

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of Climate Air & Energy

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www.dec.ny.gov

AUG 26 2020

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

Dear Administrator Lopez:

On behalf of the Governor of the State of New York, I am submitting for approval by the U.S. Environmental Protection Agency (EPA) a State Implementation Plan (SIP) revision to incorporate revisions to Title 6 of the New York Codes, Rules, and Regulations (NYCRR) Subpart 225-2 and Part 200.

The New York State Department of Environmental Conservation (DEC) has revised 6 NYCRR Subpart 225-2, "Fuel Composition and Use - Waste Fuels" and 6 NYCRR Part 200, "General Provisions." The changes to Subpart 225-2 and attendant revisions to Part 200 establish applicability criteria, composition limits, and permitting requirements for waste oils; establish monitoring, recordkeeping, and reporting requirements for facilities that are determined eligible to burn waste oil; and allow for the burning of waste oils in space heaters at automotive maintenance/service facilities. Subpart 225-2 has also been renamed as "Fuel Composition and Use - Waste Oil as a Fuel."

A public review process was held for these revisions. A notice of proposed rulemaking and information for a public hearing was published in the Environmental Notice Bulletin (ENB) and the New York State Register on September 4, 2019. A legislative public hearing was held on November 8, 2019 in Albany on the proposed revisions to the regulations and the subsequent submission as a SIP revision.

The following documents are enclosed with this SIP revision:

1. Express Terms for 6 NYCRR Subpart 225-2, "Fuel Composition and Use - Waste Oil as a Fuel," and Part 200, "General Provisions," as proposed on September 4, 2019;
2. Notice of proposed rulemaking, including public hearing information, as published in the ENB and State Register on September 4, 2019;
3. Newspaper proofs of publication for the proposed rulemaking;
4. Transcript of the public hearing held in Albany on November 8, 2019;
5. Assessment of Public Comments for all comments received on the proposed rulemaking;
6. Certificate of Adoption dated March 3, 2020;

7. Express Terms for 6 NYCRR Subpart 225-2 and Part 200 as adopted on March 3, 2020; and
8. Notice of Adoption as published in the ENB and State Register on March 18, 2020.

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

Sincerely,



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

Enclosures

c: R. Ruvo, EPA Region 2

Express Terms

Existing 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Fuels is repealed. A new Subpart 225-2, Fuel Composition and Use - Waste Oil as a Fuel is added as follows:

6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oil as a Fuel

Section 225-2.1 Applicability.

This Subpart applies to the use of waste oil to be burned as a fuel.

Section 225-2.2 Definitions.

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

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

(1) 'Automotive maintenance/service facility or marine service facility'. Any facility that performs automotive/marine fluid changes, collects automotive/marine fluids, or drains automotive/marine fluids.

(2) 'Chemical waste'. Waste including but not limited to spent solvents, tars, paints, resins and wastes, and sludges from any process.

(3) 'Reprocessed oil'. Any oil from which physical and/or chemical contaminants have been removed such that the oil is suitable for productive use (including but not limited to reuse as a lubricant, or burned as a fuel).

(4) 'Re-refined oil'. Any oil from which physical and/or chemical contaminants have been removed such that the oil is substantially equivalent to virgin distillate or residual oil.

(5) 'Total halogens'. The total organic and inorganic halides (fluorine, F; chlorine, Cl; bromine,

Br; iodine, I), expressed as chloride present in a fuel oil or waste fuel, in parts per million by weight (water free basis).

Section 225-2.3 Prohibitions.

(a) No owner or operator of a facility, except for emission sources in subdivision 225-2.4(d) of this subpart, may burn waste oil without a permit or registration issued by the department pursuant to Part 201 of this Title. To be permitted to burn a waste oil, an owner or operator of a facility must meet the requirements of this Subpart.

(b) The sale and/or use of waste oil or blends of waste oil and virgin oil for residential heating is strictly prohibited.

(c) No owner or operator of a facility located in New York County may burn waste oil in either a permitted, registered, or exempt emission source.

Section 225-2.4 Requirements for owners or operators of facilities proposing to burn waste oil. As part of an application for a permit or registration to burn waste oil, except as provided in subdivision (d) of this Section, owners or operators of facilities must meet the following criteria:

(a) submit an analysis of the waste oil proposed to be burned to the department, pursuant to Section 225-2.6 of this Subpart.

(b) a stationary combustion installation or process source that proposes to burn waste oil must have a minimum operating heat input of 20 million Btus per hour or greater.

(c) an incinerator that proposes to burn waste oil must have a minimum charging capacity that equals or exceeds 2,000 pounds per hour of refuse.

(d) an owner or operator of space heaters located in automotive maintenance/service facilities or marine service facilities may burn waste oil and be excepted from the requirements of this section, where the following

conditions are met:

- (1) the maximum operating heat input is less than 500,000 Btus per hour;
- (2) the waste oil is generated on site (this includes waste oils generated by do-it-yourself customers that the facility is required to accept) or at another facility under common ownership; and
- (3) the waste oil meets the criteria in Section 225-2.5 Table 1 of this Subpart, except that lead may not exceed 25 parts per million (ppm) by weight (water free basis) of fuel.

Section 225-2.5 General waste oil limits. Any waste oil that is proposed to be burned must meet the minimum limitations in Table 1 below:

Table 1

Constituent/Property	Limit
Polychlorinated Biphenyls (PCB)	< 2 ppm (1)
Total Halogens	<= 1,000 ppm (1)
Sulfur	See 6 NYCRR 225-1 (2)
Gross Heat Content	>= 125,000 (Btu/gal)
Arsenic	< 5 ppm (1)
Cadmium	< 2 ppm (1)
Chromium	< 10 ppm (1)
Lead	< 100 ppm (1)

(1) ppm by weight (water free basis) of fuel.

(2) As per the requirements of subdivision 6 NYCRR 225-1.2(i) of this Title.

Section 225-2.6 Reports, sampling, and analysis of waste oil.

(a) The owner or operator of a facility permitted to burn waste oil shall:

(1) sample, analyze, and measure each load of waste oil received, or maintain copies of supplier provided analyses of each load of waste oil received, to prove compliance with the limits listed in Table 1 of this Subpart; and

(2) maintain, for a minimum of five years, records of the total quantity of waste oil received and the names, addresses, and waste oil analysis from each waste oil supplier.

(b) Owners or operators required to maintain and retain records pursuant to this section must make such records available for inspection by the department during normal business hours. These records must be submitted upon request to the department.

(c) Sampling and analysis of waste oil samples must be carried out in accordance with methods acceptable to the department.

(d) Owners or operators of space heaters that fire waste oil located in automotive maintenance/service facilities or marine service facilities must sample and analyze the waste oil upon the request of the department.

Section 225-2.7 Severability.

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

Express Terms

6 NYCRR Part 200, General Provisions

(Existing subdivisions 200.1(a) through (cu) remain unchanged.)

Existing subdivision (cw) is amended as follows:

(cw) Waste Oil. Any [Used]used and/or reprocessed[engine lubricating] oil [and/or any other used oil, including but not limited to, fuel oil, engine oil, gear oil, cutting oil, transmission fluid, hydraulic fluid, dielectric fluid, oil storage tank residue, animal oil, and vegetable oil,]which has not[subsequently] been re-refined, and which does not contain chemical waste. This includes but is not limited to, engine oil, gear oil, cutting oil, transmission fluid, hydraulic fluid, dielectric fluid, oil storage tank residue, animal oil, and vegetable oil.

A new subdivision (cx) is added as follows:

(cx) Residual oil. A fuel oil which meets the latest American Society for Testing and Materials (ASTM) specification number D396 for residual fuel oils (#4, #5, or #6).

(Existing sections 200.2 through 200.8 remain unchanged.)

Existing section 200.9, Table 1 is amended as follows:

Regulation	Referenced Material	Availability
[225-2.4(a)(3)]	[40 CFR Part 761 (July 1989) pages 213-267]	[*]

(Existing section 200.10 through section 200.16 remains unchanged.)

Notice of Proposed Rulemaking

New York State Department of Environmental Conservation

6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oil as a Fuel

6 NYCRR Part 200, General Provisions

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

The Department proposes to repeal Existing 6 NYCRR Part 225-2 Fuel Composition and Use – Waste Fuel (Existing Subpart 225-2) and replace it with Proposed 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oils (Proposed Subpart 225-2). Proposed Subpart 225-2 will regulate the burning of waste oils in combustion, incineration, and process sources throughout New York State and establishes applicability criteria, composition limits, and permitting requirements for liquid and semi-liquid waste oils; establishes monitoring, recordkeeping, and reporting requirements for facilities that are determined eligible to burn waste oil; and allows for the burning of waste oils in space heaters at automotive maintenance/service facilities. The Department is adding the definition for “residual oil” to 6 NYCRR Part 200 (Part 200).

Proposed Subpart 225-2 will be included as a component of the State Implementation Plan (SIP) for New York State (NYS), as required by the Clean Air Act.

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

Written comments on the proposed rule may be submitted until 5 p.m. November 13, 2019. For further information, contact:

Mike Jennings

NYSDEC

625 Broadway

Albany, NY 12233-3250

(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, 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 p.m. November 13, 2019.

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

Date: November 8, 2019

Time: 11:00 a.m.

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

The Department will provide interpreter services for deaf persons at no charge. Written requests for interpreter services are required and should be submitted by, 5 p.m., November 1, 2019 to Richard McAuley, NYSDEC, 625 Broadway, Albany NY 12233-3250, (518) 402-8438, air.regs@dec.ny.gov.

family day care homes, group family day care homes, day care centers, or legally-exempt child care programs based on the regulations.

Categories and Numbers Affected:

There are no changes in categories or numbers.

Regions of Adverse Impact:

There are no regions where the regulations would have a disproportionate adverse impact on jobs or employment opportunities.

Self-Employment Opportunities:

No measureable impact on opportunities for self-employment is expected.

Department of Civil Service

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Department of Civil Service publishes a new notice of proposed rule making in the *NYS Register*.

Jurisdictional Classification

I.D. No.	Proposed	Expiration Date
CVS-33-18-00007-P	August 15, 2018	August 15, 2019

Division of Criminal Justice Services

NOTICE OF ADOPTION

Changes the Accrediting Authority to the ANSI-ASQ National Accreditation Board

I.D. No. CJS-21-19-00004-A

Filing No. 752

Filing Date: 2019-08-19

Effective Date: 2019-09-04

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

Action taken: Amendment of sections 6190.1, 6190.3, 6190.4 and 6190.5 of Title 9 NYCRR.

Statutory authority: Executive Law, sections 837(13), 995-b(1), (9) and (12)

Subject: Changes the accrediting authority to the ANSI-ASQ National Accreditation Board.

Purpose: To change the accrediting authority to the ANSI-ASQ National Accreditation Board.

Text or summary was published in the May 22, 2019 issue of the Register, I.D. No. CJS-21-19-00004-P.

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

Text of rule and any required statements and analyses may be obtained from: Danise Linen, Division of Criminal Justice Services, 80 South Swan Street, Albany, NY 12210, (518) 457-8413, email: dcjslegalrulemaking@dcjs.ny.gov

Assessment of Public Comment

The agency received no public comment.

Department of Environmental Conservation

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Waste Fuels

I.D. No. ENV-36-19-00001-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 Subpart 225-2; and addition of new Subpart 225-2 to Title 6 NYCRR.

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

Subject: Waste Fuels.

Purpose: Update permit references, rule citations, monitoring, recordkeeping, reporting requirements, and incorporate Federal standards.

Public hearing(s) will be held at: 11:00 a.m., November 8, 2019 at Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129 A/B, Albany, NY.

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

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

Text of proposed rule: Existing subdivisions 200.1(a) through (cu) remain unchanged.

Existing subdivision (cw) is amended as follows:

(cw) Waste Oil. *Any [Used]used and/or reprocessed[engine lubricating] oil [and/or any other used oil, including but not limited to, fuel oil, engine oil, gear oil, cutting oil, transmission fluid, hydraulic fluid, dielectric fluid, oil storage tank residue, animal oil, and vegetable oil, [which has not[subsequently] been re-refined, and which does not contain chemical waste. This includes but is not limited to, engine oil, gear oil, cutting oil, transmission fluid, hydraulic fluid, dielectric fluid, oil storage tank residue, animal oil, and vegetable oil.*

A new subdivision (cx) is added as follows:

(cx) *Residual oil. A fuel oil which meets the latest American Society for Testing and Materials (ASTM) specification number D396 for residual fuel oils (#4, #5, or #6).*

Existing sections 200.2 through 200.8 remain unchanged.

Existing section 200.9, Table 1 is amended as follows:

Regulation	Referenced Material	Availability
[225-2.4(a)(3)]	[40 CFR Part 761 (July 1989) pages 213-267]	[*]

Existing section 200.10 through section 200.16 remains unchanged.

Existing 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Fuels is repealed. A new Subpart 225-2, Fuel Composition and Use - Waste Oil as a Fuel is added as follows:

6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oil as a Fuel

Section 225-2.1 Applicability.

This Subpart applies to the use of waste oil to be burned as a fuel.

Section 225-2.2 Definitions.

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

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

(1) *'Automotive maintenance/service facility or marine service facility'. Any facility that performs automotive/marine fluid changes, collects automotive/marine fluids, or drains automotive/marine fluids.*

(2) *'Chemical waste'. Waste including but not limited to spent solvents, tars, paints, resins and wastes, and sludges from any process.*

(3) *'Reprocessed oil'. Any oil from which physical and/or chemical*

contaminants have been removed such that the oil is suitable for productive use (including but not limited to reuse as a lubricant, or burned as a fuel).

(4) 'Re-refined oil'. Any oil from which physical and/or chemical contaminants have been removed such that the oil is substantially equivalent to virgin distillate or residual oil.

(5) 'Total halogens'. The total organic and inorganic halides (fluorine, F; chlorine, Cl; bromine, Br; iodine, I), expressed as chloride present in a fuel oil or waste fuel, in parts per million by weight (water free basis).

Section 225-2.3 Prohibitions.

(a) No owner or operator of a facility, except for emission sources in subdivision 225-2.4(d) of this subpart, may burn waste oil without a permit or registration issued by the department pursuant to Part 201 of this Title. To be permitted to burn a waste oil, an owner or operator of a facility must meet the requirements of this Subpart.

(b) The sale and/or use of waste oil or blends of waste oil and virgin oil for residential heating is strictly prohibited.

(c) No owner or operator of a facility located in New York County may burn waste oil in either a permitted, registered, or exempt emission source.

Section 225-2.4 Requirements for owners or operators of facilities proposing to burn waste oil. As part of an application for a permit or registration to burn waste oil, except as provided in subdivision (d) of this Section, owners or operators of facilities must meet the following criteria:

(a) submit an analysis of the waste oil proposed to be burned to the department, pursuant to Section 225-2.6 of this Subpart.

(b) a stationary combustion installation or process source that proposes to burn waste oil must have a minimum operating heat input of 20 million Btus per hour or greater.

(c) an incinerator that proposes to burn waste oil must have a minimum charging capacity that equals or exceeds 2,000 pounds per hour of refuse.

(d) an owner or operator of space heaters located in automotive maintenance/service facilities or marine service facilities may burn waste oil and be excepted from the requirements of this section, where the following conditions are met:

(1) the maximum operating heat input is less than 500,000 Btus per hour;

(2) the waste oil is generated on site (this includes waste oils generated by do-it-yourself customers that the facility is required to accept) or at another facility under common ownership; and

(3) the waste oil meets the criteria in Section 225-2.5 Table 1 of this Subpart, except that lead may not exceed 25 parts per million (ppm) by weight (water free basis) of fuel.

Section 225-2.5 General waste oil limits. Any waste oil that is proposed to be burned must meet the minimum limitations in Table 1 below:

Table 1

Constituent/Property	Limit
Polychlorinated Biphenyls (PCB)	< 2 ppm (1)
Total Halogens	<= 1,000 ppm (1)
Sulfur	See 6 NYCRR 225-1(2)
Gross Heat Content	>= 125,000 (Btu/gal)
Arsenic	< 5 ppm (1)
Cadmium	< 2 ppm (1)
Chromium	< 10 ppm (1)
Lead	< 100 ppm (1)

(1) ppm by weight (water free basis) of fuel.

(2) As per the requirements of subdivision 6 NYCRR 225-1.2(i) of this Title.

Section 225-2.6 Reports, sampling, and analysis of waste oil.

(a) The owner or operator of a facility permitted to burn waste oil shall:

(1) sample, analyze, and measure each load of waste oil received, or maintain copies of supplier provided analyses of each load of waste oil received, to prove compliance with the limits listed in Table 1 of this Subpart; and

(2) maintain, for a minimum of five years, records of the total quantity of waste oil received and the names, addresses, and waste oil analysis from each waste oil supplier.

(b) Owners or operators required to maintain and retain records pursuant to this section must make such records available for inspection by the department during normal business hours. These records must be submitted upon request to the department.

(c) Sampling and analysis of waste oil samples must be carried out in accordance with methods acceptable to the department.

(d) Owners or operators of space heaters that fire waste oil located in automotive maintenance/service facilities or marine service facilities must sample and analyze the waste oil upon the request of the department.

Section 225-2.7 Severability.

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

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

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

Public comment will be received until: November 13, 2019.

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

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

INTRODUCTION

Proposed 6 NYCRR Subpart Part 225-2 (Proposed Subpart 225-2) regulates the use of waste oil to be burned for heat and/or energy recovery at non-exempt, stationary sources. The Department is proposing to repeal Existing 6 NYCRR Part 225-2 Fuel Composition and Use – Waste Fuel (Existing Subpart 225-2) and replace it with Proposed 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oils (Proposed Subpart 225-2). Proposed Subpart 225-2 regulates the burning of waste oils in combustion, incineration, and process sources throughout New York State. Proposed Subpart 225-2 establishes applicability criteria, composition limits, and permitting requirements for waste oils; establishes monitoring, record-keeping, and reporting requirements for facilities that are determined eligible to burn waste oil; and allows for the burning of waste oils in space heaters at automotive maintenance/service facilities. Also, as part of this rulemaking, the Department is adding the definition for “residual oil” to 6 NYCRR Part 200 (Part 200). If finalized, Proposed Subpart 225-2 will be included as a component of the State Implementation Plan (SIP) for New York State (NYS), as required by the Clean Air Act. This is not a mandate on local governments. It applies to any entity that owns or operates a subject stationary source. In addition, Part 200, which contains definitions related to air regulations, will also be updated.

STATUTORY AUTHORITY

The statutory authority for promulgation of Proposed 6 NYCRR Subpart 225-2 is found in the following Sections of the Environmental Conservation Law (ECL): Section 1-0101, Section 3-0301, Section 19-0103, Section 19-0105, Section 19-0301, Section 19-0303, Section 19-0305, Section 19-0311, Section 71-2103, and Section 71-2105.

Based on the above-referenced sections the Commissioner has sufficient authority to regulate air pollution from emission sources, including the promulgation of Proposed 6 NYCRR Subpart 225-2 “Fuel Composition and Use - Waste Oils”.

LEGISLATIVE OBJECTIVES

Article 19 of the ECL was adopted to safeguard the air resources of New York from pollution. To facilitate this purpose, the Legislature granted specific powers and duties to the Department, including the power to formulate, adopt, promulgate, amend, and repeal regulations that prevent, control, or prohibit air pollution. This authority specifically extends these powers over areas of the State that are or may be affected by air pollution and allows the Department to prescribe for such areas (1) the degree of air pollution or air contamination that may be permitted therein, and (2) the extent to which air contaminants may be emitted to the air by any air contamination source. In addition, this authority includes the preparation of a general, comprehensive plan for the control or abatement of existing air pollution and for the control or prevention of any new air pollution recognizing various requirements for different areas of the State. The legislative objectives underlying the above statutes are directed toward protection of the environment and public health.

Proposed 6 NYCRR Subpart 225-2 addresses the burning of waste oils and subsequent emissions from burning waste oils throughout New York State. The regulation defines waste oil and establishes clear limits on its constituents. Finally, the regulation incorporates monitoring, record keeping, and reporting requirements for the purpose of compliance with the regulation.

NEEDS AND BENEFITS

The Department is proposing this repeal and replacement of Existing Subpart 225-2 with Proposed Subpart 225-2, Fuel Composition and Use – Waste Fuel to best protect and preserve the state's air resources. The Department proposes to achieve this by imposing composition limits on waste oil to minimize emissions and clarify the types of emission sources eligible to burn waste oil. Existing Subpart 225-2 has not been updated since its promulgation in 1983. As a result, many of its provisions are outdated and contain obsolete references and standards.

Rule Streamlining and Simplification

The permitting process contained in Existing Subpart 225-2 has become outdated. Proposed Subpart 225-2 will simplify and streamline implementation of the regulation by eliminating obsolete regulatory references; correcting typographical errors; updating the regulation's waste oil constituent limits; removing outdated work practices; expanding the number of facilities eligible to burn waste oil; updating the permitting process to include monitoring, record keeping, and reporting requirements, thus aligning it with Part 201 and Title V criteria found in the Clean Air Act; and moving the definition of "residual oil" from Existing Subpart 225-2 to 6 NYCRR Part 200 (Part 200). Existing Subpart 225-2 also contains references to liquid waste transportation regulations that, over the past thirty years, have changed and need to be removed from this regulation. Based on comments received during the public comment period that arsenic (5ppm), cadmium (2 ppm), and chromium (10 ppm) were not in the Proposed 225-2, the Department will include these pollutants and their corresponding limits in Table 1 of Proposed Subpart 225-1. The Department is removing the ninety-nine (99) percent combustion efficiency requirement. The Proposed Subpart 225-2 will no longer address the burning of chemical waste and "off-spec" waste oils (i.e. Waste fuel B) that do not meet the limitations specified in Table 1 of Existing Subpart 225-2. Instead, burning chemical waste and off-spec waste oils will be regulated under 6 NYCRR Part 212 (Process Operations) or 6 NYCRR Parts 370-376 as appropriate. Proposed Subpart 225-2 clarifies the regulation's process for the burning of waste oil while removing the term waste fuel.

As part of the Department's streamlining, it will lower the size of the eligible exempt space heating equipment size from one million Btu/hr to 500,000 Btu/hr. This revision is consistent with both federal and NYS hazardous waste regulations for space heating sources that fire waste oils.

The Department is extending the permitting exemption for facilities generating their own waste oils to fire waste oil in space heaters of less than 500,000 mmBtu/hr heat input. Existing Subpart 225-2 provides this permitting exemption exclusively to automotive service facilities. These facilities are required under Article 23, Title 23, Section 7 of the ECL to accept waste oil from "do-it-yourself" oil changers. The Department will also include marine service facilities to the exemption, based on comments received during the public comment period for Proposed Subpart 225-2. The Empire State Marine Trades Association (Association) commented that their constituents are also subject to the requirements of Article 23, Title 23, Section 7 of the ECL. Proposed Subpart 225-2 allows additional types of facilities to burn waste oil in space heaters. Automotive maintenance/service facility or marine service facility are now defined as "Any facility that performs automotive/marine fluid changes, collects automotive/marine fluids, or drains automotive/marine fluids." Eligible facilities now include, but are not limited to, fleet maintenance facilities like municipal garages, rental car maintenance facilities, auto crushing facilities, junkyards, and marine service facilities.

Finally, the Department will be adding a specific prohibition on the use of waste oil in residential sources. During the rulemaking process several reports/newspaper articles of waste oil recyclers selling waste oil to home heating oil delivery companies in the New York City area were published. Waste oil was never intended to be used as home heating fuel (by itself or blended). Although the current regulation does not allow for waste oil to be used in this manner, the Department believes that adding a specific prohibition of this use will ensure compliance with the regulation.

Stakeholder Meetings

During the drafting of Proposed Subpart 225-2, the Department held a stakeholder webinar on May 15th, 2018. There were 35 stakeholders signed in to the webinar. The Department solicited comments on Proposed Subpart 225-2 from the stakeholders which included the environmental justice contact list (8000 to 10,000 contacts), environmental advocate groups, industrial groups that fire waste oil, and waste oil collectors and distributors. The stakeholders asked some questions which the Department answered.

COSTS

Costs to Regulated Parties and Consumers:

There will be no additional costs associated with the Proposed Subpart 225-2.

In addition, the removal of the 99 percent combustion efficiency limit will save regulated facilities money by eliminating the requirement to periodically test combustion efficiency. Depending on equipment size and configuration, these tests can cost a subject facility between \$1,000.00 and \$5,000.00 per test.

Costs to State and Local Governments:

Based on the Department's permitting data, there currently are no State and local government facilities that have a Title V permit, air state facility permit, or registration subject to this regulation. Therefore, no additional costs will be incurred by State and local government facilities based on this regulatory update.

Costs to the Regulating Agency:

No additional monitoring, recordkeeping, or reporting requirements are

being proposed under this rule-making. The only costs to the Regulating Agency are those routine costs associated with the rulemaking. These costs are regularly-incurred, operating costs.

LOCAL GOVERNMENT MANDATES

This is not a mandate on local governments. Local governments have no additional compliance obligations as compared to other subject entities. No additional monitoring, recordkeeping, reporting, or other requirements will be imposed on local governments under this rulemaking. Finally, as stated above in the Cost section of this Regulatory Impact Statement, there are currently no local government facilities subject to this regulation.

PAPERWORK

Proposed Subpart 225-2 will create no additional paperwork for the facilities subject to the requirements of this rule.

DUPLICATION

Proposed Subpart 225-2 does not duplicate, overlap, or conflict with any other State or federal Air requirements.

ALTERNATIVES

The Department evaluated the following alternatives:

1) No action - do not change the current version of the regulation. This option will not address the issue of consistency with Title V monitoring, record keeping, or reporting requirements. It will also not correct inconsistencies with other State and federal regulations and will not simplify and streamline the requirements.

2) Title V Update only - update the rule to match the current Title V permitting requirements. This regulation has not been updated since its promulgation in 1983. The regulation does not conform to the requirements of the Title V program (Subpart 201-6). Updating the monitoring, record keeping, and reporting requirements of this rule to match those of Title V is long overdue. However, this option by itself would not address inconsistencies with other State and Federal liquid waste transportation requirements, nor would it simplify and/or streamline the regulation.

FEDERAL STANDARDS

Proposed Subpart 225-2 does not exceed any minimum federal standards. The proposed reduction of the lead standard will make the Proposed 225-2 lead limit equivalent to the lead standards regulated under the federal regulations for liquid waste transporters.

COMPLIANCE SCHEDULE

The Department proposes to promulgate the Proposed Subpart 225-2 by the summer of 2016. The provisions of this rule will take effect upon promulgation of the rule.

Regulatory Flexibility Analysis

EFFECT OF RULE

The Department is proposing to repeal Existing 6 NYCRR Part 225-2 Fuel Composition and Use – Waste Fuel (Existing Subpart 225-2) and replace it with Proposed 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oils (Proposed Subpart 225-2). Proposed Subpart 225-2 regulates the burning of waste oils in combustion, incineration, and process sources throughout New York State. Small businesses are those that are independently owned, located within New York State, and that employ 100 or fewer persons. Proposed Subpart 225-2 requirements apply equally to every stationary source that fires oil in New York State. Proposed Subpart 225-2 will not affect small businesses or local governments differently from any other source subject to this rule and may help certain small businesses.

COMPLIANCE REQUIREMENTS

Proposed Subpart 225-2 establishes applicability criteria, composition limits, and permitting requirements for waste oils; establishes monitoring, recordkeeping, and reporting requirements for facilities that are determined eligible to burn waste oil; and allows for the burning of waste oils in space heaters at automotive maintenance/service facilities. If finalized, Proposed Subpart 225-2 will be included as a component of the State Implementation Plan (SIP) for New York State (NYS), as required by the Clean Air Act. Also, as part of this rulemaking, the Department is adding the definition for "residual oil" to 6 NYCRR Part 200 (Part 200). No new compliance requirements will be incurred by stationary sources subject to the provisions of the proposed rule.

PROFESSIONAL SERVICES

As stated above, this revision will place no new compliance obligation on subject stationary sources. Therefore, the Department does not expect small businesses or local governments will need to hire additional professional services to comply with the provisions of the proposed rule.

COMPLIANCE COSTS

Based on the Department's permitting data there currently are no local government facilities that have a Title V permit, air state facility permit, or registration subject to this regulation. Therefore, no additional costs will be incurred by local government facilities based on this regulatory update. In addition, because there will be no additional compliance requirements placed on subject facilities, the Department does not anticipate any new costs to small businesses.

MINIMIZING ADVERSE IMPACT

The Department does not expect any adverse impacts on small businesses and local governments throughout New York State. Proposed Subpart 225-2 is a statewide regulation. Its requirements are the same for all facilities. The Department does not anticipate small businesses or local governments to be impacted differently than any other sources subject to Proposed Subpart 225-2.

SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

During the drafting of Proposed Subpart 225-2, the Department held a stakeholder webinar on May 15th, 2018. There were 35 stakeholders signed in to the webinar. The Department solicited comments on Proposed Subpart 225-2 from the stakeholders which included the environmental justice contact list (8000 to 10,000 contacts), environmental advocate groups, industrial groups that fire waste oil, and waste oil collectors and distributors. The stakeholders asked some questions which the Department answered. In addition, the Department will hold public hearings on Proposed Subpart 225-2 at various locations in New York State which will be open to small business and local government representatives.

ECONOMIC AND TECHNOLOGICAL FEASIBILITY

The Department does not expect any adverse economic or technological feasibility impacts on small businesses and local governments throughout New York State. Proposed Subpart 225-2 is a statewide regulation. Its requirements are the same for all facilities. The Department does not anticipate small businesses or local governments to be impacted economically or technologically differently than any other sources subject to Proposed Subpart 225-2.

CURE PERIOD

The Department is not including a cure period in this rulemaking. The purpose of this rulemaking is to update, clarify, and simplify the regulation. Delaying the promulgation of the regulation will adversely affect the facilities that are subject to this regulation in that they will not receive the benefits of the streamlining and updating in a timely fashion.

Rural Area Flexibility Analysis

TYPES AND ESTIMATED NUMBERS OF RURAL AREAS

Proposed 6 NYCRR Subpart 225-2 (Proposed Subpart 225-2) is not expected to have a substantial adverse impact on rural areas in New York State. The proposed rulemaking will apply statewide and thus all stationary sources that fire waste fuels in New York State will be equally affected.

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

REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES

The Department is proposing to repeal Existing 6 NYCRR Part 225-2 Fuel Composition and Use – Waste Fuel (Existing Subpart 225-2) and replace it with Proposed 6 NYCRR Subpart 225-2, Fuel Composition and Use – Waste Oils (Proposed Subpart 225-2). Proposed Subpart 225-2 regulates the burning of waste oils in combustion, incineration, and process sources throughout New York State. Proposed Subpart 225-2 establishes applicability criteria, composition limits, and permitting requirements for waste oils; establishes monitoring, recordkeeping, and reporting requirements for facilities that are determined eligible to burn waste oil; and allows for the burning of waste oils in space heaters at automotive maintenance/service facilities. If finalized, Proposed Subpart 225-2 will be included as a component of the State Implementation Plan (SIP) for New York State (NYS), as required by the Clean Air Act. Also, as part of this rulemaking, the Department is adding the definition for “residual oil” to 6 NYCRR Part 200 (Part 200). No new compliance requirements will be incurred by stationary sources subject to the provisions of the proposed rule.

COSTS

There will be no additional costs associated with Proposed Subpart 225-2.

The removal of the 99 percent combustion efficiency limit will save regulated facilities money (\$1,000.00 to \$5,000.00 per test) by eliminating the requirement to periodically test combustion efficiency.

MINIMIZING ADVERSE IMPACT

The Department does not expect any adverse impacts on rural areas. Proposed Subpart 225-2 is a statewide regulation. Its requirements are the same for all facilities, and rural areas are impacted no differently than other areas in the state.

RURAL AREA PARTICIPATION

During the drafting of Proposed Subpart 225-2, the Department held a stakeholder webinar on May 15th, 2018. There were 35 stakeholders signed in to the webinar. The Department solicited comments on Proposed Subpart 225-2 from the stakeholders which included the environmental justice contact list (8000 to 10,000 contacts), environmental advocate groups, industrial groups that fire waste oil, and waste oil collectors and distributors. The stakeholders asked some questions which the Department

answered. In addition, the Department will hold public hearings on Proposed Subpart 225-2 at various locations in New York State which will be open to representatives from rural areas.

Job Impact Statement

NATURE OF IMPACT

The Department is proposing to repeal Existing 6 NYCRR Part 225-2 Fuel Composition and Use – Waste Fuel (Existing Subpart 225-2) and replace it with Proposed 6 NYCRR Subpart 225-2, Fuel Composition and Use – Waste Oils (Proposed Subpart 225-2). Proposed Subpart 225-2 regulates the burning of waste oils in combustion, incineration, and process sources throughout New York State. Proposed Subpart 225-2 establishes applicability criteria, composition limits, and permitting requirements for waste oils; establishes monitoring, recordkeeping, and reporting requirements for facilities that are determined eligible to burn waste oil; and allows for the burning of waste oils in space heaters at automotive maintenance/service facilities. Also, as part of this rulemaking, the Department is adding the definition for “residual oil” to 6 NYCRR Part 200 (Part 200). If finalized, Proposed Subpart 225-2 will be included as a component of the State Implementation Plan (SIP) for New York State (NYS), as required by the Clean Air Act. These proposed changes to Subpart 225-2 are not anticipated to have an adverse impact on employment opportunities in the State.

CATEGORIES AND NUMBERS AFFECTED

Proposed Subpart 225-2 is meant to streamline regulations and is not placing any new substantive requirements on subject stationary sources. Therefore, Proposed Subpart 225-2 is not anticipated to have any short-term or long-term effects on the number of current jobs or future employment opportunities throughout New York State.

REGIONS OF ADVERSE IMPACT

Proposed Subpart 225-2 is a statewide regulation. This regulation is not expected to have an adverse impact on jobs or employment opportunities in New York State. It does not impact any region or area of the state disproportionately in terms of jobs or employment opportunities.

MINIMIZING ADVERSE IMPACT

The Department does not expect any adverse impacts on jobs in New York State based on Proposed Subpart 225-2. Proposed Subpart 225-2 is a statewide regulation. Its requirements are the same for all facilities and will not impact job opportunities in the State.

SELF-EMPLOYMENT OPPORTUNITIES

There are no anticipated effects on self-employment opportunities associated with Proposed Subpart 225-2.

PROPOSED RULE MAKING HEARING(S) SCHEDULED

New Aftermarket Catalytic Converter (AMCC) Standards

I.D. No. ENV-36-19-00002-P

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

Proposed Action: Amendment of Parts 200 and 218 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-1101, 19-1103, 19-1105, 71-2103, 71-2105; and Federal Clean Air Act (42 USC 7507), section 177

Subject: New Aftermarket Catalytic Converter (AMCC) standards.

Purpose: Prohibit sale of Federal AMCCs and update existing AMCC recordkeeping and reporting requirements.

Public hearing(s) will be held at: 11:00 a.m., November 8, 2019 at Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129 A/B, Albany, NY.

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

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

Text of proposed rule: Sections 200.1 through 200.8 remain unchanged

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

218-1.2(d) through 218-6.2 remain unchanged

218-7.2 through 218-7.5 is amended to read as follows:

218-7.2(c)(1) California Code of Regulations, Title 13,
Section 2222 [(10-1-09)] (4-17-17)

State of New York
COUNTY OF NEW YORK

SS:

0000143505-01

Rubik Gonzalez

being duly sworn,

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

New York Post

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

on the 4th of September, 2019

Sworn to before me on this 4 day of September, 2019

[Signature]
Notary Public

[Signature]
RICHARD C SAVIN
NOTARY PUBLIC - STATE OF NEW YORK
No. 01SA0304152
Qualified in Dutchess County
My Commission Expires May 27, 2022

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

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

1: Pursuant to Sections 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-1101, 19-1103, 19-1105, 71-2103, 71-2105 of the Environmental Conservation Law (ECL) and Section 177 of the federal Clean Air Act (42 USC 7507), notice is hereby given that the New York State Department of Environmental Conservation (Department) will hold the following legislative public hearings on the proposed amendments of 6 NYCRR Part 218, Emission Standards for Motor Vehicles and Motor Vehicle Engines; and 6 NYCRR Part 200, General Provisions. The Department is proposing to amend Part 218 to incorporate revisions to aftermarket catalytic converter (AMCC) standards incorporated in the low emission vehicle (LEV) program; and to update various provisions incorporated by reference in Part 200. Part 218 will also be submitted to EPA as a revision to the State Implementation Plan (SIP) for New York State (NYS).

2: Pursuant to Environmental Conservation Law (ECL) Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0311, 71-2103 and 71-2105 notice is hereby given that the NYS Department of Environmental Conservation (Department) will hold the following legislative public hearings on the proposed new rule 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oil as a Fuel and 6 NYCRR Part 200, General Provisions.

The Department proposes to repeal Existing 6 NYCRR Subpart 225-2 Fuel Composition and Use - Waste Fuel (Existing Subpart 225-2) and replace it with Proposed 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oil as a Fuel (Proposed Subpart 225-2). Proposed Subpart 225-2 will regulate the burning of waste oils in combustion, incineration, and process sources throughout New York State and establishes applicability criteria, composition limits, and permitting requirements for liquid and semi-liquid waste oils; establishes monitoring, recordkeeping, and reporting requirements for facilities that are determined eligible to burn waste oil; and allows for the burning of waste oils in space heaters at automotive maintenance/service facilities. The Department is adding the definition for "residual oil" to 6 NYCRR Part 200 (Part 200). Proposed Subpart 225-2 will be included as a component of the State Implementation Plan (SIP) for New York State (NYS), as required by the Clean Air Act.

3: Pursuant to Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 19-0311, 71-2103, and 71-2105 of the Environmental Conservation Law, notice is hereby given that the New York State Department of Environmental Conservation (Department) will hold the following legislative public hearing on the proposed repeal and replace of 6 NYCRR Subpart 227-1, "Stationary Combustion Installations" as well as attendant provisions under Part 200, "General Provisions" (collectively, Subpart 227-1). As required by the Clean Air Act (CAA), the Department will incorporate the revisions to Subpart 227-1 and the attendant revisions to Part 200 into New York's State Implementation Plan (SIP) and provide the revised SIP to U.S. Environmental Protection Agency (EPA) for review and approval. The SIP is directed at maintaining the PM national ambient air quality standard (NAAQS) and fulfilling the Department's obligations under the regional haze SIP submitted to the EPA on March 15, 2010.

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

Date	Time	Location
November 8, 2019	11:00 am	NYSDEC, 625 Broadway, Public Assembly Room 129A/B, Albany, NY 12233

The Department will provide interpreter services for deaf persons at no charge. Written requests for interpreter services are required and should be submitted by November 1, 2019, to Richard McAuley, NYSDEC, 625 Broadway, Albany NY 12233-3250, (518) 402-8438, air.regs@dec.ny.gov.

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

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

Information on Part 218 may be obtained from Jeff Marshall, NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3255; telephone, (518) 402-8292; email, air.regs@dec.ny.gov. Written statements may be submitted until 5 pm November 13, 2019.

Information on Subpart 225-2, may be obtained from Mike Jennings, NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3251; telephone, (518) 402-8403; email, air.regs@dec.ny.gov. Written statements may be submitted until 5 pm November 13, 2019.

Information on Subpart 227-1, may be obtained from Mike Jennings, 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 November 13, 2019.

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 November 13, 2019.

The proposed regulation may be obtained from any of the following Department offices:

REGION 1 - NYSDEC Region One Headquarters, SUNY Stony Brook, 50 Circle Road, Stony Brook, NY 11790-3409.

Attention: Shaun Snee

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

REGION 3 - 21 South Pult 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 Coultant

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

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

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

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

NEWSDAY AFFIDAVIT OF PUBLICATION

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STATE OF NEW YORK)

Legal Notice No.

0021523951

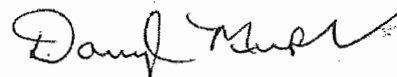
:SS.:

COUNTY OF SUFFOLK)

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

Wednesday September 04, 2019 Nassau, Suffolk and Queens

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



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



LEGAL NOTICES

Legal Notice # 21521936
NOTICE OF SALE
SUPREME COURT COUNTY OF QUEENS
 In the Matter of RONNIE D. WAX, as Guardian for ALBERTINA SAGE, an incapacitated Person Index # 495 1/91 Pursuant to an Order of the Supreme Court dated 8/13/19, a sale will occur at the courthouse 88-11 Sutphin Blvd., Courtroom 4d, Jamaica, NY 11435 at 10:00 AM on September 24, 2019 regarding premises known as 64-34 68 Avenue, Ridgewood, NY 11385, Queens County, said property is under contract, subject to approval of the Court. Best offer over \$625,000.00. ALL CASH, AS IS, BUYER TO PAY ALL TRANSFER TAXES, 30 DAY CLOSING, RONNIE D. WAX, Guardian for ALBERTINA SAGE, 92-20 Metropolitan Avenue, Forest Hills, New York 11375

Legal Notice # 21524364
NOTICE OF SALE
SUPREME COURT COUNTY OF QUEENS, NYCL 1998-2 TRUST AND THE BANK OF NEW YORK MELLON AS COLLATERAL AGENT AND CUSTODIAN, Plaintiff, vs. THE HOLY TRINITY BAPTIST CHURCH OF CHRIST INC., ET AL., Defendant(s).
 Pursuant to a Judgment of Foreclosure and Sale dated August 18, 2016 and entered September 19, 2016, and an Order Substituting Referee dated May 11, 2018, I, the undersigned Referee will sell at public auction at the Supreme Court, Courtroom 25, 88-11 Sutphin Boulevard, Jamaica, NY on October 4, 2019 at 10:00 a.m. all that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Queens, County of Queens, City and State of New York, Block 10161 and Lot 30.

Said premises may also be known as 104-52 164 Street, Queens, NY. Approximate amount of Judgment is \$218,150.46 plus interest and costs. Premises will be sold subject to provisions of filed Judgment and Terms of Sale. Index # 9834/2012. Morton Povman, Esq., Referee
 The Law Office of Thomas P. Malone, PLLC, 60 East 42nd Street, Suite 553, New York, New York 10165, Attorneys for Plaintiff

Legal Notice # 21524454
NOTICE OF SALE
SUPREME COURT COUNTY OF QUEENS, WILMINGTON SAVINGS FUND SOCIETY, FSB, DBA CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRITILIM MORTGAGE AC-

QUISITION TRUST, Plaintiff, vs. MAHMUD AHMED, ET AL., Defendant(s).
 Pursuant to a Judgment of Foreclosure and Sale and Amendment of Caption duly filed on January 3, 2019, I, the undersigned Referee will sell at public auction at the Queens County Supreme Court, Courtroom 25, 88-11 Sutphin Boulevard, Jamaica, NY on October 4, 2019 at 10:00 a.m. premises known as 9720 76th Street, Ozone Park, NY. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Queens, County of Queens, City and State of New York, Block 9047 and Lot 1A. Approximate amount

of judgment is \$454,814.19, plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index # 706920/2014. Solomon Steinman, Esq., Referee
 Knuckles, Komosinski & Manfro, LLP, 565 Tuxter Road, Suite 590, Elmsford, NY 10523, Attorneys for Plaintiff
 Cash will not be accepted.

Legal Notice # 21520826
NOTICE OF SALE
SUPREME COURT COUNTY OF QUEENS, WILMINGTON SAVINGS FUND SOCIETY, FSB, DBA CHRISTIANA TRUST, AS TRUSTEE FOR NORMANDY MORTGAGE LOAN TRUST, SERIES 2016-1, Plaintiff, vs. SHIRLEY B. THOMAS, JR., Defendant(s).

Legal Notice # 21523757
THE WEATHERIZATION ASSISTANCE PROGRAM AT NORTHERN MANHATTAN IMPROVEMENT CORPORATION is requesting bids from qualified Window Contractors and Roof & Wall Insulation Contractors to perform work on the following:
 1. 2019 to 3/31/2020. Grants for Northern Manhattan's Weatherization Assistance Program are funded by the U.S. Department of Energy, the U.S. Department of Health and Human Services and administered through the NYS HCR bid packages with window and roof & wall insulation specifications will be available starting Monday, September 30, 2019 at Northern Manhattan Improvement Corp., 45 Wadsworth Ave., 5th floor, NY, NY 10033. Phone: (212) 822-3840. Contact Person: Jackie Gomez. Sealed bids for window replacement and roof & wall insulation will be accepted until Monday, September 30, 2019 at 2:00 pm @ 45 Wadsworth Ave., 5th floor, NY, NY 10033. Bids opening to be held at 45 Wadsworth Ave., 5th floor, NY, NY 10033. Monday, September 30, 2019 at 10:00 am. Minority and women owned business are encouraged to apply.

Legal 2152394801

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 regarding the following proposal:
 Pursuant to Sections 1-0101, 1-0303, 1-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-0311, 71-2103, and 71-2105 of the Environmental Conservation Law (ECL) and Section 177 of the federal Clean Air Act (42 USC 1707), notice is hereby given that the New York State Department of Environmental Conservation (Department) will hold the following legislative public hearings on the proposed amendments of 6 NYCRR Part 218, Emission Standards for Motor Vehicles and Motor Vehicle Engines; and 6 NYCRR Part 200, General Provisions. The Department is proposing to amend Part 218 to incorporate revisions to aftermarket catalytic converter (AMCC) standards incorporated in the low emission vehicle (LEV) program; and to update various provisions incorporated by reference in Part 200. Part 218 will also be submitted to EPA as a revision to the State Implementation Plan (SIP) for New York State (NYS).

2: Pursuant to Environmental Conservation Law (ECL) Sections 1-0101, 1-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0311, 71-2103, and 71-2105 notice is hereby given that the NYS Department of Environmental Conservation (Department) will hold the following legislative public hearings on the proposed new rule 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oil as a Fuel and 6 NYCRR Part 200, General Provisions. The Department proposes to repeal Existing 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Fuel (Existing Subpart 225-2) and replace it with Proposed 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oil as a Fuel (Proposed Subpart 225-2). Proposed Subpart 225-2 will regulate the burning of waste oils in combustion, incineration, and process sources throughout New York State and establishes applicable criteria, composition limits, and permitting requirements for liquid and semi-liquid waste oils; establishes monitoring, recordkeeping, and reporting requirements for facilities that are determined eligible to burn waste oil; and allows for the burning of waste oils in space heaters at automotive maintenance/service facilities. The Department is adding the definition for "residual oil" to 6 NYCRR Part 200 (Part 200). Proposed Subpart 225-2 will be included as a component of the State Implementation Plan (SIP) for New York State (NYS), as required by the Clean Air Act.

3: Pursuant to Sections 1-0101, 1-0303, 1-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-0311, 71-2103, and 71-2105 of the Environmental Conservation Law, notice is hereby given that the New York State Department of Environmental Conservation (Department) will hold the following legislative public hearing on the proposed repeal and replacement of 6 NYCRR Subpart 227-1, "Stationary Combustion Installations" as well as attendant provisions under Part 200, "General Provisions" (collectively, Subpart 227-1). As required by the Clean Air Act (CAA), the Department will incorporate the revisions to Subpart 227-1 and the attendant revisions to Part 200 into New York's State Implementation Plan (SIP) and provide the revised SIP to U.S. Environmental Protection Agency (EPA) for review and approval. The SIP is directed at maintaining the PM national ambient air quality standard (NAAQS) and fulfilling the Department's obligations under the regional haze SIP submitted to the EPA on March 15, 2010.

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

Date	Time	Location
November 8, 2019	11:00 am	NYSDEC, 625 Broadway, Public Assembly Room 129A/B, Albany, NY 12233
November 12, 2019	11:00 am	NYSDEC, 625 Broadway, Public Assembly Room 129A/B, Albany, NY 12233
November 20, 2019	2:00 pm	1 Hunter's Point Plaza, 47-40 21st Street, Room 834 NYSDOT, Long Island City, NY 11101

The Department will provide interpreter services for deaf persons at no charge. Written requests for interpreter services are required and should be submitted by November 6, 2019, to Richard McKelvey, NYSDEC, 625 Broadway, Albany NY 12233-3250, (518) 402-9438, aircrg@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.

Written comments on the proposed rule may be submitted until 5 p.m. on November 25, 2019. For further information, contact John Barnes, P.E., NYSDEC Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, Phone (518) 402-8396, E-mail: aircrg@dec.ny.gov.

Requests for information and comments related to the SIP revision may be obtained from Robert D. Bielawa, P.E., NYSDEC Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, Phone: (518) 402-8396, E-mail: aircrg@dec.ny.gov. Written statements may be submitted until 5 pm on November 25, 2019.

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

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

Legal 2152395101

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, 1-0303, 1-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-0311, 71-2103, 71-2105 of the Environmental Conservation Law (ECL) and Section 177 of the federal Clean Air Act (42 USC 1707), notice is hereby given that the New York State Department of Environmental Conservation (Department) will hold the following legislative public hearings on the proposed amendments of 6 NYCRR Part 218, Emission Standards for Motor Vehicles and Motor Vehicle Engines; and 6 NYCRR Part 200, General Provisions. The Department is proposing to amend Part 218 to incorporate revisions to aftermarket catalytic converter (AMCC) standards incorporated in the low emission vehicle (LEV) program; and to update various provisions incorporated by reference in Part 200. Part 218 will also be submitted to EPA as a revision to the State Implementation Plan (SIP) for New York State (NYS).

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

Date	Time	Location
November 8, 2019	11:00 am	NYSDEC, 625 Broadway, Public Assembly Room 129A/B, Albany, NY 12233

The Department will provide interpreter services for deaf persons at no charge. Written requests for interpreter services are required and should be submitted by November 1, 2019, to Richard McKelvey, NYSDEC, 625 Broadway, Albany NY 12233-3250, (518) 402-9438, aircrg@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 218 may be obtained from Jeff Marshall, NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3255, telephone, (518) 402-8292; email, aircrg@dec.ny.gov. Written statements may be submitted until 5 pm November 13, 2019.

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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: aircrg@dec.ny.gov. Written statements may be submitted until 5 pm November 13, 2019.

The proposed regulation may be obtained from any of the following Department offices:

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- REGION 4 - 1130 North Westcott Rd., Schenectady, NY 12306, Attention: Ben Potter
- REGION 5 - Hudson State Extension, Box 220, Warrensburg NY 12885, Attention: James Coutant
- REGION 6 - Watervort State Office Bldg, 317 Washington St., Watervort, NY 13601, Attention: Bob Jacobs
- REGION 7 - 615 Erie Boulevard West, Syracuse, NY 13204-2400, Attention: Thomas Eller
- REGION 8 - 6274 East Avenir-Lima Road, Avon, NY 14414, Attention: Yung Zeng
- REGION 9 - 270 Michigan Avenue, Buffalo, NY 14202, Attention: Michael Emery

Legal 2152395101

MAS, ET AL., Defendant(s).
 Pursuant to an Order Confirming Referee's Report and Judgment of Foreclosure and Sale duly filed on May 6, 2019, I, the undersigned Referee will sell at public auction at the Queens County Supreme Court, Courtroom 25, 88-11 Sutphin Boulevard, Jamaica, NY on September 20, 2019 at 10:00 am, premises known as 76-18 251st Street, Bellerose, NY. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Queens, County of Queens, City and State of New York, Block 8501 and Lot 14. Approximate amount of Judgment is \$492,667.66 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index # 704912/2015. Referee
 Knuckles, Komosinski & Manfro, LLP, 565 Tuxter Road, Suite 590, Elmsford, NY 10523, Attorneys for Plaintiff
 Cash will not be accepted.

NEWSDAY BUY & SELL
 Read for savings
 Address for mail
 631-843-7653(SOLD)

Legal Notice # 21519023
NOTICE OF FORMATION OF BECATTLEYA LLC
 Articles of Organization filed with the Secretary of State of New York SSNY on 05/30/2019. Office located in QUEENS, SSNY has been designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 17-54 17th Rd, Whitestone, NY 11357. Purpose: any lawful activity.

Legal Notice # 21520837
NOTICE OF SALE
SUPREME COURT COUNTY OF QUEENS, FAREVERSE, LLC IN LIEU OF TRUE COMPANY NAME FINANCE OF AMERICA REVERSE, LLC Plaintiff, vs. AWILDA TORRES, ET AL., Defendant(s).
 Pursuant to an Order Confirming Referee Report and Judgment of Foreclosure and Sale duly filed on May 6, 2019, I, the undersigned Referee will sell at public auction at the Queens County Supreme Court, Courtroom 25, 88-11 Sutphin Boulevard, Jamaica, NY on September 20, 2019 at 10:00 am, premises known as 101-56 114th Street, South Richmond Hill, NY. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Queens, County of Queens, City and State of New York, Block 9431 and Lot 35. Approximate amount of Judgment is \$129,393.39 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index # 713450/2017. Ned H. Kassman, Esq., Referee
 GreenspoonMarder, 100 West Cypress Creek Road, Trade Center South, Suite 700, Fort Lauderdale, Florida 33309, Attorneys for Plaintiff

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Legal Notice # 21519391
NOTICE OF FORMATION OF SENIOR CITIZEN PLANNER, LLC
 Articles of Organization filed with the Secretary of State of New York SSNY on July 30, 2019. Office is located in Queens County, SSNY has been designated for service of process. SSNY shall mail copy of any process served against the LLC to 7272 112th Street, Apt. 6V, Forest Hills, NY 11375. Purpose: Any lawful purpose.

Legal Notice # 21520859
NOTICE OF SALE
SUPREME COURT COUNTY OF QUEENS, CITIBANK, N.A., Plaintiff, vs. MUHAMMAD S. CHAUDHRY, ET AL., Defendant(s).
 Pursuant to an Order Vacating Dismissal Entered by the Matter to the Court's Active Calendar, Confirming the Referee's Report and for a Judgment of Foreclosure and Sale duly filed on July 24, 2019, I, the undersigned Referee will sell at public auction at the Queens County Supreme Court, Courtroom 25, 88-11 Sutphin Boulevard, Jamaica, NY on September 20, 2019 at 10:00 am, premises known as 135-21 78th Street, Howard Beach, NY. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Queens, County of Queens, City and State of New York, Block 11458 and Lot 70. Approximate amount of Judgment is \$175,772.39 plus interest and costs. Premises will be sold subject to provisions of filed Judgment Index # 713424/2016. Mark J. Keller, Esq., Referee
 Knuckles, Komosinski & Manfro, LLP, 565 Tuxter Road, Suite 590, Elmsford, NY 10523, Attorneys for Plaintiff
 Cash will not be accepted.

Legal Notice # 21522483
NOTICE OF FORMATION OF SEVENSINGHS LLC
 Articles of Organization filed with the Secretary of State of New York SSNY on 6/19/2019. Office located in Queens County, SSNY has been designated for service of process. SSNY shall mail copy of any process served against the LLC to 126-20 Linden Blvd, South Ozone Park, NY 11420. Purpose: any lawful purpose.

Legal Notice # 21522483
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 Articles of Organization filed with the Secretary of State of New York SSNY on 6/19/2019. Office located in Queens County, SSNY has been designated for service of process. SSNY shall mail copy of any process served against the LLC to 126-20 Linden Blvd, South Ozone Park, NY 11420. Purpose: any lawful purpose.

Legal Notice # 21520958
NOTICE OF FORMATION OF TIDYING YOUR CHORES LLC
 Articles of Organization filed with the Secretary of State of New York (SSNY) on 04/25/2019. Office location: Queens County, Amended on 07/29/2019 to change name to Tidying Your Chores LLC. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process against it may be served. SSNY shall mail copy of process to: 127-06 103RD Road, South Richmond Hill, NY 11419. Purpose: any lawful purpose.

Legal Notice # 21524425
REQUEST FOR PROFESSIONAL AUDIT SERVICE PROPOSALS
 The Town of Islip Community Development Agency is seeking flat fee proposals from Professional Accounting firms to provide an audit of its financial statements as required by the U.S. Dept. of HUD and Office of Management and Enterprise Budgeting for years ending June 30, 2019, June 30, 2020 and June 30, 2021. Contact the Agency no later than September 23, 2019 to request INFORMATION PACKET or DOWNLOAD our website at www.islipcd.org Town of Islip, NY 11751. Phone: (631) 665-1185 ext. 24.

TIMES UNION

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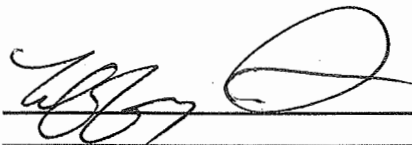
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Order Number: 0004072944
Order Invoice Text: NYSDEC #2

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

09-04-2019



Sworn to before me, this 5 day of September 2019.



Notary Public
Albany County
MARYBETH SNYDER
NOTARY PUBLIC, State of New York
Qualified in Albany County
No. 01SN5030510
Commission Expires July 18, 2022

TJN 40735

THE BUFFALO NEWS

-Affidavit-

Maureen Elardo of the City of Buffalo, New York, being duly sworn, deposes and says that he/she is Principal Clerk of THE BUFFALO NEWS INC., Publisher of THE BUFFALO NEWS, a newspaper published in said city, that the notice of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein **1** times, the first insertion being on **09/04/2019** and the last insertion being on **09/04/2019**

Maureen Elardo

Dates Ad Ran:

Buffalo News (P1) 09/04/19

Sworn to before me this 4th day of, September 2019

Debra M Palkowski

Notary Public, Erie County, New York

DEBRA M. PALKOWSKI
Notary Public - State of New York
No. 01P84955893
Qualified in Erie County
My Commission Expires Sept. 5, 2021

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

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

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

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THE POST-STANDARD

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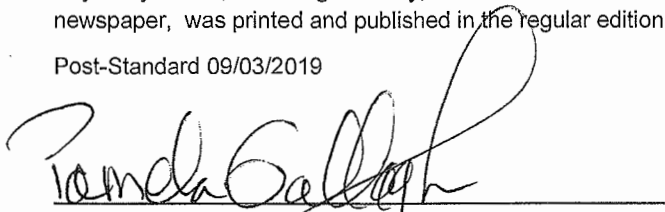
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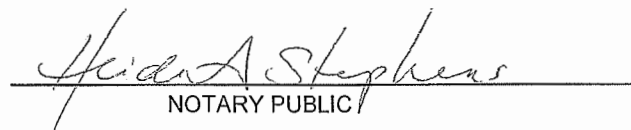
State of New York, County of Onondaga ss. Pamela Gallagher, of the City of Syracuse, in said County, being duly sworn, doth depose and says: this person is the Principal Clerk in the office of THE POST-STANDARD, a public newspaper, published in the City of Syracuse, Onondaga County, New York and that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

Post-Standard 09/03/2019



Pamela Gallagher
Principal Clerk

An Authorized Designee of the President, Timothy R. Kennedy
Subscribed and sworn to before me, this 3rd day of September
2019


NOTARY PUBLIC

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

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

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

*** Proof of Publication ***

WARREN COUNTY AFFIDAVIT

STATE OF NEW YORK:

County of Warren, ss:

Kerri Ward being duly sworn,

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

NOTICE OF PUBLIC HEARING
September 4, 2019

MILLER ADVERTISING-LEGAL

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

ORDER NUMBER 82469

Signed this 6th day of September, 2019

[Signature]

Sworn to before me this 6th day of September, 2019

[Signature]

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

Section: Legals

Category: 001 Legal Notices - Warren County

PUBLISHED ON: 09/04/2019

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FILED ON: 9/4/2019

LEGAL NOTICES

NOTIFICATION
 Hold a legislative Public Hearing on Title
 1101, 12-1102, 12-1105, 21-2103, 21-
 2103, notice is hereby given that the New
 hearings on the proposed amendments to
 General Provisions. The Department
 incorporated in the low emission vehicle
 limited to EPA as a relation to the State
 12-0303, 12-0305, 12-0311, 21-2103
 If hold the following legislative public
 HCRRA Part 203, General Provisions.

Proposed Standard 225-2 and replace it with Proposed Standard 225-2 will require others specifying criteria, composition and reporting requirements for facilities and maintenance services. The facilities will be included as a component of the

2005, 19-0311, 71-2103, and 71-2105 National Conservation (Department) as "National Conservation Institutions" as the Clean Air Act (CAA), the Department Environmental Protection Plan (EPA) and provide maintaining the PM national ambient on the EPA on March 15, 2015.

and is scheduled in a place that is

NY, Albany, NY 12233

for services are required and should be 607-643-1. ny@ny.gov

Department has prepared a Negative

and by the proposed revisions to attend to the following items. All comments and oral statements also be submitted in writing. Comments will be accepted until 5 pm November 18, 2015.

By: Albany NY 12233-3255, telephone, 518-462-1111.

15 Broadway, Albany NY 12233-3255, November 13, 2015.

15 Broadway, Albany NY 12233-3255, November 13, 2015.

NYSDOT Division of Air Resources, may be submitted until 5 pm November 18, 2015.

09, Attendee: Shaun Snee

[illegible]

nse, designated as a map
 nsville made by Frances C.
 (recorded in map book
 284-L, Washington County
 Office), as Lot Number 2
 Street and bounded
 ed as follows: Bounded
 by Lots Numbered 11 and 1
 in Street; East by Lot Numbe
 ed; South by Lot Number
 4 on West Street and Wes
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 n 117.14 Block; 10 Lot 20
 premises known as 3 WESE
 ED, GRANVILLE, NY
 \$343.82 plus interest & costs.
 es will be sold subject
 s of filed Judgment and
 of Sale.
 ale is set aside for ar

C. S. DELSIGNORE, ESQ.
A. Gallo & Associates LLP
Powerhouse Road, First Floor
In Heights, NY 11577
9325.1465
JUNE 21, 2019

SEPT 5 SEP 6 SEP 7 SEP 8 SEP 9 SEP 10 SEP 11 SEP 12 SEP 13 SEP 14 SEP 15 SEP 16 SEP 17 SEP 18 SEP 19 SEP 20 SEP 21 SEP 22 SEP 23 SEP 24 SEP 25 SEP 26 SEP 27 SEP 28 SEP 29 SEP 30

ed the opening led a heart to winning the trick. t back to his hand? a spade to his ace t, and then led the West won with the er diamond. South e 10 of hearts to now led the jack of

on was obvious to
the jack of spades
led a third spade,
West's eight into the
defense.
able, South jumped
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a leading a spade,
clarer chose to lead
ce. West won the
continuation with
ed to the queen of
ing the same trump
secured at the other

as now helpless, as
to continue drawing
out incident. Well

[illegible][illegible]

Wednesday, September 4, 2019

GOREN BRIDGE

WITH BOB JONES
 ©2019 Tribune Content Agency, LLC

ALL THE DIFFERENCE

Both vulnerable, East deals

<p>NORTH ♠ 10 8 7 6 5 2 ♥ J ♦ Q 7 ♣ K Q 6 5</p>	<p>Declarer ruffed the opening diamond lead and led a heart to dummy's jack, winning the trick. How should he get back to his hand? He chose to lead a spade to his ace and West's queen, and then led the queen of hearts. West won with the king and led another diamond. South ruffed and led the 10 of hearts to West's ace. West now led the jack of spades. The position was obvious to</p>
--	--

<p>WEST ♠ Q J ♥ A K 8 2 ♦ K 10 5 2</p>	<p>EAST ♠ K 9 4 ♥ 3 ♦ A J 9 8 6 4 3</p>
--	---

♠ J 10 7 ♠ 8 4
SOUTH
▲ A 3
♥ Q 10 9 7 6 5
♦ Void
♣ A 9 3 2

The bidding:
East South West North
30 30 JNT Pass
Pass 40 All pass

Opening lead: King of ♦

Today's deal is from the European Open Team Championship earlier this year. Three no trump by East-West might have made on the jack of hearts lead. Five diamonds on the jack of hearts (if the defense didn't take its two club tricks right away. West settled for defensive four hearts;

East, who overtook the jack of spades with the king to lead a third spade. This promoted West's eight into the setting trick. Nice defense!

At the other table, South jumped directly to four hearts over the pre-empt. He also ruffed the opening diamond lead and led a heart to the club. Rather than leading a spade, however, this declarer chose to lead a club to his ace. West won the queen of hearts continuation with the king and shifted to the queen of spades, threatening the same trump promotion that occurred at the other table. South thwarted this nicely by allowing the queen of spades to hold the trick.

The defense was now helpless, as South had to continue drawing the trumps without incident. Well

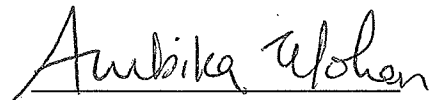
undoubtedly.

AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK
COUNTY OF NEW YORK

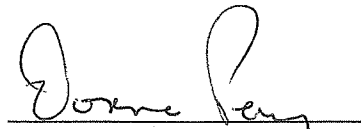
Ambika Mohan being duly sworn hereby declares and says, that she is the Advertising Account Executive responsible for placing the attached advertisement for publication in the Rochester Democrat & Chronicle for Miller Advertising Agency, Inc; located in New York, NY, and that the NYSDEC Notice of Public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

Sept. 4, 2019


Ambika Mohan

Subscribed to and Sworn before me

This 30th day of September, 2019


Notary Public

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

PROCEEDINGS: November 8, 2019

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter

- of -

Proposed Amendments to Part 218 (Emission
Standards for Motor Vehicles and Motor Vehicle Engines),
Proposed Repeal of Part 225-2 and Substitution of Subpart
225-2 (Fuel Consumption and Use - Waste Oils), and Repeal
and Replacement of Part 227-1 (Stationary Combustion
Installations) and Attendant Provisions Under Part 200

of

Title 6 of the Official Compilation of Codes, Rules and
Regulations of the State of New York (6NYCRR)

11/8/2019
11:00 a.m.
DEC
625 Broadway
Conference Room
Albany, New York

P R E S E N T:

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

Richard McAuley
Department of Environmental Conservation
Regulatory Coordinator

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

Jeffrey Marshall
Division of Air Resources
Department of Environmental Conservation

Mike Jennings
Division of Air Resources
Department of Environmental Conservation

Antonio Santos, Director of Special Projects
Manufacturers of Emissions Controls Association
2200 Wilson Boulevard, Suite 310
Arlington, VA 22201

REPORTED BY: Suzanne T. Harrington, Shorthand Reporter

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

ALJ VILLA: If there is anyone here who wants to make a statement on the record, fill out a card, give it to me, and we'll call you in the order the card was received, which in this case there's only one person ahead of you.

So we're going to go on the record. I have a statement to read and I'll also call upon two of the folks from the Department here to give statements about the proposed rules.

This is an administrative public hearing with a legislative format before the New York State Department of Environmental Conservation in the matter of Department staff's proposed amendment to Part 218 of the Official Compilation of Codes Rules and Regulations of the State of New York or 6 NYCRR for short.

The proposed amendments would incorporate revisions to the standards for new California certified aftermarket catalytic converters. The Department proposes to submit the amended Part 218 as well as the revisions to Part 200 to the U.S. Environmental Protection Agency as a revision to New York State's State Implementation Plan or SIP.

1 In addition, today we're taking public
2 comments on the proposed repeal of existing Subpart
3 225-2, to be replaced with Subpart 225-2. The
4 proposed replacement with regulate the burning of
5 waste oils, and there's more to it than that, but
6 we'll leave that for our speakers so we're not
7 repeating ourselves.

8 Finally, the Department is proposed to
9 repeal and replace Subpart 227-1 to lower particulate
10 matter emission limits of existing and new stationary
11 combustion installations that either predate or are
12 not subject to a federal new source performance
13 standard and/or national emissions standard for
14 hazardous air pollutants. As part of that, the
15 Department will also revise Part 200 to incorporate by
16 reference applicable federal rule provisions and will
17 incorporate those revisions into the SIP.

18 The purpose of this hearing is to receive
19 comments on these proposals. If you want to make a
20 statement, as we indicated before we went on the
21 record, please fill out a card and give it to me. So
22 far I have only one card.

23 I'm Maria Villa, I'm serving as a hearing
24 officer for the Department. All persons,
25 organizations, corporations or government agencies

1 that may be affected by the proposed rule are invited
2 to submit either written or oral statements. All
3 statements taken today, either written or spoken, will
4 be incorporated into the official record of this
5 proceeding. Statements are not given under oath.
6 There's no cross-examination.

7 Written statements received during the
8 public comment period and oral statements at this time
9 will be given equal weight. Please submit any lengthy
10 statements in writing. If you want, you can summarize
11 those verbally. Written comments can also be
12 submitted on or before 5:00 p.m. on Wednesday,
13 November 13th, 2019.

14 The contact person for further information
15 is Mike Jennings of the DEC's Division of Air
16 Resources, I have his contact information. And that
17 also appears in the notice of today's hearing.
18 Requests for information and comments related to the
19 SIP can be obtained from Robert Bielawa, a
20 professional engineer in the Division of Air
21 Resources, and I have his contact information as well.
22 That information also appears in the notice of the
23 hearing. And if you want to send comments via e-mail,
24 the address is air.regs@dec.ny.gov.

25 Department staff has provided me with copies

1 of the notices of the hearing sessions. Those were
2 published in the September 4, 2019 edition of the
3 Department's *Environmental Notice Bulletin* as well as
4 the New York State Register on that same date. In
5 addition, I have affidavits of publication of the
6 Notice. Those were published in the September 4th,
7 2019 edition of the *New York Post*, *Newsday*, the Albany
8 *Times Union*, the *Buffalo News*, the Glens Falls *Post*
9 *Star* and the Rochester *Democrat and Chronicle*.
10 Notices were published in the September 3rd, 2019
11 editions of the *Syracuse Post-Standard*. So at this
12 point I'll call upon Mr. Marshall, and he'll be
13 followed by Mr. Jennings to make a brief presentation
14 regarding these proposals.

15 MR. MARSHALL: Hello, My name is Jeff
16 Marshall. I'm a professional engineer for the New
17 York State Department of Environmental Conservation,
18 Division of Air Resources. The purpose of this
19 legislative hearing is to solicit comments on the
20 proposed revisions to 6 New York Codes, Rules and
21 Regulations, Part 218, Emission Standards for Motor
22 Vehicles and Motor Vehicle Engines; and attendant
23 revisions to Part 200, Referenced Material.

24 Section 177 of the Clean Air Act provides
25 that states may adopt the California new vehicle

1 emission standards, provided that these standards are
2 identical to California's. New York adopted the
3 California low emission vehicle program in 1992 for
4 passenger cars and light duty trucks. New York has
5 revised the program periodically since 1992, with the
6 most recent changes occurring in 2019 to incorporate
7 clarifications to the deemed-to-comply provision.

8 The Department is proposing to adopt
9 amendments to the new aftermarket catalytic converter
10 standards incorporated in Subpart 218-7 which were
11 originally adopted in 2012. The proposed amendments
12 prohibit the sale and installation of federally
13 certified aftermarket catalytic converters on any
14 vehicle in New York absent a waiver from the
15 Department.

16 The proposed amendments also include
17 provisions pertaining to catalytic converter
18 installation requirements, recordkeeping requirements
19 for installers, manufacturers, distributors,
20 wholesalers and retailers; and clarification of
21 manufacturer reporting requirements.

22 The proposed prohibition of federal
23 aftermarket catalytic converters applies to all 1993
24 and subsequent model year on-road gasoline fueled
25 passenger cars, light-duty trucks and medium-duty

1 vehicles delivered for sale in New York State starting
2 January 1st, 2021. This rule will be effective 30
3 days after adoption.

4 Copies of the proposed Part 218 regulation
5 and related support documents are available at the
6 Department's website and from the Department's central
7 and regional offices. Comments may be submitted to
8 Jeff Marshall, NYSDEC, Division of Air Resources, 625
9 Broadway, Albany, New York 12233-3255 or by e-mail at
10 air.regs@dec.ny.gov until 5:00 p.m. on November 13th,
11 2019. Thank you.

12 MR. JENNINGS: Good morning. My name is
13 Mike Jennings. I'm an environmental engineer in the
14 Division of Air Resources in the Department of
15 Environmental Conservation. The Department is
16 proposing to adopt revisions to Subpart 225.2, Fuel
17 Composition Use -- Waste Oils, and Part 200, General
18 Provisions of Title 6 of the Compilation of Codes,
19 Rules and Regulations of New York State.

20 This public hearing is scheduled for the
21 purpose of receiving statements and comments on the
22 Department's proposal to adopt Subpart 225.29 and Part
23 200. Proposed Subpart 225-2 will regulate the burning
24 of waste oils in combustion, incineration, and process
25 sources throughout New York State. Proposed Subpart

1 225-2 will also establish applicability criteria,
2 composition limits and permitting requirements for
3 waste oils.

4 It will establish monitoring, recordkeeping
5 and reporting requirements for facilities that are
6 determined eligible to burn waste oil; and allow for
7 the burning of waste oils in space heaters at
8 automotive and marine maintenance/services facilities.

9 Also as part of this rulemaking, the
10 Department will add the definition for residual oil to
11 6 NYCRR Part 200. In addition, Part 200 which
12 contains definitions related to air regulations will
13 also be updated.

14 Anyone who wishes to obtain information or
15 submit comments related to Subpart 225-2 or Part 200
16 may contact me, Mike Jennings, at NYSDEC Division of
17 Air Resources, 625 Broadway, Albany, New York
18 12233-3254. Telephone contact number is (518)402-8403
19 and the e-mail is air.regs@dec.ny.gov. Written
20 comments will be accepted through 5:00 p.m. Wednesday
21 November 13th, 2019. Thank you for attending this
22 hearing.

23 ALJ VILLA: Thank you very much. As I
24 indicated, I only have one card. If there is anyone
25 who wants to speak and wants to fill out a card, just

1 please do and bring it up to me. But at this point
2 I'll call on Mr. Antonio Santos and --

3 MR. JENNINGS: Do you want my second
4 statement?

5 ALJ VILLA: Oh, you have a second one?

6 MR. JENNINGS: Yes, two regulations.

7 ALJ VILLA: Sorry, hang on.

8 MR. JENNINGS: You thought you were done
9 with me.

10 ALJ VILLA: Just a moment, Mr. Santos.

11 MR. JENNINGS: Okay. This is 227-1, Subpart
12 227-1, Stationary Combustion Installations. The
13 Department is proposing to adopt revisions to Subpart
14 227-1, Station Combustion Installations and Part 200,
15 General Provisions of the Official Compilation of
16 Codes, Rules and Regulations of the State of New York.

17 Public hearing is scheduled for the purpose
18 of receiving statements and comments on the
19 Department's proposal to adopt the revisions to both
20 Subpart 227-1 and Part 200. These revisions include
21 the lowering of PM emission limits for existing and
22 new stationary combustion installations that either
23 predate or are not subject to a federal New Source
24 Performance Standard, NSPS, or a National Emissions
25 Standard For Hazardous Air Pollutants, NESHAP.

1 These revisions will also correct minor
2 typographical errors and update the regulation to
3 incorporate changes to the air permitting regulations
4 that have occurred over the past twenty years and
5 update references in the regulation itself.

6 Anyone who wishes to obtain information or
7 submit comments related to Subpart 227-1 or Part 200
8 may contact me, Mike Jennings, at the same address,
9 telephone number and e-mail that I had just given two
10 seconds ago. Once again, the comments will be
11 accepted until 5:00 p.m. on Wednesday the 13th. Thank
12 you very much. I'm done now.

13 ALJ VILLA: Thank you. Mr. Santos, why
14 don't you come on up now. Thank you. Appreciate your
15 patience.

16 MR. SANTOS: Hi, my name is Antonio Santos.
17 I'm the Director of Special Projects at the
18 Manufacturers of Emission Controls Association in
19 Washington D.C. MECA appreciates the opportunity to
20 provide comments on the New York State Department of
21 Environmental Conservation's proposed rulemaking to
22 incorporate revisions to the standards for new
23 California-certified aftermarket catalytic converters.
24 The proposed amendments would prohibit the sale and
25 installation of federal aftermarket converters in the

1 state starting on January 1st, 2021.

2 MECA is a non-profit association of the
3 World's leading manufacturers of emission control,
4 combustion efficiency and greenhouse gas reduction
5 technologies for mobile sources. Our members have
6 over 45 years of experience and a proven track record
7 in developing and manufacturing clean vehicle
8 technologies, and they represent the majority of
9 aftermarket converter manufacturers who have been
10 supplying converters under the California ARB and the
11 U.S. EPA aftermarket converter programs since the late
12 1980s.

13 MECA has supported DEC's current aftermarket
14 converter program for light-duty vehicles as first
15 adopted in 2012 which requires California
16 ARB-certified aftermarket converters for vehicles
17 certified to California or 50-State emission
18 standards, but allows U.S. EPA-certified aftermarket
19 converters to be used on federal-certified vehicles.

20 MECA, however, recognizes the enforcement
21 challenges that have been raised by DEC staff
22 regarding the sale and installation of federal
23 aftermarket converters in the state. As DEC moves to
24 prohibit the sale of federal aftermarket converters in
25 New York, MECA based on the experience gained through

1 working with CARB, EPA and other states that have also
2 adopted CARB's aftermarket converter requirements
3 recommend that the DEC take into account the following
4 considerations.

5 Consideration number one. The proposed
6 prohibition of federal aftermarket converters would
7 leave federal-certified vehicles in New York without
8 an aftermarket converter repair alternative. These
9 vehicles are typically older, lower in value and less
10 likely to have access to OEM replacement parts,
11 placing a hardship on their owners if a repair is
12 needed.

13 Under the proposed amendments, aftermarket
14 converter installers will be required to verify that
15 the aftermarket converter being installed is approved
16 by CARB and included on the vehicle application list
17 for the specific make, model, model, year, engine
18 displacement and engine family in question.

19 CARB has developed an online database to
20 store and retrieve information on aftermarket
21 converters that have been issued a California
22 Executive Order.

23 For federal-certified vehicles, CARB has an
24 existing process in place to identify an appropriate
25 CARB converter for a federal vehicle on a case-by-case

1 basis. However, this process can be cumbersome,
2 especially if a state has a large number of federal
3 vehicles. California has a very low population of
4 federal vehicles due to their policy of limiting
5 registration renewals to vehicles that comply with
6 CARB requirements.

7 MECA recognizes that states outside of
8 California, including Section 177 states, have
9 relatively larger populations of federal vehicles.
10 These states would benefit from a market solution for
11 finding a CARB converter for a federal vehicle that
12 does not rely on case-by-case decisions, as in
13 California.

14 To that end, MECA recommends that DEC
15 incorporate provisions in their aftermarket converter
16 requirements by which many manufacturers can catalog
17 and market CARB converters for federal applications
18 under specific criteria, since CARB cannot include
19 federal vehicles in their database.

20 Specifically, this language would say that
21 DEC would consider test data used to obtain
22 certification from CARB to be relevant even where the
23 vehicle engine family was not originally included in
24 the Executive Order, provided the vehicle application
25 falls in an equivalent or less stringent emission tier

1 level and has similar or less demanding physical
2 characteristics. In other words, vehicle type,
3 vehicle mass, engine placement and exhaust
4 configuration as the original CARB certified vehicle.

5 MECA can work with DEC to help further
6 develop the criteria for this option for inclusion in
7 DEC's aftermarket converter requirements. This
8 approach is similar to the one that MECA has
9 previously suggested that EPA incorporate in their
10 proposed update to the federal enforcement policy
11 regarding aftermarket catalytic converters. Such an
12 approach could become a model for other states that
13 are considering requiring CARB aftermarket converters.

14 Consideration number two. As you know, DEC
15 had originally planned to release the proposed
16 rulemaking at the end of 2017, with a final rulemaking
17 projected to be issued by mid-2018. This timeline
18 would have provided stakeholders with a lead time of
19 approximately two and a half years from the date of
20 adoption of the final rulemaking to the date of
21 implementation of the prohibition of federal
22 aftermarket converters on January 1, 2021.

23 However, the proposed rulemaking was not
24 officially released until September 2019. Given this
25 long delay, there is now the likelihood that the final

1 rule will be released less than one year before the
2 proposed requirements take effect.

3 MECA believes that a minimum lead time of
4 two years is necessary to effectively transition the
5 industry, given a change of this magnitude.
6 Manufacturers require this minimum lead time to ensure
7 that new CARB-certified aftermarket parts are
8 available and that federal-certified parts already in
9 distribution are phased out of the market.

10 In addition, sufficient lead time is needed
11 to adequately educate consumers, distributors and
12 installers about the new requirements. Therefore,
13 MECA requests that DEC change the effective date of
14 the regulation to be a minimum of two years from the
15 date of adoption of the final rulemaking to provide
16 aftermarket converter manufacturers, distributors and
17 retailers with adequate time to certify, produce and
18 stock sufficient quantity of compliant aftermarket
19 converters to serve the New York market.

20 Once implemented, enforcement of the new
21 aftermarket converter requirements is essential to
22 achieve the full emission benefits of the program and
23 to maintain a level playing field in the market.

24 To facilitate enforcement, we urge DEC to
25 work with the New York Department of Motor Vehicles to

1 incorporate a visual inspection requirement under the
2 state's light-duty vehicle inspection and maintenance
3 program, as is being done by California's Smog Check
4 program, to confirm that the proper converter is
5 installed on each vehicle.

6 Thank you again for the opportunity to
7 provide comments. We believe our suggestions will
8 help improve the effectiveness of DEC's aftermarket
9 converter program and provide time for parts
10 manufacturers to get the cleanest aftermarket
11 converter technology into the market. We look forward
12 to working with DEC on this important rulemaking.

13 MECA will also provide written comments by
14 the November 13th deadline. Thank you.

15 ALJ VILLA: Thank you very much, Mr. Santos.
16 At this point we're going to go off the record for
17 about ten minutes in case anyone else shows up. But
18 in the meantime, is there anyone who wants to speak
19 who hasn't filled out a card?

20 *(No response.)*

21 ALJ VILLA: We'll go off the record until
22 around 11:30, and at that time if there is no one
23 still wanting to speak, then we'll adjourn the
24 hearing. Thank you.

25 *(Off the record.)*

1 ALJ VILLA: We're going to go back on the
2 record. And while we were off the record, Mr.
3 McCauley checked to see if there was anyone out at the
4 front desk who might be waiting to speak. I don't
5 think that there's anybody here who wanted to make a
6 statement or comments, but if there is, please let me
7 know now.

8 (No response.)

9 ALJ VILLA: And hearing no response, thank
10 you all for coming. A reminder, the public comment
11 period is going to close on November 13th, 2019.
12 Comments can be mailed to the contacts in the notice
13 or sent by e-mail, and the e-mail address is
14 air.regs@dec.ny.gov. Thank you all for coming and
15 we're adjourned.

16 * * *

17 (At which time, the proceedings in the above-entitled matter
18 were concluded at 11:28 a.m.)
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1 RE: DEC

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

5 DATE: November 8, 2019

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

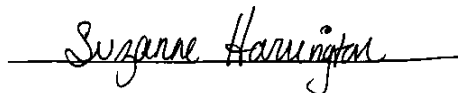
8

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

15

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17



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19 Suzanne Harrington

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Assessment of Public Comments

6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oil as a Fuel

Comments received from September 11th, 2019 through 5:00 PM, November 13th, 2019

Comment 1: The Legislature and Governor have addressed greenhouse gas emission concerns in a comprehensive way in the Climate Leadership and Community Protection Act (Chapter 106 of the Laws of 2019). Allowing more burning of waste oil clearly represents a step in the wrong direction and will only make it more difficult for us to achieve the ambitious goals of Chapter 106. As noted in 2016, other jurisdictions including California, have determined that a ban on burning waste oil is a better overall policy. (Commenter 1)

Response to Comment 1: The burning of waste oil displaces the burning of virgin fuels and does not increase the overall burning of oil. Greenhouse gasses from the burning of waste oils are the same as those emitted when the facility burns virgin fuel. Since the waste oil displaces other fuels, those fuels do not need to be delivered to the facility and the waste oil does not need to be collected by a third party for removal from the facility. Generally, both forms of transportation used for collection and delivery include the combustion of diesel oil in trucks. Thus, banning the burning of waste oil would increase emissions of greenhouse gases statewide from diesel trucks.

It should be noted that the existing Subpart 225-2 allows the firing of waste fuels, and that this is not new in the current proposal. The proposed regulation reduces the types and amounts of liquid wastes that are eligible to be fired in affected sources. Waste oil is only a subset of the liquid

waste currently regulated under the existing Subpart. Therefore, the amount of liquid waste that may be fired is decreasing under this rulemaking. The proposed rule also lowers the limits for lead and PCB content of waste oil. The Department believes that this is not backsliding from established policy and that this is an improvement over the existing requirements which will in turn provide adequate protection of public health.

Comment 2: The proposed reduction in permitted levels of lead in waste fuel might not be sufficiently protective of public health. The proposal reduces the lead limit from 250 ppm to 100 ppm (25 ppm in automotive maintenance/service facilities or marine service facilities).

Automotive and marine operations are often clustered together in lower-income neighborhoods, and marine facilities by their nature are limited to specific waterfront locations. It should be noted these facilities are not subject to any permitting process, leaving no mechanism to conduct environmental justice reviews or otherwise prevent cumulative adverse impacts. (Commenter 1)

Response to Comment 2: The Department is proposing to lower the lead limit to the allowable federal equivalent health-based lead limit, for permitted sources. The Department believes that the Subpart 225-2 eligible sources throughout the State already fire waste fuels. This proposed regulation will lower the lead content limit of waste oil and reduce the amount of liquid waste that is currently allowed to be fired. Based on this, the Department has determined that the proposed rule will decrease the amount of lead emitted from these sources, thus actually lowering lead emissions impacts on affected communities.

Comment 3: The proposal would eliminate a current requirement that a facility must demonstrate a combustion efficiency (CE) of at least 99% while burning waste fuel. The Department has indicated that removing the requirement to maximize CE will enable reductions in NO_x emissions. However, without any requirement for a facility to reduce its CE, and no requirement for periodic testing, it is unclear whether this change will have the desired impact. In addition, the Department does not appear to have reviewed whether a policy of minimizing NO_x emissions could have the impact of increasing emissions of greenhouse gases or other pollutants. (Commenter 1)

Response to Comment 3: Removing the combustion efficiency requirement will not significantly impact emissions of greenhouse gases. Greenhouse gas emissions are a product of complete combustion. A lower combustion efficiency will lower greenhouse gas emissions and cause the heat output of the fuel burning equipment to be lower. However, the fuel burning equipment may need to fire more fuel to make up for the loss of heat. Even so, the Department anticipates that the increase in fuel burning, combined with the lower combustion efficiency, will not cause a significant increase in greenhouse gas emissions.

Regarding the control of NO_x emissions, the Department is required under the Clean Air Act Amendments of 1990 to reduce emissions of NO_x. NO_x is an ozone precursor and considered to be a non-attainment pollutant. Also, in 2010 the NO₂ national ambient air quality standard (NAAQS) was lowered. The Department was required to demonstrate compliance with this revised standard. Most facilities that have sources currently permitted to fire waste fuels are also subject to the requirements of Subpart 227-2 NO_x RACT or Part 212 NO_x RACT and must

demonstrate compliance with the NO₂ NAAQS. These regulations require the owner/operators of facilities to annually tune their boilers/furnaces to meet NO_x emission limitations. Based on these federal requirements, Department staff have determined that the air quality benefits of reducing NO_x emissions outweigh the minor increases of other pollutant emissions.

Comment 4: The proposal would remove explicit language in current §225-2.6(c) providing that no person “may sell, offer for sale, deliver or exchange in trade” any waste fuel except to a facility that is authorized to burn it. In addition, the applicability provisions in §225-2.1 would replace the provision that the Subpart “applies to the use and trade in liquid and semi liquid waste fuel to be burned for energy recovery” with one providing that it “applies to the use of waste oil to be burned as a fuel.” The proposal only prohibits sales for residential heating (which incidentally appears to need some additional definition).

If the restrictions on selling and offering for sale are removed, it is not clear whether these activities would be adequately prohibited by any remaining provisions of the Environmental Conservation Law, the Department’s regulations or any other enforceable standards. This prohibition should be retained and strengthened. (Commenter 1)

Response to Comment 4: The proposed regulation requires specific limits and permitting requirements for facilities that propose to fire waste oil. Companies that sell or transport waste oil are regulated under 6 NYCRR Parts 360 and 374. The current Subpart 225-2 was determined to duplicate the requirements of the solid and hazardous waste regulations. Thus, the references and citations to these regulations were removed.

Comment 5: The proposal would continue a ban on burning any waste oil in New York County. Given that this provision dates back to 1983, it seems reasonable to explore the possibility of an extension to additional areas in the metropolitan region and to other parts of the state that are experiencing, or could experience, serious air quality issues.

Response to Comment 5: The New York City Department of Environmental Protection (NYCDEP) does not allow waste oil to be burned in New York City; i.e., the five boroughs. The NYCDEP requires waste oil to be collected by a waste oil handler. There is a vast network of waste oil handlers in New York City that collect waste oil. Some of the waste oil handlers re-process the oil they collect while others ship it to larger handlers that either re-process or re-refine the oil. This works in New York City based on the volume of waste oil available and the relatively small area that is covered. Generally, waste oil handlers in upstate New York will not travel to remote locations of the State as it is not cost effective to do so. They would have to charge large fees to make it profitable for them to collect small amounts of waste oil. If these handlers were to expand their travel, the State would see an increase of all emissions based on an increase in mobile source (trucks) miles driven.

Additionally, an unintended consequence of banning waste oil through-out the entire State would be an economic burden on small businesses. Not only would a ban require these small businesses to pay a removal fee, they would also have to purchase virgin fuels for space heating.

Comment 6: A cross-reference in §201-3.1(c)(2) should be updated if the proposed new definition “automotive maintenance/service facility or marine service facility” is adopted.

(Commenter 1)

Response to Comment 6: The Department will modify the exemption language of paragraph 201-3.1(c)(2) to reflect these changes.

Commenter List:

1) Steve Englebright, New York State Assembly Environmental Conservation Committee and Dan Quart Chair, Assembly Committee Administrative Regulations Review Commission

OFFICE OF THE COMMISSIONER

New York State Department of Environmental Conservation
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STATE OF NEW YORK

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

CERTIFICATE OF ADOPTION

AGENCY ACTION: 6 NYCRR Subpart 225-2, "Fuel Composition and Use- Waste Fuels;" and Part 200, "General Provisions."

Pursuant to the provisions of Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0311, 71-2103 and 71-2105 of the Environmental Conservation Law (ECL), I, Judy Drabicki, Acting Executive Deputy Commissioner of the Department of Environmental Conservation (DEC), hereby certify that the amendments to 6 NYCRR Subpart 225-2, "Fuel Composition and Use- Waste Fuels" 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 March 3, 2020, to be effective 30 days after filing with the Department of State.

I further certify that prior notice, as required under the State Administrative Procedure Act, was published in the State Register on September 4, 2019 under Notice No. ENV-36-19-00001-P. I also further certify that prior notice of public hearing, scheduled for and held on November 8, 2019 in Albany, NY was published in the State Register on September 4, 2019 and DEC's Environmental Notice Bulletin on September 4, 2019 and in local newspapers in the State on September 4, 2019. No other publication of prior notice was required by statute.


Judy Drabicki

Acting Executive Deputy Commissioner
Department of Environmental Conservation

DATED: March 3, 2020

Albany, New York

Express Terms

Existing 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Fuels is repealed. A new Subpart 225-2, Fuel Composition and Use - Waste Oil as a Fuel is added as follows:

6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oil as a Fuel

Section 225-2.1 Applicability.

This Subpart applies to the use of waste oil to be burned as a fuel.

Section 225-2.2 Definitions.

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

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

(1) 'Automotive maintenance/service facility or marine service facility'. Any facility that performs automotive/marine fluid changes, collects automotive/marine fluids, or drains automotive/marine fluids.

(2) 'Chemical waste'. Waste including but not limited to spent solvents, tars, paints, resins and wastes, and sludges from any process.

(3) 'Reprocessed oil'. Any oil from which physical and/or chemical contaminants have been removed such that the oil is suitable for productive use (including but not limited to reuse as a lubricant, or burned as a fuel).

(4) 'Re-refined oil'. Any oil from which physical and/or chemical contaminants have been removed such that the oil is substantially equivalent to virgin distillate or residual oil.

(5) 'Total halogens'. The total organic and inorganic halides (fluorine, F; chlorine, Cl; bromine,

Br; iodine, I), expressed as chloride present in a fuel oil or waste fuel, in parts per million by weight (water free basis).

Section 225-2.3 Prohibitions.

(a) No owner or operator of a facility, except for emission sources in subdivision 225-2.4(d) of this subpart, may burn waste oil without a permit or registration issued by the department pursuant to Part 201 of this Title. To be permitted to burn a waste oil, an owner or operator of a facility must meet the requirements of this Subpart.

(b) The sale and/or use of waste oil or blends of waste oil and virgin oil for residential heating is strictly prohibited.

(c) No owner or operator of a facility located in New York County may burn waste oil in either a permitted, registered, or exempt emission source.

Section 225-2.4 Requirements for owners or operators of facilities proposing to burn waste oil. As part of an application for a permit or registration to burn waste oil, except as provided in subdivision (d) of this Section, owners or operators of facilities must meet the following criteria:

(a) submit an analysis of the waste oil proposed to be burned to the department, pursuant to Section 225-2.6 of this Subpart.

(b) a stationary combustion installation or process source that proposes to burn waste oil must have a minimum operating heat input of 20 million Btus per hour or greater.

(c) an incinerator that proposes to burn waste oil must have a minimum charging capacity that equals or exceeds 2,000 pounds per hour of refuse.

(d) an owner or operator of space heaters located in automotive maintenance/service facilities or marine service facilities may burn waste oil and be excepted from the requirements of this section, where the following

conditions are met:

- (1) the maximum operating heat input is less than 500,000 Btus per hour;
- (2) the waste oil is generated on site (this includes waste oils generated by do-it-yourself customers that the facility is required to accept) or at another facility under common ownership; and
- (3) the waste oil meets the criteria in Section 225-2.5 Table 1 of this Subpart, except that lead may not exceed 25 parts per million (ppm) by weight (water free basis) of fuel.

Section 225-2.5 General waste oil limits. Any waste oil that is proposed to be burned must meet the minimum limitations in Table 1 below:

Table 1

Constituent/Property	Limit
Polychlorinated Biphenyls (PCB)	< 2 ppm (1)
Total Halogens	<= 1,000 ppm (1)
Sulfur	See 6 NYCRR 225-1 (2)
Gross Heat Content	>= 125,000 (Btu/gal)
Arsenic	< 5 ppm (1)
Cadmium	< 2 ppm (1)
Chromium	< 10 ppm (1)
Lead	< 100 ppm (1)

(1) ppm by weight (water free basis) of fuel.

(2) As per the requirements of subdivision 6 NYCRR 225-1.2(i) of this Title.

Section 225-2.6 Reports, sampling, and analysis of waste oil.

(a) The owner or operator of a facility permitted to burn waste oil shall:

(1) sample, analyze, and measure each load of waste oil received, or maintain copies of supplier provided analyses of each load of waste oil received, to prove compliance with the limits listed in Table 1 of this Subpart; and

(2) maintain, for a minimum of five years, records of the total quantity of waste oil received and the names, addresses, and waste oil analysis from each waste oil supplier.

(b) Owners or operators required to maintain and retain records pursuant to this section must make such records available for inspection by the department during normal business hours. These records must be submitted upon request to the department.

(c) Sampling and analysis of waste oil samples must be carried out in accordance with methods acceptable to the department.

(d) Owners or operators of space heaters that fire waste oil located in automotive maintenance/service facilities or marine service facilities must sample and analyze the waste oil upon the request of the department.

Section 225-2.7 Severability.

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

Express Terms

6 NYCRR Part 200, General Provisions

(Existing subdivisions 200.1(a) through (cu) remain unchanged.)

Existing subdivision (cw) is amended as follows:

(cw) Waste Oil. Any [Used]used and/or reprocessed[engine lubricating] oil [and/or any other used oil, including but not limited to, fuel oil, engine oil, gear oil, cutting oil, transmission fluid, hydraulic fluid, dielectric fluid, oil storage tank residue, animal oil, and vegetable oil,]which has not[subsequently] been re-refined, and which does not contain chemical waste. This includes but is not limited to, engine oil, gear oil, cutting oil, transmission fluid, hydraulic fluid, dielectric fluid, oil storage tank residue, animal oil, and vegetable oil.

A new subdivision (cx) is added as follows:

(cx) Residual oil. A fuel oil which meets the latest American Society for Testing and Materials (ASTM) specification number D396 for residual fuel oils (#4, #5, or #6).

(Existing sections 200.2 through 200.8 remain unchanged.)

Existing section 200.9, Table 1 is amended as follows:

Regulation	Referenced Material	Availability
[225-2.4(a)(3)]	[40 CFR Part 761 (July 1989) pages 213-267]	[*]

(Existing section 200.10 through section 200.16 remains unchanged.)

Notice of Adoption

New York State Department of Environmental Conservation

6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oil as a Fuel

6 NYCRR Part 200, General Provisions

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

The Department is repealing existing 6 NYCRR Part 225-2 Fuel Composition and Use – Waste Fuel and replace it with new 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oil as a Fuel (New Subpart 225-2). New Subpart 225-2 will regulate the burning of waste oils in combustion, incineration, and process sources throughout New York State (NYS) and establishes applicability criteria, composition limits, and permitting requirements for liquid and semi-liquid waste oils; establishes monitoring, recordkeeping, and reporting requirements for facilities that are determined eligible to burn waste oil; and allows for the burning of waste oils in space heaters at automotive maintenance/service facilities. The Department is adding the definition for “residual oil” to 6 NYCRR Part 200.

New Subpart 225-2 will be included as a component of the State Implementation Plan for NYS, as required by the Clean Air Act.

Requests for information related to the SIP revision may be obtained from Robert D. Bielawa, P.E., NYSDEC Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, Phone: (518) 402-8396, E-mail: air.regs@dec.ny.gov.

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

For further information on this regulation, contact:

Mike Jennings

NYSDEC

625 Broadway

Albany, NY 12233-3250

(518) 402-8403

E-mail: air.regs@dec.ny.gov

The commercial shark, squid, and Atlantic cod fisheries are located entirely within New York State's Marine and Coastal District. The rule is expected to have a negligible impact on jobs.

4. Minimizing adverse impact:

The regulations have been designed to minimize adverse economic impacts on existing jobs. The changes to shark, squid, and Atlantic cod were designed to be the most permissive allowed while still fully complying with new federal rules. If New York State does not adopt these regulations, the Secretary of Commerce may order the closure of New York State's fisheries for shark, squid and Atlantic cod. The decrease in the minimum size limit for cod is beneficial to food fish permit holders since they will be able to keep cod harvested between 19 and 22 inches, which they currently must return to the water.

5. Self-employment opportunities:

None.

6. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462:

DEC will conduct an initial review of the rule within three years, as required by SAPA section 207.

NOTICE OF ADOPTION

Waste Fuel

I.D. No. ENV-36-19-00001-A

Filing No. 156

Filing Date: 2020-03-03

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 Subpart 225-2; addition of new Subpart 225-2 to Title 6 NYCRR.

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

Subject: Waste Fuel.

Purpose: Update permit references, rule citations, monitoring, recordkeeping, reporting requirements, and incorporate Federal standards.

Text or summary was published in the September 4, 2019 issue of the Register, I.D. No. ENV-36-19-00001-P.

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

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

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

Summary of Revised Regulatory Impact Statement

INTRODUCTION

Proposed 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oil as a Fuel (Proposed Subpart 225-2) regulates the use of waste oil to be burned for heat and/or energy recovery at non-exempt, stationary sources. The Department is proposing to repeal existing 6 NYCRR Part 225-2 Fuel Composition and Use - Waste Fuel (Existing Subpart 225-2) and replace it with Proposed 6 NYCRR Subpart 225-2. Proposed Subpart 225-2 regulates the burning of waste oils in combustion, incineration, and process sources throughout New York State (NYS). Proposed Subpart 225-2 establishes applicability criteria, composition limits, and permitting requirements for waste oils; establishes monitoring, recordkeeping, and reporting requirements for facilities that are determined eligible to burn waste oil; and allows for the burning of waste oils in space heaters at automotive maintenance/service facilities. Also, as part of this rulemaking, the Department is adding the definition for "residual oil" to 6 NYCRR Part 200 (Part 200). If finalized, Proposed Subpart 225-2 will be included as a component of the State Implementation Plan for NYS, as required by the Clean Air Act (CAA). This is not a mandate on local governments. It applies to any entity that owns or operates a subject stationary source. In addition, Part 200, which contains definitions related to air regulations, will also be updated.

STATUTORY AUTHORITY

The statutory authority for promulgation of Proposed 6 NYCRR Subpart 225-2 is found in the following Sections of the Environmental Conservation Law (ECL): Section 1-0101, Section 3-0301, Section 19-0103, Section 19-0105, Section 19-0301, Section 19-0303, Section 19-0305, Section 19-0311, Section 71-2103, and Section 71-2105.

Based on the above-referenced sections, the Commissioner has suf-

ficient authority to regulate air pollution from emission sources, including the promulgation of Proposed 6 NYCRR Subpart 225-2.

LEGISLATIVE OBJECTIVES

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

Proposed Subpart 225-2 addresses the burning of waste oils and subsequent emissions from burning waste oils throughout NYS. The regulation defines waste oil and establishes clear limits on its constituents. Finally, the regulation incorporates monitoring, recordkeeping, and reporting requirements for the purpose of compliance with the regulation.

NEEDS AND BENEFITS

The Department is proposing this repeal and replacement of Existing Subpart 225-2 with Proposed Subpart 225-2 to best protect and preserve the state's air resources. The Department proposes to achieve this by imposing composition limits on waste oil to minimize emissions and clarify the types of emission sources eligible to burn waste oil. Existing Subpart 225-2 has not been updated since its promulgation in 1983. As a result, many of its provisions are outdated and contain obsolete references and standards.

Rule Streamlining and Simplification

The permitting process contained in Existing Subpart 225-2 has become outdated. Proposed Subpart 225-2 will simplify and streamline implementation of the regulation by eliminating obsolete regulatory references; correcting typographical errors; updating the regulation's waste oil constituent limits; removing outdated work practices; expanding the number of facilities eligible to burn waste oil; updating the permitting process to include monitoring, recordkeeping, and reporting requirements, thus aligning it with Part 201 and Title V criteria found in the CAA; and moving the definition of "residual oil" from Existing Subpart 225-2 to Part 200. Existing Subpart 225-2 also contains references to liquid waste transportation regulations that, over the past thirty years, have changed and need to be removed from this regulation. Based on comments received during the public comment period that arsenic (5 ppm), cadmium (2 ppm), and chromium (10 ppm) were not in the Proposed 225-2, the Department will include these pollutants and their corresponding limits in Table 1 of Proposed Subpart 225-2. The Department is removing the ninety-nine (99) percent combustion efficiency requirement. The Proposed Subpart 225-2 will no longer address the burning of chemical waste and "off-spec" waste oils (i.e. Waste fuel B) that do not meet the limitations specified in Table 1 of Existing Subpart 225-2. Instead, burning chemical waste and off-spec waste oils will be regulated under 6 NYCRR Part 212, Process Operations or 6 NYCRR Parts 370-376 as appropriate. Proposed Subpart 225-2 clarifies the regulation's process for the burning of waste oil while removing the term waste fuel.

As part of the Department's streamlining, it will lower the size of the eligible exempt space heating equipment size from one million Btu/hr to 500,000 Btu/hr. This revision is consistent with both federal and NYS hazardous waste regulations for space heating sources that fire waste oils.

The Department is extending the permitting exemption for facilities generating their own waste oils to fire waste oil in space heaters of less than 500,000 mmBtu/hr heat input. Existing Subpart 225-2 provides this permitting exemption exclusively to automotive service facilities. These facilities are required under Article 23, Title 23, Section 7 of the ECL to accept waste oil from "do-it-yourself" oil changers. The Department will also include marine service facilities to the exemption, based on comments received during the public comment period for Proposed Subpart 225-2. The Empire State Marine Trades Association (Association) commented that their constituents are also subject to the requirements of Article 23, Title 23, Section 7 of the ECL. Proposed Subpart 225-2 allows additional types of facilities to burn waste oil in space heaters. Automotive maintenance/service facility or marine service facility are now defined as "Any facility that performs automotive/marine fluid changes, collects automotive/marine fluids, or drains automotive/marine fluids." Eligible facilities now include, but are not limited to, fleet maintenance facilities like municipal garages, rental car maintenance facilities, auto crushing facilities, junkyards, and marine service facilities.

Finally, the Department will be adding a specific prohibition on the use

of waste oil in residential sources. During the rulemaking process several reports/newspaper articles of waste oil recyclers selling waste oil to home heating oil delivery companies in the New York City area were published. Waste oil was never intended to be used as home heating fuel (by itself or blended). Although the current regulation does not allow for waste oil to be used in this manner, the Department believes that adding a specific prohibition of this use will ensure compliance with the regulation.

Stakeholder Meetings

During the drafting of Proposed Subpart 225-2, the Department held a stakeholder webinar on May 15th, 2018. There were 35 stakeholders signed in to the webinar. The Department solicited comments on Proposed Subpart 225-2 from the stakeholders which included the environmental justice contact list (8,000 to 10,000 contacts), environmental advocate groups, industrial groups that use waste oil, and waste oil collectors and distributors. The stakeholders asked some questions which the Department answered.

COSTS

Costs to Regulated Parties and Consumers:

There will be no additional costs associated with the Proposed Subpart 225-2.

In addition, the removal of the 99 percent combustion efficiency limit will save regulated facilities money by eliminating the requirement to periodically test combustion efficiency. Depending on equipment size and configuration, these tests can cost a subject facility between \$1,000.00 and \$5,000.00 per test.

Costs to State and Local Governments:

Based on the Department's permitting data, there currently are no State and local government facilities that have a Title V permit, air state facility permit, or registration subject to this regulation. Therefore, no additional costs will be incurred by State and local government facilities based on this regulatory update.

Costs to the Regulating Agency:

No additional monitoring, recordkeeping, or reporting requirements are being proposed under this rule-making. The only costs to the Regulating Agency are those routine costs associated with the rulemaking. These costs are regularly-incurred, operating costs.

LOCAL GOVERNMENT MANDATES

This is not a mandate on local governments. Local governments have no additional compliance obligations as compared to other subject entities. No additional monitoring, recordkeeping, reporting, or other requirements will be imposed on local governments under this rulemaking. Finally, as stated above in the Cost section of this Regulatory Impact Statement, there are currently no local government facilities subject to this regulation.

PAPERWORK

Proposed Subpart 225-2 will create no additional paperwork for the facilities subject to the requirements of this rule.

DUPLICATION

Proposed Subpart 225-2 does not duplicate, overlap, or conflict with any other State or federal Air requirements.

ALTERNATIVES

The Department evaluated the following alternatives:

1) No action - do not change the current version of the regulation. This option will not address the issue of consistency with Title V monitoring, recordkeeping, or reporting requirements. It will also not correct inconsistencies with other State and federal regulations and will not simplify and streamline the requirements.

2) Title V update only - update the rule to match the current Title V permitting requirements. This regulation has not been updated since its promulgation in 1983. The regulation does not conform to the requirements of the Title V program (Subpart 201-6). Updating the monitoring, recordkeeping, and reporting requirements of this rule to match those of Title V is long overdue. However, this option by itself would not address inconsistencies with other State and Federal liquid waste transportation requirements, nor would it simplify and/or streamline the regulation.

FEDERAL STANDARDS

Proposed Subpart 225-2 does not exceed any minimum federal standards. The proposed reduction of the lead standard will make the Proposed 225-2 lead limit equivalent to the lead standards regulated under the federal regulations for liquid waste transporters.

COMPLIANCE SCHEDULE

The Department proposes to promulgate the Proposed Subpart 225-2 by the spring of 2020. The provisions of this rule will take effect upon promulgation of the rule.

Revised Regulatory Flexibility Analysis

EFFECT OF RULE

The Department is proposing to repeal Existing 6 NYCRR Part 225-2 Fuel Composition and Use - Waste Fuel (Existing Subpart 225-2) and replace it with Proposed 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oil as a Fuel (Proposed Subpart 225-2). Proposed Subpart 225-2 regulates the burning of waste oils in combustion, incineration, and

process sources throughout New York State (NYS). Small businesses are those that are independently owned, located within NYS, and that employ 100 or fewer persons. Proposed Subpart 225-2 requirements apply equally to every stationary source that uses oil in NYS. Proposed Subpart 225-2 will not affect small businesses or local governments differently from any other source subject to this rule and may help certain small businesses.

COMPLIANCE REQUIREMENTS

Proposed Subpart 225-2 establishes applicability criteria, composition limits, and permitting requirements for waste oils; establishes monitoring, recordkeeping, and reporting requirements for facilities that are determined eligible to burn waste oil; and allows for the burning of waste oils in space heaters at automotive maintenance/service facilities. If finalized, Proposed Subpart 225-2 will be included as a component of the State Implementation Plan for NYS, as required by the Clean Air Act. Also, as part of this rulemaking, the Department is adding the definition for "residual oil" to 6 NYCRR Part 200. No new compliance requirements will be incurred by stationary sources subject to the provisions of the proposed rule.

PROFESSIONAL SERVICES

As stated above, this revision will place no new compliance obligation on subject stationary sources. Therefore, the Department does not expect small businesses or local governments will need to hire additional professional services to comply with the provisions of the proposed rule.

COMPLIANCE COSTS

Based on the Department's permitting data, there currently are no local government facilities that have a Title V permit, air state facility permit, or registration subject to this regulation. Therefore, no additional costs will be incurred by local government facilities based on this regulatory update. In addition, because there will be no additional compliance requirements placed on subject facilities, the Department does not anticipate any new costs to small businesses.

MINIMIZING ADVERSE IMPACT

The Department does not expect any adverse impacts on small businesses and local governments throughout NYS. Proposed Subpart 225-2 is a statewide regulation. Its requirements are the same for all facilities. The Department does not anticipate small businesses or local governments to be impacted differently than any other sources subject to Proposed Subpart 225-2.

SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

During the drafting of Proposed Subpart 225-2, the Department held a stakeholder webinar on May 15th, 2018. There were 35 stakeholders signed in to the webinar. The Department solicited comments on Proposed Subpart 225-2 from the stakeholders which included the environmental justice contact list (8,000 to 10,000 contacts), environmental advocate groups, industrial groups that use waste oil, and waste oil collectors and distributors. The stakeholders asked some questions which the Department answered. In addition, the Department held a public hearing for Proposed Subpart 225-2 in Albany for small business and local government representatives on November 8th 2019.

ECONOMIC AND TECHNOLOGICAL FEASIBILITY

The Department does not expect any adverse economic or technological feasibility impacts on small businesses and local governments throughout NYS. Proposed Subpart 225-2 is a statewide regulation. Its requirements are the same for all facilities. The Department does not anticipate small businesses or local governments to be impacted economically or technologically differently than any other sources subject to Proposed Subpart 225-2.

CURE PERIOD

The Department is not including a cure period in this rulemaking. The purpose of this rulemaking is to update, clarify, and simplify the regulation. Delaying the promulgation of the regulation will adversely affect the facilities that are subject to this regulation in that they will not receive the benefits of the streamlining and updating in a timely fashion.

Revised Rural Area Flexibility Analysis

TYPES AND ESTIMATED NUMBERS OF RURAL AREAS

Proposed 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oil as a Fuel (Proposed Subpart 225-2) is not expected to have a substantial adverse impact on rural areas in New York State (NYS). The proposed rulemaking will apply statewide and thus all stationary sources that use waste fuels in NYS will be equally affected.

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

REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES

The Department is proposing to repeal Existing 6 NYCRR Part 225-2, Fuel Composition and Use - Waste Fuel (Existing Subpart 225-2) and replace it with Proposed Subpart 225-2. Proposed Subpart 225-2 regulates the burning of waste oils in combustion, incineration, and process sources

throughout NYS. Proposed Subpart 225-2 establishes applicability criteria, composition limits, and permitting requirements for waste oils; establishes monitoring, recordkeeping, and reporting requirements for facilities that are determined eligible to burn waste oil; and allows for the burning of waste oils in space heaters at automotive maintenance/service facilities. If finalized, Proposed Subpart 225-2 will be included as a component of the State Implementation Plan for NYS, as required by the Clean Air Act. Also, as part of this rulemaking, the Department is adding the definition for “residual oil” to 6 NYCRR Part 200. No new compliance requirements will be incurred by stationary sources subject to the provisions of the proposed rule.

COSTS

There will be no additional costs associated with Proposed Subpart 225-2.

The removal of the 99 percent combustion efficiency limit will save regulated facilities money (\$1,000.00 to \$5,000.00 per test) by eliminating the requirement to periodically test combustion efficiency.

MINIMIZING ADVERSE IMPACT

The Department does not expect any adverse impacts on rural areas. Proposed Subpart 225-2 is a statewide regulation. Its requirements are the same for all facilities, and rural areas are impacted no differently than other areas in the state.

RURAL AREA PARTICIPATION

During the drafting of Proposed Subpart 225-2, the Department held a stakeholder webinar on May 15th, 2018. There were 35 stakeholders signed in to the webinar. The Department solicited comments on Proposed Subpart 225-2 from the stakeholders which included the environmental justice contact list (8,000 to 10,000 contacts), environmental advocate groups, industrial groups that fire waste oil, and waste oil collectors and distributors. The stakeholders asked some questions which the Department answered. In addition, the Department will hold public hearings on Proposed Subpart 225-2 at various locations in NYS which will be open to representatives from rural areas.

Revised Job Impact Statement

NATURE OF IMPACT

The Department is proposing to repeal existing 6 NYCRR Part 225-2 Fuel Composition and Use – Waste Fuel (Existing Subpart 225-2) and replace it with Proposed 6 NYCRR Subpart 225-2, Fuel Composition and Use – Waste Oil as a Fuel (Proposed Subpart 225-2). Proposed Subpart 225-2 regulates the burning of waste oils in combustion, incineration, and process sources throughout New York State (NYS). Proposed Subpart 225-2 establishes applicability criteria, composition limits, and permitting requirements for waste oils; establishes monitoring, recordkeeping, and reporting requirements for facilities that are determined eligible to burn waste oil; and allows for the burning of waste oils in space heaters at automotive maintenance/service facilities. Also, as part of this rulemaking, the Department is adding the definition for “residual oil” to 6 NYCRR Part 200. If finalized, Proposed Subpart 225-2 will be included as a component of the State Implementation Plan for NYS, as required by the Clean Air Act. These proposed changes to Subpart 225-2 are not anticipated to have an adverse impact on employment opportunities in the State.

CATEGORIES AND NUMBERS AFFECTED

Proposed Subpart 225-2 is meant to streamline regulations and is not placing any new substantive requirements on subject stationary sources. Therefore, Proposed Subpart 225-2 is not anticipated to have any short-term or long-term effects on the number of current jobs or future employment opportunities throughout NYS.

REGIONS OF ADVERSE IMPACT

Proposed Subpart 225-2 is a statewide regulation. This regulation is not expected to have an adverse impact on jobs or employment opportunities in NYS. It does not impact any region or area of the state disproportionately in terms of jobs or employment opportunities.

MINIMIZING ADVERSE IMPACT

The Department does not expect any adverse impacts on jobs in NYS based on Proposed Subpart 225-2. Proposed Subpart 225-2 is a statewide regulation. Its requirements are the same for all facilities and will not impact job opportunities in the State.

SELF-EMPLOYMENT OPPORTUNITIES

There are no anticipated effects on self-employment opportunities associated with Proposed Subpart 225-2.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2023, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

Comment 1: The Legislature and Governor have addressed greenhouse gas emission concerns in a comprehensive way in the Climate Leadership and Community Protection Act (Chapter 106 of the Laws of 2019). Allowing more burning of waste oil clearly represents a step in the wrong direc-

tion and will only make it more difficult for us to achieve the ambitious goals of Chapter 106. As noted in 2016, other jurisdictions including California, have determined that a ban on burning waste oil is a better overall policy. (Commenter 1)

Response to Comment 1: The burning of waste oil displaces the burning of virgin fuels and does not increase the overall burning of oil. Greenhouse gases from the burning of waste oils are the same as those emitted when the facility burns virgin fuel. Since the waste oil displaces other fuels, those fuels do not need to be delivered to the facility and the waste oil does not need to be collected by a third party for removal from the facility. Generally, both forms of transportation used for collection and delivery include the combustion of diesel oil in trucks. Thus, banning the burning of waste oil would increase emissions of greenhouse gases statewide from diesel trucks.

It should be noted that the existing Subpart 225-2 allows the firing of waste fuels, and that this is not new in the current proposal. The proposed regulation reduces the types and amounts of liquid wastes that are eligible to be fired in affected sources. Waste oil is only a subset of the liquid waste currently regulated under the existing Subpart. Therefore, the amount of liquid waste that may be fired is decreasing under this rulemaking. The proposed rule also lowers the limits for lead and PCB content of waste oil. The Department believes that this is not backsliding from established policy and that this is an improvement over the existing requirements which will in turn provide adequate protection of public health.

Comment 2: The proposed reduction in permitted levels of lead in waste fuel might not be sufficiently protective of public health. The proposal reduces the lead limit from 250 ppm to 100 ppm (25 ppm in automotive maintenance/service facilities or marine service facilities). Automotive and marine operations are often clustered together in lower-income neighborhoods, and marine facilities by their nature are limited to specific waterfront locations. It should be noted these facilities are not subject to any permitting process, leaving no mechanism to conduct environmental justice reviews or otherwise prevent cumulative adverse impacts. (Commenter 1)

Response to Comment 2: The Department is proposing to lower the lead limit to the allowable federal equivalent health-based lead limit, for permitted sources. The Department believes that the Subpart 225-2 eligible sources throughout the State already fire waste fuels. This proposed regulation will lower the lead content limit of waste oil and reduce the amount of liquid waste that is currently allowed to be fired. Based on this, the Department has determined that the proposed rule will decrease the amount of lead emitted from these sources, thus actually lowering lead emissions impacts on affected communities.

Comment 3: The proposal would eliminate a current requirement that a facility must demonstrate a combustion efficiency (CE) of at least 99% while burning waste fuel. The Department has indicated that removing the requirement to maximize CE will enable reductions in NOx emissions. However, without any requirement for a facility to reduce its CE, and no requirement for periodic testing, it is unclear whether this change will have the desired impact. In addition, the Department does not appear to have reviewed whether a policy of minimizing NOx emissions could have the impact of increasing emissions of greenhouse gases or other pollutants. (Commenter 1)

Response to Comment 3: Removing the combustion efficiency requirement will not significantly impact emissions of greenhouse gases. Greenhouse gas emissions are a product of complete combustion. A lower combustion efficiency will lower greenhouse gas emissions and cause the heat output of the fuel burning equipment to be lower. However, the fuel burning equipment may need to fire more fuel to make up for the loss of heat. Even so, the Department anticipates that the increase in fuel burning, combined with the lower combustion efficiency, will not cause a significant increase in greenhouse gas emissions.

Regarding the control of NOx emissions, the Department is required under the Clean Air Act Amendments of 1990 to reduce emissions of NOx. NOx is an ozone precursor and considered to be a non-attainment pollutant. Also, in 2010 the NO2 national ambient air quality standard (NAAQS) was lowered. The Department was required to demonstrate compliance with this revised standard. Most facilities that have sources currently permitted to fire waste fuels are also subject to the requirements of Subpart 227-2 NOx RACT or Part 212 NOx RACT and must demonstrate compliance with the NO2 NAAQS. These regulations require the owner/operators of facilities to annually tune their boilers/furnaces to meet NOx emission limitations. Based on these federal requirements, Department staff have determined that the air quality benefits of reducing NOx emissions outweigh the minor increases of other pollutant emissions.

Comment 4: The proposal would remove explicit language in current § 225-2.6(c) providing that no person “may sell, offer for sale, deliver or exchange in trade” any waste fuel except to a facility that is authorized to burn it. In addition, the applicability provisions in § 225-2.1 would replace

the provision that the Subpart “applies to the use and trade in liquid and semi liquid waste fuel to be burned for energy recovery” with one providing that it “applies to the use of waste oil to be burned as a fuel.” The proposal only prohibits sales for residential heating (which incidentally appears to need some additional definition).

If the restrictions on selling and offering for sale are removed, it is not clear whether these activities would be adequately prohibited by any remaining provisions of the Environmental Conservation Law, the Department’s regulations or any other enforceable standards. This prohibition should be retained and strengthened. (Commenter 1)

Response to Comment 4: The proposed regulation requires specific limits and permitting requirements for facilities that propose to fire waste oil. Companies that sell or transport waste oil are regulated under 6 NYCRR Parts 360 and 374. The current Subpart 225-2 was determined to duplicate the requirements of the solid and hazardous waste regulations. Thus, the references and citations to these regulations were removed.

Comment 5: The proposal would continue a ban on burning any waste oil in New York County. Given that this provision dates back to 1983, it seems reasonable to explore the possibility of an extension to additional areas in the metropolitan region and to other parts of the state that are experiencing, or could experience, serious air quality issues.

Response to Comment 5: The New York City Department of Environmental Protection (NYCDEP) does not allow waste oil to be burned in New York City; i.e., the five boroughs. The NYCDEP requires waste oil to be collected by a waste oil handler. There is a vast network of waste oil handlers in New York City that collect waste oil. Some of the waste oil handlers re-process the oil they collect while others ship it to larger handlers that either re-process or re-refine the oil. This works in New York City based on the volume of waste oil available and the relatively small area that is covered. Generally, waste oil handlers in upstate New York will not travel to remote locations of the State as it is not cost effective to do so. They would have to charge large fees to make it profitable for them to collect small amounts of waste oil. If these handlers were to expand their travel, the State would see an increase of all emissions based on an increase in mobile source (trucks) miles driven.

Additionally, an unintended consequence of banning waste oil throughout the entire State would be an economic burden on small businesses. Not only would a ban require these small businesses to pay a removal fee, they would also have to purchase virgin fuels for space heating.

Comment 6: A cross-reference in § 201-3.1(c)(2) should be updated if the proposed new definition “automotive maintenance/service facility or marine service facility” is adopted. (Commenter 1)

Response to Comment 6: The Department will modify the exemption language of paragraph 201-3.1(c)(2) to reflect these changes.

Commenter List:

1) Steve Englebright, New York State Assembly Environmental Conservation Committee and Dan Quart Chair, Assembly Committee Administrative Regulations Review Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Brookfield Trail System

I.D. No. ENV-11-20-00002-P

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

Proposed Action: Amendment of Part 190.0; renumbering of section 190.38 to 190.39; addition of new section 190.38 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101(3)(b), 3-0301(1)(b), (2)(m), 9-0105(1) and (3)

Subject: Brookfield Trail System.

Purpose: To protect public safety and natural resources on the Brookfield Trail System.

Text of proposed rule: Paragraphs (7), (8), (9), (10), (11), (12), (13), (14), (15) of subdivision (b) of section 190.0 are renumbered paragraphs (9), (10), (11), (12), (13), (14), (15), (16) and (17), and new paragraphs (7) and (8) are added to read as follows:

(7) ‘Horse’ shall mean the entire family of Equidae.

(8) ‘Llama’ shall mean all new world camelids, llamas, alpacas, guanacos and vicuñas.

Section 190.38 is renumbered section 190.39 and a new section 190.38 is added to read as follows:

Section 190.38 Brookfield Trail System.

In addition to other applicable general provisions of this Part, the following provisions apply to any person entering and using Beaver Creek State Forest, Brookfield Railroad State Forest and Charles E. Baker State Forest. In the event of a conflict, these specific regulations shall control.

(a) *Description.* As used in this section, the following terms shall have the indicated meanings:

(1) *Moscow Hill Camping Area* shall mean an eight-acre state land area located in the Charles E. Baker State Forest (Madison Reforestation Area 1) lying north of the tributary to Pleasant Brook immediately south of the intersection of Moscow Road and Quaker Hill Road and east of Moscow Road in the Town of Brookfield, Madison County, locally known as the old Civilian Conservation Corps Camp.

(2) *The Moscow Hill Assembly Area* shall mean a two-acre state land area located in the Charles E. Baker State Forest (Madison Reforestation Area 1) south of the tributary to Pleasant Brook immediately south of the intersection of Moscow Road and Quaker Hill Road and east of Moscow Road in the Town of Brookfield, Madison County.

(3) *Cherry Ridge Camping Area* shall mean a five-acre state land area located in the Charles E. Baker State Forest (Madison Reforestation Area 1) just east of the intersection of Brown Road and Truck Trail number 8 in the Town of Brookfield, Madison County.

(b) *Horses and Llamas*

(1) Any person entering the Moscow Hill Camping Area or Assembly Area with one or more horses shall have the following documentation, which must be presented upon request of department staff:

(i) for all in-state horses, a valid Coggins test that is negative for Equine Infectious Anemia, and proof of a current rabies vaccination; or

(ii) for all out-of-state horses, a valid 30-day Certificate of Health, a valid Coggins test that is negative for Equine Infectious Anemia, and proof of a current rabies vaccination.

(2) Any person entering the Moscow Hill Camping Area or Assembly Area with one or more llamas shall have a valid Certificate of Veterinary Inspection, identifying each animal individually and proof of a current rabies vaccination.

(3) Any person harboring a horse or llama overnight in the Moscow Hill Camping Area or Assembly Area must use a department provided covered tie stall or, in the case of a stallion, a stud stall, or a horse trailer associated with the person responsible for the horse or llama. No person shall use temporary corrals or paddocks.

(4) Stud stalls shall only be occupied by stallions.

(5) Horse stalls are provided for the equestrian community and may only be used for the storage of horses, llamas or related equipment. No person shall store unrelated personal property in stalls.

(6) No person shall tether any horse or llama to any tree in the Moscow Hill Camping Area or Assembly Area.

(7) No person shall allow or encourage any horse or llama to gallop or canter in the Moscow Hill Camping Area or Assembly Area.

(8) No person shall fail to maintain an orderly camp, including horse stalls. All manure shall be removed from stalls. Manure removed from stalls in the Moscow Hill Camping Area or Assembly Area shall be deposited into designated manure pits.

(9) Horses and llamas are prohibited at the Cherry Ridge Camping Area.

(c) *Other Animals*

(1) All animals are prohibited in the Moscow Hill Camping Area and Assembly Area with the exception of cats, dogs, horses and llamas as provided for in this section.

(2) Within the Moscow Hill Camping Area and Assembly Area, all persons must maintain control of their cat or dog at all times. All persons must confine their cat or dog to their campsite area, unless their cat or dog is being walked and is confined on a leash no more than six feet long.

(3) No person shall leave their cat or dog unattended in the Moscow Hill Camping Area or Assembly Area at any time unless securely confined in a camper or enclosed trailer.

(4) Any person entering the Moscow Hill Camping Area or Assembly Area with a cat or dog shall have proof of a current rabies vaccination for their cat or dog, which must be presented upon request to department staff.

(5) Within the Moscow Hill Camping Area and Assembly Area, animal owners shall properly dispose of their animals’ excrement in the designated manure pits.

(6) Any person with a disruptive or vicious animal shall be required to remove their animal from the Moscow Hill Camping Area and Assembly Area whenever directed by department personnel or by law enforcement personnel. Failure to do so may result in the termination of all privileges to access the Charles E. Baker State Forest and the Brookfield Trail System.

(d) *General Provisions*

(1) The riding and possession of bicycles and the riding, driving or leading of horses and llamas is restricted to designated trails or roads on Madison Reforestation Areas 1, 4, 6, 11 and 12.

(2) No person shall ride or possess a bicycle, or ride, drive, lead or permit a horse or llama on any trail in Beaver Creek State Forest (Madison Reforestation Areas 11 and 12), Brookfield Railroad State Forest