between 800,000 and 1,200,000 gallons per year for the upgrade to federal “enhanced” Stage I and the requirement to perform more frequent vapor-tightness testing. The cost for this upgrade is approximately \$1,150 for an average site. In addition, these GDFs would incur a cost of \$500 once every three years instead of once every five years for increased vapor-tightness testing. These additional costs would affect approximately 851 GDFs in the NYMA.

The costs associated with the removal of Stage II vapor recovery systems will be offset by eliminating the annual costs for maintaining these systems.

No new costs are associated with the installation of dual-point collection systems, removal of the “phase-in” requirements, self-certification requirements for testers, federal DOT tank test and marking requirements for cargo tank owners or for compliance with gasoline transport vehicle recordkeeping requirements.

Costs to state and local governments like those described above will be required for several of the larger cities, counties, or local municipalities across the state operating GDFs. The majority will not be affected by many of the costs associated with the proposed rule changes. Since the regulatory amendments will apply equally to all entities, the compliance obligations of local governments will be no different than those of other subject entities.

There should be no increase in administrative costs to the Department since the Department does not anticipate a need to increase or expand the resources currently devoted to the regulation of GDFs.

Minor additional paperwork will be imposed on owners and/or operators of GDFs and companies overseeing the required performance tests due to this rulemaking. GDF owners and/or operators will need to submit additional information regarding site location and throughput when submitting required test reports and provide documentation to the Department upon completion of decommissioning procedures for Stage II vapor recovery systems. Test companies will need to submit self-certification forms to the Department prior to conducting performance tests.

Proposed Part 230 will not conflict with any other state or federal requirements. It is the intent of New York State to bring its GDF regulation in sync with the current federal GDF regulation by adopting the provisions of Subpart 6C. All relevant federal obligations will be satisfied by the revised new state regulation.

New Part 230 will incorporate all the minimum standards of federal Subpart 6C and its amendments. In addition, new Part 230 will impose additional requirements, beyond what the federal rule requires, for the federal Stage I and performance test requirements for medium-sized GDFs in the NYMA.

Revisions to 6 NYCRR Part 200

The revisions to Table 1 of Part 200.9 are being made to incorporate by reference the applicable federal and California Air Resources Board (CARB) test methods; inspection procedures; and gasoline tanker truck marking, reporting and record retention provisions.

Regulatory Flexibility Analysis

New York faces a significant public health challenge from ground-level ozone, which causes health effects ranging from respiratory disease to

death. In response to this public health problem, New York has enacted a series of regulations designed to control ozone and its chemical precursors which include volatile organic compounds (VOCs). To lower emissions that affect ozone formation, New York State is proposing to repeal and replace 6 NYCRR Part 230 to limit VOC emissions from gasoline dispensing sites and transport vehicles. A gasoline dispensing site is a federally regulated Gasoline Dispensing Facility (GDF) with gasoline storage tank(s) greater than 250 gallons. Revisions to Table 1 of 6 NYCRR Part 200.9 are also being proposed to incorporate by reference applicable federal and California Air Resources Board test methods; inspection procedures; and gasoline tanker truck marking, reporting and record retention provisions.

The New York State Department of Environmental Conservation (Department) is revising the State Implementation Plan (SIP) to demonstrate how New York State will attain the 2008 and 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS). The SIP revisions will include the establishment of new and/or revised control requirements for emissions of the precursors causing ground level ozone pollution including VOCs. This rulemaking proposal is aimed at achieving some of the VOC emission reductions necessary to achieve the ozone standards.

The Department proposes to adopt the United States Environmental Protection Agency's (EPA) federal regulation for GDFs outlined in 40 CFR Part 63 Subpart CCCCCC (Subpart 6C). This includes the required use of federal "enhanced" Stage I vapor recovery systems at large GDFs with annual gasoline throughputs of 1,200,000 gallons or more, submerged filling, dual-point vapor control systems, new performance test methods and best management practices. Incorporation of these federal requirements into state regulation will bring consistency to the regulated community. These same federal Stage I vapor recovery systems requirements are also being proposed for medium-sized GDFs in the New York City Metropolitan Area (NYMA) with annual gasoline throughputs of between 800,000 and 1,200,000 gallons per year. The NYMA is designated as a moderate ozone nonattainment area and further reductions in VOC emissions are necessary to achieve the NAAQS for ground level ozone. The required decommissioning of all Stage II vapor recovery systems at all GDFs is also being proposed due to equipment incompatibility with On-board Refueling Vapor Recovery (ORVR) systems. All proposed changes are necessary to promote attainment of the 2008 and 2015 8-hour ozone NAAQS.

1. Effect of Rule: Costs to local governments for several of the larger cities, counties, or local municipalities across the state will be the same as those for all GDFs. However, the majority will not be affected by many of the costs associated with the proposed rule changes due to low annual throughputs. The same applies to small businesses. GDFs with low annual throughputs will be exempt from many of the proposed requirements. Since the regulatory amendments will apply equally to all subject entities, the proposed changes will not impose any mandate specific to small businesses or local governments.

2. Compliance Requirements: Local governments and small businesses are required to comply with the same requirements as all GDFs throughout the state.

3. Professional Services: Small businesses and local governments are required to comply with the same requirements as all GDFs throughout the state. Some professional services like those from gasoline dispensing equipment contractors and testers will be required. The same is true for all GDFs throughout the state.

4. Compliance Costs: There are no additional compliance costs for small businesses and local governments as a result of this rulemaking. Local governments and small businesses are required to comply with the same requirements as all GDFs throughout the state.

5. Economic and Technological Feasibility: These changes are not expected to have unfair or adverse impacts on small businesses or local governments since the same requirements will apply statewide.

6. Minimizing Adverse Impact: The proposed rulemaking is intended to create air quality benefits for the entire state through the reduction of ozone forming pollutants. These changes are not expected to have unfair or adverse impacts on small businesses or local governments since the same requirements will apply statewide. The proposed regulation ensures a fair and level playing field for all GDF owners.

7. Small Business and Local Government Participation: Small businesses and local governments are not specifically adversely affected by the proposed revisions. The proposed rulemaking changes apply to GDF owners and/or operators throughout the entire state in varying degrees depending upon the annual throughput of the GDF. The Department held public meetings in which industry stakeholders were presented with a draft of the proposed regulatory changes. In addition, the Department plans on holding public hearings at various locations throughout New York State once the regulation is proposed. These locations will be convenient for persons from small businesses and local governments to participate. Additionally, there will be a public comment period in which interested parties can submit written comments.

Rural Area Flexibility Analysis

New York faces a significant public health challenge from ground-level ozone, which causes health effects ranging from respiratory disease to death. In response to this public health problem, New York has enacted a series of regulations designed to control ozone and its chemical precursors which include volatile organic compounds (VOCs). To lower emissions that affect ozone formation, New York State is proposing to repeal and replace 6 NYCRR Part 230 to limit VOC emissions from gasoline dispensing sites and transport vehicles. A gasoline dispensing site is a federally regulated Gasoline Dispensing Facility (GDF) with gasoline storage tank(s) greater than 250 gallons. As part of this rulemaking, changes are also being proposed to Table 1 of Part 200.9 to incorporate by reference applicable federal and California Air Resources Board (CARB) test methods; inspection procedures; and gasoline tanker truck marking, reporting and record retention provisions.

The New York State Department of Environmental Conservation (Department) is revising the State Implementation Plan (SIP) to demonstrate how New York State will attain the 8-hour ozone National Ambient Air Quality Standards (NAAQS). The emission reductions resulting from proposed Part 230 are necessary to help attain the 2008 and 2015 ozone NAAQS. SIP revisions will include the establishment of new and/or revised control requirements for emissions of the precursors of ground level ozone pollution – Nitrogen Oxides and VOCs. This rulemaking proposal is aimed at achieving some of the VOC emission reductions necessary to achieve the ozone NAAQS.

The Department proposes to adopt EPA's federal regulation for GDFs outlined in 40 CFR Part 63 Subpart CCCCCC (Subpart 6C). This includes the federal requirements for the use of "enhanced" Stage I vapor recovery systems at large GDFs with annual gasoline throughputs of 1,200,000 gallons or more, submerged filling, dual-point vapor control systems, new performance test methods and best management practices. Incorporation of these federal requirements into state regulation will bring consistency to the regulated community. In addition, to achieve greater VOC emission reductions, the Department proposes to extend the same federal requirements to medium-sized GDFs located in the New York City Metropolitan Area (NYMA) with annual gasoline throughputs between 800,000 and 1,200,000 gallons per year. The NYMA is designated as a moderate ozone nonattainment area and further reductions in VOC emissions will help achieve the NAAQS for ground level ozone. The required decommissioning of Stage II vapor recovery systems at all GDFs is also being proposed due to equipment incompatibility with On-board Refueling Vapor Recovery (ORVR) systems. All proposed changes are necessary to help achieve attainment of the 2008 and 2015 8-hour ozone NAAQS throughout New York State.

1. Types and estimated numbers of rural areas: Rural areas are found in much of upstate New York. In addition to the statewide requirements for large and medium-sized GDFs, this proposed rulemaking will impose minor new requirements on rural area GDFs with annual gasoline throughputs of 120,000 gallons or greater. Most notably, all GDFs must comply with the requirement for submerged filling equipment and best management practices. Submerged filling is an existing requirement of the New York State Fire Code for all stationary top-loaded gasoline storage tanks with a capacity greater than 60 gallons and best management practices is a federal requirement. Rural area GDFs will not be unfairly or adversely affected by the revisions to Part 230. This proposal will apply on a statewide basis.

2. Reporting, recordkeeping and other compliance requirements; and professional services: The regulatory changes to Part 230 and Part 200 will apply on a statewide basis. Rural area GDFs are not expected to be unfairly or adversely affected by these revisions. The proposed rulemaking will impose minor reporting and recordkeeping requirements on most GDF owners and/or operators as well as testers of gasoline dispensing equipment. This requirement applies to all sources and not just those in rural locations. GDF owners and/or operators will need to submit additional information regarding site location and throughput when submitting required test reports. Documentation must also be provided to the Department upon completion of decommissioning procedures for Stage II vapor recovery systems. Test companies will need to submit self-certification forms to the Department prior to conducting performance testing. All GDF owners and/or operators, not just rural area GDF owners and/or operators, will require professional services from time to time from GDF equipment contractors and testers.

3. Costs: Rural areas are not expected to be unfairly or adversely affected by these changes. Since most of the costs are due to equipment upgrades, the cost to GDF owners associated with the proposed regulations will vary depending on site condition and will likely be lower for smaller GDFs often located in rural areas.

4. Minimizing adverse impact: The proposal is not anticipated to have an unfair or adverse effect on rural areas. The rulemaking is intended to create air quality benefits for the entire state, including rural areas, through

the reduction of ozone forming pollutants. The regulation ensures a fair and level playing field for all GDF owners and/or operators as well as for all manufacturers, contractors and testers of gasoline dispensing equipment.

5. Rural area participation: Rural areas will not be adversely affected by the proposed changes. The changes proposed apply to GDF owners and/or operators throughout the entire state. The Department held public meetings for industry stakeholders to present a draft of the proposed regulatory changes at various locations throughout the state. These locations were convenient for persons from rural areas to participate. The Department plans on holding public hearings at various locations throughout New York State once the regulation is proposed. There will be a public comment period in which interested parties can submit written comments.

Job Impact Statement

1. Nature of impact: The Department of Environmental Conservation (Department) proposes to repeal and replace 6 NYCRR Part 230 to reduce volatile organic compound (VOC) emissions from gasoline dispensing sites and transport vehicles in New York State. A gasoline dispensing site is a federally regulated Gasoline Dispensing Facility (GDF) with gasoline storage tank(s) greater than 250 gallons. Part 200 will be revised to incorporate by reference applicable federal and California Air Resources Board (CARB) test methods; inspection procedures; and gasoline tanker truck marking, reporting and record retention provisions.

The Department proposes to adopt EPA's federal requirements for GDFs outlined in 40 CFR Part 63 Subpart CCCCCC (Subpart 6C). These requirements include the mandated use of federal "enhanced" Stage I vapor recovery systems at large GDFs with annual gasoline throughputs of 1,200,000 gallons or more, submerged filling, dual-point vapor control systems, improved performance testing and best management practices. Incorporation of these federal requirements into state regulation will bring consistency to the regulated community. Beyond what Subpart 6C requires, federal Stage I vapor recovery system requirements are also proposed for medium-sized GDFs located in the New York City Metropolitan Area (NYMA) with annual gasoline throughputs between 800,000 and 1,200,000 gallons per year. The NYMA is designated as a "serious" nonattainment area under the 2008 ozone National Ambient Air Quality Standard (NAAQS) and as "moderate" nonattainment for the 2015 ozone NAAQS. The required decommissioning of all Stage II vapor recovery systems is being proposed due to equipment incompatibility with On-board Refueling Vapor Recovery (ORVR) systems found on most vehicles. More frequent performance testing is also being proposed to ensure vapor-tight recovery systems.

This rulemaking is not expected to have any adverse impacts on jobs or employment opportunities in New York State. Adoption of the federal standards for high throughput GDFs along with removal of Stage II vapor recovery systems and an increased testing frequency will require owners and/or operators to purchase, install and maintain gasoline dispensing site equipment as well as perform more frequent performance tests. This will require the manufacturing of additional equipment components and the hiring of contractors to perform the necessary upgrades. It will also provide increased job opportunities to accommodate the need for more frequent testing at a larger number of GDFs throughout the State.

2. Categories and numbers affected: This rulemaking will affect approximately 7,277 GDFs to varying degrees, all of which may need services from gasoline dispensing equipment manufacturers, contractors or testers. The greatest impact will be on the 851 medium-sized GDFs located in the NYMA. These medium-sized facilities will be subject to the federal Stage I vapor recovery, dual-point vapor control systems, and improved performance testing requirements under the proposed provisions of new Part 230. Additionally, many GDFs may be minimally affected by the federal best management practice requirements of the Subpart 6C regulation that are proposed to be incorporated in new Part 230. The new submerged filling requirements should not impact any facilities as the current New York State Fire Code requires all gasoline storage tanks with capacities greater than 60 gallons to meet the proposed Part 230 requirements. The requirements for Stage II decommissioning will affect approximately 3,387 GDFs and an estimated 20 companies contracted to do performance tests. In terms of job creation, the proposed rule changes will have a positive impact based on the great number of GDFs affected and the services anticipated.

3. Regions of adverse impact: The Department does not expect that employment will be adversely impacted in any region of the state due to this proposed rulemaking. Most GDFs already must comply with much of the proposed rulemaking due to existing federal requirements. The need for services from manufacturers, contractors and testers involved in the gasoline dispensing equipment industry will increase in all areas of New York State.

4. Minimizing adverse impact: Specific compliance periods have been factored into this proposed rulemaking to minimize the impacts associated with the need for increased services from manufacturers, testers, and

contractors involved in the gasoline dispensing equipment industry. The Department is providing a 6-month compliance period for GDFs that become subject to the federal vapor recovery requirements as a result of the proposed rule changes. Discussions with manufacturers, contractors and testers have determined this compliance period to be sufficient. Several gasoline dispensing equipment manufacturers already manufacture the necessary equipment and many contractors are already familiar with the installation requirements. Additionally, many of the major performance test companies are also familiar with the new test requirements. The Department, therefore, does not anticipate any adverse impacts on those employed in the manufacturing, installation or testing of gasoline dispensing equipment as a result from the adoption of these proposed rule changes. The Department believes that this rule will have a positive economic impact on all GDFs due to better containment of vapors and reduced product loss. Although GDF owners will have to pay for the removal of Stage II equipment, most of the 3,387 applicable GDFs should save approximately \$2,000 annually by eliminating their yearly maintenance costs.

5. Self-employment opportunities: The proposed regulation will provide opportunities for new employment for individuals or companies that decide to install, repair, or test gasoline dispensing equipment. The need for increased services by contractors and testers will benefit employment in New York State. Many of these services will be provided by self-employed individuals.

6. Initial review of the rule: The initial review of this rule shall occur no later than in the third calendar year after the year in which the rule is adopted.

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Consumer Products

I.D. No. ENV-06-20-00019-P

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

Proposed Action: Amendment of Parts 200 and 235 of Title 6 NYCRR.

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

Subject: Consumer Products.

Purpose: Reduce Volatile Organic Compound emissions from Consumer Products - those products used in the average household.

Public hearing(s) will be held at: 11:00 a.m., April 14, 2020 at Department of Environmental Conservation, 625 Broadway, Public Assembly Room 129A/B, Albany, NY; 11:00 a.m., April 15, 2020 at Department of Transportation, One Hunter's Point Plaza, 47-40 21st St., Rm. 834, Long Island City, NY; 11:00 a.m., April 16, 2020 at Department of Environmental Conservation, 6274 Avon-Lima Rd., Rtes. 5 and 20, Conference Rm., Avon, NY.

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

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

Substance of proposed rule (Full text is posted at the following State website: <http://www.dec.ny.gov/regulations/proproregulations.html#public>): The Division of Air Resources is proposing to revise 6 NYCRR Part 235, "Consumer Products" (Part 235) to reduce volatile organic compound (VOC) emissions, improve air quality, and promote regional product consistency. The proposed revisions will help the state attain federal National Ambient Air Quality Standards, and work toward regionally consistent regulations amongst the Ozone Transport Commission (OTC) states.

The proposed revisions include adding nine new product categories and revising ten existing categories in order to reduce the VOC content of the products through lower VOC content limits. Part 200 will be revised to incorporate referenced materials, including American Society for Testing Materials (ASTM) testing procedures, the California Air Resources Board (CARB) provisions supporting this regulation, and to update references to Part 235. Part 235 will be revised to incorporate new definitions and revise some categories in the existing definitions. Additionally, Subpart 235-3 will be updated to add new VOC limits, conform to the revised definitions and product categories, and to remove obsolete text and references.

AFFIDAVIT OF PUBLICATION


STATE OF NEW YORK
COUNTY OF NEW YORK

Ambika Mohan being duly sworn hereby declares and says, that she is the Advertising Account Executive responsible for placing the attached advertisement for publication in the 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 12, 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, 14th - 2022

LEGALS

Annabelle's Care & Transportation LLC. Filed 12/9/19. Office: Schenectady Co. SSNY designated as agent for process & shall mail to: Dewitt P. Gibson, 2 Fuller St # 13, Schenectady, NY 12305. Purpose: General. TU6t 4098404

CHOCOLATE PICTURES LLC. Arts. of Org. filed with the SSNY on 02/04/20. Office: Albany County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 268, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4092185

Notice of Formation of HPH Trio, LLC. Arts of Org. filed with New York Secy of State (SSNY) on 11/15/19. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 268, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4092187

Notice of Formation of Kinyan 20 LLC. Arts of Org. filed with New York Secy of State (SSNY) on 12/17/19. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: 401 E. 34th St. #S33C, NY, NY 10016. Purpose: any lawful activity. TU6t 4092189

Notice of formation of LOYAL ACQUISITIONS LLC Arts. Of Org. filed with NY Secy. of State (SSNY) on 12/13/2019. Office: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: 140 W. 69th St. #75C, NY, NY 10023. Purpose: any lawful activity. TU6t 4095835

Notice of Formation of Rachel Ward, MD, PLLC. Arts of Org. filed with New York Secy of State (SSNY) on 1/3/20. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: 35 Ocean Pkwy, #1P, Brooklyn, NY 11218. Purpose: medicine. TU6t 4095837

Notice of Formation of Revaya LLC. Arts of Org. filed with New York Secy of State (SSNY) on 1/9/20. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: 350 Lincoln Pl., #4E, Brooklyn, NY 11238. Purpose: any lawful activity. TU6t 4095840

Notice of Formation of R.J. Block Management, LLC. Arts of Org. filed with New York Secy of State (SSNY) on 11/4/19. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 605, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4095821

Notice of Formation of NANCY LYNN BURGOS, LCSW, PLLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on SEP 13, 2019. Office location: Albany County. NS is designated as agent upon whom process may be served. SSNY shall mail service of process (SOP) to NW Registered Agent LLC @ 90 State St STE 700 Office 40, NW Registered Agent LLC is designated as agent for SOP at 90 State St STE 700 Office 40, purpose: practice psychotherapy. TU6t 4095465

NOTICE OF FORMATION OF OPUS2 LLC. Art. of Org. filed with Secy of State (SSNY) on 1/27/2020. Office: Albany County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 268, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4092171

Notice of Formation of HPH Chosen, LLC. Arts of Org. filed with New York Secy of State (SSNY) on 11/15/19. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 268, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4092174

Notice of Formation of HPH Clayton, LLC. Arts of Org. filed with New York Secy of State (SSNY) on 11/15/19. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 268, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4092176

Notice of Formation of HPH Jitsu LLC. Arts of Org. filed with New York Secy of State (SSNY) on 11/15/19. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 268, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4092179

Notice of Formation of HPH Lenox, LLC. Arts of Org. filed with New York Secy of State (SSNY) on 11/15/19. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 268, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4092181

NOTICE OF FORMATION OF LIMITED LIABILITY COMPANY. Name: R Dash Jiu Jitsu LLC. Articles of Organization filed with Secretary of State (SSNY) on January 21, 2020. Office location: Saratoga County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 268, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4095430

NOTICE OF FORMATION OF Lumotech, LLC. Art. of Org. filed with the NY Secretary of State (NYSS) on 12/10/19. Office: Albany County. NYSS is designated as agent upon whom process may be served; NYSS shall mail service of process to NW Registered Agent LLC at 90 State Ave, Far Rockaway, NY 11691. Purpose: any lawful activity. TU6t 4094238

LEGALS

Notice of Formation of HPH Milano, LLC. Arts of Org. filed with New York Secy of State (SSNY) on 11/15/19. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 268, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4092185

Notice of Formation of HPH Trio, LLC. Arts of Org. filed with New York Secy of State (SSNY) on 11/15/19. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 268, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4092187

Notice of Formation of Kinyan 20 LLC. Arts of Org. filed with New York Secy of State (SSNY) on 12/17/19. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: 401 E. 34th St. #S33C, NY, NY 10016. Purpose: any lawful activity. TU6t 4092189

Notice of formation of LOYAL ACQUISITIONS LLC Arts. Of Org. filed with NY Secy. of State (SSNY) on 12/13/2019. Office: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: 140 W. 69th St. #75C, NY, NY 10023. Purpose: any lawful activity. TU6t 4095835

Notice of Formation of Rachel Ward, MD, PLLC. Arts of Org. filed with New York Secy of State (SSNY) on 1/3/20. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: 35 Ocean Pkwy, #1P, Brooklyn, NY 11218. Purpose: medicine. TU6t 4095837

Notice of Formation of Revaya LLC. Arts of Org. filed with New York Secy of State (SSNY) on 1/9/20. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: 350 Lincoln Pl., #4E, Brooklyn, NY 11238. Purpose: any lawful activity. TU6t 4095840

Notice of Formation of R.J. Block Management, LLC. Arts of Org. filed with New York Secy of State (SSNY) on 11/4/19. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 605, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4095821

Notice of Formation of NANCY LYNN BURGOS, LCSW, PLLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on SEP 13, 2019. Office location: Albany County. NS is designated as agent upon whom process may be served. SSNY shall mail service of process (SOP) to NW Registered Agent LLC @ 90 State St STE 700 Office 40, NW Registered Agent LLC is designated as agent for SOP at 90 State St STE 700 Office 40, purpose: practice psychotherapy. TU6t 4095465

NOTICE OF FORMATION OF OPUS2 LLC. Art. of Org. filed with Secy of State (SSNY) on 1/27/2020. Office: Albany County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 268, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4092171

Notice of Formation of HPH Chosen, LLC. Arts of Org. filed with New York Secy of State (SSNY) on 11/15/19. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 268, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4092174

Notice of Formation of HPH Clayton, LLC. Arts of Org. filed with New York Secy of State (SSNY) on 11/15/19. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 268, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4092176

Notice of Formation of HPH Jitsu LLC. Arts of Org. filed with New York Secy of State (SSNY) on 11/15/19. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 268, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4092179

Notice of Formation of HPH Lenox, LLC. Arts of Org. filed with New York Secy of State (SSNY) on 11/15/19. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 268, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4092181

NOTICE OF FORMATION OF LIMITED LIABILITY COMPANY. Name: R Dash Jiu Jitsu LLC. Articles of Organization filed with Secretary of State (SSNY) on January 21, 2020. Office location: Saratoga County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 268, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4095430

NOTICE OF FORMATION OF Lumotech, LLC. Art. of Org. filed with the NY Secretary of State (NYSS) on 12/10/19. Office: Albany County. NYSS is designated as agent upon whom process may be served; NYSS shall mail service of process to NW Registered Agent LLC at 90 State Ave, Far Rockaway, NY 11691. Purpose: any lawful activity. TU6t 4094238

LEGALS

437 JJ & J ASSOCIATES, LLC. Arts. of Org. filed with the SSNY on 02/04/20. 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, 459 6th Avenue, Brooklyn, NY 11215. Purpose: Any lawful purpose. TU6t 4097996

57 PENN ST., LLC. Arts. of Org. filed with the 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. TU6t 4093178

ALTA EDITORIAL LLC. Arts. of Org. filed with the 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. TU6t 4096919

Notice of Formation of Public Square Management LLC. Arts of Org. filed with New York Secy of State (SSNY) on 1/17/20. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: 140 W. 69th St. #75C, NY, NY 10023. Purpose: any lawful activity. TU6t 4095835

Notice of Formation of Rachel Ward, MD, PLLC. Arts of Org. filed with New York Secy of State (SSNY) on 1/3/20. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: 35 Ocean Pkwy, #1P, Brooklyn, NY 11218. Purpose: medicine. TU6t 4095837

Notice of Formation of Revaya LLC. Arts of Org. filed with New York Secy of State (SSNY) on 1/9/20. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: 350 Lincoln Pl., #4E, Brooklyn, NY 11238. Purpose: any lawful activity. TU6t 4095840

Notice of Formation of R.J. Block Management, LLC. Arts of Org. filed with New York Secy of State (SSNY) on 11/4/19. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 605, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4095821

Notice of Formation of NANCY LYNN BURGOS, LCSW, PLLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on SEP 13, 2019. Office location: Albany County. NS is designated as agent upon whom process may be served. SSNY shall mail service of process (SOP) to NW Registered Agent LLC @ 90 State St STE 700 Office 40, NW Registered Agent LLC is designated as agent for SOP at 90 State St STE 700 Office 40, purpose: practice psychotherapy. TU6t 4095465

NOTICE OF FORMATION OF OPUS2 LLC. Art. of Org. filed with Secy of State (SSNY) on 1/27/2020. Office: Albany County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 268, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4092171

Notice of Formation of HPH Chosen, LLC. Arts of Org. filed with New York Secy of State (SSNY) on 11/15/19. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 268, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4092174

Notice of Formation of HPH Clayton, LLC. Arts of Org. filed with New York Secy of State (SSNY) on 11/15/19. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 268, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4092176

Notice of Formation of HPH Jitsu LLC. Arts of Org. filed with New York Secy of State (SSNY) on 11/15/19. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 268, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4092179

Notice of Formation of HPH Lenox, LLC. Arts of Org. filed with New York Secy of State (SSNY) on 11/15/19. Office location: Albany County. SSNY is designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 268, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4092181

NOTICE OF FORMATION OF LIMITED LIABILITY COMPANY. Name: R Dash Jiu Jitsu LLC. Articles of Organization filed with Secretary of State (SSNY) on January 21, 2020. Office location: Saratoga County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to: POB 268, Pomona, NY 10970. Purpose: any lawful activity. TU6t 4095430

NOTICE OF FORMATION OF Lumotech, LLC. Art. of Org. filed with the NY Secretary of State (NYSS) on 12/10/19. Office: Albany County. NYSS is designated as agent upon whom process may be served; NYSS shall mail service of process to NW Registered Agent LLC at 90 State Ave, Far Rockaway, NY 11691. Purpose: any lawful activity. TU6t 4094238

LEGALS

ARGENTUM OBLINIT LLC. Arts. of Org. filed with the SSNY on 02/04/20. 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, 150 Broadway, Suite 1703, New York, NY 10038. Purpose: Any lawful purpose. TU6t 4097990

BOBO'S CRAB SHACK LLC. Arts. of Org. filed with the SSNY on 02/04/20. 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, 2096 Starling Avenue, Bronx, NY 10462. Purpose: Any lawful purpose. TU6t 4097991

C&A NY VENTURES 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 shall mail copy of process to the LLC, 2113 East 74th Street, Brooklyn, NY 11234. Purpose: Any lawful purpose. TU6t 4093363

DONTOU 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 shall mail copy of process to: 140 W. 69th St. #75C, NY, NY 10023. Purpose: any lawful activity. TU6t 4093405

DRS 42-16 Broadway LLC Arts. of Org. filed w/ SSNY 12/26/19. Exist date: 1/1/20. Off. in Albany Co. SSNY desig. 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. TU6t 4091843

DUJAMU PACIFIC, LLC. Arts. of Org. filed with the 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. TU6t 4096919

EQLL LLC. Filed 12/2/19. Office: Suffolk Co. SSNY designated as agent for process & shall mail to: 414 Old Farmingdale Rd, W Babylon, NY 11704. Registered Agent: United States Corporation Agents, Inc., 7014 13th Ave Ste 202, Bklyn, NY 11211. Purpose: General. TU6t 4098406

Lockhartann LLC. Filed 10/4/19. Office: Albany Co. SSNY designated as agent for process & shall mail to: Lockhartann Lic, 64 Vanderbilt Ave, Staten Island, NY 10304. Registered Agent: United States Corporation Agents, Inc., 7014 13th Ave Ste 202, Bklyn, ny 11228. Purpose: General. TU6t 4098359

NOLATTS, LLC. Arts. of Org. filed with the 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: (90 State Street Suite 700, Office 40, Albany N.Y. 12207. Purpose: any lawful purpose. TU6t 4096921

Notice of Formation of ABOVE RESEARCH LLC. Art /Org filed 1/19/16. Ofc loc Albany City. SSNY desig. agent for svc/proc & shall mail to MLS, 911 Central Ave #344 Albany NY 12206. Purpose: Any lawful activity. Current name of LLC: NEW AMSTERDAM REALTY HOLDINGS LLC. TU6t 4098209

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. TU6t 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: Legalic Corporate Services Inc. 1967 Wehrle Drive suite 1 #086 Buffalo, NY 14221. Purpose: Any lawful activity. TU6t 4092124

Notice of formation of Union Arms LLC. Articles of Organization filed with SSNY on January 6th, 2020. Office location: Schenectady SSNY desig. 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. TU6t 4095550

Notice of Form. of Empowerment Calm Mental Health Counseling NYC PLLC. Arts. of Org. filed with SSNY on 12/27/19. Office location: Albany SSNY desig. as agent of PLLC upon whom process against it may be served. SSNY shall mail process to 115 Broadway, NY, NY, 10006. Any lawful purpose. TU6t 4094921

Notice of Qualification of AEGIS SOLAR, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 12/29/17. Office location: Albany County. LLC formed in Delaware (DE) on 01/11/16. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to Allstate Corporate Services Corp., One Commerce Plaza, 99 Washington Ave., Ste. 1008, Albany, NY 12260, regd. agent upon whom and at which process may be served. DE addr. of LLC: 9 E. Lockerman St. Ste. 311, Dover, DE 19901. Cert. of Form. filed with DE Secy. of State, P.O. Box 898, Dover, DE 19903. Purpose: Any lawful activity. TU6t 4092357

LEGALS

Green. Visor Bookkeeping Solutions LLC Arts. of Org. filed w/ SSNY 12/10/19. Off. in Albany Co. SSNY desig. 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. TU6t 4091830

Notice of Qualification of CABAZON OZ FUND, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 12/30/19. Office location: Albany County. LLC formed in Delaware (DE) on 12/27/19. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Corporation Service Co., 80 State St., Albany, NY 12207-2543. DE addr. of LLC: 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Secy. of State, 401 Federal St., Dover, DE 19901. Purpose: Any lawful activity. TU6t 4092355

Notice of Qualification of CERVEL THERAPEUTICS, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 12/04/19. Office location: Albany County. LLC formed in Delaware (DE) on 07/23/18. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Corporation Service Co., 80 State St., Albany, NY 12207-2543. DE addr. of LLC: 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Secy. of State, John G. Townsend Bldg., 401 Federal St., Ste. 4, Dover, DE 19901. Purpose: Biotech. TU6t 4092356

Notice of Qualification of DJ3 DELAWARE, LLC Appl. for Auth. filed with Secy. of State of NY (SSNY) on 12/27/19. Office location: Albany County. LLC formed in Delaware (DE) on 08/23/19. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Corporation Service Co. (CSC), 80 State St., Albany, NY 12207-2543. DE addr. of LLC: CSC, 251 Little Falls Dr., Wilmington, DE 19808. Cert. of Form. filed with Secy. of State, 401 Federal St., Dover, DE 19901. Purpose: Any lawful activity. TU6t 4092353

Notice of Qualification of Tappan Street Associates LLC. Authority filed with NY Secy of State (SSNY) on 12/30/19. Office location: Albany County. LLC formed in Delaware (DE) on 6/24/11. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 33 Irving Pl., Fl. 3, NY, NY 10003. DE address of LLC: 1013 Centre Rd, Ste 403-B, Wilmington, DE 19805. Cert. of Formation filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: any lawful activity. TU6t 4095841

Notice of Qualification of Tappan Street Partners LLC. Authority filed with NY Secy of State (SSNY) on 12/30/19. Office location: Albany County. LLC formed in Delaware (DE) on 6/24/11. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 33 Irving Pl., Fl. 3, NY, NY 10003. DE address of LLC: 1013 Centre Rd, Ste 403-B, Wilmington, DE 19805. Cert. of Formation filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: any lawful activity. TU6t 4095843

Notice of Qual. of Melvin & Associates LLC. Auth. filed with SSNY on 1/7/20. Office location: Albany. LLC formed in DE on 1/2/20. SSNY desig. as agent of LLC upon whom process against it may be served. SSNY mail process to: 80 State St., Albany, NY 12207. Arts. of Org. filed with DE SOS. Townsend Bldg. Dover, DE 19901. Any lawful purpose. TU6t 4094945

Notice of Qual. of Mex Advantage Fleet Services, LLC. Auth. filed with SSNY on 11/27/19. Office location: Albany. LLC formed in GA on 2/1/16. SSNY desig. as agent of LLC upon whom process against it may be served. SSNY mail process to: 5333 Bells Ferry Rd., Acworth, GA, 30102. Arts. of Org. filed with GA SOS. 2 MLK, Jr. Dr. Suite 313, Floyd West Tower Atlanta, GA 30334. Any lawful purpose. TU6t 4094947

LEGALS

1357 E 87 Realty 3 LLC. Filed 1/17/20. Office: Albany Co. SSNY designated as agent for process & shall mail to: Po Box 10873, Albany, NY 12201. Purpose: General. TU6t 4098351

Notice of qualification of Limited Liability Company, Name: NYFOODCOMA, LLC. Articles of Org. filed with NY Secretary of State (SSNY) on January 7th, 2020 office location: Albany County. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail a copy of process to the LLC at 168 Kennewick Circle, Slingerlands NY 12159. Purpose: For any lawful purpose. TU6t 4094389

Notice of Qualification of PFI Holdings LLC. Authority filed with NY Secy of State (SSNY) on 6/5/19. Office location: Albany County. LLC formed in New Jersey (NJ) on 3/21/19. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to 1261 39th St, Fl. 3, Brooklyn, NY 11218. NJ address of LLC: 248 3rd St, Elizabeth, NJ 07206. Cert. of Formation filed with NJ Secy of State, 33 W. State St, Fl. 5, Trenton, NJ 08608. Purpose: any lawful activity. TU6t 4095827

Notice of Qualification of Tappan Street Partners Ideas Fund LP. Authority filed with NY Secy of State (SSNY) on 1/6/20. Office location: Albany County. LP formed in Delaware (DE) on 5/23/17. SSNY is designated as agent of LP upon whom process against it may be served. SSNY shall mail process to: 33 Irving Pl., Fl. 3, NY, NY 10003. DE address of LP: 1013 Centre Rd, Ste 403-B, Wilmington, DE 19805. List of names and addresses of all general partners available from SSNY. Cert. of Limited Partnership filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: any lawful activity. TU6t 4095842

Notice of Qualification of Unit Golani LLC. Authority filed with NY Secy of State (SSNY) on 1/14/20. Office location: Albany County. LLC formed in Delaware (DE) on 1/3/20. SSNY is designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 40 Pool Dr., Roslyn Hts, NY 11577. DE address of LLC: 1013 Centre Rd, Ste 403-B, Wilmington, DE 19805. Cert. of Formation filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: any lawful activity. TU6t 4095845

Notice of Qual. of Melvin & Associates LLC. Auth. filed with SSNY on 1/7/20. Office location: Albany. LLC formed in DE on 1/2/20. SSNY desig. as agent of LLC upon whom process against it may be served. SSNY mail process to: 80 State St., Albany, NY 12207. Arts. of Org. filed with DE SOS. Townsend Bldg. Dover, DE 19901. Any lawful purpose. TU6t 4094945

Notice of Qual. of Mex Advantage Fleet Services, LLC. Auth. filed with SSNY on 11/27/19. Office location: Albany. LLC formed in GA on 2/1/16. SSNY desig. as agent of LLC upon whom process against it may be served. SSNY mail process to: 5333 Bells Ferry Rd., Acworth, GA, 30102. Arts. of Org. filed with GA SOS. 2 MLK, Jr. Dr. Suite 313, Floyd West Tower Atlanta, GA 30334. Any lawful purpose. TU6t 4094947

LEGALS

ROFORMATIC LLC. Notice of Formation of a Limited Liability Company (LLC): Name: ROTORMATIC LLC, Articles of Organization filed with the Secretary of State of New York (SSNY) On November 15th 2019. Office Location: Albany County. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail a copy of process to: 720 4th Street Watervliet, NY 12189: Any lawful purpose. TU6t 4092038

Notice is hereby given that a license, #2219714 has been applied for by Pla 2 Inc./Pla 2 Thai Restaurant to sell wine and beer at retail in a restaurant. Under the ABC law at 2568 Western Ave, Altamont, NY 12009, for on-premises consumption. TU2t 4098410

RELIABLE STORAGE will sell at Public Auction for cash only all the personal property stored by: Michelle Hempstead, B33 (10x20) & A20 (10x15), David Hempstead 220N (10x15), Jordan Stanley, 520N (10x10), Natasha Reuter 425 (10 x 10)

Auction will take place **online** starting on Friday, February 21 2020 at 10 am, and will run until Sunday, March 10th 2019 noon . If you are listed above and wish to resolve this claim payment must be in FULL. Call Reliable Storage at (518) 498 7867 during normal business hours of Tues through Fri 8:30 am to 5 pm and Saturday 9 am to 1 pm. All past due amounts must be paid in full in cash and contents must be immediately vacated. (a clean out fee of \$200 will be held until unit is empty within the agreed upon time)

****Owner reserves the right to bid at auction, set reserves, reject any/all bids, cancel, postpone or adjourn sale.**** TU2t 4098068

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. TU6t 4092517

NOTICE OF SALE IN FORECLOSURE STATE OF NEW YORK SUPREME COURT: COUNTY OF ALBANY BANK OF AMERICA, N.A. SUCCESSOR BY MERGER TO COUNTRY-WIDE, FSB, Plaintiff, vs. JOY MEKKATTE, et al. Defendants PLEASE TAKE NOTICE THAT In pursuance of a Judgment of Foreclosure and Sale entered in the office of the County Clerk of Albany County on December 19, 2019, I, Aaron Louridas, Esq., the Referee named in said Judgment, will sell in one parcel at public auction on March 11, 2020 at the Albany County Courthouse, Front Lobby, 16 Eagle Street, Albany, County of Albany, State of New York, at 10:30 A.M., the premises described as follows: 390 2nd Street Albany, NY 12206 SBL No.: 65.55-6-10 ALL THAT TRACT OF PARCEL OF LAND situate in the City of Albany, County of Albany, State of New York The premises are sold subject to the provisions of the filed judgment, Index No. 1701/2010 in the amount of \$191,861.00 plus interest and costs. Brettanie L. Hart Saxton, Esq. Woods Oviatt Gilman LLP Plaintiff's Attorney 500 Bausch & Lomb Place Rochester, New York 14604 Tel.: 855-227-5072 67886 TU4t 4097803

LEGALS

Publication for SMS 426, LLC

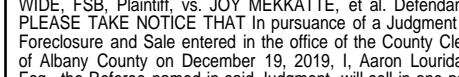
NOTICE OF FORMATION OF SMS 426, LLC. Article of Organization filed with the Secretary of State of New York (SSNY) on 03/21/19 Office location: Albany County. NY Sec. of State is designated as agent upon whom process may be served and shall mail service of process to SMS 426, LLC 43 James Street, Cohoes, NY 12047. Purpose: any lawful. TU6t 4092077

Legal Notice Placement

To place or cancel a legal notice in the Times Union, please call 518-454-5543, or email your request to tulegals@timesunion.com. The deadlines to place or cancel legal notices are:

Publication	Deadline
Monday	Thursday, 1pm
Tuesday	Friday, 1pm
Wednesday	Friday, 4pm
Thursday	Monday, 1pm
Friday	Tuesday, 1pm
Saturday	Wednesday, 1pm
Sunday	Wednesday, 1pm

Legal Notices requesting proofs require an additional 24 hours in advance of regular legal notice deadlines. All legal notices will be confirmed prior to publication. Visit classifieds.timesunion.com to search 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 three separate proposals:

- Pursuant to Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 71-2103, and 71-2105 of the Environmental Conservation Law (ECL), notice is hereby given that the New York State Department of Environmental Conservation (Department) will hold the following legislative public hearings on the proposed repeal and replacement of 6 NYCRR Part 230, "Gasoline Dispensing Sites and Transport Vehicles," with a revised regulation applicable to all gasoline transport vehicles and all gasoline dispensing sites that have gasoline storage tanks larger than 250 gallons: 6 NYCRR Part 230, "Gasoline Dispensing Sites and Transport Vehicles."
- The Department proposes to repeal and replace 6 NYCRR Part 230, "Gasoline Dispensing Sites and Transport Vehicles" to reduce volatile organic compound (VOC) emissions from gasoline dispensing sites and transport vehicles in New York State. As part of this rulemaking, the Department also proposes to revise 6 NYCRR Part 200 to incorporate by reference applicable federal and California Air Resources Board (CARB) test methods; inspection procedures; and gasoline tanker truck marking, reporting and record retention provisions which are required by new Part 230. The emission reductions resulting from the proposed replacement of Part 230 and the revision to Part 200 are necessary to help the State demonstrate attainment of both the 2008 and 2015 ozone National Ambient Air Quality Standards (NAAQS). This proposal will affect approximately 7,500 gasoline dispensing sites in New York State. In addition, the Department proposes to submit the new Part 230 as well as the revisions to Part 200 to EPA as a revision to the State Implementation Plan (SIP) for New York State.
- Pursuant to Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103 and 71-2105 of the Environmental Conservation Law (ECL), the New York State Department of Environmental Conservation hereby gives notice of the following: The New York State Department of Environmental Conservation (Department) is revising 6 NYCRR Parts 231, "New Source Review (NSR) for New and Modified Facilities," and 200, "General Provisions" (collectively, Part 231), in order to conform to federal NSR rule requirements and related court rulings. On October 12, 2011, the Department submitted a revised State Implementation Plan (SIP) to the United States Environmental Protection Agency (EPA) that included revisions to Part 231 based on 2008 and 2010 amendments to the federal NSR rule. On June 1, 2016, EPA indicated in its SIP approval letter that certain portions of Part 231 required revision before they could be included into New York's SIP.
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AFFIDAVIT OF PUBLICATION


STATE OF NEW YORK
COUNTY OF NEW YORK

Ambika Mohan being duly sworn hereby declares and says, that she is the Advertising Account Executive responsible for placing the attached advertisement for publication in the **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 12, 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, 14th - 2022

703 Activities/Events

Bids, Barks and Beers
Fundraiser, Sat 3/7, 5p-8p
@ Paddock Chevrolet
Golf Dome. Food, drinks,
auction & more. Florida
vacation winner will be
drawn and announced.
Details and tickets at
www.buffalounderdogs.com



CABIN FEVER BASKET RAFFLE
Saturday, February
22, 12-3 PM
Zion United Church of
Christ, 15 Koenig
Circle, Tonawanda;
basket raffle, 50/50
draw, superheroes
from WNY Justice
League, crock-pot
cookoff, snack/bake
sale, facepainting

710 Auctions - General

ANDERSON - 838-8484
andersonauctioneers.com



BuffaloNews.com/bnmarketplace
PLACE AN AD **856-5555**

764 Miscellaneous Notices

of Intent to Provide
Transportation for
Elderly Individuals with
Disabilities Utilizing
Federal Funds

Transportation providers
and other interested

764 Miscellaneous Notices

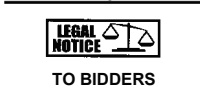
parties are hereby notified that Catholic Health System, Inc., 144 Genesee Street, Buffalo, NY 14203, is applying for a grant, under Section 5310 of Chapter 53 of Title 49, United States Code, to acquire and operate grant vehicles to provide specialized transportation services within Erie County to meet the needs of elderly individuals and individuals with disabilities.

The purpose of this notice is to invite private for-profit bus, taxi, ambulance operators and other interested parties to participate in the development of proposed grant project and in the provision of enhanced transportation services to elderly individuals and individuals with disabilities. Please contact John Beyer, 716-819-5101 within 15 calendar days of this public notice to request a copy of the project proposed. Comments on proposed projects must be submitted to Catholic Health - LIFE, 55 Melroy Ave., Lackawanna, NY 14218, within 15 calendar days after receipt of the proposed project information.

PUBLIC NOTICE

On January 28, 2020, the Pennsylvania State Board of Pharmacy accepted the voluntary surrender of Mark Stephen Lenard, license no.: RP036691L, of Hamburg, NY, because he is unfit or unable to practice pharmacy by reason of a physical or mental disease or disability, by pleading guilty to a DWI and failing to get examined as ordered by the board.

BRING THE NEWS TO YOUR HOME EVERYDAY--
Call 842-1111
to arrange for convenient home delivery

766 Bids & Proposals**SEALED BIDS**

Sealed bids are requested by the Erie 2-Chautauqua-Cattaraugus Board of Cooperative Educational Services (BOCES) and Component Schools for

USED John Deere 244J Front Loader or equivalent

Bids will be received until **February 24, 2020** at 11AM by the

Erie 2-Chautauqua-Cattaraugus BOCES
8685 Erie Rd. (Rt. 5)
Angola, NY 14006
716-549-4454 x 4047
By: Linda Hessel,
Bid Coordinator

at which time and place they will be publicly opened and read.

Specifications and bid forms may be obtained on-line at www.bidnetdirect.com vendor registration may be required.

Erie 2-Chautauqua-Cattaraugus Board of Cooperative Educational Services reserves the right to reject any and all bids, to waive any informalities there and to hold all bids for a period of sixty days for proper analysis.

767 Liens

[BN]
Thank You
for your business

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Sat.-Sun. and Holidays 10 AM to 8 PM

63-023938

BuffaloJobFinder.com
is your local job resource.
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

NO PHONE CALLS PLEASE

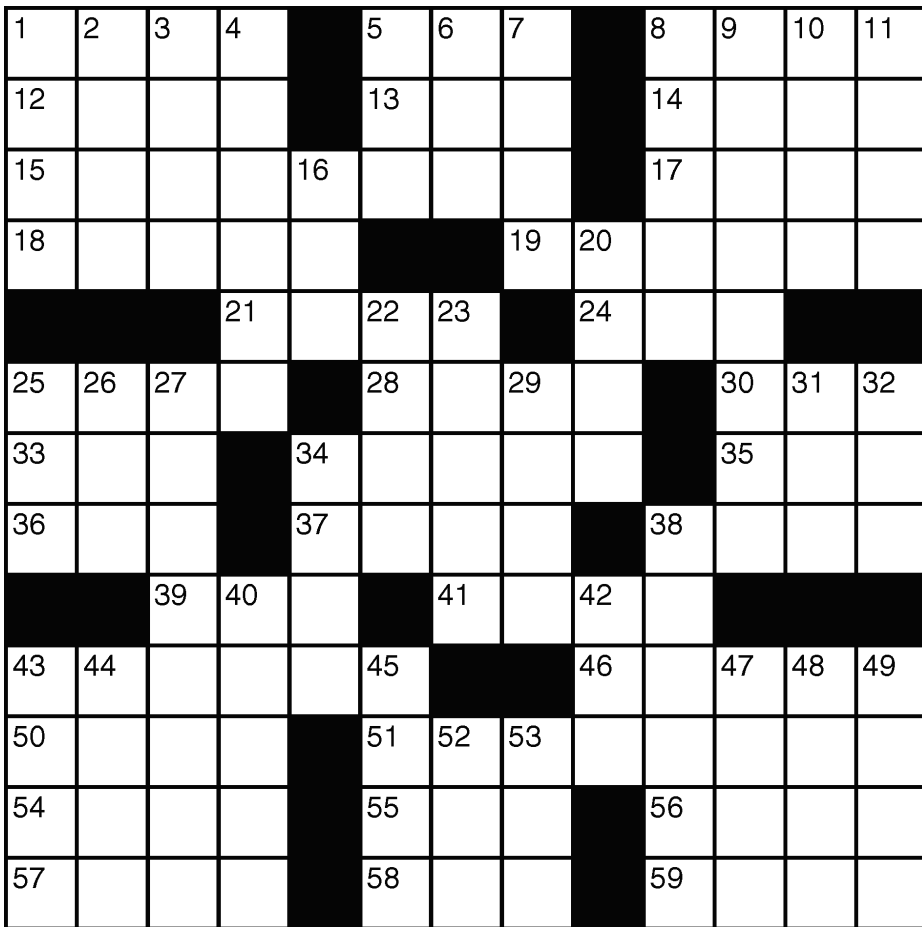
Don't miss this FANTASTIC opportunity to sell your valuable merchandise FREE Of Charge!!!

Crossword / By EUGENE SHEFFER

Solution time: 21 minutes

ACROSS

- 1 Thick chunk
- 5 Zodiac animal
- 8 Urban haze
- 12 French river
- 13 "Homeland" org.
- 14 Greet silently
- 15 Desperation football pass
- 17 Persia, today
- 18 Face-to-face exams
- 19 Sock pattern
- 21 Sicilian peak
- 24 DDE predecessor
- 25 Toast toppings
- 28 Between jobs
- 30 Klutz
- 33 Carte lead-in
- 34 Agra's land
- 35 "CSI" evidence
- 36 Berlin's country (Abbr.)
- 37 Auction
- 38 Tennis score
- 39 Thither
- 41 Tend texts
- 43 White Rabbit's cry
- 46 Encrypted
- 50 Castle defense
- 51 "Downton Abbey" character
- 54 Diarist Frank
- 55 Goat's plaint
- 56 Concerning
- 57 Hipsters of 1960s London
- 58 Melancholy
- 59 Mama — Elliot



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2/12/20

Tuesday's Answer

- 23 Confuse
- 25 Binge
- 26 Pub order
- 27 Baltimore's state
- 29 Schubert composition
- 31 Blackbird
- 32 Summer cooler
- 34 "— It Romantic?"
- 38 Energy type
- 40 Joyce Carol —
- 42 Glacial
- 43 Mosque VIP
- 44 Stereo alternative
- 45 Avenue liners
- 47 Comic Carvey
- 48 Flubs
- 49 Salon jobs
- 52 Small battery
- 53 June honoree

DOWN

- 1 Manhattan area
- 2 Tale teller
- 3 Nepal's continent
- 4 Scarlett O'Hara, and her ilk
- 5 HDTV brand
- 6 Melody
- 7 Poet Angelou
- 8 Big gulps
- 9 Wife of Abraham Lincoln
- 10 Cameo shape
- 11 Actor Hackman
- 16 Rockies hrs.
- 20 Actress Perlman
- 22 1492 vessel

Need some tasty treats for your pet?

- 🐾 Dog Day Cares
- 🐾 Kennels
- 🐾 Pet Food/Supplies
- 🐾 Grooming Services
- 🐾 Pet Boarding

We'll find you the BEST places to get great deals on pet supplies!



View our Pet Section
7 days a week in print
Or visit us 24/7
online!

[BN] marketplace
buffalonews.com/bnmarketplace

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 three separate proposals:

1: Pursuant to Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 71-2103, and 71-2105 of the Environmental Conservation Law (ECL), notice is hereby given that the New York State Department of Environmental Conservation (Department) will hold the following legislative public hearings on the proposed repeal and replacement of 6 NYCRR Part 230, "Gasoline Dispensing Sites and Transport Vehicles," with a revised regulation applicable to all gasoline transport vehicles and all gasoline dispensing sites that have gasoline storage tanks larger than 250 gallons: 6 NYCRR Part 230, "Gasoline Dispensing Sites and Transport Vehicles."

The Department proposes to repeal and replace 6 NYCRR Part 230, "Gasoline Dispensing Sites and Transport Vehicles" to reduce volatile organic compound (VOC) emissions from gasoline dispensing sites and transport vehicles in New York State. As part of this rulemaking, the Department also proposes to revise 6 NYCRR Part 200 to incorporate by reference applicable federal and California Air Resources Board (CARB) test methods; inspection procedures; and gasoline tanker truck marking, reporting and record retention provisions which are required by new Part 200. The emission reductions resulting from the proposed replacement of Part 230 and the revision to Part 200 are necessary to help the state demonstrate attainment of both the 2008 and 2015 ozone National Ambient Air Quality Standards (NAAQS). This proposal will affect approximately 7,500 gasoline dispensing sites in New York State. In addition, the Department proposes to submit the new Part 230 as well as the revisions to Part 200 to EPA as a revision to the State Implementation Plan (SIP) for New York State.

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

The New York State Department of Environmental Conservation (Department) is revising 6 NYCRR Parts 231, "New Source Review (NSR) for New and Modified Facilities," and 200, "General Provisions" (collectively, Part 231), in order to conform to federal NSR rule requirements and related court rulings. On October 12, 2011, the Department submitted a revised State Implementation Plan (SIP) to the United States Environmental Protection Agency (EPA) that included revisions to Part 231 based on 2008 and 2010 amendments to the federal NSR rule. On June 1, 2016, EPA indicated in its SIP approval letter that certain portions of Part 231 required revision before they could be included into New York's SIP.

In accordance with EPA's June 1, 2016 SIP approval letter and related court rulings, the Department is revising Part 231 to conform to changes in the federal NSR rule, including changes to NSR applicability based on emissions of greenhouse gases (GHGs) and certain monitoring and impact assessment requirements for particulate matter or particles with an aerodynamic diameter less than or equal to 2.5 micrometers (PM-2.5). On May 5, 2011, the Department petitioned EPA Region 2 to designate all of New York State in attainment with the 2006 PM-2.5 National Ambient Air Quality Standards, and EPA correspondingly approved the petition in a final rulemaking on December 31, 2012. While the entire State is currently in attainment for PM-2.5, this proposed rulemaking will update the PM-2.5 nonattainment provisions in Part 231 where needed and keep them in the rule in the event that a portion of New York State becomes classified as nonattainment for PM-2.5 in the future.

The Department is also revising Part 231 to address EPA's comments relating to the listed Global Warming Potentials, references to dispersion modeling guidance, and the use of oxides of nitrogen offsets for ozone and PM-2.5. Lastly, this proposed rule will make clarifying changes and fix minor typographical errors. Once the rule is adopted, the revisions will be submitted to EPA for approval into New York's SIP.

3: Pursuant to Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, and 71-2105 of the Environmental Conservation Law (ECL), notice is hereby given that the New York State Department of Environmental Conservation (Department) will hold the following legislative public hearings on the proposed revisions of 6 NYCRR Part 235, "Consumer Products."

The Department's Division of Air Resources (DAR) proposes to revise 6 NYCRR Part 235, "Consumer Products" (Part 235), to reduce volatile organic compound (VOC) emissions, improve air quality, and promote regional consistency. The proposed revisions will help the state comply with federal Clean Air Act (CAA) requirements pertaining to attainment and maintenance of the ozone National Ambient Air Quality Standards (NAAQS), and maintain regional product consistency in accordance with a memorandum of understanding (MOU) dated June 3, 2010 among the Ozone Transport Commission (OTC) states. The proposed revisions include adding new categories and revising others in order to make the New York regulation consistent with the OTC model rule and regulations adopted by nearby states. Additionally, 6 NYCRR Subpart 235-3, "Standards" (Subpart 235-3) will be updated to conform to the revised definitions and product categories, and to remove obsolete text and references. This proposal will also make attendant changes to 6 NYCRR Part 200, "General Provisions" (Part 200).

Part 235 will also be submitted to EPA as a revision to the State Implementation Plan (SIP) for New York State (NYS).

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

Date	Time	Location
4/14/2020	11:00 am	NYSDEC, 625 Broadway, Public Assembly Room 129A/B, Albany, NY 12233
4/15/2020	11:00 am	1 Hunter's Point Plaza, 47-40 21st Street, Room 834 NYSDOT, Long Island City, NY 11101
4/16/2020	11:00 am	6274 Avon-Lima Rd. (Rtes. 5 and 20), Conference Room, Avon, NY 14414-9516

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 7, 2020, to Richard McAuley, NYSDEC, 625 Broadway, Albany NY 12233-3250, (518) 402-8438, air.regs@dec.ny.gov.

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

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

Information on Part 230 may be obtained from Denise Prunier, P.E., NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3251, telephone, (518) 402-8403; email, air.regs@dec.ny.gov. Written statements may be submitted until 5 pm April 21, 2020.

Information on Part 231 may be obtained from Steve Yarrington, NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3254, telephone, (518) 402-8403; email, air.regs@dec.ny.gov. Written statements may be submitted until 5 pm April 21, 2020.

Information on Part 235 may be obtained from Kenneth A. Newkirk, P.E., NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3251, telephone, (518) 402-8396; email, air.regs@dec.ny.gov. Written statements may be submitted until 5 pm April 21, 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. Written statements may be submitted until 5 pm April 21, 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 Lieblisch
REGION 3 - 21 South Putt Corners Road, West Patz, 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

JUMBLE

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

TFEAR

NUUCT

RIFAMF

SMEEAS

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Print your answer here:

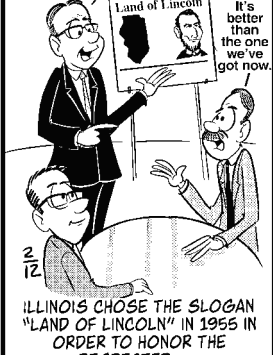
(Answers tomorrow)

Yesterday's Jumbles: CLUMP HOARD MAINLY CAVITY

Answer: It was easy raising funds for his business because investors wanted to — ACCOMPANY HIM

THAT SCRAMBLED WORD GAME

By David L. Hoyt and Jeff Knurek



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

Cryptoquip

2/12/20

The Cryptoquip is a substitution cipher in which one letter stands for another. 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: E equals T

EBME WVZ GMRC M STKEVDC

AZ KVDDQDW M FTGUMDZ

EBME UKTRVFCJ ACCS AKTEB.

BC'J M ATVQYYTD-MQKC.

Yesterday's Cryptoquip: What would you call some ancient Germanic people who were tall and stately? The Grand Teutons.

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 — PROPHECY**

(PROPHECY: PROF-eh-see: A prediction of something to come.)

Average mark 25 words

Time limit 40 minutes

Can you find 36 or more words in PROPHECY?

The list will be published tomorrow.

YESTERDAY'S WORD — BILINGUAL

bail	bill	bung	null	ulna
bailing	billing	lain	gain	ailing
balng	blain	ling	gall	alibi
ball	blini	lingual	gill	align
balling	bluing	lung	glib	
bang	bull	nail	gull	

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

Wonderword

By DAVID OUELLET

HOW TO PLAY: All the words listed below appear in the puzzle — horizontally, vertically, diagonally and even backward. Find them, circle each letter of the word and strike it off the list. The leftover letters spell the **WONDERWORD**.

'THE LION KING' (2019 FILM)

Solution: 10 letters

Y	B	D	N	N	O	I	L	E	T	E	W	I	H	C
R	E	O	P	A	A	B	M	U	P	J	R	Z	G	U
A	Y	N	N	I	T	U	U	L	D	I	S	I	N	B
R	O	A	S	D	S	H	E	S	I	O	A	Z	U	S
C	N	L	L	I	S	B	A	C	H	F	N	A	O	M
C	C	D	C	F	D	R	R	N	I	O	E	D	Y	U
M	E	A	R	E	R	T	O	A	S	R	Y	O	C	F
O	L	I	V	E	R	E	L	G	V	O	H	O	A	A
Y	L	O	T	G	N	I	K	A	E	E	N	H	R	S
R	L	R	S	E	T	H	F	L	W	N	S	D	E	A
A	A	L	A	E	E	I	C	F	F	J	L	V	R	
C	A	F	I	E	M	N	M	I	N	P	W	I	O	A
S	L	N	I	B	U	A	H	O	E	L	H	L	B	
Z	A	Z	U	K	A	N	J	O	N	H	D	C	G	I
K	N	A	B	M	I	S	S	K	J	A	Y	D	O	N

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2/12/20

Alfre, Azizi, Beyoncé, Billy, Bonds, Brave, Bush, Care, Carter, Childhood, Chiwetel, Cubs, Donald, Earl, Eichner, Ejiófor, Favreau, Film, Glover, Hope, Hyenas, James, Jaydon, Jeff, John, Jones, Kani, King, Knowles, Lion, Loved, McCrary, Mufasa, Musical, Nala, Nathanson, Oliver, Pumbaa, Rafiki, Rice, Rogen, Sarabi, Scar, Seth, Simba, Timon, Uncle, Walt Disney, Young, Zazu

Yesterday's Answer: Hedge Fund

Treasuries 13 through 29 can be purchased online at www.WonderWordBooks.com.

Wishing Well®

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

AFFIDAVIT OF PUBLICATION


STATE OF NEW YORK
COUNTY OF NEW YORK

Ambika Mohan being duly sworn hereby declares and says, that she is the Advertising Account Executive responsible for placing the attached advertisement for publication in the 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 12, 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, 14th - 2022

015 GENERAL HELP WANTED

015 GENERAL HELP WANTED

015 GENERAL HELP WANTED

FT/PT SALES: Avg.\$30+ per hour

Locally-based marketing firm seeking friendly folks to staff low-pressure in-store sales promotions on behalf of local newspaper publishers.

Our existing team consists of a wide range of career salespeople, entrepreneurs, small business owners, & semi-retired professionals.

- Be Your Own Boss!!! Work when YOU want!!!
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- Daytime/Evening/Weekend Locations Available
- Local, Regional, & National Partnership Opportunities
- Paid Weekly
- No startup costs
- No telemarketing
- No door-to-door

Qualifications:

- Professional Appearance & Positive Attitude
- Minimum 2 years sales, mgmt, or customer service
- Strong Communication Skills
- Basic Background Check

CALL NOW:

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Real Media Solutions Inc.

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001 LEGAL NOTICES

NOTICE OF SALE

SUPREME COURT COUNTY OF WASHINGTON, WILMINGTON SAVINGS FUND SOCIETY, FSB, DOING BUSINESS AS CHRISTIANA 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, DISTRIBUTEES, 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 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. NYSDOT reserves the right to reject any or all bids.

Electronic documents and Amendments are posted to www.dot.ny.gov/doing-business/opportunities. 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 NYSDOT on procurements and contract 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 Kitcher (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 /W/MBEs.

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 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 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%
PUB: FEBRUARY 5, 12, 2020

001 LEGAL NOTICES

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that the Undersigned, on behalf of the Essex County Board of Supervisors, will accept sealed bids at the Office of the Purchasing Agent until 2:00 P.M. on March 4, 2020 for Elevator Maintenance.

The bids shall be opened publicly and read aloud on March 4, 2020 at 2:00 P.M. at the Office of the Purchasing Agent, 7551 Court Street, Elizabethtown, New York 12932.

Please contact the Purchasing Office at (518) 873-3330 for additional information concerning the bidding. Specifications and standard proposals for the proposed work may be obtained at the above address, or on the County's website at: <https://www.co.essex.ny.us/bidders/publicbids.aspx>.

All bids submitted in response to this notice shall be marked "SEALED BID – ELEVATOR MAINTENANCE" clearly on the outside of the envelope with the bidder's name and address.

Essex County affirmatively states that in regard to any contract entered into pursuant to these instructions, without regard to race, color, sex, religion, age, national origin, disability, sexual preference or Vietnam Era veteran status, disadvantaged and minority or women-owned business enterprises will be afforded equal opportunity to submit bids in response hereto.

Dated: February 10, 2020
Linda M. Wolf, CPA
Purchasing Agent
Essex County Government Center
7551 Court Street – PO Box 217
Elizabethtown, New York 12932
PUB: FEBRUARY 12, 2020

PUBLIC NOTICE
TOWN OF FORT ANN

Notice is hereby given that the Town Board of the Town of Fort Ann, Washington County, at a regular meeting held on February 10, 2020, duly adopted, subject to permissive referendum, a resolution, an abstract of which is as follows:

RESOLUTION AUTHORIZING THE TOWN OF FORT ANN TO NEGOTIATE AN AGREEMENT WITH WASHINGTON COUNTY FOR APPRAISAL SERVICES, EXEMPTION SERVICES, AND ASSESSMENT SERVICES

The Town Board of the Town of Fort Ann, duly convened at regular session, having adopted a resolution authorizing the Town to negotiate with Washington County a shared services agreement for agreement for appraisal services, exemption services and assessment services in accordance with section 1537 of the NYS Real Property Tax Law. The resolution so adopted by the Town Board of the Town of Fort Ann is subject to permissive referendum in accordance with NYS Town Law Section 90.

Barbara J. Winchell
Fort Ann Town Clerk
PUB: FEBRUARY 12, 2020

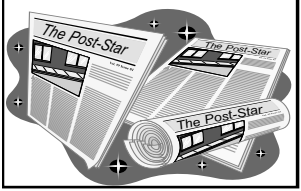
STATE OF NEW YORK SUPREME COURT
COUNTY OF WARREN

NOTICE OF SALE
Index No. EF2018-65728
RJI NO. 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 known 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 Judgment 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
/s/ Robert Gregor,
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

Go right to
the source...



001 LEGAL NOTICES

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:

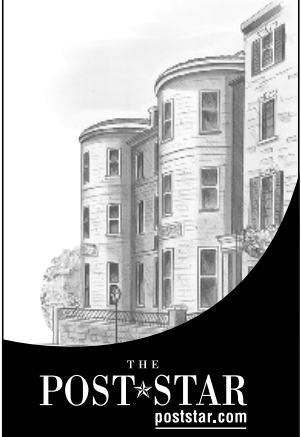
BEGINNING at a point at the northwest corner of the lands now or formerly of Candy J. Hurlburt (Book 789; Page 25); RUNNING THENCE North West 254.02 feet; North West 109.21 feet; North West 10+ feet; THENCE in a northeasterly direction, along the southern edge of the Mettowie River, as it winds and turns, 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



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APARTMENT
in the Post-Star.”



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001 LEGAL NOTICES

001 LEGAL NOTICES

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 three separate proposals:

1: Pursuant to Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 71-2103, and 71-2105 of the Environmental Conservation Law (ECL), notice is hereby given that the New York State Department of Environmental Conservation (Department) will hold the following legislative public hearings on the proposed repeal and replacement of 6 NYCRR Part 230, "Gasoline Dispensing Sites and Transport Vehicles," with a revised regulation applicable to all gasoline transport vehicles and all gasoline dispensing sites that have gasoline storage tanks larger than 250 gallons: 6 NYCRR Part 230, "Gasoline Dispensing Sites and Transport Vehicles."

The Department proposes to repeal and replace 6 NYCRR Part 230, "Gasoline Dispensing Sites and Transport Vehicles" to reduce volatile organic compound (VOC) emissions from gasoline dispensing sites and transport vehicles in New York State. As part of this rulemaking, the Department also proposes to revise 6 NYCRR Part 200 to incorporate by reference applicable federal and California Air Resources Board (CARB) test methods; inspection procedures; and gasoline tanker truck marking, reporting and record retention provisions which are required by new Part 230. The emission reductions resulting from the proposed replacement of Part 230 and the revision to Part 200 are necessary to help the state demonstrate attainment of both the 2008 and 2015 ozone National Ambient Air Quality Standards (NAAQS). This proposal will affect approximately 7,500 gasoline dispensing sites in New York State. In addition, the Department proposes to submit the new Part 230 as well as the revisions to Part 200 to EPA as a revision to the State Implementation Plan (SIP) for New York State.

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

The New York State Department of Environmental Conservation (Department) is revising 6 NYCRR Parts 231, "New Source Review (NSR) for New and Modified Facilities," and 200, "General Provisions" (collectively, Part 231), in order to conform to federal NSR rule requirements and related court rulings. On October 12, 2011, the Department submitted a revised State Implementation Plan (SIP) to the United States Environmental Protection Agency (EPA) that included revisions to Part 231 based on 2008 and 2010 amendments to the federal NSR rule. On June 1, 2016, EPA indicated in its SIP approval letter that certain portions of Part 231 required revision before they could be included into New York's SIP.

In accordance with EPA's June 1, 2016 SIP approval letter and related court rulings, the Department is revising Part 231 to conform to changes in the federal NSR rule, including changes to NSR applicability based on emissions of greenhouse gases (GHGs) and certain monitoring and impact assessment requirements for particulate matter or particles with an aerodynamic diameter less than or equal to 2.5 micrometers (PM-2.5). On May 5, 2011, the Department petitioned EPA Region 2 to designate all of New York State in attainment with the 2006 PM-2.5 National Ambient Air Quality Standards, and EPA correspondingly approved the petition in a final rulemaking on December 31, 2012. While the entire State is currently in attainment for PM-2.5, this proposed rulemaking will update the PM-2.5 nonattainment provisions in Part 231 where needed and keep them in the rule in the event that a portion of New York State becomes classified as nonattainment for PM-2.5 in the future.

The Department is also revising Part 231 to address EPA's comments relating to the listed Global Warming Potentials, references to dispersion modeling guidance, and the use of oxides of nitrogen offsets for ozone and PM-2.5. Lastly, this proposed rule will make clarifying changes and fix minor typographical errors. Once the rule is adopted, the revisions will be submitted to EPA for approval into New York's SIP.

3: Pursuant to Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, and 71-2105 of the Environmental Conservation Law (ECL), notice is hereby given that the New York State Department of Environmental Conservation (Department) will hold the following legislative public hearings on the proposed revisions of 6 NYCRR Part 235, "Consumer Products."

The Department's Division of Air Resources (DAR) proposes to revise 6 NYCRR Part 235, "Consumer Products" (Part 235), to reduce volatile organic compound (VOC) emissions, improve air quality, and promote regional consistency. The proposed revisions will help the state comply with federal Clean Air Act (CAA) requirements pertaining to attainment and maintenance of the ozone National Ambient Air Quality Standards (NAAQS), and maintain regional product consistency in accordance with a memorandum of understanding (MOU) dated June 3, 2010 among the Ozone Transport Commission (OTC) states. The proposed revisions include adding new categories and revising others in order to make the New York regulation consistent with the OTC model rule and regulations adopted by nearby states. Additionally, 6 NYCRR Subpart 235-3, "Standards" (Subpart 235-3) will be updated to conform to the revised definitions and product categories, and to remove obsolete text and references. This proposal will also make attendant changes to 6 NYCRR Part 200, "General Provisions" (Part 200).

Part 235 will also be submitted to EPA as a revision to the State Implementation Plan (SIP) for New York State (NYS).

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

Date	Time	Location
4/14/2020	11:00 am	NYSDEC, 625 Broadway, Public Assembly Room 129A/B, Albany, NY 12233
4/15/2020	11:00 am	1 Hunter's Point Plaza, 47-40 21st Street, Room 834 NYSDOT, Long Island City, NY 11101
4/16/2020	11:00 am	6274 Avon-Lima Rd. (Rtes. 5 and 20), Conference Room, Avon, NY 14414-9516

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 7, 2020, to Richard McAuley, NYSDEC, 625 Broadway, Albany NY 12233-3250, (518) 402-8438, air.regs@dec.ny.gov.

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

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

Information on Part 230 may be obtained from Denise Prunier, P.E., NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3251, telephone, (518) 402-8403; email, air.regs@dec.ny.gov. Written statements may be submitted until 5 pm April 21, 2020.

Information on Part 231 may be obtained from Steve Yarrington, NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3254, telephone, (518) 402-8403; email, air.regs@dec.ny.gov. Written statements may be submitted until 5 pm April 21, 2020.

Information on Part 235 may be obtained from Kenneth A. Newkirk, P.E., NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3251, telephone, (518) 402-8396; email, air.regs@dec.ny.gov. Written statements may be submitted until 5 pm April 21, 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. Written statements may be submitted until 5 pm April 21, 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 Lieblich
REGION 3 - 21 South Putt Corners Road, New Paltz, NY 12561, Attention: George Sweikert
REGION 4 - 1130 North Westcott Rd., Schenectady, NY 12306, Attention: Ben Potter
REGION 5 - Hudson Street Extension, Box 220, Warrensburg NY 12885, Attention: James Coutant
REGION 6 - Watertown State Office Bldg, 317 Washington St., Watertown, NY 13601, Attention: Bob Jacobs
REGION 7 - 615 Erie Boulevard West, Syracuse, NY 13204-2400, Attention: Thomas Elter
REGION 8 - 6274 East Avon-Lima Road, Avon, NY 14414, Attention: Yuan Zeng
REGION 9 - 270 Michigan Avenue, Buffalo, NY 14202, Attention: Michael Emery

005 HAPPY ADS

005 HAPPY ADS

005 HAPPY ADS

Wednesday, February 12, 2020

GOREN BRIDGE

WITH BOB JONES

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NO EXCUSE

Neither vulnerable, East deals

NORTH
♥ A J 9
♠ Q 7 6
♦ A 8 6
♣ 10 8 4 2

WEST
♠ 7 6 5 4 2
♥ K J 4
♦ J 4
♣ 9 6 3

EAST
♠ K
♥ 9 8 5
♦ K Q 10 7 3
♣ A Q J 7

SOUTH
♥ A 10 8 3
♠ A 10 3 2
♦ 9 5 2
♣ K 5

The bidding:

EAST	SOUTH	WEST	NORTH
1♦	Pass	Pass	Dbl
2♣	2♦	Pass	2NT
Pass	3♥	All pass	

Opening lead: Jack of ♦

South found himself in a terrible contract which was caused primarily by North's balancing double. A bid of one no trump in the balancing seat, sometimes called the pass out seat, shows a balanced hand with 11-14 points and usually a stopper in the enemy suit. It is an adjustment to normal bidding that allows you to compete on deals like this one.

The alternative, which is to let the opponents play at the one level, is not appealing. One no trump would have been a better choice for North than double.

South was an experienced player who went by the expert's creed: "The fact that your contract is hopeless is no excuse for going down in it". South ducked the opening diamond lead but won the diamond continuation with dummy's ace. He led a club from the board, and East stepped up with his ace, cashed a diamond, and led a low club to South's king. South led a low heart to dummy's queen as West ducked his king. A heart to the ace and another heart cleared the trumps. West won and shifted to a low spade. South called for dummy's ace, and when that felled the king from East, South claimed the balance and made his contract. Well done!

How did South know to rise with dummy's ace of spades? West, who had passed his partner's opening bid, had shown up with the king and jack of hearts. He couldn't hold the king of spades as well, so playing the ace was the only hope.

(Bob Jones welcomes readers' responses sent in care of this paper. Please send your e-mail responses to tcaditors@tribpub.com)

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AFFIDAVIT OF PUBLICATION


STATE OF NEW YORK
COUNTY OF NEW YORK

Ambika Mohan being duly sworn hereby declares and says, that she is the Advertising Account Executive responsible for placing the attached advertisement for publication in the 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 12, 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, 14th - 2022

Conforto: Ex-Astros welcome

By MIKE PUMA

PORT ST. LUCIE — Michael Conforto isn't about to dwell on who might have been involved in the Astros' illegal sign-stealing scheme and the implications.

J.D. Davis and Jake Marisnick both played for the Astros in 2017 when electronic surveillance was used by the team to steal catchers' signs, but both are Mets now and Conforto doesn't want either to feel unwelcomed in the clubhouse.

“Our involvement with it was Carlos [Beltran] and we have kind of moved on from that, but I don't see us dwelling on that at all,” Conforto said Tuesday. “I think J.D. and Jake, they are our guys now and moving forward they are going to be part of a winning season this year.

METS NOTES

“There's not going to be any animosity toward them. When you are in a team setting, any of these guys that are in here now they are our guys and that's the way winning teams are. They bring their guys in and we're one winning group. They will probably talk about it, but there won't be anything more from there.”

► New manager **Luis Rojas** acknowledged **Jacob deGrom** will “probably” be the Mets’ Opening Day starter but wouldn’t go beyond naming the two-time defending NL Cy Young Award winner to the rotation. DeGrom, **Noah Syndergaard**, **Marcus Stroman**, **Steven Matz**, **Rick Porcello** and **Michael Wacha** give the Mets six starting pitchers for five rotation spots.

“It probably won't be a surprise that Jake is probably Opening Day,” Rojas said, “but we are not defining roles right now of two, three, four, five or sixth starter so we're not there yet.”

► **Yoenis Cespedes** has been running and hitting, but Rojas indicated it's too early to say if the veteran outfielder might be a possibility to start the season with the Mets. Cespedes has missed the past 1 ½ seasons, after undergoing surgery on both heels then sustaining multiple ankle fractures on his ranch trying to elude a wild boar.

McAdoo hits Jax-pot

Ben McAdoo is back in the big leagues. The former Giants head coach — fired after going 13-15 over two seasons with Big Blue — will join the Jaguars as a quarterbacks coach, according to multiple reports.

McAdoo, 42, was hard-pressed to find work for the past two seasons but found some traction after this past season, having interviewed for a spot on the Browns’ and Panthers’ staffs and being in the running for the Jags’ offensive coordinator gig. The job went to ex-Redskins head coach Jay Gruden instead.

A history coaching Aaron Rodgers and Eli Manning should give McAdoo some credibility as he works with upstart Gardner Minshew, the rookie QB who garnered plenty of attention with his heroics after stepping in for Nick Foles last season.

— Michael Blinn

NOTICES

LEGAL NOTICES

STATE OF CONNECTICUT SUPERIOR COURT JUVENILE MATTERS ORDER OF NOTICE

NOTICE TO: Richard Delacruz,
father of a male child born
on 6/6/11 to Amanda G.

A petition has been filed seeking:

Commitment of minor child(ren) of the above named or vesting of custody and care of said child(ren) of the above named in a lawful, private or public agency or a suitable and worthy person.

The petition, whereby the court's decision can affect your parental rights, if any, regarding minor child(ren) will be heard on 3/18/20 at 12:00 p.m. at SCJM, 7 Kendrick Ave., 3rd fl., Waterbury, CT 06702

Therefore, ORDERED, that notice of the hearing of this petition be given by publishing this Order of Notice once, immediately upon receipt in the New York Post, a newspaper having a circulation in the town/city of New York.

Honorable Barbara Aaron
Pranvera Cirraga, OC
2/7/2020

RIGHT TO COUNSEL: Upon proof of inability to pay for a lawyer, the court will provide one for you at court expense. Any such request should be made immediately at the court office where your Hearing is to be held.

STATE OF CONNECTICUT Superior Court/Juvenile Matters ORDER OF NOTICE

NOTICE TO: **Carlos Vega,**
father of a male child born
on 7/17/2002, to Bernice S.
in San Sebastian, PR where
said child were born.

Of parts unknown.

A petition/motion has been filed seeking:

Commitment of minor child of the above named or vesting of custody and care of said child of the above named in a lawful, private or public agency or a suitable and worthy person.

The petition, whereby the court's decision can affect your parental rights, if any, regarding the minor child will be heard on: **3/10/2020 at: 10:00 a.m. at: Superior Court for Juvenile Matters, 239 Whalley Avenue, New Haven, CT 06511.**

Hearing on an Order of Temporary Custody will be heard on 2/14/2020 at: 10:00 a.m. at: 239 Whalley Ave., New Haven, CT 06511.

It is therefore, ORDERED, that notice of the hearing of this petition/motion be given by publishing this Order of Notice once, immediately upon receipt, in the: **New York Post** a newspaper having a circulation in the town/city of: **New York**

Hon. Bernadette Conway,
Judge, Kathryn A. Coppola,
2/7/2020

Right to Counsel: Upon proof of inability to pay for a lawyer, the court will make sure that an attorney is provided to you by the Chief Public Defender. Request for an attorney should be made immediately in person, by mail, or by fax at the court office where your hearing is to be held.

PET PLACE

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NOTICE OF PUBLIC HEARING

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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The New York State Department of Environmental Conservation (Department) is revising 6 NYCRR Parts 231, “New Source Review (NSR) for New and Modified Facilities,” and 200, “General Provisions” (collectively, Part 231), in order to conform to federal NSR rule requirements and related court rulings. On October 12, 2011, the Department submitted a revised State Implementation Plan (SIP) to the United States Environmental Protection Agency (EPA) that included revisions to Part 231 based on 2008 and 2010 amendments to the federal NSR rule. On June 1, 2016, EPA indicated in its SIP approval letter that certain portions of Part 231 required revision before they could be included into New York's SIP.

In accordance with EPA's June 1, 2016 SIP approval letter and related court rulings, the Department is revising Part 231 to conform to changes in the federal NSR rule, including changes to NSR applicability based on emissions of greenhouse gases (GHGs) and certain monitoring and impact assessment requirements for particulate matter or particles with an aerodynamic diameter less than or equal to 2.5 micrometers (PM-2.5). On May 5, 2011, the Department petitioned EPA Region 2 to designate all of New York State in attainment with the 2006 PM-2.5 National Ambient Air Quality Standards, and EPA correspondingly approved the petition in a final rulemaking on December 31, 2012. While the entire State is currently in attainment for PM-2.5, this proposed rulemaking will update the PM-2.5 nonattainment provisions in Part 231 where needed and keep them in the rule in the event that a portion of New York State becomes classified as nonattainment for PM-2.5 in the future.

The Department is also revising Part 231 to address EPA's comments relating to the listed Global Warming Potentials, references to dispersion modeling guidance, and the use of oxides of nitrogen offsets for ozone and PM-2.5. Lastly, this proposed rule will make clarifying changes and fix minor typographical errors. Once the rule is adopted, the revisions will be submitted to EPA for approval into New York's SIP.

3: Pursuant to Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, and 71-2105 of the Environmental Conservation Law (ECL), notice is hereby given that the New York State Department of Environmental Conservation (Department) will hold the following legislative public hearings on the proposed revisions of 6 NYCRR Part 235, “Consumer Products.”

The Department's Division of Air Resources (DAR) proposes to revise 6 NYCRR Part 235, “Consumer Products” (Part 235), to reduce volatile organic compound (VOC) emissions, improve air quality, and promote regional consistency. The proposed revisions will help the state comply with federal Clean Air Act (CAA) requirements pertaining to attainment and maintenance of the ozone National Ambient Air Quality Standards (NAAQS), and maintain regional product consistency in accordance with a memorandum of understanding (MOU) dated June 3, 2010 among the Ozone Transport Commission (OTC) states. The proposed revisions include adding new categories and revising others in order to make the New York regulation consistent with the OTC model rule and regulations adopted by nearby states. Additionally, 6 NYCRR Subpart 235-3, “Standards” (Subpart 235-3) will be updated to conform to the revised definitions and product categories, and to remove obsolete text and references. This proposal will also make attendant changes to 6 NYCRR Part 200, “General Provisions” (Part 200).

Part 235 will also be submitted to EPA as a revision to the State Implementation Plan (SIP) for New York State (NYS).

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

Date	Time	Location
4/14/2020	11:00 am	NYSDEC, 625 Broadway, Public Assembly Room 129A/B, Albany, NY 12233
4/15/2020	11:00 am	1 Hunter's Point Plaza, 47-40 21st Street, Room 834 NYSDOT, Long Island City, NY 11101
4/16/2020	11:00 am	6274 Avon-Lima Rd. (Rtes. 5 and 20), Conference Room, Avon, NY 14414-9516

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 7, 2020, to Richard McAuley, NYSDEC, 625 Broadway, Albany NY 12233-3250, (518) 402-8438, air.regs@dec.ny.gov.

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

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

Information on Part 230 may be obtained from Denise Prunier, P.E., NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3251, telephone, (518) 402-8403; email, air.regs@dec.ny.gov. Written statements may be submitted until 5 pm April 21, 2020.

Information on Part 231 may be obtained from Steve Yarrington, NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3254, telephone, (518) 402-8403; email, air.regs@dec.ny.gov. Written statements may be submitted until 5 pm April 21, 2020.

Information on Part 235 may be obtained from Kenneth A. Newkirk, P.E., NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3251, telephone, (518) 402-8396; email, air.regs@dec.ny.gov. Written statements may be submitted until 5 pm April 21, 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. Written statements may be submitted until 5 pm April 21, 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 Lieblich

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

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

REGION 5 - Hudson Street Extension, Box 220, Warrensburg NY 12865, Attention: James Coutant

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

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

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

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

LEGAL NOTICES

Notice of formation of Wonscape International LLC, a domestic LLC. Articles of Organization filed with the Secretary of State of New York (SSNY) on June 14, 2018 with N.Y.S. Office location: Nassau County. SSNY is designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 366 North Broadway Suite 405, Jericho, NY 11753 Purpose: Any lawful purpose.

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New York State Consolidated Annual Performance and Evaluation Report Public Comment Period Notice

In accordance with the provisions of the National Affordable Housing Act, the State of New York is making a draft of its Consolidated Annual Performance and Evaluation Report (CAPER) for program year 2019 available for public comment. The CAPER analyzes New York States' progress in implementing its HUD-approved Annual Action Plan for 2019. **The public is invited to review the draft New York State CAPER and to offer comments on the document.** The draft 2019 CAPER, as published for public comment, will be available during the public comment period on the New York State Homes and Community Renewal (HCR) website at www.nyschr.org. In addition, copies can be requested by e-mail at HCRConPln@nyschr.org or by telephoning 1-518-486-3452. **The public comment period will begin on Wednesday, February 26, 2020 and end on Wednesday, March 11, 2020.** Written comments must be postmarked no later than March 11, 2020 and addressed to Rachel Yerdon, NYS HCR, Hampton Plaza, 38-40 State Street, Albany, NY 12207. E-mail comments must be sent by that date and e-mailed to: HCRConPln@nyschr.org.

AFFIDAVIT OF PUBLICATION


STATE OF NEW YORK
COUNTY OF NEW YORK

Ambika Mohan being duly sworn hereby declares and says, that she is the Advertising Account Executive responsible for placing the attached advertisement for publication in the Rochester Democrat & Chronicle for Miller advertising Agency, Inc; located in New York, NY, and that the 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 12, 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, 14th - 2022

AFFIDAVIT OF PUBLICATION


STATE OF NEW YORK
COUNTY OF NEW YORK

Ambika Mohan being duly sworn hereby declares and says, that she is the Advertising Account Executive responsible for placing the attached advertisement for publication in the 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 11, 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, 14th - 2022

NEWSDAY

AFFIDAVIT OF PUBLICATION

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

STATE OF NEW YORK)

Legal Notice No.

0021565925

: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:

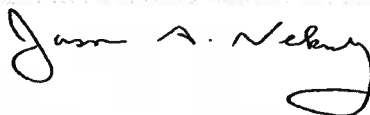
Wednesday February 12, 2020 Nassau, Suffolk and Queens

SWORN to before me this

12 Day of February, 2020.



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





Department of
Environmental
Conservation

New DEC Hearing Notices for 4/1/2020

New Permit Hearing Notices for April 1, 2020: None

New Rulemaking Hearing Notices for April 1, 2020: None

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

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

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

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

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

Assessment of Public Comments

6 NYCRR Part 230, Gasoline Dispensing Sites and Transport Vehicles

6 NYCRR Part 200, General Provisions

Comments received from February 12, 2020 through 5:00 P.M., May 21, 2020

The New York State Department of Environmental Conservation (Department) is proposing a new 6 NYCRR Part 230, “Gasoline Dispensing Sites and Transport Vehicles” (Part 230) and making related changes to Part 200, “General Provisions.” These changes are necessary to update an outdated regulation, adopt the federal Stage I vapor recovery requirements and require the removal of Stage II vapor recovery systems. Many of the comments received focused on timing and the lack of opportunity to comment due to the restrictions put in place over the concerns of COVID-19. Others requested either a full recap or just specific clarifications of the proposed regulatory changes with some concerned about the reasons behind the proposal and those requirements that go beyond the federal rule. Commenters also questioned compliance cost calculations, estimated emission reductions and the impacts on small businesses. Some suggested alternatives to the proposal and asked for additional information. Due to the Governor’s Executive Order directing non-essential meetings/gatherings be suspended or cancelled, no public hearings took place and the public comment period was extended by 30 days. In total, the Department received written comments from seven (7) commenters during the comment period of February 12, 2020 through 5:00 pm on May 21, 2020.

General

Comment 1: Commenters thanked the Department for considering their comments. Commenters 5, 6, 7

Response to Comment 1: The Department thanks the commenters for their participation in the rulemaking process.

Timing

Comment 2: The Department is forging ahead with a non-emergency rulemaking in the midst of the unprecedented COVID-19 pandemic that imposes substantial new costs and compliance burdens on motor fuel retailers whose attention is consumed by the financial, operational, and human impacts of the public health emergency. Many are unemployed yet; the Department of Environmental Conservation is proceeding as if this is the ideal time to pull the trigger on new regulations it has been considering for more than four years. While of little fault of the Department, the rule making now seems very poorly timed. Commenters 4, 6

Response to Comment 2: Part 230 is being revised to update an outdated gasoline vapor recovery rule, incorporate federal requirements to help achieve parity with federal regulations and eliminate the use of obsolete and largely counter-productive vapor recovery equipment for vehicle fuel tanks. Most gasoline dispensing facilities (GDFs) and the owners of gasoline transport vehicles already must comply with the federal requirements incorporated into the proposed new Part 230. Submerged fill pipes are required by the New York State Fire Code for all top-loaded gasoline tanks with capacities greater than 60 gallons. Requirements like “enhanced” Stage I vapor recovery systems, dual-point vapor control systems, new performance test requirements, increased test frequencies and best management practices are required by the federal regulation for most GDFs as outlined in 40 CFR Part 63 Subpart CCCCCC (Subpart 6C) which has been in effect since January 2008. Likewise for gasoline transport vehicles, the proposal to require cargo tank test marking consistent with the federal Department of Transportation (DOT) requirements are already required for all

gasoline transport vehicles under the DOT regulation and the proposed change to the recordkeeping retention requirements for testing of these vehicles is currently also part of the federal requirements in Subpart 6C.

At a time when we are faced with a pandemic that adversely affects the lungs, it has never been more important to have clean air to breathe. Attainment of the National Ambient Air Quality Standards (NAAQS) is required by Title I of the Clean Air Act (CAA) and minimizing emissions of volatile organic compounds (VOCs), one of the precursors of ground level ozone pollution, helps New York State to attain those ambient air standards.

Opportunity for Public Participation

Comment 3: The Department planned to hold public hearings at various locations throughout the state convenient for persons from small businesses and local governments to participate. The decision by the Department to cancel the public hearings for the proposed new Part 230, which enables input from stakeholders, prevented an important public participation opportunity for the regulated community to fully access and respond to the impacts of the rule. A vast majority of gas station and convenience stores owners have otherwise been preoccupied by the pandemic which has disrupted the industry and need more time for a thorough review of the regulation. To provide a fair rulemaking process, we recommend the Department extend the comment period and delay the effective date of the rule. Commenters 4, 5, 6

Response to Comment 3: The rulemaking process involves several mechanisms that provide an opportunity for public comment on proposed regulatory changes. The proposed new Part 230 was made available for public comment on February 12, 2020 when it was published in the New York State Register and made accessible through the DEC website. Another opportunity to provide comments on the rule would have been during public hearings that were scheduled to take place in April 2020. The cancellation of these hearings was a result of the

PAUSE Order, Executive Order 202 and subsequent additions, issued by Governor Cuomo directing non-essential meetings/gatherings to be suspended or cancelled. To promote fair public input by providing further opportunity to comment, the Department subsequently extended the public notice period for 30 additional days. The Department believes this was a sufficient amount of time to allow meaningful input in addition to the initial opportunity for participation provided during the stakeholder meetings held on October 16th, 18th, and 20th in 2017 to discuss the likely elements of the proposed new Part 230 and to obtain feedback. The comments received from these stakeholder meetings, as well as additional input received during the entire stakeholder outreach process, were also considered in developing this proposal. Additionally, written comments are given the same consideration as oral comments that are provided in a public hearing setting. Based on the above, the Department does not believe that anyone was deprived of their opportunity to participate in this rulemaking effort.

Comment 4: The New York State Association of Service Stations & Repair Shops (NYSASSRS) filed a Freedom Of Information Law (FOIL) request on May 21, 2020 for testing data and analysis of Stage I vapor recovery systems in the State of New York for the period from January 1, 2019 to May 21, 2020 and expressed concern that they would not receive a response prior to the close of the public comment period which ended on May 21, 2020. Commenter 5

Response to Comment 4: Filing a request for information through the FOIL on the closing day of the comment period would not allow enough time for the Stage I vapor recovery test information requested to be made available by the end of the comment period. A response to the request was provided on August 3, 2020.

Regulatory Clarification

Comment 5: Clarify the proposal and its intent. Include changes the service stations need to make, the cost of the changes, and whether an economic study has been done to verify the necessity of these changes.

Commenter 1

Response to Comment 5: The proposed new Part 230 and all the supporting documents were filed with the Department of State (DOS) on February 12, 2020 and subsequently published in the New York State Register. The package was also posted to the DEC website, published in newspapers around the State and published in the Environmental News Bulletin (ENB) on that date. These documents provide the changes made to Part 230 as well as the rationale for the proposed requirements. In addition, meetings with stakeholders were held on October 16, 18, and 20, 2017 to discuss the proposal, answer questions and listen to feedback from those in attendance. The Department responded to various email inquiries following those meetings. The express terms and supporting documents clearly outline the changes to the Part 230 regulation, the reasons for those changes, and the associated costs and benefits provided by the anticipated emission reductions as a result of the changes to the rule.

Comment 6: It is confusing to use the term “phase-in” requirements are no longer applicable. It appears this is referring to the original phasing in of Stage I and Stage II requirements in New York State, not phasing out the onboard refueling vapor recovery (ORVR) equipped vehicles due to widespread use (the focus of this Proposed Rule). The *EPA Guidance on Removing Stage II Gasoline Refueling Vapor Recovery Programs from State Implementation Plans, August 7, 2012* (the EPA Guidance) uses the term “phase in” to refer to the gradual

increase in the number of ORVR-equipped vehicles on the road, and the term “phase out” refers to assessing the period of time when it’s safe to decommission the Stage II vapor recovery system. Commenter 2

Response to Comment 6: The commenter is correct that the term “phase-in” requirements is the term used in the current Part 230 regulation to reference the registration of gasoline dispensing sites pursuant to 6 NYCRR Part 201 as required by 6 NYCRR Part 230.7, “Registration Schedules.” This term is not referring to the status of ORVR-equipped vehicles.

Comment 7: It is unclear if the self-employed will be required to have certification, and, if so, the type of certification. Commenter 2

Response to Comment 7: Proposed new Part 230 requires all companies that are performing vapor recovery tests to provide written certification to the Department affirming that all compliance testing will be conducted by properly trained staff and in accordance with established procedures and protocols. This will include self-employed testers.

Comment 8: Please check the GDF figures that are referenced throughout the Proposed Rule. These figures appear to be contradictory, such as, 7,540 (retail stores) and 7,277 (GDF) and 3,387 (GDF) and 3,545 (GDF). Commenter 2

Response to Comment 8: The number of GDFs affected by varying regulatory requirements are specific to the facts of each section. For instance, not all GDFs may be subject to the federal “enhanced” Stage I vapor recovery requirements. Only those located in the New York Metropolitan Area (NYMA) with annual

throughputs of 800,000 gallons or more and those located outside the NYMA with annual throughputs of 1,200,000 gallons or more would be included in the number of sites subject to the “enhanced” Stage I requirements. Similarly, different amounts of GDFs are subject to submerged fill requirements, best management practices, non-federal Stage I requirements, dual-point vapor recovery systems requirements, performance testing requirements, and decommissioning requirements.

Comment 9: Please check the Proposed Rule regarding the references for “moderate” and “serious” ozone nonattainment areas. In two places the NYMA is generically referenced as being “moderate”. On August 23, 2019 the EPA reclassified the NYMA to “serious,”

<https://www.federalregister.gov/documents/2019/08/23/2019-17796/determinations-of-attainment-by-the-attainment-date-extensions-of-the-attainment-date-and>. Under the section called Job Impact Statement, the NYMA is correctly referred to as “serious” for 2008 and “moderate” for 2015. Commenter 2

Response to Comment 9: The commenter is correct that page 2 of the Rural Area Flexibility Analysis (RAFA) states that “The NYMA is designated as a moderate ozone nonattainment area and further reductions in VOC emissions will help achieve the NAAQS for ground level ozone.” Likewise, page 2 of the Regulatory Flexibility Analysis for Small Businesses and Local Governments (RFASBLG) reads, “The NYMA is designated as a moderate ozone nonattainment area and further reductions in VOC emissions are necessary to achieve the NAAQS for ground level ozone.” (emphasis added). The attainment status will be corrected to read “serious,” in these documents.

Comment 10: Please make it clear what the compliance date is for the actions in this Proposed Rule. Is it 6-month or 12-month compliance period? Is the compliance period the same for large and medium GDF, for rural areas or for the NYMA? Commenter 2

Response to Comment 10: Proposed Part 230 requires those GDFs located in the NYMA with annual throughputs greater than or equal to 800,000 gallons but less than 1,200,000 gallons to come into compliance with all applicable requirements within six months after the effective date of the rule. It also requires any GDF, as defined in Part 230.2(b)(5), that becomes subject to any Stage I vapor recovery requirement due to an increase in monthly throughput to come into compliance with any applicable regulations within 6 months of any such increase. For those GDFs required to remove Stage II vapor recovery systems, the compliance date is within 12 months after the effective date of the rule.

Justification for Regulatory Changes

Comment 11: The Notice of Proposed Rulemaking glowingly predicts job growth for those who install, repair, or test gasoline dispensing equipment, prompting some gas station owners to wonder the extent to which those trades are driving this policy initiative. Commenter 4

Response to Comment 11: The Department's proposal to revise Part 230 was intended to advance progress towards attaining the ozone NAAQS in New York State by further reducing VOC emissions from the operations of GDFs and gasoline transport vehicles. VOC emissions that occur during the transfer of gasoline can be significant. Opportunities for vapor loss at GDFs occur during the loading of gasoline storage tanks, refueling of vehicles, and periods of inactivity. Vapor recovery measures at GDFs help to reduce VOC emissions into the atmosphere. Additional job opportunities for those who provide products or services to

owners and operators of GDFs and gasoline transport vehicles is a consequence of many regulations that are designed to protect the environment.

Beyond the Federal Rule

Comment 12: The proposed regulation exceeds EPA standards. The justification for exceeding these federal standards is illusory, particularly in view of evidence that atmospheric environmental emissions are at historic lows. While this phenomenon is undoubtedly at least partially related to the COVID-19 reduction in travel there should be additional data gathering and analysis to establish an appropriate baseline before burdening the economy with additional regulatory compliance and expense. Commenter 5

Response to Comment 12: New York State, as part of its State Implementation Plan (SIP), must seek reductions of VOC emissions from all sources in order to attain the mandated ozone air quality standards. Extending the federal “enhanced” Stage I vapor recovery requirements to include medium-sized GDFs located in the NYMA with annual gasoline throughputs of between 800,000 and 1,200,000 gallons is necessary to achieve these VOC emission reductions in a critical nonattainment area. Vapor recovery measures at GDFs help to reduce the amount of VOC emitted into the atmosphere. The requirement for these medium-sized GDF owners to install and operate an “enhanced” Stage I vapor recovery system that meet the latest federal requirements in Subpart 6C will require some owners to install vapor-tight fill caps, pressure/vacuum (P/V) vent valves as well as swivel vapor and product adaptors. Most medium-sized GDFs in the NYMA already operate Stage I vapor recovery systems that meet the “enhanced” system requirements. However, others will be required to install vapor and product adapters and P/V vent valves. P/V vent valve costs range from \$50 to \$250, while swivel adaptors are approximately \$250 each. Most medium-sized GDFs, without an “enhanced” Stage I system, will be required to install one P/V vent valve, one vapor adaptor and three product adaptors. This totals about \$1,150 in new costs for those medium-

sized GDFs requiring new system components. Add to this a cost of approximately \$500 every 3 years instead of \$500 every 5 years to account for the increased frequency in testing. With emission reductions of approximately 151 tons per year, the Department has calculated the cost per ton for VOC emission reductions to be \$6,357 per ton. This is well within the \$8,788 per ton Reasonably Available Control Technology (RACT) threshold for VOC sources in the NYMA required by the CAA on existing sources of air pollution in areas that do not meet the ozone NAAQS.

Emissions

Comment 13: The rulemaking states that the federal enhanced Stage I systems “achieve greater emission reductions than the Stage I systems currently allowed under the existing Part 230 state regulation.” We don’t doubt that. The point is that the Department has not contextualized the emission reduction objectives. How many tons of VOCs are emitted in the NYMA from all sources annually? Would the 151 tons of VOCs represent a five percent reduction? Ten percent? One one-thousandth of one percent? The bottom line is, how materially would this policy, if adopted, impact NYMA air quality? Respectfully, we question whether the Department has made a convincing case, particularly considering changes in environmental conditions attributable to the lockdown. Commenter 4

Comment 14: Questions such as the frequency of inspections, the amount of vapor captured, and the environmental significance of any non-recaptured vapor should also be determined in order to set reasonable, necessary and responsible regulatory standards. The public hearing schedule, which is now on hold due to COVID-19, should also be indefinitely postponed or cancelled until the condition’s precedent, as outlined above, can be achieved, and made publicly available. Commenter 5

Comment 15: The Department's justifications for the rulemaking need to be reevaluated based on current events. As you are undoubtedly aware, an unanticipated impact of COVID-19 is the generally positive affect that the government lock down response has had on air quality. With many industries shut down and restrictions on the movement of workers, the 80%-90% collapse of air travel, and extensive decreases in the number of vehicle miles driven especially in the metropolitan area, the impact on air quality is measurably improved. This outcome reduces the need, at least for the immediate future, to implement these new burdensome regulations. Commenter 6

Response to Comments 13-15: Adoption of the federal "enhanced" requirements for Stage I systems in the proposed new Part 230 for GDFs in the NYMA with annual throughputs between 800,000 and 1,200,000 gallons will create additional VOC emission reductions of approximately 151 tons per year. All types of regulations in New York State contribute to the effort of reducing emissions of VOCs to help in attaining the mandated ozone air quality standard and 151 tons per year is not an insignificant amount of emissions. New York State faces a significant public health challenge from ground-level ozone, which causes health effects ranging from respiratory disease to death.

The CAA requires RACT on existing sources of air pollution in areas like the NYMA that do not meet the ozone NAAQS. "RACT" is the "lowest emission limit that a particular source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility." Economic feasibility is determined by comparing the cost per ton of VOC emission reductions to the established cost threshold for RACT. This inflation-adjusted cost threshold for VOC sources in the NYMA is \$8,788 per ton. For the medium-sized GDFs located in the NYMA, the Department expects the cost per ton for VOC emission reductions to be \$6,357 per ton. This is within the confines of the RACT requirement set by the CAA.

New York State is also required to include permanent enforceable and verifiable emissions reductions in the SIP and cannot base controls on temporary changes in emissions due to the pandemic. The commenters are correct that air quality has undoubtedly been affected by the response to the pandemic, but it is not expected that the effects of the COVID-19 pandemic on air quality in recent months will be lasting. It is the Department's responsibility to make certain that current and proposed regulations work to maintain and improve air quality.

Compliance Costs

Comment 16: The New York Association of Convenience Stores (NYACS) urges the Department to revisit the underlying justification for the cost mandates this rulemaking would impose upon gas station and convenience store owners. The Long Island Gasoline Retailer's Association (LIGRA) points out the Department estimates that requiring most medium-sized GDFs without an "enhanced" Stage I system to install one P/V vent valve, one vapor recovery adaptor and three product adaptors would cost \$1,150. On the contrary, estimates we have received related to those same costs are in the range of 4 to 5 times that amount. Commenters 4, 6

Comment 17: We are curious about the source, and skeptical about the accuracy, of the \$1,150 cost estimate per location. We believe the cost would be two to three times higher. However, if the Department is confident in this estimate, perhaps the rulemaking could be amended to provide that no contractor may charge more than that amount for those services at any retail location. Commenter 4

Comment 18: The Department's Regulatory Impact Statement and Jobs Impact Statement severely underestimate the costs. For example, the Department proposes to adopt the federal requirements of Subpart 6C for "enhanced" Stage I vapor recovery control, submerged filling, dual-point vapor control systems, new

performance testing and best management practices in new Part 230. Such new testing requirements are proposed to be extended to medium-sized GDFs not covered by the federal rule. Additionally, new Part 230 proposes to increase the frequency of performance testing and decommission all remaining Stage II vapor recovery systems. Commenter 6

Response to Comments 16-18: Any new costs associated with New York's proposed new Part 230 would be imposed upon GDFs in the NYMA with annual throughputs between 800,000 and 1,200,000 gallons. The requirement for these medium-sized GDF owners to install and operate an "enhanced" Stage I vapor recovery system that meets the latest federal requirements adopted as part of the new Part 230 will require vapor connections equipped with closures that seal upon disconnect, vapor-tight fill caps, pressure/vacuum (P/V) vent valves, and swivel vapor and product adaptors. The rationale for the rule assumes a typical facility in which all the gasoline storage tanks are manifolded together and are equipped with a vapor port fitted with a "vapor poppit" that closes when the vapor hose is disconnected. Based on this, GDFs in the NYMA that fall into this throughput range would only need to install one P/V vent valve, one vapor adaptor and three product adaptors. Estimates were obtained from several GDF service providers, resulting in P/V vent valve costs ranging from \$50 to \$250 each and swivel adaptors were projected to cost approximately \$250 each. This totals about \$1,150 in new costs for those medium-sized GDFs requiring these new system components. Add to this a cost of approximately \$500 every 3 years instead of \$500 every 5 years to account for the increased frequency in testing. Cost of equipment varies from vendor to vendor and the Department has no control over these costs.

No new costs are associated with the requirement to install and operate federal Stage I vapor recovery systems at GDFs with annual throughputs of 1,200,000 gallons or greater, anywhere in the state, since these systems are already required by federal regulation.

No new costs to GDFs are associated with the requirement to install a dual-point collection system on new or reconstructed gasoline storage tanks because these systems are already required by existing federal regulation.

No new costs are associated with the submerged filling requirement as all GDFs are currently required to fill gasoline storage tanks greater than 60 gallons using submerged fill pipes under the current New York State Fire Code.

No new costs are associated with the proposed requirements for best management practices as these are already required by federal regulation.

Costs associated with the required removal of Stage II vapor recovery systems will be offset by the costs GDF owners subject to these requirements currently spend annually on maintenance and performance testing of these systems as well as the cost of lost product due to the incompatibility of these systems with ORVR. The removal of these systems will require the disconnection and capping of the Stage II vapor recovery line, removal or disconnection of any vacuum pump, and the replacement of hanging hardware. Costs have been estimated at \$2,400 for a typical station. The combined savings of the average \$2000 GDFs spend annually to maintain these systems and conduct the required Stage II performance tests with the cost savings of gasoline due to less vapor losses results in no net cost for the facility to decommission.

Comment 19: The economic costs of installation of monitoring and vapor recovery equipment can be up to \$20,000 per station. Without a statistically fact-based cost benefit analysis the imposition of additional regulatory burdens is arbitrary. Commenter 5

Response to Comment 19: The proposed new Part 230 does not include monitoring of the vapor space inside the storage tanks. The cost benefit analysis for requirements in the proposed new Part 230 are discussed in the Regulatory Impact Statement (RIS).

Comment 20: What little review our Association has been able to do up till now raises several concerns. New proposed submerged filling requirements for all gasoline storage tanks at GDFs that go beyond federal requirements and adding enhanced performance test requirements for vapor recovery systems have the potential to be overly burdensome. Neither action now seem justified as the volume of gasoline being pumped on Long Island has fallen by 70%-75%, by our estimate. Commenter 6

Comment 21: Specifically we are concerned with the mandate requiring that all fuel tanks with capacities exceeding 250 gallons be capable of submerged fill, meaning equipped with a metallic pipe that terminates within 6 inches of the bottom of the tank which is designed to minimize vapor emissions and the generation of static electricity. The Business Council is not submitting comments to debate that discouraging 'splash' fill does in fact reduce emissions, but rather to highlight the significant compliance burdens that will be imposed on the owners of smaller, older tanks, namely the costs associated with retrofitting or replacing existing equipment. We raise similar concerns regarding the extensive and costly undertaking required to retrofit exiting co-axial systems to 'dual-point' Stage I vapor recovery.

These regulations could also impose administrative difficulties for DEC which would require to, on a case-by-case basis, verify the size of a given tank and determine if it has been retrofitted with a submerged fill which terminates within 6 inches of the bottom.

The Business Council suggests that it could be less burdensome for this rule to be applied prospectively, capturing only those tanks installed after the effective date which incorporate submerged fill into their design. DEC could provide flexibility by granting exemptions for those tanks determined to be functional and safe, thus allowing them to be removed from service through natural attrition. Commenter 7

Response to Comments 20-21: All gasoline storage tanks with capacities of at least 60 gallons are required to be equipped with submerged fill pipes that terminate within 6 inches from the bottom of the tank in accordance with the New York State Fire Code (See Chapter 2 and 57). GDFs are defined as “[a] site where gasoline is dispensed into motor vehicle fuel tanks or into portable containers from a stationary gasoline storage tank larger than 250 gallons.” Since storage tanks located at all GDFs have capacities that are greater than 60 gallons, submerged fill is already required. Similarly, dual-point collection systems on new or reconstructed gasoline storage tanks are already required by existing federal regulation for GDFs.

The federal Stage I performance test requirements adopted into the proposed new Part 230 already apply to all GDFs with annual throughputs of 1,200,000 gallons or greater in all areas of New York State. While GDFs in the NYMA with annual throughputs between 800,000-1,200,000 gallons will now be subject to the federal performance test requirements, vapor balance testing is not a new requirement for these facilities. Similar performance testing is currently and has been required under Part 230 for all GDFs in the NYMA regardless of throughput. What is new is that the frequency for vapor balance testing of the system has increased from once every 5 years to once every 3 years to match the federal requirement for vapor tightness testing.

Comment 22: The mandated removal of Stage II equipment is arguably unnecessary. The action now seems unjustified as the volume of gasoline being pumped on Long Island has fallen by 70%-75%, by our estimate.

Commenter 6

Response to Comment 22: The requirement for the removal of Stage II vapor recovery systems in new Part 230 is being proposed due to equipment incompatibility with ORVR systems. ORVR systems are vehicle emission control systems required by the CAA that capture fuel vapors from the vehicle gas tank during refueling.

ORVR systems, which are installed in approximately 97 percent of vehicles in New York State, eliminate the need to have GDFs equipped with the special nozzles and vapor return lines that are required by Stage II vapor recovery systems. Modeling has shown that yearly emissions are increasing due to the incompatibility of Stage II and ORVR systems. Removal of these systems will help New York State attain the ozone standard.

Cost/Benefit Analysis

Comment 23: In November of 2107 we were discussing changes to Stage I Vapor Recovery on service stations. There were several proposals that would have cost the service station dealers for new equipment, and there were no studies to show that the new technology was necessary or worked, or was any economic study done to indicate the expense that the service stations would incur. Commenter 1

Comment 24: With businesses, schools, and daily life coming to a virtual halt amid the pandemic, New York has experienced a plunge in retail gasoline demand. This has not only eroded the ability of affected businesses to afford the new cost mandates being proposed but has wreaked havoc with the Department's underlying emission reduction assumptions and cost-benefit analysis. How have air quality conditions in the New York

Metropolitan Area changed in the past 10 weeks? With 50 percent less gasoline being pumped into vehicles, are the 851 medium-sized NYMA gas stations currently emitting the equivalent of 151 tons of VOCs per year as estimated in the rulemaking? Based on the current emissions level, is the \$6,357-per-ton cost of VOC emission reductions still valid? Does it still fall below the RACT threshold? Commenter 4

Comment 25: The economic impact analysis accompanying the regulatory proposal is likewise suspect. Gasoline sales and convenience store revenues for our members continue to plunge – some 40%-45% since the economic shutdown was implemented. Thus, compliance cost impacts to station owners and operators as estimated in the proposal are likely not a reflection of the current reality. This further adds to the argument that the regulatory action's cost-to-benefit claims need time to be scrutinized and very likely recalculated.

Commenter 6

Response to Comments 23-25: At this time, the NYMA is still in nonattainment for the ozone NAAQS. Emission sources of VOC located within designated ozone nonattainment areas in New York State must implement RACT to reduce those emissions. RACT is based on economic feasibility which is determined by comparing the cost per ton of VOC emission reductions to the established cost threshold for RACT. The Department has performed a RACT analysis of the costs associated with the proposed new Part 230. In addition, New York State is required to include permanent enforceable and verifiable emissions reductions in the SIP and cannot base controls on temporary changes in emissions due to the pandemic.

Impact on Small Businesses

Comment 26: The proposed rule, published in the February 12 State Register, stated that “small businesses...are not specifically adversely affected by the proposed revisions.” NYACS and LIGRA both

conveyed that most of their members are small, family owned businesses, who are the targets of the regulation, and that it is they who will be negatively affected. Commenters 5, 6

Response to Comment 26: The proposed rulemaking is intended to create air quality benefits for the entire state through the reduction of ozone forming pollutants. These changes are not expected to have unfair or adverse impacts on small businesses since the same requirements will apply statewide in varying degrees depending upon annual throughput of the GDF.

Comment 27: The Job Impact Statement estimates that our members should save \$2,000 annually because the proposal eliminates yearly maintenance costs. We challenge this assumption that there will be cost savings realized by many of our stations from this proposal. In fact, according to the Department's analysis, essentially all job benefits are attributed to additional work that contractors, manufacturers and suppliers will have from servicing and selling equipment to stations because of the new mandates. It is the smaller, independent gas station businesses already crippled by the financial downturn and loss of business that will suffer. Commenter 6

Response to Comment 27: The Department received annual cost estimates for the maintenance, repair and testing of Stage II vapor recovery systems as required by the Part 230 regulation from various GDF contractors in New York State. These cost estimates averaged \$2,000 annually. Removal of these systems would eliminate these costs. In addition, Stage II vapor recovery systems were determined to be incompatible with vehicle ORVR systems by EPA and found to be adding to vapor losses which equates to lost gasoline. Hence, a cost savings is realized by eliminating the need to maintain, repair and test these systems and by eliminating the loss of product. Together, these savings will offset the expense of removal of Stage II vapor recovery systems. The

Department believes that this rule will have a positive economic impact on all GDFs due to better containment of vapors and reduced product loss.

New costs as a result of the proposed new Part 230 will not be imposed on GDFs with annual throughputs less than 800,000 gallons. It is the medium-sized GDFs in the NYMA with throughputs between 800,000-1,200,000 gallons per year that may incur additional cost based on the new requirements. All others are already subject to the new requirements because of Subpart 6C, federal DOT regulation, and the New York State Fire Code and should bear no additional costs as a result of this regulation.

Comment 28: The Business Council serves as an advocate for employers in the State working for a robust business climate, economic growth, and jobs. Upon information and belief, the regulatory changes the DEC would pose significant and costly burdens on upstate companies. Commenter 7

Response to Comment 28: There are no new costs associated with GDFs outside of the NYMA as a result of the new Part 230. Federal “enhanced” Stage I requirements for GDFs with annual throughputs of 1,200,000 gallons or more, which includes dual-point vapor recovery systems for gasoline storage tanks and performance testing, have been required under EPA regulation since January 10, 2008. Submerged filling for gasoline storage tanks over 60 gallons is already required by the New York State Fire Code.

Suggested Alternatives to Proposal

Comment 29: It is our opinion that very little is needed to accommodate EPA regulations and that the most that should be done is that inspections need to be done every three years. We demand that the efforts to update the

Stage I Regulation(s) be dropped forever or at the very least, adopt the current EPA Regulation on the subject.

Commenters 1, 3

Comment 30: Of course, the only way the rulemaking can significantly create jobs in the pump-and-tank industry is forcing retailers to pay them significantly more money to perform additional services. The filing says the 851 medium-sized GDFs located in the Metro area will spend an average \$1,150 for the upgrade to federal enhanced Stage I and to perform more frequent vapor-tightness testing. That's a total of \$978,650 that the affected gas station owners could use to create or retain jobs *in their own businesses* if DEC opted to merely conform to the EPA requirements. Commenter 4

Response to Comments 29-30: A major part of the changes to proposed new Part 230 includes the adoption of the federal requirements in Subpart 6C to bring the State regulations in line with the requirements of the federal rule. Adopting the federal requirements of Subpart 6C which includes federal Stage I vapor recovery equipment, submerged filling, dual-point vapor control systems, improved performance test requirements, increased testing frequencies and best management practices would sync the state's regulations with existing federal requirements. Not adopting the federal regulations would leave the regulated community with a mix of overlapping and contradictory requirements as outlined in the RIS.

To go beyond the federal rule by requiring GDFs in the NYMA with annual throughputs between 800,000 and 1,200,000 gallons to install more effective Stage I vapor recovery controls provides the necessary emission reductions in an area of the State in nonattainment for the ozone NAAQS. Ground-level ozone poses a significant public health challenge causing health effects ranging from respiratory disease to death. Regulating

VOC emissions at as many sources as possible is necessary. Reduction of harmful pollutants will provide better air quality to all citizens of New York State.

Requests for Additional Information

Comment 31: “The required removal of Stage II vapor recovery systems is being proposed due to equipment incompatibility with ORVR. As ORVR becomes more widespread, the counter productivity of Stage II increases. Modeling has shown that the percentage of vehicles equipped with ORVR in New York State is high and that excess emissions are starting to increase because of incompatibility problem with Stage II systems.” An explanation of what modeling was used to demonstrate the high number of ORVR-equipped vehicles, and what is meant by a “high” measure, and when was that measure achieved, would be helpful. When this Proposed Rule is submitted to the EPA for approval, it would be helpful to include these modeling results.

Commenter 2

Response to Comment 31: The Department utilized MOBILE 6 modeling in 2011 to project the number of vehicles in the New York State fleet equipped with ORVR for various years and the emissions resulting from the use of both Stage II vapor recovery and ORVR controls. In 2011, the model showed that 78% of vehicles in New York State were found to be equipped with ORVR which was considered “high” since, at the time, 86% of motor vehicles with ORVR in a fleet was considered by EPA to be “wide-spread use” – the point when the emissions from using Stage II vapor recovery control plus ORVR controls would exceed emissions from just having ORVR alone. The modeling also showed that, by 2013, 88% of vehicles in the fleet would be equipped with ORVR and the New York State fleet would be in “wide-spread use”. The results of the modeling were then used in an analysis demonstration for “wide-spread use” of ORVR as prescribed by “EPA Guidance on

Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures”, EPA-457/B-12-001, August 7, 2012. The results of the modeling and the analysis were forwarded to EPA for approval to allow removal of Stage II vapor recovery systems.

Outside Scope of Rulemaking

Several comments were received that were outside the scope of this rulemaking.

Commenter List:

1. New York State Association of Service Stations & Repair Shops, Albany, NY
2. United States Environmental Protection Agency
3. New York State Association of Service Stations & Repair Shops, Albany, NY
4. New York Association of Convenience Stores, Albany, NY
5. New York State Association of Service Stations & Repair Shops, Albany, NY
6. Long Island Gasoline Retailers Association, Melville, NY
7. New York State Business Council

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STATE OF NEW YORK

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

CERTIFICATE OF ADOPTION

AGENCY ACTION: 6 NYCRR Part 230, "Gasoline Dispensing Sites and Transport Vehicles"; and Part 200, "General Provisions".

Pursuant to the provisions of Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0304, 71-2103, & 71-2105 of the Environmental Conservation Law (ECL), I, Basil Seggos, Commissioner of the Department of Environmental Conservation (DEC), hereby certify that the amendments to 6 NYCRR Part 230, "Gasoline Dispensing Sites and Transport Vehicles" and 6 NYCRR Part 200, "General Provisions" be adopted to read as on the attached original, and certify that this is the original thereof, as adopted by me on

1/5/21, 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 12, 2020 under Notice No. ENV-06-20-00018-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.



Basil Seggos
Commissioner
Department of Environmental Conservation

DATED: 1/5/21

Albany, New York



Department of
Environmental
Conservation

Revised Express Terms

6 NYCRR Part 230 Gasoline Dispensing Sites and Transport Vehicles

Existing Part 230 is repealed.

A new Part 230 is added as follows:

230.1 Applicability

230.2 Definitions

230.3 Gasoline dispensing sites – prohibitions and requirements

230.4 Gasoline dispensing sites – recordkeeping and reporting

230.5 Gasoline dispensing sites – test company certification

230.6 Gasoline transport vehicles – prohibitions and requirements

230.7 Gasoline transport vehicles – recordkeeping and reporting

230.8 Variances

230.9 Severability Clause

§ 230.1 Applicability. This Part applies to all gasoline transport vehicles, and all gasoline dispensing sites that have gasoline storage tanks larger than 250 gallons.

§ 230.2 Definitions

(a) For the purposes of this Part, the general definitions of Part 200 apply.

(b) The following definitions shall also apply to this Part:

(1) 'Annual throughput'. The amount of gasoline transferred into or dispensed from a gasoline dispensing site during any 12 consecutive months.

(2) 'CARB'. California Air Resources Board as defined in California's Health and Safety Code, section 39003 (1975) (see Table 1, section 200.9 of this Title).

(3) 'Dual-point vapor recovery system'. A gasoline storage tank equipped with an entry port for gasoline and a separate exit port for vapor collection.

(4) 'Gasoline'. A petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals or greater, which is used as a fuel for internal combustion engines.

(5) 'Gasoline dispensing site'. A site where gasoline is dispensed into motor vehicle fuel tanks or into portable containers from a stationary gasoline storage tank larger than 250 gallons.

(6) 'Gasoline storage tank'. A stationary storage tank larger than 250 gallons located at a gasoline dispensing site which is used to store gasoline.

(7) 'Gasoline transport vehicle'. A tank truck, trailer or railroad tank car, with a capacity of 300 gallons or more, used to transport gasoline.

(8) 'Gauge well'. An opening in the top of a gasoline storage tank used to measure the amount of

product in the tank.

(9) 'Reconstructed'. Any physical change to a gasoline storage tank where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source.

(10) 'Stage I vapor recovery system'. A system that forces gasoline vapors from a gasoline storage tank into a vapor-tight gasoline transport vehicle through direct displacement of the gasoline being transferred.

(11) 'Stage II vapor recovery system'. A system that captures gasoline vapors displaced or withdrawn from a vehicle fuel tank during refueling and returns the vapors back to the gasoline storage tank.

(12) 'Submerged filling'. The use of a fill pipe or drop tube intended to minimize splashing of gasoline when loading a gasoline storage tank.

(13) 'Vapor-tight'. A condition that precludes vapor loss. Compliance with vapor-tight requirements can be determined by checking to ensure that the concentration at a potential leak source is less than 100 percent of the lower explosive limit (LEL) when measured with a combustible gas detector, calibrated with propane, at a distance of 1 inch from the source.

(14) 'Vehicle dismantling facility'. A facility that decommissions, dismantles and recycles end of life vehicles.

§ 230.3 Gasoline dispensing sites – prohibitions and requirements

(a) Submerged filling. All gasoline storage tanks must be equipped with a metallic fill pipe designed and installed to minimize vapor emissions and the generation of static electricity by terminating the pipe within 6 inches of the bottom of the tank.

(b) Minimizing vapor releases. Owners and/or operators of any gasoline dispensing site must follow best management practices to minimize vapor releases to the atmosphere. Measures to minimize vapor releases include, but are not limited to, the following:

(1) minimizing gasoline spills;

(2) cleaning up spills as expeditiously as practicable;

(3) covering all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use; and

(4) minimizing the amount of gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

(c) Stage I vapor recovery systems. The installation and operation of Stage I vapor recovery systems are required for the transfer of gasoline into gasoline storage tanks, based upon the site location and/or the annual gasoline throughput of a gasoline dispensing site. Exempt sources are not required to meet the provisions of

paragraphs (2), (3), (4), (5), (6) and (7) of this subdivision.

(1) Exempt sources. The installation and operation of Stage I vapor recovery systems is not required for the transfer of gasoline into the following storage tanks:

(i) gasoline storage tanks with a capacity less than 550 gallons and which are used exclusively for farm tractors engaging in agricultural or snowplowing activities and

(ii) gasoline storage tanks used to store gasoline drained from vehicles at a vehicle dismantling facility.

(2) Minimum requirements. Owners and/or operators of any Stage I vapor recovery system must replace, repair or modify any worn or ineffective components or design elements to ensure the vapor-tight integrity and efficiency of the vapor collection and control system.

(3) Gasoline dispensing sites located in the New York City or Lower Orange County metropolitan areas with an annual throughput less than 120,000 gallons.

(i) No person may transfer or allow the transfer of gasoline into any gasoline storage tank, installed or reconstructed after January 1, 1979, located in the New York City metropolitan area without a Stage I vapor recovery system that meets the requirements of paragraph (2) of this subdivision.

(ii) No person may transfer or allow the transfer of gasoline into any gasoline storage tank, installed or reconstructed after October 15, 1994, located in the Lower Orange County metropolitan area without

a Stage I vapor recovery system that meets the requirements of paragraph (2) of this subdivision.

(4) Gasoline dispensing sites located in the New York City metropolitan areas with an annual throughput of 120,000 gallons or more.

(i) Gasoline dispensing sites with an annual throughput greater than or equal to 120,000 gallons but less than 800,000 gallons. No person may transfer or allow the transfer of gasoline into a gasoline storage tank without a Stage I vapor recovery system that meets the requirements of paragraph (2) of this subdivision.

(ii) Gasoline dispensing sites with an annual throughput greater than or equal to 800,000 gallons. Six months after the effective date of this regulation, no person may transfer or allow the transfer of gasoline into a gasoline storage tank without a Stage I vapor recovery system that meets the requirements of paragraphs (6)(i), (6)(ii), 6(iii), and 6(iv) of this subdivision.

(5) Gasoline dispensing sites located outside the New York City metropolitan areas with an annual throughput greater than or equal to 120,000 gallons but less than 1,200,000 gallons. No person may transfer or allow the transfer of gasoline into a gasoline storage tank without a Stage I vapor recovery system that meets the requirements of paragraph (2) of this subdivision.

(6) Gasoline dispensing sites located outside the New York City metropolitan areas with an annual throughput of 1,200,000 gallons or more.

(i) No person may transfer or allow the transfer of gasoline into a gasoline storage tank

without a Stage I vapor recovery system that meets the following requirements:

(‘a’) vapor connections and lines must be equipped with closures that seal upon disconnect;

(‘b’) the vapor line from the gasoline storage tank to the gasoline cargo tank must be vapor-tight;

(‘c’) the pressure in the tank truck must not exceed 18 inches of water pressure or 5.9 inches of water vacuum during transfer of gasoline from the truck into the gasoline storage tank;

(‘d’) the vapor recovery and product adapters, and the method of connection with the delivery elbow, must be designed to prevent the over-tightening or loosening of fittings during normal delivery operations;

(‘e’) gauge wells must have a submerged drop tube that extends the same distance from the bottom of the gasoline storage tank as required by subdivision 230.3(a) of this Part;

(‘f’) liquid fill connections for all gasoline storage tanks must be equipped with vapor-tight caps;

(‘g’) pressure/vacuum (P/V) vent valves must be installed and maintained on the gasoline storage tank vent pipes in accordance with the following specifications:

(‘1’) a positive pressure setting of 2.5 to 6.0 inches of water;

(‘2’) a negative pressure setting of 6.0 to 10.0 inches of water; and

(‘3’) the total leak rate of all P/V vent valves at a gasoline dispensing site, including connections, may not exceed 0.17 cubic foot per hour at a pressure of 2.0 inches of water and 0.63 cubic foot per hour at a vacuum of 4.0 inches of water; and

(‘h’) Stage I vapor recovery systems must be capable of meeting the static pressure performance requirements of the following equation:

$$Pf = 2e^{-500.887/v}$$

Where:

Pf = minimum allowable final pressure, inches of water

v = total ullage affected by the test, gallons

e = dimensionless constant equal to approximately 2.718

2 = the initial pressure, inches water

(ii) Any gasoline storage tank installed or reconstructed after November 9, 2006 must be equipped with a dual-point vapor recovery system as defined in section 230.2(b)(3) of this Part.

(iii) Upon installation of a Stage I vapor recovery system and every 3 years thereafter, an owner and/or operator must:

(‘a’) demonstrate compliance with the CARB Vapor Recovery Test Procedure TP-201.1E - Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves (see Table 1, Section 200.9 of this Title); and

(‘b’) demonstrate compliance with the CARB Vapor Recovery Test Procedure TP-201.3 - Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities (see Table 1, Section 200.9 of this Title).

(iv) the CARB vapor recovery tests required in subparagraph 230.3(c)(6)(iii) must be performed by a testing company that satisfies the certification requirements outlined in section 230.5 of this Part.

(7) A gasoline dispensing site that becomes subject to the regulatory requirements in paragraphs (3), (4), (5) or (6) of this subdivision due to an increase in monthly gasoline throughput, must comply with paragraphs (3), (4), (5) and (6) within 6 months of such increase.

(d) Stage II Decommissioning.

(1) An owner and/or operator of a gasoline dispensing site with a Stage II vapor recovery system shall decommission the system within 12 months of the effective date of this regulation in accordance with the following:

(i) drain and collect all accumulated liquids from all Stage II equipment;

(ii) if applicable, remove any liquid drop-out tank or condensate trap or remove any

accumulated liquid and cap off any siphon line associated with the tank;

(iii) if the Stage II vapor recovery system includes a vacuum-assist vapor pump, either remove or disable the pump;

(iv) disconnect and cap off the Stage II vapor recovery line at the dispenser end with a vapor-tight cap or plug after purging the vapor recovery line with nitrogen to void accumulated liquid;

(v) if accessible without excavation, disconnect and cap off the Stage II vapor recovery line at the tank end with a vapor-tight cap or plug;

(vi) if excavation exposes the Stage II vapor recovery line after decommissioning, the vapor recovery line must be removed;

(vii) replace the Stage II vapor recovery system hanging hardware with conventional (non-Stage II) hanging hardware;

(viii) remove the Stage II vapor recovery system operating instructions from all dispensers;

(ix) conduct a passing CARB Vapor Recovery Test Procedure TP-201.3 - Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities (see Table 1, Section 200.9 of this Title); and

(x) within 30 days of completing the decommissioning of the Stage II vapor recovery

system, provide documentation to the department of the procedures used to demonstrate that the Stage II vapor recovery system has been decommissioned accordingly. Documentation should include a completed copy of the Decommissioning Checklist found on the department's website and a copy of the leak testing report required by subparagraph 230.3(d)(1)(ix). Documentation in a format acceptable to the department shall be sent to the Division of Air Resources, New York State Department of Environmental Conservation at dar.web@dec.ny.gov.

(2) Prior to decommissioning, owners and/or operators of a gasoline dispensing site with a Stage II vapor recovery system shall:

(i) continue to operate the system with equipment on the department approved equipment list; and

(ii) operate the system as designed and ensure that all necessary components of the system are maintained.

§ 230.4 Gasoline dispensing sites - recordkeeping and reporting

(a) The owner and/or operator of a gasoline dispensing site shall maintain records showing the quantity of all gasoline delivered to the site. These records must be kept at the gasoline dispensing site for at least 2 years, and must be made available to the department upon request. The sum of all gasoline deliveries to a gasoline dispensing site during every 12 consecutive months must be used to determine whether the requirements of this Part apply. Once a gasoline dispensing site becomes subject to the requirements of this Part because its annual gasoline throughput exceeds an applicability level, subsequent decreases in gasoline deliveries or throughput do not excuse a site owner from compliance with requirements of this Part for that applicability level.

(b) The owner and/or operator of a gasoline dispensing site required to demonstrate compliance with the leak rate and cracking pressure requirement and/or the static pressure performance requirement for a Stage I vapor recovery system pursuant to sections 230.3(c)(6)(iii)(‘a’) and (‘b’) of this Part shall report all test results to the Division of Air Resources, New York State Department of Environmental Conservation, within 30 days after the test at dar.web@dec.ny.gov. A copy of the most recent test results must be retained at the gasoline dispensing site. The test results must contain:

(1) the pass/fail results;

(2) information on any failed tests including equipment repairs and replacements needed to attain passing test results; and

(3) site information including owner name, operator name, site address, telephone number, Petroleum Bulk Storage (PBS) program registration number, tank installation dates, and most recent annual throughput.

§ 230.5 Gasoline dispensing sites - test company certification

Test companies shall certify that Stage I vapor recovery system compliance tests are performed in accordance with the procedures and protocols contained in the CARB test procedures referenced in section 230.3(c)(6)(iii)(‘a’) and (‘b’) of this Part (see Table 1, Section 200.9 of this Title) and that testing staff have been trained accordingly to perform these tests. Written certification must be submitted to the department 30 days prior to performing the tests or within 30 days after the effective date of this regulation, whichever is later.

Notification to the department shall be sent to the Division of Air Resources, New York State Department of Environmental Conservation at dar.web@dec.ny.gov.

§ 230.6 Gasoline transport vehicles - prohibitions and requirements

(a) No owner or operator of a gasoline transport vehicle may transport gasoline or allow the vehicle to be filled or emptied in New York State unless the gasoline transport vehicle meets:

(1) the federal Department of Transportation (DOT) requirements for leak testing as required by 49 CFR 180.407(h) (see Table 1, Section 200.9 of this Title); and

(2) the federal DOT requirements for test markings as required by 49 CFR 180.415 (see Table 1, Section 200.9 of this Title).

(b) No operator of a gasoline transport vehicle may transfer gasoline into a gasoline storage tank with a Stage I vapor recovery system unless the vehicle operator:

(1) connects the Stage I vapor recovery hose before connecting the gasoline delivery hose prior to tank loading;

(2) ensures that all tank truck vapor return equipment is compatible in size and forms a vapor-tight connection with the vapor balance equipment on the gasoline storage tank;

(3) ensures that all hoses in the vapor balance system are properly connected;

(4) ensures that the adapters or couplers that attach the vapor line to the vapor port on the gasoline storage tank have closures that seal upon disconnect;

(5) ensures that all vapor return hoses, couplers, and adapters used to transfer the gasoline vapor are vapor-tight;

(6) ensures that all hatches on the tank truck are closed and securely fastened;

(7) ensures that the filling of gasoline storage tanks is limited to unloading from vapor-tight gasoline cargo tanks which meet the requirements in 230.6(a)(1) and (2); and

(8) disconnects the gasoline delivery hose before disconnecting the Stage I vapor recovery hose after tank loading.

(c) Vapor leaks from the gasoline transport vehicle or vapor recovery system may not equal or exceed the lower explosive limit (LEL measured as propane) when measured at a distance of 1 inch from the source with a combustible gas detector. The combustible gas detector used for determining compliance with this standard must be properly calibrated and have a minimum range of 0-100 percent of the LEL as propane, have a probe with an external diameter of one quarter inch (0.635 cm), and a response time less than 30 seconds with sampling line and probe attached.

(d) Dome covers on a gasoline transport vehicle must not be open while the vehicle is in motion or while gasoline is being transferred into the vehicle, except where gasoline transport vehicles are hatch-loaded in

conformance with Subparagraph 229.3(c)(3)(ii) or 229.3(d)(2)(i) of this Title.

§ 230.7 Gasoline transport vehicles - recordkeeping and reporting

(a) The owner of any gasoline transport vehicle subject to the leak testing requirements outlined in section 230.6(a) of this Part shall keep:

(1) leak testing records with information as prescribed by 49 CFR 180.417(b)(1) and (2) (see Table 1, Section 200.9 of this Title) for 5 years; and

(2) a copy of the most recent leak testing results with the gasoline transport vehicle.

§ 230.8 Variances

Where it can be shown to the satisfaction of the department that a gasoline dispensing site or gasoline transport vehicle cannot comply with the requirements of this Part for reasons of technological or economic feasibility, the commissioner may, upon submission of satisfactory evidence, grant to the source owner or operator a variance from the requirements of this Part and accept a lesser degree of control or an alternate compliance schedule.

§ 230.9 Severability

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

Revised Express Terms
Part 200 General Provisions

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

Table 1

Regulation	Referenced Material	Availability
<u>230.2(b)(2)</u>	<u>California Health and Safety Code, Section 39003 (1975)</u>	<u>**</u>
<u>230.3(c)(6)(iii)(b)</u>	<u>California Air Resources Board TP-201.3 (Amended July 26, 2012)</u>	<u>††</u>
<u>230.3(c)(6)(iii)(a)</u>	<u>California Air Resources Board TP-201.1E (Amended October 8, 2003)</u>	<u>††</u>
<u>230.3(d)(1)(ix)</u>	<u>California Air Resources Board TP-201.3 (Amended July 26, 2012)</u>	<u>††</u>
[230.4(b)	40 CFR Part 60, Appendix A (July 1989) Method 27, pages 945-947	*]
<u>230.6(a)(1)</u>	<u>49 CFR 180.407(h) (October 1, 2019)</u>	<u>*</u>
<u>230.6(a)(2)</u>	<u>49 CFR 180.415 (October 1, 2019)</u>	<u>*</u>
<u>230.7(a)(1)</u>	<u>49 CFR 180.417(b)(1) and (2) (October 1, 2019)</u>	<u>*</u>



Department of
Environmental
Conservation

ENB Statewide Notices 1/27/2021

Public Notice

Pursuant to the Environmental Conservation Law sections 13-0105 and 13-0340-d, the New York State Department of Environmental Conservation hereby gives notice of the following:

NYS DEC Division of Marine Resources (DMR) is filing a Notice of Adoption to permanently adopt a rule that amends 6 NYCRR Part 40 Marine Fish. The rule implements a commercial tautog tagging program.

This notice will be published in issue 4 of the State Register, dated January 27, 2021.

For further information, please contact:

Rachel Sysak
NYS DEC - Division of Marine Resources
205 North Belle Meade Road, Suite 1
East Setauket, NY 11733-3400
Phone: (631) 444-0469
E-mail: rachel.sysak@dec.ny.gov

Notice of Adoption of 6 NYCRR Part 230, Gasoline Dispensing Sites and Transport Vehicles

Pursuant to Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0304, 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 repealed and replaced 6 NYCRR Part 230, Gasoline Dispensing Sites and Transport Vehicles to reduce volatile organic compound (VOC) emissions from gasoline dispensing sites and transport vehicles in New York State. As part of this rulemaking, NYS DEC also revised 6 NYCRR Part 200 to incorporate by reference applicable federal and California Air Resources Board (CARB) test methods; inspection procedures; and gasoline tanker truck marking, reporting and record retention provisions which are required by new Part 230. The emission reductions resulting from this replacement of Part 230 and the revision to Part 200 are necessary to help the state demonstrate attainment of both the 2008 and 2015 ozone National Ambient Air Quality Standards (NAAQS). This rulemaking will affect approximately 7,500 gasoline dispensing sites in New York State. In addition, NYS DEC will submit the new Part 230 as well as the revisions to Part 200 to the United States Environmental Protection Agency (US EPA) as a revision to the State Implementation Plan (SIP) for New York State.

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

For further information on Part 230 or relevant revision to Part 200, contact: Denise Prunier, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY 12233-3250, Phone: (518) 402-8403, E-mail: air.regs@dec.ny.gov

Notice of Adoption of 6 NYCRR Part 235, Consumer Products and 6 NYCRR Part 200, General Provisions

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

NYS DEC has revised 6 NYCRR Part 235, "Consumer Products" (Part 235), to reduce volatile organic compound emissions, improve air quality, and promote regional consistency. The revisions will help the state comply with federal Clean Air Act requirements pertaining to attainment and maintenance of the ozone National Ambient Air Quality Standards and maintain regional product consistency. The revisions include adding new categories and revising others in order to make the New York regulation consistent with the Ozone Transport Commission model rule and regulations adopted by nearby states.

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

For further information, contact: Kenneth A. Newkirk, NYS DEC - Division of Air Resources, 625 Broadway, Albany, NY 12233-3250, Phone: (518) 402-8396, E-mail: air.regs@dec.ny.gov

Notice of Proposed Rulemaking - 6 NYCRR Part 326 Registration and Classification of Pesticides

Notice is hereby given that the New York State Department of Environmental Conservation (NYS DEC) filed a Notice of Proposed Rulemaking with the New York State Department of State to amend New York State's existing 6 NYCRR Part 326 pesticide registration regulations. The proposed regulation will add chlorpyrifos to the section 326.2(c) list of pesticide active ingredients that are no longer allowed to be distributed, sold, purchased, possessed, or used for any purpose.

The Notice of Proposed Rulemaking is available in the January 27, 2021 issue of the State Register. Written public comments will be accepted by the NYS DEC through April 5, 2021.

Availability of Documents for Review:

Information concerning the [review process](#), [the proposed rulemaking](#), and [supporting rulemaking documents](#) can be accessed from NYS DEC's rulemaking web site at: <https://www.dec.ny.gov/regulations/propregulations.html#public>.

These documents may also be inspected at NYS DEC, 625 Broadway, Albany, NY 12233. Please call Melissa Treers for an appointment at (518) 402-8678 or email her at Melissa.treers@dec.ny.gov.

Written Comments:

The public is invited to submit written comments on the proposed rulemaking through April 5, 2021. Written comments can be submitted as follows:

- 1) By email to chlorpyrifosregs@dec.ny.gov. Please include "Comments on Proposed Part 326" in the subject line of the email; or
- 2) By mail to the NYS DEC - Division of Materials Management, Pesticide Enforcement & Compliance Assurance Section, 625 Broadway, Albany, NY 12233-7254.

Public Comment Hearing:

A public comment hearing webinar for the proposed rule will be held before an Administrative Law Judge (ALJ) via electronic webinar as follows. The electronic webinar format is reasonably accessible to persons with impaired mobility:

Date: March 30, 2021

Time: 6:00 p.m.

Location: via electronic webinar

[Instructions](#) on how to "join" the hearing webinar, how to provide an oral statement, and how to register for the webinar may be accessed at the proposed regulations webpage for Part 326 at: <https://www.dec.ny.gov/chemical/121988.html>.

Persons who wish to receive the instructions by mail or telephone may call NYS DEC at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 326 public comment hearing.

NYS DEC will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than March 16, 2021.

The written request must be addressed to ALJ Sherman, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Sherman at ohms@dec.ny.gov.

Contact: Anthony Lammano NYS DEC - Division of Materials Management, 625 Broadway, Albany, NY 12233-7254, E-mail: Anthony.lammano@dec.ny.gov.

Notice of Proposed Rulemaking- 6 NYCRR Part 350 Food Donation and Food Scraps Recycling

Notice is hereby given that the New York State Department of Environmental Conservation (NYS DEC) filed a Notice of Proposed Rulemaking with the New York State Department of State to add a new 6 NYCRR Part 350. The proposed regulations will implement the requirements outlined in the Food Donation and Food Scraps Recycling Law enacted in 2019. The law takes effect on January 1, 2022 and requires large generators of food scraps to donate excess edible food and recycle all remaining food scraps if they are located within 25 miles of an organics recycler. Food scraps generators may petition NYS DEC for a one-year waiver from these requirements.

The Notice of Proposed Rulemaking is available in the January 27, 2021 issue of the State Register. Written public comments will be accepted by the NYS DEC through April 27, 2021.

Availability of Documents for Review:

Information concerning the [review process](#), [the proposed rulemaking](#), and [supporting rulemaking documents](#) can be accessed from NYS DEC's rulemaking web site at: <https://www.dec.ny.gov/regulations/propregulations.html#public>.

- changing the title of Part 63 of the Commissioner's Regulations from "Pharmacy" to "Pharmacy and Registered Pharmacy Technicians";
- adding a new section 63.14 to the Commissioner's Regulations which implements Chapter 414's definition of the practice of registered pharmacy technician and the use of the title "registered pharmacy technician"; and
- adding a new section 63.15 to the Commissioner's Regulations which establishes requirements for licensure as a registered pharmacy technician, which includes education, certification, age, moral character, application and fee requirements.

Individuals seeking licensure to practice as a registered pharmacy technician in New York State will be required to submit an application to the State Education Department and meet all the requirements for licensure, which include but are not limited to, the education, certification and examination requirements specified in the proposed rule.

The proposed rule will not impose any additional professional service requirements on entities in rural areas.

3. COSTS:

With respect to individuals seeking licensure as a registered pharmacy technician from the State Education Department, including those in rural areas, the proposed rule does not impose any additional costs beyond those required by statute. As authorized by Education Law section 6844(6), the proposed rule establishes fees for both the initial license and each triennial registration period: the initial license fee is \$75 and the triennial registration fee is \$100. Additionally, pursuant to Education Law section 6844(3), applicants for licensure as registered pharmacy technicians must have certification from a nationally accredited pharmacy technician program acceptable to the Department. Thus, applicants will also incur the cost of obtaining such certification, the cost of which will be set by the nationally accredited pharmacy technician program or programs acceptable to the Department.

4. MINIMIZING ADVERSE IMPACT:

The proposed rule is necessary to implement the provisions of Chapter 414, which establishes the new profession of registered pharmacy technicians and the licensure requirements for registered pharmacy technicians, which include education, experience, examination, age, moral character and fee requirements. The statutory requirements do not make exceptions for individuals who live or work in rural areas. Thus, the State Education Department has determined that the proposed rule's requirements should apply to all individuals seeking licensure as a registered pharmacy technician, regardless of the geographic location, to help insure continuing competency across the State. Because of the nature of the proposed rule, alternative approaches for rural areas were not considered.

5. RURAL AREA PARTICIPATION:

Comments on the proposed rule were solicited from statewide organizations representing parties having an interest in the practice of pharmacy and pharmacy technicians. These organizations included the State Board for Pharmacy and professional associations representing the pharmacy profession and/or pharmacy technicians. These groups have members who live or work in rural areas.

6. INITIAL REVIEW OF RULE (SAPA § 207):

Pursuant to State Administrative Procedure Act section 207(1)(b), the State Education Department proposes that the initial review of this rule shall occur in the fifth calendar year after the year in which the rule is adopted, instead of in the third calendar year. The justification for a five year review period is that the proposed rule is necessary to implement statutory requirements in Chapter 414 and, therefore, the substantive provisions of the proposed rule cannot be repealed or modified unless there is a further statutory change. Accordingly, there is no need for a shorter review period.

Job Impact Statement

The proposed rule is necessary to conform the Rules of the Board of Regents and the Regulations of the Commissioner of Education to Chapter 414 of the Laws of 2019 (Chapter 414). The proposed rule implements Chapter 414, which establishes and defines the practice of registered pharmacy technicians. Chapter 414 allows, inter alia, registered pharmacy technicians, under the direct personal supervision of a licensed pharmacist, to assist such pharmacist, as directed, in compounding, preparing, labeling, or dispensing of drugs used to fill valid prescriptions or medication orders or in compounding, preparing, and labeling in anticipation of a valid prescription or medication order for a patient to be served by facilities licensed in accordance with Article 28 of the Public Health Law (Article 28 facilities), or pharmacies owned and operated by such facilities, in accordance with Article 137 of the Education Law, where such tasks require no professional judgment.

The proposed aligns the Rules of the Board of Regents and the Commissioner's regulations to Chapter 414 by:

- adding the profession of registered pharmacy technicians to the list of health care professions that are subject to its unprofessional provisions;
- changing the title of the section from "Special Provisions for the Profession of Pharmacy" to "Special Provisions for the Professions of Pharmacy and Registered Pharmacy Technicians";

- changing the title of the subparagraph from "Limitations on assistance by an unlicensed person" to "Limitations on assistance by a registered pharmacy technician and an unlicensed person."

- implementing the supervision ratio for registered pharmacy technicians and unlicensed persons employed by Article 28 facilities, or pharmacies owned and operated by such facilities and the supervision ratio for unlicensed persons employed by non-Article 28 facilities and pharmacies not owned or operated by such facilities; and establishing that these ratios do not apply to pharmacy interns, but requires that pharmacy interns must be supervised in accordance with Parts 29 and 63 of the Commissioner's regulations;

- changing the title of Part 63 of the Commissioner's Regulations from "Pharmacy" to "Pharmacy and Registered Pharmacy Technicians";

- adding a new section 63.14 to the Commissioner's Regulations which implements Chapter 414's definition of the practice of registered pharmacy technician and the use of the title "registered pharmacy technician"; and

- adding a new section 63.15 to the Commissioner's Regulations which establishes requirements for licensure as a registered pharmacy technician, which includes education, certification, age, moral character, application and fee requirements.

It is not anticipated that the proposed rule will increase or decrease the number of jobs to be filed because, among other things, Chapter 414 limits the practice of registered pharmacy technicians to Article 28 facilities, or pharmacies owned and operated by such facilities, under the direct personal supervision of a licensed pharmacist employed in such facilities or pharmacies. It is anticipated that unlicensed persons currently working in or seeking to work in such facilities or pharmacies owned and operated by such facilities may seek to apply for licensure as registered pharmacy technicians. Therefore, the proposed rule will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the proposed rule that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Department of Environmental Conservation

NOTICE OF ADOPTION

Repeal and Replacement of 6 NYCRR Part 230 Gasoline Dispensing Sites and Transport Vehicles

I.D. No. ENV-06-20-00018-A

Filing No. 9

Filing Date: 2021-01-12

Effective Date: 30 days after filing

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

Action taken: Amendment of Part 200; repeal of Part 230; addition of new Part 230 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0304, 71-2103 and 71-2105

Subject: Repeal and replacement of 6 NYCRR Part 230 Gasoline Dispensing Sites and Transport Vehicles.

Purpose: To further reduce harmful volatile organic compounds (VOCs) emitted into the atmosphere.

Substance of final rule: 6 NYCRR Part 230, "Gasoline Dispensing Sites and Transport Vehicles"

6 NYCRR Part 200, "General Provisions"

The New York State Department of Environmental Conservation (Department) has revised Part 200.9 "General Provisions, Referenced Material, Table 1" and repealed and replaced Part 230 "Gasoline Dispensing Sites and Transport Vehicles" of the Official Compilation of Codes, Rules, and Regulations of New York State (6 NYCRR).

The revisions to 6 NYCRR Part 200.9 "General Provisions, Referenced Material, Table 1" were made to incorporate the applicable standards, guidelines and methodologies necessary to meet the specific requirements of 6 NYCRR Part 230.

Repeal and replacement of 6 NYCRR Part 230 "Gasoline Dispensing Sites and Transport Vehicles" will further reduce volatile organic com-

pound (VOC) source emissions from gasoline dispensing facilities (GDFs) and transport vehicles across New York State.

The Department is also adopting EPA's control measures for federal "enhanced" Stage I vapor recovery, submerged fill, dual-point vapor control systems, new performance test requirements and best management practices outlined in 40 CFR 63 Subpart CCCCCC (Subpart 6C).

The incorporation of federal "enhanced" Stage I controls into new Part 230 will provide better vapor capture efficiency during the loading of gasoline storage tanks than the existing regulation currently requires.

New submerged filling requirements are being adopted in Part 230 for all gasoline storage tanks at GDFs to address the requirements in the current New York State Fire Code and minimize the generation of gasoline vapors caused by splash loading.

The federal requirement for dual-point vapor control systems, equipping storage tanks with an entry port for a gasoline fill pipe and a separate exit port for a vapor connection, is necessary to maintain a proper seal when the vapor recovery line is disconnected.

The addition of the federal performance test requirements for vapor recovery systems will ensure more consistent vapor capture at GDFs.

Other federal requirements being adopted include best management practices to minimize the amount of VOC released from spills and uncovered gasoline storage containers.

The changes also include the removal of Stage II vapor recovery systems due to the equipment incompatibility with onboard refueling vapor recovery (ORVR) systems.

The "phase-in" requirements for installation of Stage I and Stage II vapor recovery systems are being removed because they are no longer applicable.

Gasoline storage tanks with a capacity of less than 550 gallons and which are used exclusively for farm tractors engaging in agricultural or snowplowing activity and automobile dismantling facilities will be exempt from the requirements of Stage I because it would not be cost effective to require these facilities to install vapor recovery systems.

The Department is also requiring test companies to certify that Stage I vapor recovery system tests will be performed in accordance with incorporated CARB regulation testing procedures and protocols.

The information regarding registration schedules is being removed because the schedules for compliance have already been completed.

The Department is requiring pressure-vacuum cargo tank testing and markings that coincide with the Federal Department of Transportation (DOT) testing and marking requirements making these requirements consistent on the state and federal level.

The revision to the gasoline transport vehicle recordkeeping retention requirements from 2 years to 5 years supports the recent recordkeeping amendment made to federal Subpart 6C.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 200.9 and 230.2(b)(2).

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

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

Summary of Revised Regulatory Impact Statement

The New York State Department of Environmental Conservation (Department) proposes to repeal and replace 6 NYCRR Part 230 to reduce volatile organic compound (VOC) emissions from gasoline dispensing sites and transport vehicles in New York State. As part of this rulemaking, the Department also proposes to revise 6 NYCRR Part 200 to incorporate by reference applicable federal and California Air Resources Board (CARB) test methods; inspection procedures; and gasoline tanker truck marking, reporting and record retention provisions which are required by new Part 230. The emission reductions resulting from the proposed replacement of Part 230 and the revision to Part 200 are necessary to help the state demonstrate attainment of both the 2008 and 2015 ozone National Ambient Air Quality Standards (NAAQS). The attainment demonstrations for both the 2008 and 2015 ozone NAAQS must be documented in State Implementation Plans (SIPs) that must be submitted to the Environmental Protection Agency prior to the end of 2020 and 2021, respectively.

According to the Environmental Conservation Law (ECL), the Department has the authority to develop and enforce regulations for the protection of New York State's natural resources and the environment. ECL sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, and 19-0303 establish the authority of the Department to regulate air pollution and air contamination sources. ECL section 19-0305 authorizes the Department to enforce the codes, rules and regulations of the Department, and ECL sections 71-2103 and 71-2105 set forth the applicable civil and criminal penalty

structures. Together, these sections of the ECL set out the overall state policy goal of reducing air pollution and providing clean, healthy air for the citizens of New York and provides the Department with the general authority to adopt and enforce measures to do so.

Replacement of 6 NYCRR Part 230

The Department is proposing to adopt a new Part 230, "Gasoline Dispensing Sites and Transport Vehicles," to further reduce VOC source emissions from gasoline dispensing sites and transport vehicles. A gasoline dispensing site is a federally regulated Gasoline Dispensing Facility (GDF) with gasoline storage tank(s) greater than 250 gallons. Emissions of VOCs from the transfer of gasoline at GDFs can be significant. Over 6 billion gallons of gasoline are distributed to about 7,540 retail sites in New York State each year.

Vapor recovery measures at GDFs help reduce VOC emissions into the atmosphere. Stage I and Stage II vapor recovery systems collect and control these emissions. Stage I systems are used to control the emissions from gasoline storage tanks whereas outdated Stage II systems control the emissions from vehicle fuel tanks during refueling. Additional control measures can include submerged filling for gasoline storage tanks and dual-point vapor balancing systems that have an entry port for a gasoline fill pipe and a separate exit port for better vapor collection. Proposed Part 230 will require some or all these control measures depending on site location and the annual gasoline throughput of a gasoline dispensing site or GDF.

The Department proposes to adopt the federal requirements of 40 CFR Part 63 Subpart CCCCCC (Subpart 6C) for "enhanced" Stage I vapor recovery control, submerged filling, dual-point vapor control systems, new performance testing and best management practices in new Part 230. Incorporation of these measures into new Part 230 will make the state regulation consistent with federal requirements. The Department also proposes to extend these same federal requirements to medium-sized GDFs not covered by the federal rule to achieve further reductions in NYMA emissions. Additionally, new Part 230 proposes to increase the frequency of performance testing and decommission all remaining Stage II vapor recovery systems.

Federal "enhanced" Stage I systems achieve greater emission reductions than the Stage I systems currently allowed under the existing Part 230 state regulation. Under the federal rule, Stage I vapor recovery systems are only required at large GDFs with annual throughputs of 1,200,000 gallons or greater. The Department proposes to extend these same federal requirements to medium-sized GDFs located in the New York City Metropolitan Area (NYMA) with annual throughputs between 800,000 and 1,200,000 gallons to achieve greater VOC emission reductions in the ozone nonattainment area.

New submerged filling requirements are being proposed in Part 230 for all GDFs with gasoline storage tanks that have capacities greater than 250 gallons. Submerged filling is already required by the New York State Fire Code for all top-loaded gasoline storage tanks with capacities greater than 60 gallons. Inclusion of this requirement in Part 230 will make the regulation consistent with the State Fire Code for the larger gasoline storage tanks. Submerged filling reduces vapor emissions where gasoline is dispensed through a fill pipe that extends to within 6 inches of the bottom of a tank.

Proposed Part 230 incorporates the federal requirement to equip new or reconstructed gasoline storage tanks with a dual-point vapor control system that has both an entry port for a gasoline fill pipe and a separate exit port for a vapor connection. Coaxial pipes, with only one port for both gasoline filling and vapor extraction, don't always maintain a proper seal when the vapor line is disconnected. As with the federal Stage I vapor recovery requirements, the Department proposes to extend this requirement to medium-sized GDFs in the NYMA to achieve greater reductions in VOC emissions.

The Department proposes to replace the current Part 230 performance test requirements with the federal requirements for testing vapor recovery systems to ensure better vapor capture and control. These improved performance test methods will ensure that vapor recovery systems are functioning properly and meet the federal control requirements. Requiring these tests to be conducted once every three years, rather than every five years, will help improve yearly compliance. This rulemaking proposal also extends the federal testing requirements to medium-sized GDFs in the NYMA.

Other proposed, new provisions include the federal requirement for best management practices to minimize spills and the amount of VOC released from uncovered gasoline storage containers. Proposed best management practices include requirements to keep all gasoline containers covered, minimize spills, and to clean-up spills as expeditiously as possible. These measures will apply to all GDFs with annual throughputs of 120,000 gallons or greater.

The required removal of Stage II vapor recovery systems is being proposed due to equipment incompatibility with onboard refueling vapor

recovery systems (ORVR). As ORVR becomes more widespread, the counter productiveness of Stage II increases. Modeling has shown that the percentage of vehicles equipped with ORVR in New York State is high and that excess emissions are starting to increase because of the incompatibility problem with Stage II systems. Removal of the Stage II systems from GDFs will help New York State attain the ozone standard.

The “phase-in” requirements for installation of Stage I and Stage II vapor recovery systems are being removed because they are no longer applicable. Existing Part 230 phased in Stage I and Stage II requirements over time depending on tank size, annual throughput and location of the GDF. All the compliance dates have since passed making these requirements obsolete.

The Department proposes to exempt auto dismantling facilities from the requirements of Stage I because there are no cargo trucks in which to return captured vapors. These facilities fill storage tanks with gasoline collected from drained and dismantled vehicles. There are approximately 800 of these facilities located throughout New York which handle a small volume of gasoline per year.

Companies doing performance tests will also be required to provide certification of testing experience. Approximately 3,545 GDFs will be required to comply with the proposed testing requirements. New self-certification requirements will also help enforcement staff verify that tests are being conducted properly.

The Department also proposes to remove the registration schedules in existing Part 230.7 because the compliance dates have passed. All GDFs operating in New York State must currently be registered with the Department.

The proposal to replace the pressure-vacuum cargo tank testing and marking provisions with current Federal Department of Transportation (DOT) requirements will make these requirements consistent on the state and federal level.

The proposal to revise the recordkeeping retention requirements for gasoline transport vehicles from two to five years matches federal Subpart 6C requirements.

Potential costs to regulated parties due to the proposed repeal and replacement of Part 230 will include costs to medium-sized GDFs located in the NYMA with annual throughputs between 800,000 and 1,200,000 gallons per year for the upgrade to federal “enhanced” Stage I and the requirement to perform more frequent vapor-tightness testing. The cost for this upgrade is approximately \$1,150 for an average site. In addition, these GDFs would incur a cost of \$500 once every three years instead of once every five years for increased vapor-tightness testing. These additional costs would affect approximately 851 GDFs in the NYMA.

The costs associated with the removal of Stage II vapor recovery systems will be offset by eliminating the annual costs for maintaining these systems.

No new costs are associated with the installation of dual-point collection systems, removal of the “phase-in” requirements, self-certification requirements for testers, federal DOT tank test and marking requirements for cargo tank owners or for compliance with gasoline transport vehicle recordkeeping requirements.

Costs to state and local governments like those described above will be required for several of the larger cities, counties, or local municipalities across the state operating GDFs. The majority will not be affected by many of the costs associated with the proposed rule changes. Since the regulatory amendments will apply equally to all entities, the compliance obligations of local governments will be no different than those of other subject entities.

There should be no increase in administrative costs to the Department since the Department does not anticipate a need to increase or expand the resources currently devoted to the regulation of GDFs.

Minor additional paperwork will be imposed on owners and/or operators of GDFs and companies overseeing the required performance tests due to this rulemaking. GDF owners and/or operators will need to submit additional information regarding site location and throughput when submitting required test reports and provide documentation to the Department upon completion of decommissioning procedures for Stage II vapor recovery systems. Test companies will need to submit self-certification forms to the Department prior to conducting performance tests.

Proposed Part 230 will not conflict with any other state or federal requirements. It is the intent of New York State to bring its GDF regulation in sync with the current federal GDF regulation by adopting the provisions of Subpart 6C. All relevant federal obligations will be satisfied by the revised new state regulation.

New Part 230 will incorporate all the minimum standards of federal Subpart 6C and its amendments. In addition, new Part 230 will impose additional requirements, beyond what the federal rule requires, for the federal Stage I and performance test requirements for medium-sized GDFs in the NYMA.

Revisions to 6 NYCRR Part 200

The revisions to Table 1 of Part 200.9 are being made to incorporate by reference the applicable federal and California Air Resources Board (CARB) test methods; inspection procedures; and gasoline tanker truck marking, reporting and record retention provisions.

Revised Regulatory Flexibility Analysis

New York faces a significant public health challenge from ground-level ozone, which causes health effects ranging from respiratory disease to death. In response to this public health problem, New York has enacted a series of regulations designed to control ozone and its chemical precursors which include volatile organic compounds (VOCs). To lower emissions that affect ozone formation, New York State is proposing to repeal and replace 6 NYCRR Part 230 to limit VOC emissions from gasoline dispensing sites and transport vehicles. A gasoline dispensing site is a federally regulated Gasoline Dispensing Facility (GDF) with gasoline storage tank(s) greater than 250 gallons. Revisions to Table 1 of 6 NYCRR Part 200.9 are also being proposed to incorporate by reference applicable federal and California Air Resources Board test methods; inspection procedures; and gasoline tanker truck marking, reporting and record retention provisions.

The New York State Department of Environmental Conservation (Department) is revising the State Implementation Plan (SIP) to demonstrate how New York State will attain the 2008 and 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS). The SIP revisions will include the establishment of new and/or revised control requirements for emissions of the precursors causing ground level ozone pollution including VOCs. This rulemaking proposal is aimed at achieving some of the VOC emission reductions necessary to achieve the ozone standards.

The Department proposes to adopt the United States Environmental Protection Agency’s (EPA) federal regulation for GDFs outlined in 40 CFR Part 63 Subpart CCCCCC (Subpart 6C). This includes the required use of federal “enhanced” Stage I vapor recovery systems at large GDFs with annual gasoline throughputs of 1,200,000 gallons or more, submerged filling, dual-point vapor control systems, new performance test methods and best management practices. Incorporation of these federal requirements into state regulation will bring consistency to the regulated community. These same federal Stage I vapor recovery systems requirements are also being proposed for medium-sized GDFs in the New York City Metropolitan Area (NYMA) with annual gasoline throughputs of between 800,000 and 1,200,000 gallons per year. The NYMA is currently designated as a serious ozone nonattainment area and further reductions in VOC emissions are necessary to achieve the NAAQS for ground level ozone. The required decommissioning of all Stage II vapor recovery systems at all GDFs is also being proposed due to equipment incompatibility with On-board Refueling Vapor Recovery (ORVR) systems. All proposed changes are necessary to promote attainment of the 2008 and 2015 8-hour ozone NAAQS.

1. **Effects on Small Businesses and Local Governments.** Costs to local governments for several of the larger cities, counties, or local municipalities across the state will be the same as those for all GDFs. However, the majority will not be affected by many of the costs associated with the proposed rule changes due to low annual throughputs. The same applies to small businesses. GDFs with low annual throughputs will be exempt from many of the proposed requirements. Since the regulatory amendments will apply equally to all subject entities, the proposed changes will not impose any mandate specific to small businesses or local governments.

2. **Compliance Requirements.** Local governments and small businesses are required to comply with the same requirements as all GDFs throughout the state.

3. **Professional Services.** Small businesses and local governments are required to comply with the same requirements as all GDFs throughout the state. Some professional services like those from gasoline dispensing equipment contractors and testers will be required. The same is true for all GDFs throughout the state.

4. **Compliance Costs.** There are no additional compliance costs for small businesses and local governments as a result of this rulemaking. Local governments and small businesses are required to comply with the same requirements as all GDFs throughout the state.

5. **Economic and Technological Feasibility.** These changes are not expected to have unfair or adverse impacts on small businesses or local governments since the same requirements will apply statewide.

6. **Minimizing Adverse Impact.** The proposed rulemaking is intended to create air quality benefits for the entire state through the reduction of ozone forming pollutants. These changes are not expected to have unfair or adverse impacts on small businesses or local governments since the same requirements will apply statewide. The proposed regulation ensures a fair and level playing field for all GDF owners.

7. **Small Business and Local Government Participation.** Small businesses and local governments are not specifically adversely affected by the proposed revisions. The proposed rulemaking changes apply to GDF owners and/or operators throughout the entire state in varying degrees

depending upon the annual throughput of the GDF. The Department held public meetings in which industry stakeholders, including small businesses and local governments, were presented with a draft of the proposed regulatory changes. Comments received during this period were taken into consideration when drafting the final rule. Additionally, further stakeholder input was received, considered, and implemented where appropriate during the formal State Administrative Procedures Act comment period.

Revised Rural Area Flexibility Analysis

New York faces a significant public health challenge from ground-level ozone, which causes health effects ranging from respiratory disease to death. In response to this public health problem, New York has enacted a series of regulations designed to control ozone and its chemical precursors which include volatile organic compounds (VOCs). To lower emissions that affect ozone formation, New York State is proposing to repeal and replace 6 NYCRR Part 230 to limit VOC emissions from gasoline dispensing sites and transport vehicles. A gasoline dispensing site is a federally regulated Gasoline Dispensing Facility (GDF) with gasoline storage tank(s) greater than 250 gallons. As part of this rulemaking, changes are also being proposed to Table 1 of Part 200.9 to incorporate by reference applicable federal and California Air Resources Board (CARB) test methods; inspection procedures; and gasoline tanker truck marking, reporting and record retention provisions.

The New York State Department of Environmental Conservation (Department) is revising the State Implementation Plan (SIP) to demonstrate how New York State will attain the 8-hour ozone National Ambient Air Quality Standards (NAAQS). The emission reductions resulting from proposed Part 230 are necessary to help attain the 2008 and 2015 ozone NAAQS. SIP revisions will include the establishment of new and/or revised control requirements for emissions of the precursors of ground level ozone pollution – Nitrogen Oxides and VOCs. This rulemaking proposal is aimed at achieving some of the VOC emission reductions necessary to achieve the ozone NAAQS.

The Department proposes to adopt EPA's federal regulation for GDFs outlined in 40 CFR Part 63 Subpart CCCCCC (Subpart 6C). This includes the federal requirements for the use of "enhanced" Stage I vapor recovery systems at large GDFs with annual gasoline throughputs of 1,200,000 gallons or more, submerged filling, dual-point vapor control systems, new performance test methods and best management practices. Incorporation of these federal requirements into state regulation will bring consistency to the regulated community. In addition, to achieve greater VOC emission reductions, the Department proposes to extend the same federal requirements to medium-sized GDFs located in the New York City Metropolitan Area (NYMA) with annual gasoline throughputs between 800,000 and 1,200,000 gallons per year. The NYMA is designated as a moderate ozone nonattainment area and further reductions in VOC emissions will help achieve the NAAQS for ground level ozone. The required decommissioning of Stage II vapor recovery systems at all GDFs is also being proposed due to equipment incompatibility with On-board Refueling Vapor Recovery (ORVR) systems. All proposed changes are necessary to help achieve attainment of the 2008 and 2015 8-hour ozone NAAQS throughout New York State.

1. Types and estimated number of rural areas: Rural areas are found in much of upstate New York. In addition to the statewide requirements for large and medium-sized GDFs, this proposed rulemaking will impose minor new requirements on rural area GDFs with annual gasoline throughputs of 120,000 gallons or greater. Most notably, all GDFs must comply with the requirement for submerged filling equipment and best management practices. Submerged filling is an existing requirement of the New York State Fire Code for all stationary top-loaded gasoline storage tanks with a capacity greater than 60 gallons and best management practices is a federal requirement. Rural area GDFs will not be unfairly or adversely affected by the revisions to Part 230. This proposal will apply on a statewide basis.

2. Reporting, recordkeeping and other compliance requirements; and professional services: The regulatory changes to Part 230 and Part 200 will apply on a statewide basis. Rural area GDFs are not expected to be unfairly or adversely affected by these revisions. The proposed rulemaking will impose minor reporting and recordkeeping requirements on most GDF owners and/or operators as well as testers of gasoline dispensing equipment. This requirement applies to all sources and not just those in rural locations. GDF owners and/or operators will need to submit additional information regarding site location and throughput when submitting required test reports. Documentation must also be provided to the Department upon completion of decommissioning procedures for Stage II vapor recovery systems. Test companies will need to submit self-certification forms to the Department prior to conducting performance testing. All GDF owners and/or operators, not just rural area GDF owners and/or operators, will require professional services from time to time from GDF equipment contractors and testers.

3. Costs: Rural areas are not expected to be unfairly or adversely af-

fected by these changes. Since most of the costs are due to equipment upgrades, the cost to GDF owners associated with the proposed regulations will vary depending on site condition and will likely be lower for smaller GDFs often located in rural areas.

4. Minimizing adverse impact: The proposal is not anticipated to have an unfair or adverse effect on rural areas. The rulemaking is intended to create air quality benefits for the entire state, including rural areas, through the reduction of ozone forming pollutants. The regulation ensures a fair and level playing field for all GDF owners and/or operators as well as for all manufacturers, contractors and testers of gasoline dispensing equipment.

5. Rural area participation: Rural areas will not be adversely affected by the proposed changes. The changes proposed apply to GDF owners and/or operators throughout the entire state. The Department held public meetings for industry stakeholders to present a draft of the proposed regulatory changes at various locations throughout the state. These locations were convenient for persons from rural areas to participate. Comments received during this period were taken into consideration when drafting the final rule. Additionally, further stakeholder input was received, considered, and implemented where appropriate during the formal State Administrative Procedures Act comment period.

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

Seven commenters commented on the proposed new Part 230 and Part 200. This document summarizes those comments and the Department's responses.

General

Three commenters expressed appreciation for the opportunity to comment. The Department thanks those commenters for their participation in the rulemaking process.

Timing

Two commenters expressed concern that the Department is forging ahead with new regulations during a pandemic, imposing new costs and compliance mandates at a time when retail sales are low, and many are unemployed. The Department emphasized that most of the gasoline dispensing facilities (GDFs) and gasoline transport vehicles in the State already must comply with the requirements in the proposal due to federal regulations and State Fire Codes already in place. The new Part 230 will only impose new minimal requirements on medium-sized GDFs located in an area of the state not meeting the National Ambient Air Quality Standards (NAAQS) required under the Clean Air Act (CAA).

Opportunity for Public Participation

Three commenters felt that the cancellation of the scheduled public hearings by government order prevented an important public participation opportunity to comment on the proposed new rule. The Department explained that the original public comment period was extended by 30 days to accommodate this and that, along with the stakeholder meetings held early in the process, was enough time to allow meaningful input. This is especially true, given that written comments are given the same consideration as oral comments provided in public hearings.

One commenter was concerned about not receiving a response to an information request in time to review and comment on the proposal before the close of the comment period. The Department confirmed that a response to an information request filed on the closing day of the public comment period did not allow enough time for the Department to provide a response by the closing day of the comment period.

Regulatory Clarification

One commenter asked for an explanation of the proposed changes. The Department referenced the express terms and supporting documents that fully outline the proposal.

One commenter was confused by use of the term "phase-in" requirements used in the current Part 230 to reference the registration of GDFs as it was once used by EPA to refer to the increased use of on-board refueling vapor recovery (ORVR)-equipped vehicles. The Department clarified its meaning as it pertains to the supporting documents.

One commenter asked for clarification on the required certification for those performing vapor tightness testing. The Department explained that the self-employed would also be required to self-certify if contracted to perform these tests.

One commenter asked for clarification on the varying number of GDFs referenced throughout the supporting documents. The Department made clear that the number of GDFs affected by a specific requirement differs due to varying applicability.

One commenter pointed out the misuse of the term “moderate” versus “serious” to describe nonattainment areas of the state in two places within the supporting documents. The Department corrected the status in those documents.

One commenter asked for clarification on the compliance dates specified in the proposed new Part 230. The Department verified a compliance date of 6 months for those GDFs that become subject to federal Stage I vapor recovery requirements and a compliance date of 12 months after the effective date of the rule for the removal of Stage II vapor recovery systems.

Justification for Regulatory Changes

One commenter suggested that the opportunity for job growth as a result of the proposal for those servicing GDFs may be a driving force for the rule changes. The Department explained that the goal of the rulemaking was to reduce emissions of volatile organic compounds (VOCs) in New York State and that job growth in this sector is merely a consequence of a proposed regulation designed to protect the environment.

Beyond the Federal Rule

One commenter requested justification for the proposal exceeding the federal GDF standards. The Department defended its position to require medium-sized GDFs in an ozone nonattainment area of the state to comply with federal Stage I vapor recovery requirements to help the state meet the NAAQS and reasonably available control technology (RACT) requirements established under the CAA.

Emissions

Three commenters expressed that the estimated emission reductions for this proposal are low and would have a very small impact on air quality. The commenters also pointed out that current air quality in New York State is improved as a result of the stay home orders due to the pandemic. Based on the preceding, commenters concluded that new regulations to control air pollutant emissions are unnecessary. The Department conveyed that the state faces a significant health challenge from the effects of ground-level ozone caused, in part, by emissions of gasoline vapors and the importance of reducing any amount of pollutant emissions as necessary. The commenters were also reminded that the CAA requires RACT for VOC sources in areas that do not meet the NAAQS and that New York is required to include permanent enforceable and verifiable emission reductions in the State Implementation Plan (SIP) and we cannot assume that temporary changes in emissions due to the pandemic will become permanent.

Compliance Costs

Two commenters were concerned that the costs imposed by the regulatory changes were underestimated and that some were unjustified. The Department explained that cost estimates were obtained from various GDF service providers currently doing business in New York State and costs can vary from vendor to vendor. It was emphasized that costs are associated with the requirement for medium-sized GDFs in the New York Metropolitan area (NYMA) to comply with the federal Stage I vapor recovery standards but that no new costs are being imposed as a result of any other requirements in the proposed new Part 230.

One commenter suggested high cost for continuous monitoring controls was a regulatory burden. The Department clarified that continuous monitoring of the vapor space was not part of the proposed new Part 230.

Two commenters expressed concerns that submerged fill pipes and dual-point collection systems on all gasoline storage tanks would be overly burdensome on industry. The Department clarified that these vapor control requirements are already mandated for all GDFs in the state by the New York State Fire Code and the federal regulations in 40 CFR Part 63 Subpart CCCCC (Subpart 6C).

One commenter argued that the removal of Stage II vapor recovery systems was unnecessary. The Department countered that the removal of these systems is being proposed due to equipment incompatibility with ORVR systems installed on approximately 96% of vehicles in the state. Leaving them in place is causing excess emissions of VOC into the atmosphere and the decommissioning of these systems will help New York State attain the ozone standard.

Cost/Benefit Analysis

Three commenters recommended that the Department redo the cost/benefit analysis that was performed as part of the proposal citing lower emissions from GDFs due to less gas being pumped as result of the pandemic. The Department stressed that the NYMA is still in nonattainment for the ozone NAAQS and emission sources of VOC are required to implement RACT to reduce those emissions under the CAA. The Department further emphasized that New York State is required to include permanent enforceable and verifiable emission reductions in the SIP and cannot base controls on temporary changes in emissions.

Impact on Small Businesses

Two commenters conveyed that most GDFs are small business being unfairly targeted and adversely affected by the proposed regulation. The Department stated that the proposal is not expected to have unfair or

adverse impacts on small businesses since the requirements will apply statewide, in varying degrees, to all GDFs and that the regulation was intended to create air quality benefits for the entire state.

One commenter challenged the estimation of cost savings from the proposal and asserted that any benefits would be in the form of jobs for GDF service providers. The Department explained the cost savings realized by eliminating the need to maintain costly Stage II vapor recovery systems and by reducing lost gasoline product due to the incompatibility of these systems.

One commenter expressed concern that the proposed regulatory changes would impose significant and costly burdens on upstate GDF owners and operators. The Department confirmed there would be no new costs or compliance burdens for any GDFs outside the NYMA as a result of this proposal since these facilities are already subject to these requirements under the New York State Fire Code and the federal GDF regulation.

Suggested Alternatives to Proposal

Three commenters expressed that the Department should rescind the current proposal and merely adopt the federal regulation in Subpart 6C. The Department pointed out that a major part of the proposal is adoption of the federal requirements and that not adopting current federal requirements would leave the regulated community with overlapping and contradictory requirements. The regulation goes beyond federal requirements in regards to medium sized GDFs in the NYMA in order to provide necessary emissions reductions in an area of the state that is in nonattainment.

Requests for Additional Information

One commenter requested information on the modeling that was used to demonstrate when the New York State vehicle feet would be in “wide-spread use” – meaning when Stage II was determined to be no longer useful in reducing emissions of VOCs. The Department referenced the analysis performed in 2011 which included modeling of the feet and explained that the results of that analysis were forwarded to EPA for approval to allow removal of Stage II vapor recovery systems.

Outside Scope of Rulemaking

Several comments were received that were outside the scope of this rulemaking.

NOTICE OF ADOPTION

Consumer Products

I.D. No. ENV-06-20-00019-A

Filing No. 8

Filing Date: 2021-01-12

Effective Date: 30 days after filing

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

Action taken: Amendment of Parts 200 and 235 of Title 6 NYCRR.

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

Subject: Consumer Products.

Purpose: Reduce Volatile Organic Compound emissions from Consumer Products – those products used in the average household.

Substance of final rule: The Division of Air Resources is revising 6 NYCRR Part 235, “Consumer Products” (Part 235) to reduce volatile organic compound (VOC) emissions, improve air quality, and promote regional product consistency. The revisions will help the state attain federal National Ambient Air Quality Standards, and work toward regionally consistent regulations amongst the Ozone Transport Commission (OTC) states.

The revisions include adding nine new product categories and revising ten existing categories in order to reduce the VOC content of the products through lower VOC content limits. Part 200 will be revised to incorporate referenced materials, including American Society for Testing Materials (ASTM) testing procedures, the California Air Resources Board (CARB) provisions supporting this regulation, and to update references to Part 235. Part 235 will be revised to incorporate new definitions and revise some categories in the existing definitions. Additionally, Subpart 235-3 will be updated to add new VOC limits, conform to the revised definitions and product categories, and to remove obsolete text and references.

Changes throughout the proposal include a January 1, 2022 compliance date for the new VOC limits on new and reformulated products in the regulation. Likewise, changes were made in the definitions section to provide transitional language, where necessary, for those categories of products that were redefined or revised, to cite which emission standards apply before or after the compliance date of the regulation.

The revisions include setting VOC content limits for nine new product