

REGULATORY AGENDA

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

January 2005

DIVISION OF AIR RESOURCES

6 NYCRR Part 201, Permits and Registrations. Part 201 will be substantially revised to improve implementation, clarify permitting and application requirements, add and/or amend definitions, and correct typographical errors. In addition, Part 201 may be modified in connection with the Prevention of Significant Deterioration (PSD) and New Source Review (NSR) rulemaking (Part 231). Other changes will be made in connection with the planned Part 212 rulemaking to insure consistency between the two regulations. Contact: Kathleen Dalton, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3254. Telephone: 518-402-8403. E-mail: kfdalton@gw.dec.state.ny.us

6 NYCRR Part 204, NO_x Budget Rule. The existing regulation will be revised to be consistent with new changes in the federal regulatory program of which this rule is a part, including specific monitoring and reporting requirements for cement manufacturers and low mass emitting units. Contact: Michael Sheehan, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: mpsheeha@gw.dec.state.ny.us

6 NYCRR Part 212, General Process Emission Sources. The existing regulation will be amended to incorporate new procedures anticipated for the modification of the State's Air Toxic's program. Part 212 will be separated into two Subparts: Subpart 212-1 and Subpart 212-2. Subpart 212-1 will incorporate the current Part 212 requirements for the control of pollutants with federal and state ambient air standards, such as particulate, sulfur dioxide, etc., from process sources. Subpart 212-2 will control toxic air pollutants on a facility-wide basis. Contact: Thomas Gentile, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3259. Telephone: 518-402-8402. E-mail: tjgentil@gw.dec.state.ny.us

6 NYCRR Part 218, Emission Standards for Motor Vehicles and Motor Vehicle Engines. The existing regulation will be amended to adopt greenhouse gas emission standards for motor vehicles as adopted by California. Contact: Steven Flint, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3255. Telephone: 518-402-8292. E-mail: seflint@gw.dec.state.ny.us

6 NYCRR Part 218, Emission Standards for Motor Vehicles and Motor Vehicle Engines. The existing regulation will be amended to adopt emission standards for urban buses and to adopt California recall and warranty provisions. Contact: Steven Flint, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3255. Telephone: 518-402-8292. E-mail: seflint@gw.dec.state.ny.us

6 NYCRR Part 222, Distributed Generation. This is a new regulation to establish emission standards for distributed generation. Contact: John Barnes, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: jdbarnes@gw.dec.state.ny.us

6 NYCRR Part 225 Fuel Composition and Use. The existing regulation will be modified to regulate the sulfur content of diesel fuel for non-road and stationary engines, and reduce sulfur content limits for distillate fuel oils in non-engine applications (including home heating). In addition to sulfur content, regulation of other distillate fuel properties may be considered. Contact: David Barnes, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3255. Telephone: 518-402-8292. E-mail: dlbarnes@gw.dec.state.ny.us

6 NYCRR Part 230, Gasoline Dispensing Sites and Transport Vehicles. The existing rule will be amended to update and clarify testing requirements for gasoline dispensing sites (gas stations). The regulation will also require certification of companies that perform the tests and prior notification to the department for each test. Contact: Gary McPherson, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3254. Telephone: 518-402-8403. E-mail: gamcpher@gw.dec.state.ny.us

6 NYCRR Subpart 231-2, New Source Review (NSR) and Prevention of Significant Deterioration (PSD). The rule will be modified to address recent changes EPA adopted to the federal non-attainment New Source Review rule at 40 CFR Part 51.165 and Prevention of Significant Deterioration rule at 40 CFR Part 52.21. In addition, the Department plans to adopt provisions to address permitting for new and modified sources under the Prevention of Significant Deterioration of Air Quality provisions of the Clean Air Act. Contact: Kenneth Newkirk, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3254. Telephone: 518-402-8403. E-mail: kanewkir@gw.dec.state.ny.us

6 NYCRR Part 232, Dry Cleaning. The existing regulation that was adopted April 30, 1997 will be updated to provide for administrative streamlining. Contact: Stanley Byer, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3254. Telephone: 518-402-8403. E-mail: smbayer@gw.dec.state.ny.us

6 NYCRR Part 240, Determining Conformity of Transportation Plans, Programs and Projects - This is a revision of the rule to address amendments to the Federal Transportation Conformity rule (69 FR 40004). Contact: Elizabeth Bartlett, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: bxbartle@gw.dec.state.ny.us

6 NYCRR Part 241, Determining Conformity of General Federal Actions to State Implementation Plans. This is to propose a new regulation to require that general federal actions, other than

transportation plans, programs and projects which would be addressed by Part 240, be evaluated for their conformance with the provisions of the State Implementation Plan to achieve and maintain ambient air quality standards, and to meet the requirements of the federal Clean Air Act. Contact: Elizabeth Bartlett, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251, Telephone: 518-402-8396. E-mail: bxbartle@gw.dec.state.ny.us

6 NYCRR Part 242, CO2 Budget Trading Rule. This is to establish a new regulation that will form the New York State component of an interstate, regional CO2 emissions budget and allowance trading program that will apply to electric generating units with a capacity of at least 25 megawatts.

DIVISION OF ENVIRONMENTAL PERMITS

6 NYCRR Part 621, Uniform Procedures, (UPA). The Division of Environmental Permits proposes to amend 6 NYCRR Part 621 to incorporate clarifications for the permit application review process and relevant permit program requirements instituted by changes in regulations or statutes of other programs since the last amendments. The Division also intends to eliminate discrepancies between the Uniform Procedures regulations and program regulations.

The Division of Environmental Permits has been accumulating comments on Part 621 and tracking needed changes to the regulations since the last revisions were made in 1996. A few examples of the proposed changes are: 1) clarifying the definition of "Minor project", so that all Type II actions are not considered minor; 2) changing cross references that result from changes to other regulations; 3) clarifying and consolidating a section on hearings; 4) incorporating new language to reflect changes to the dam safety statute; 5) incorporating permitting requirements under Part 380, Permits for Discharge and Disposal of Radioactive Material to the Environment; and 6) other changes necessary for clarification of the regulations. Contact: Charles B. Gardner, Division of Environmental Permits, 4th Floor, 625 Broadway, Albany, NY 12233-1750. Telephone: 518-402-9154. E-mail: cbgardne@gw.dec.state.ny.us

6 NYCRR Part 617, State Environmental Quality Review Act (SEQR). The Division of Environmental Permits proposes to amend this Part to make changes to Environmental Assessment Forms. These "model" forms, which are used by almost all state and local agencies in the conduct of an environmental review under SEQR, appear as appendices to Part 617. Experience has shown that the forms have provided good service, but they could be improved. In particular, the forms need to be revised to provide a better basis for addressing administrative actions such as land use planning and the promulgation of regulations. Additionally, some of the information critical to making a proper environmental analysis of a physical project could be better organized. Questions need to be added to these forms to address emerging issues such as economic development zones, quality communities, and most importantly environmental justice. By doing this, the Department will meet one of the many recommendations in the August 2002 Draft Environmental Justice Policy. The proposed amendment will revise the forms to eliminate the need for a separate form for a determination of significance. Contact: Betty Ann Hughes, NYS Department of Environmental Conservation, 625 Broadway, 4th Floor, Albany NY 12233-1750. Telephone: 518-402-9158. E-mail: bahughes@gw.dec.state.ny.us

6 NYCRR Part 638, Green Building Tax Credit. The Division of Environmental Permits proposes to amend 6 NYCRR Part 638 to update the following portions of the green building tax credit regulations: regulations establishing standards for energy use for eligible buildings; regulations establishing standards for appliances and heating cooling and water heating equipment that on the effective date of this section, are covered by specifications from organizations such

as the United States department of energy or environmental protection agency; and regulations establishing standards for building materials, finishes and furnishings regarding minimum percentages of recycled content and renewable source materials and maximum levels of toxicity and volatile organic compounds and any other standards that the DEC deems appropriate. Contact: Dennis J. Lucia, Division of Environmental Permits, 4th Floor, 625 Broadway, Albany, NY 12233-1750. Telephone 518-402-9469. E-mail: djlucia@gw.dec.state.ny.us

DIVISION OF ENVIRONMENTAL REMEDIATION

6 NYCRR Part 375, Inactive Hazardous Waste Disposal Site Remedial Program. The Department proposes to amend this Part to reflect legislative changes to ECL Article 27, Title 13 in relation to Inactive Hazardous Waste Disposal sites; ECL Article 56 in relation to Environmental Restoration Projects; the addition of a new Title 14 to Article 27 in relation to the creation of a new Brownfield Cleanup Program; and the addition of a new Title 36 to Article 71 of the ECL in relation to Environmental Easements. Contact: Ted Bennett, NYS Department of Environmental Conservation, 625 Broadway, 12th Floor, Albany, NY 12233-7012. Telephone: 518-402-9741. E-mail: tabennet@gw.dec.state.ny.us

6 NYCRR Part 612.3, Petroleum Storage Facilities Registration Fees. The Department proposes to amend this Part to reflect legislative changes to ECL Article 17, Title 10 in relation to increases in petroleum bulk storage registration fees. Contact: Ted Bennett, NYS Department of Environmental Conservation, 625 Broadway, 12th Floor, Albany, NY 12233-7012. Telephone: 518-402-9741. E-mail: tabennet@gw.dec.state.ny.us

6 NYCRR Part 570, Permitting of Liquefied Natural Gas (LNG) Facilities. The Department proposes to develop and promulgate regulations covering the safe siting and operation of LNG facilities, and recommends incorporation by reference of existing nationally recognized standards (National Fire Prevention Association, NFPA 57, 59A.). Contact: Cynthia Freedman, NYS Department of Environmental Conservation, 625 Broadway, 11th Floor, Albany, NY 12233-7020. Telephone: 518-402-9543. E-mail: cgfreedm@gw.dec.state.ny.us

DIVISION OF FISH, WILDLIFE AND MARINE RESOURCES

6 NYCRR Part 1 - Hunting black bear. Amendment of this regulation is necessary to reflect changes in bear distribution, abundance, and hunting opportunities. Contact: Gordon R. Batcheller, NYS Department of Environmental Conservation, Division of Fish, Wildlife & Marine Resources, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8885. E-mail: grbatche@gw.dec.state.ny.us

6 NYCRR Part 1 - Single Species - Deer. Amendment of this regulation is necessary to modify the current deer season structure in the Southern Zone by advancing the opening date of the archery hunting season, creating a new special season for muzzleloader hunters, changing the opening day of the Southern Zone regular season and by creating a pilot program for an alternative buck harvest strategy. Contact: Gordon R. Batcheller, NYS Department of Environmental Conservation, Division of Fish, Wildlife & Marine Resources, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8885. E-mail: grbatche@gw.dec.state.ny.us

6 NYCRR Part 2 - Migratory game birds. Amendment of this regulation is necessary to change season dates, bag limits, hunting areas, and other regulations for hunting migratory game birds. Contact: Gordon R. Batcheller, NYS Department of Environmental Conservation, Division of Fish, Wildlife & Marine Resources, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8885. E-mail: grbatche@gw.dec.state.ny.us

6 NYCRR Part 2 - Upland game birds. Amendment of this regulation is necessary to change season dates, bag limits, hunting areas and other regulations for hunting upland game birds. Contact:

Gordon R. Batcheller, NYS Department of Environmental Conservation, Division of Fish, Wildlife & Marine Resources, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8885. E-mail: grbatche@gw.dec.state.ny.us

6 NYCRR Part 6 - Beaver and otter trapping seasons and bag limits. Amendment of this regulation is necessary to provide appropriate seasons and bag limits for the management of these species. Contact: Gordon R. Batcheller, NYS Department of Environmental Conservation, Division of Fish, Wildlife & Marine Resources, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8885. E-mail: grbatche@gw.dec.state.ny.us

6 NYCRR Part 6 - General regulations for trapping beaver, otter, mink, muskrat, raccoon, opossum, weasel, red fox, gray fox, skunk, coyote, fisher, bobcat and pine marten. Amendment of this regulation is necessary to improve and update trapping regulations. Contact: Gordon R. Batcheller, NYS Department of Environmental Conservation, Division of Fish, Wildlife & Marine Resources, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8885. E-mail: grbatche@gw.dec.state.ny.us

6 NYCRR Part 10 - Recreational Fishing. As necessary, make changes in the rules and regulations pertaining to the management of diadromous fishes in the Hudson and Delaware Rivers in order to maintain compliance or consistency with any Fishery Management Plans developed by the Atlantic States Marine Fisheries Commission or pursuant to the Federal Sustainable Fisheries Act for such species and to maintain the health of such stocks. Changes to the regulations to comply with the requirements of Environmental Conservation Law regarding the management of Anadromous species. Contact: Byron H. Young, NYS Department of Environmental Conservation, Bureau of Marine Resources, Finfish and Crustaceans Section, 205 N. Belle Meade Road, Suite 1, E. Setauket, NY 11733. Telephone: 631-444-0435. E-mail: bhyoung@gw.dec.state.ny.us

6 NYCRR Part 11 - Hudson River Commercial Fishing. As necessary, make changes in the rules and regulations pertaining to the management of Diadromous fishes in the Hudson River in order to maintain compliance or consistency with any Fishery Management Plans developed by the Atlantic States Marine Fisheries Commission or pursuant to the Federal Sustainable Fisheries Act for such species and to maintain the health of such stocks. Changes to the regulations to comply with the requirements of Environmental Conservation Law regarding the management of Anadromous species. Contact: Byron H. Young, NYS Department of Environmental Conservation, Bureau of Marine Resources, Finfish and Crustaceans Section, 205 N. Belle Meade Road, Suite 1, E. Setauket, NY 11733. Telephone: 631-444-0435. E-mail: bhyoung@gw.dec.state.ny.us

6 NYCRR Part 35 - License Fees for Commercial Fishing in Inland Waters. Amendment of this regulation is necessary to consolidate, update, and simplify regulations governing taking of smelt, alewives, and blueback herring in the Hudson River and tributaries. In addition, increased license fees for commercial fishing in inland waters are necessary in order to cover the costs of license issuance. Contact: Byron H. Young, NYS Department of Environmental Conservation, Bureau of Marine Resources, Finfish and Crustaceans Section, 205 N. Belle Mead Rd, Suite 1, East Setauket, NY 11733. Telephone: 631-444-0435. E-mail: bhyoung@gw.dec.state.ny.us

6 NYCRR Part 40 - Marine Fish. As necessary, make changes in the rules and regulations pertaining to the management of marine and diadromous fishes in order to maintain compliance or consistency with any Fishery Management Plans developed by the Atlantic States Marine Fisheries Commission or pursuant to the Federal Sustainable Fisheries Act for such species and to maintain the health of such stocks. Changes to the regulations to comply with the requirements of Environmental Conservation Law regarding permits, permit fees and

management of marine and anadromous species. Changes to the regulations to comply with Marine Resources Omnibus Act (Ch. 263 of the Laws of 1997) regarding mandatory reporting of catch, effort and landings by licensed fishers and dealers, addition of definitions and clarification of various eligibility requirements for licenses. Contact: Byron H. Young, NYS Department of Environmental Conservation, Bureau of Marine Resources, Finfish and Crustaceans Section, 205 N. Belle Meade Road, Suite 1, E. Setauket, NY 11733. Telephone: 631-444-0435. E-mail: bhyoung@gw.dec.state.ny.us

6 NYCRR Part 40 - Marine Fish, Special Management Areas. Amendment of this regulation is necessary to add a section which provides controls on the taking of fish, shellfish, and crustaceans in certain defined areas that contain artificial reefs and/or wrecks, consistent with state, federal and interstate management plans, and with the marine fisheries conservation and management policy set forth in ECL Section 13-0105, and to protect the physical structure and ecological integrity of artificial reefs and wrecks and their associated marine habitat. Contact: Steve Heins, NYS Department of Environmental Conservation, Bureau of Marine Resources, 205 N. Belle Meade Road, East Setauket, NY 11733. Telephone: 631-444-0439. E-mail: swheins@gw.dec.state.ny.us

6 NYCRR Part 41 - Sanitary Condition of Shellfish Lands. As necessary, make changes in the classification of shellfish lands to protect public health by designating lands that do not meet bacteriological water quality criteria as uncertified. Designation of shellfish lands that meet criteria as certified for the taking of shellfish. Contact: William Hastback, NYS Department of Environmental Conservation, Bureau of Marine Resources, Shellfisheries Section, 205 N. Belle Meade Road, Suite 1, East Setauket, NY 11733. Telephone: 631-444-0475. E-mail: wghastba@gw.dec.state.ny.us

6 NYCRR Parts 41 - Sanitary Condition of Shellfish Lands, 42 - Sanitary Control Over Shellfish, 45 - Transplanting of Shellfish, and 47 - Certification of Shellfish Lands. Shellfishing in the Hudson River. The agency expects to amend definitions in 6 NYCRR 42, 45 and 47 to clarify existing authority under Environmental Conservation Law, Section 13-0319 and to amend 6 NYCRR 41, to classify portions of the Hudson River as uncertified to the taking of shellfish. Contact: William Hastback, NYS Department of Environmental Conservation, Bureau of Marine Resources, Shellfisheries Section, 205 N. Belle Meade Road, Suite 1, East Setauket, NY 11733. Telephone: 631-444-0475. E-mail: wghastba@gw.dec.state.ny.us

6 NYCRR Part 42 - Sanitary Control Over Shellfish. As necessary, make changes in the sanitary, recordkeeping and reporting requirements for shellfish harvesters and shippers to comply with the guidelines of the National Shellfish Sanitation Program (NSSP), federal regulations regarding interstate shipment of shellfish and changes to the Environmental Conservation Law. Compliance with the NSSP and federal regulations is necessary to ensure uniformity in the sanitation of shellfish shipped in interstate commerce. Modify categories of shellfish shippers and processors permits, and descriptions of allowable activities under each category of permit, consistent with the NSSP and a 2004 amendment to the Environmental Conservation Law. The NSSP is updated annually. Findings of non-conformity in the annual review of New York's Shellfish Sanitation Program by the U.S. Food and Drug Administration can result in sanctions being taken. Contact: Thomas Drumm, NYS Department of Environmental Conservation, Bureau of Marine Resources, Shellfisheries Section, 205 N. Belle Meade Road, Suite 1, East Setauket, NY 11733. Telephone: 631-444-0475. E-mail: tedrumm@gw.dec.state.ny.us

6 NYCRR Parts 42 - Sanitary Control Over Shellfish, and 45 - Transplanting of Shellfish. Microbiological cleansing (deputation) of shellfish and harvesting for microbiological cleansing. Move

procedures for harvesting for microbiological cleansing from Part 42 to Part 45, consolidating them with transplant harvest from uncertified areas procedures and regulations. Restructuring of operating requirements and fees for microbiological cleansing to enhance monitoring procedures to protect public health. No businesses are currently practicing microbiological cleansing in New York State. The Department cannot predict the economic impact of the changes on businesses for construction and operation of microbiological cleansing facilities. The Department believes the current regulations do not provide for the necessary level of monitoring and cannot reasonably accept new applications for microbiological cleansing until the regulations are amended. Contact: William Hastback, NYS Department of Environmental Conservation, Bureau of Marine Resources, Shellfisheries Section, 205 N. Belle Meade Road, Suite 1, East Setauket, NY 11733. Telephone: 631-444-0475. E-mail: wghastba@gw.dec.state.ny.us

6 NYCRR Part 43 - Surf Clam/Ocean Quahog Fishery Management. As necessary adopt new, or amend current regulations pertaining to the management of surfclams and ocean quahogs that are consistent with the provisions of the fishery management plans adopted by the department. All amendments may describe changes to permit requirements and eligibility, harvest limits, gear restrictions, record keeping, and reporting requirements. Contact: Maureen Davidson, NYS Department of Environmental Conservation, Bureau of Marine Resources, 205 N. Belle Meade Road, Suite 1, East Setauket, NY 11733. Telephone: 631-444-0496. E-mail: mcdavids@gw.dec.state.ny.us

6 NYCRR Part 44 - Crustaceans. As necessary, changes in rules and regulations pertaining to the management of lobsters and crabs, including horseshoe crabs, consistent with any Fishery Management Plans developed for the species, to maintain the health of such species, and to prevent the introduction of exotic crustacean species. Changes to regulations to comply with requirements of Environmental Conservation Law related to reporting, licensing, permitting and management of such species. Contact: Byron H. Young, NYS Department of Environmental Conservation, Bureau of Marine Resources, Finfish and Crustaceans Section, 205 N. Belle Meade Road, Suite 1, East Setauket, NY 11733. Telephone: 631-444-0435. E-mail: bhyoung@gw.dec.state.ny.us

6 NYCRR Part 51 - State Wildlife Management Areas. Amendment of this regulation is necessary to clarify definitions and update allowable and restricted activities in light of other law changes and to ensure that use of these properties is consistent with the wildlife management purposes for which they were acquired. Contact: Gordon R. Batcheller, NYS Department of Environmental Conservation, Division of Fish, Wildlife & Marine Resources, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8885. E-mail: grbatche@gw.dec.state.ny.us

6 NYCRR Part 175 - Special licenses and permits-definitions and uniform procedures. Amendment of this regulation is necessary to implement new legislation, Environmental Conservation Law Section 11-0525, establishing a Nuisance wildlife control operator license.

Contact: Gordon R. Batcheller, NYS Department of Environmental Conservation, Division of Fish, Wildlife & Marine Resources, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8885. E-mail: grbatche@gw.dec.state.ny.us

6 NYCRR Part 182 - Endangered and Threatened Species of Fish and Wildlife; Species of Special Concern. Amendment of this regulation is necessary to update the list of endangered, threatened and special concern species. Contact: Peter Nye, NYS Department of Environmental Conservation, Division of Fish, Wildlife & Marine Resources, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8859. E-mail: penye@gw.dec.state.ny.us

6 NYCRR Part 186 - Nuisance wildlife control operators. Adopt new regulations to implement new legislation, Environmental

Conservation Law Section 11-0524, establishing a Nuisance wildlife control operator license. Contact: Gordon R. Batcheller, NYS Department of Environmental Conservation, Division of Fish, Wildlife & Marine Resources, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8885. E-mail: grbatche@gw.dec.state.ny.us

6 NYCRR Part 190 - Use of State Lands. Amendment of this regulation is necessary to reduce the incidence of negative bear-human interactions in the High Peaks Wilderness Area by requiring the use of bear-resistant food canisters in the Eastern High Peaks Zone. Contact: Gordon R. Batcheller, NYS Department of Environmental Conservation, Division of Fish, Wildlife & Marine Resources, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8885. E-mail: grbatche@gw.dec.state.ny.us

6 NYCRR Part 663 - Freshwater Wetland Permit Requirements. Amendment of this regulation is necessary to update the statewide minimum land use regulations (663.4(d)), refine permit standards, and clarify mitigation requirements. Contact: Patricia Riexinger, NYS Department of Environmental Conservation, Division of Fish, Wildlife & Marine Resources, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8848. E-mail: pxriexin@gw.dec.state.ny.us

6 NYCRR Part 664 - Freshwater Wetlands Mapping and Classification Regulations. Amendment of this regulation is necessary to streamline, where possible, map amendment procedures, to update the classification system, to close gaps that have languished in the rule, and update certain mapping provisions. Contact: Patricia Riexinger, New York State Department of Environmental Conservation, Division of Fish, Wildlife & Marine Resources, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8848. E-mail: pxriexin@gw.dec.state.ny.us

6 NYCRR New Part - Shellfish Management. Adopt new regulations to address the requirement of ECL Section 13-0325 that clams shall be culled (separated by size) when taken. Contact: Maureen Davidson, NYS Department of Environmental Conservation, Bureau of Marine Resources, 205 N. Belle Meade Road, Suite 1, East Setauket, NY 11733. Telephone: 631-444-0496. E-mail: mcdavids@gw.dec.state.ny.us

6 NYCRR New Part - Shellfish Management. Adopt new regulations to allow the leasing of state-owned underwater lands for shellfish cultivation. The new regulations will be consistent with authority in ECL Section 13-0301 as amended in 1996, establishing procedures to lease state-owned under water lands other than those contained within Peconic and Gardiners Bays and the tributaries thereof between the westerly shore of Great Peconic Bay and an easterly line running from the most easterly point of Plum Island to Goff Point at the entrance to Napeague Harbor. Contact: Maureen Davidson, NYS Department of Environmental Conservation Bureau of Marine Resources, Shellfisheries Section, 205 N. Belle Meade Road, Suite 1, East Setauket, NY 11733. Telephone: 631-444-0496. E-mail: mcdavids@gw.dec.state.ny.us

OFFICE OF HEARINGS AND MEDIATION SERVICES

6 NYCRR Part 616 - Access to Records - Update the existing regulations to conform with existing law concerning information related to critical infrastructure (Public Officers Law § 89[5][1-a]). Other proposed revisions involve correcting out of date information such as addresses of DEC offices and personnel changes as well as clarifying unclear provisions relating to trade secret information and privacy. Contact: Helene G. Goldberger, NYSDEC, Office of Hearings and Mediation Services, 625 Broadway, Albany, New York 12233-1550. Telephone: 518-402-9010. E-mail: hggolbbe@gw.dec.state.ny.us

DIVISION OF LANDS AND FORESTS

6 NYCRR Part 190, Use of State Lands. Amend Section 190.13, Wilderness Areas in the Adirondack Park. These regulations will

protect the natural resources in the Giant Mountain Wilderness Area from overuse by applying restrictions to camping. Contact: Robert Messenger, NYS Department of Environmental Conservation, Bureau of Forest Preserve Management, 625 Broadway, Albany, NY 12233-4254. Telephone: 518-473-9518. E-mail: rwmissen@gw.dec.state.ny.us

6 NYCRR Part 190, Use of State Lands. Amend Section 190.13, Wilderness Areas in the Adirondack Park. These regulations will protect the natural resources in the Dix Mountain Wilderness Area from overuse by applying restrictions to camping and rock climbing. Contact: Robert Messenger, NYS Department of Environmental Conservation, Bureau of Forest Preserve Management, 625 Broadway, Albany, NY 12233-4254. Telephone: 518-473-9518. E-mail: rwmissen@gw.dec.state.ny.us

6 NYCRR Part 190, Use of State Lands. Amend Section 190.13, Wilderness Areas in the Adirondack Park. These regulations are needed to protect the public from bear related nuisance activities. Contact: Gordon Batcheller, NYS Department of Environmental Conservation, Division of Fish, Wildlife, and Marine Resources, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8885. E-mail: grbathe@gw.dec.state.ny.us

6 NYCRR Part 190, Use of State Lands. Amend Section 190.13, Wilderness Areas in the Adirondack Park. This regulation is needed to change a requirement for the possession of self-issuing permits in the Eastern High Peaks Zone from all users to only overnight users. Contact: Robert Messenger, NYS Department of Environmental Conservation, Bureau of Forest Preserve Management, 625 Broadway, Albany, NY 12233-4254. Telephone: 518-473-9518. E-mail: rwmissen@gw.state.ny.us

6 NYCRR Part 190, Use of State Lands. Adoption of new Section 190.14, Prohibition of Motorized Equipment on Wilderness areas. These regulations will prohibit the use of motorized equipment in wilderness areas in the Adirondack and Catskill forest preserve, with certain exceptions. Contact: Robert Messenger, NYS Department of Environmental Conservation, Bureau of Forest Preserve Management, 625 Broadway, Albany, NY 12233-4254. Telephone: 518-473-9518. E-mail: rwmissen@gw.state.ny.us

6 NYCRR Part 196, Operation of Motorized Vehicles, Vessels and Aircraft in the Forest Preserve. Amend Section 196.7, Operation of Bicycles in the Adirondack Forest Preserve. This regulation will implement Adirondack Park State Land Master Plan guidelines for bicycle use. Contact: Robert Messenger, NYS Department of Environmental Conservation, Bureau of Forest Preserve Management, 625 Broadway, Albany, NY 12233-4254. Telephone: 518-473-9518. E-mail: rwmissen@gw.state.ny.us

6 NYCRR Part 196, Operation of Motorized Vehicles, Vessels and Aircraft in the Forest Preserve. Amend Section 196.4, Operation of Mechanically Propelled Vessels and Aircraft in the Forest Preserve. This regulation will prohibit public use of motorboats on Lows Lake and will prohibit the operation of aircraft after January 1, 2008. Contact: Robert Messenger, NYS Department of Environmental Conservation, Bureau of Forest Preserve Management, 625 Broadway, Albany, NY 12233-4254. Telephone: 518-473-9518. E-mail: rwmissan@gw.dec.state.ny.us

6 NYCRR Part 190, Use of State Lands. Adoption of a new Section 190.15, Public Use of Camp Santononi Historic Area. These regulations will protect historic structures and the landscape of the Camp Santononi Historic Area through management of public use. Contact: Charles Vandrei, NYS Department of Environmental Conservation, Bureau of State Land Management, 625 Broadway, Albany, NY 12233-4255. Telephone: 518-402-9428. E-Mail: cevandrei@gw.dec.state.ny.us

6 NYCRR Part 190, Use of State Lands. Adoption of a new Section 190.36, Submerged Heritage Preserves in Lake George and Lake Champlain. These regulations are needed to protect underwater resources, such as shipwrecks and other submerged archaeological sites that are of recreational, aesthetic, and educational value, as well as regulate access to these sites, and create safe diving conditions. Contact: Charles Vandrei, NYS Department of Environmental Conservation, Bureau of State Land Management, 625 Broadway, Albany, NY 12233-4255. Telephone: 518-402-9428. E-Mail: cevandrei@gw.dec.state.ny.us

6 NYCRR Part 190, Use of State Lands. Amend Section 190.8 to contain regulatory provisions to protect natural resources, enhance public safety and to more clearly define Department management authority. Proposed regulations include providing the Department with the authority to close certain roads, trails and/or other areas to certain public uses to protect public safety or natural resources, prohibit gas powered motors on water bodies as identified on a list, to provide for the closure of certain trails on State forests to bicycle use, to restrict the use of snowmobiles to Department designated roads and trails; and, to prohibit the storage or abandonment of personal property on State lands. Contact Tom Wolfe, NYS Department of Environmental Conservation, Bureau of State Land Management, 625 Broadway, Albany, NY 12233-4255. Telephone: 518-402-9428. E-mail: tbwolf@gw.dec.state.ny.us

6 NYCRR Part 190, Use of State Lands. Adoption of a new Section 190.10(d), Salmon River Falls Unique Area. These regulations are needed for the purpose of public protection. They will prohibit public use of the area from dusk to dawn, seasonally close the gorge trail, and prohibit hunting from this 112 acre parcel. Contact: Tom Wolfe, NYS Department of Environmental Conservation, Bureau of State Land Management, 625 Broadway, Albany, NY 12233-4255. Telephone: 518-402-9428. E-mail: tbwolf@gw.dec.state.ny.us

6 NYCRR Part 192, Forest Insect and Disease Control. Amend Sections 192.1 and 192.2 in order to re-delineate the boundaries of white pine blister rust quarantine and currant fruiting districts to reflect current phytopathological conditions and agricultural practices. In addition, add a new section to list immune and disease-resistant cultivars of currants and gooseberries in accordance with recently amended Environmental Conservation Law, and other minor revisions as necessary. Contact: Jason Denham, NYS Department of Environmental Conservation, Bureau of Private Land Services, 625 Broadway, Albany, NY 12233-4253. Telephone: 518-402-9425. E-mail: jpdenham@gw.dec.state.ny.us

6 NYCRR Part 193, Trees and Plants. Amend Section 193.3, Protected Native Plants. These regulations are needed to update the current list by adding, deleting, re-naming and/or re-categorizing several listed plant species in accordance with more up-to-date taxonomy and knowledge of the population status of rare plants in the State. Contact: Jason Denham, NYS Department of Environmental Conservation, Bureau of Private Land Services, 625 Broadway, Albany, NY 12233-4253. Telephone: 518-402-9425. E-mail: jpdenham@gw.dec.state.ny.us

6 NYCRR Part 193, Trees and Plants. Amend Sections 193.4 to 193.8, American Ginseng, to redefine ginseng to include "any recognizable form" in the definition. In addition, allow by Department permission only, seeds from collected wild ginseng plants to be planted within the same county as the place of collection for the purpose of establishing new wild populations of ginseng plants, and other minor revisions as necessary. Contact: Jason Denham, NYS Department of Environmental Conservation, Bureau of Private Land Services, 625 Broadway, Albany, NY 12233-4253. Telephone: 518-402-9425. E-mail: jpdenham@gw.dec.state.ny.us

6 NYCRR Part 590, Payment of Expenses Upon Acquisition of Real Property. Amend Part 590 to conform to the amended Federal Uniform Relocation Assistance and Real Property Acquisition regulation for federal and federally assisted programs. This amendment will affect landowners forced to relocate because of acquisition of their properties for Department programs. Contact: James Jensen, NYS Department of Environmental Conservation, Bureau of Real Property, 625 Broadway, Albany, NY 12233-4256. Telephone: 518-402-9442. E-mail: jkjensen@gw.dec.state.ny.us

DIVISION OF SOLID AND HAZARDOUS MATERIALS

6 NYCRR Part 360 - Solid Waste Management Facilities - This rulemaking will include technical amendments, clarifications, as well as legal and policy developments. Changes to all portions of the Part 360 series are expected, including Parts 364 and 369. The rulemaking will also incorporate solid waste management activities or waste streams that are not currently addressed within Part 360, including automobile dismantlers, dredge materials, biohazard incident waste, and flowable fill. The information contained in the current Part 360 will be subdivided into different parts to better organize solid waste topics, and will make future revisions to specific topics less burdensome. Contact: Melissa Treers, NYS Department of Environmental Conservation, Division of Solid & Hazardous Materials, 625 Broadway, Albany, NY 12233-7253. Telephone: 518-402-8678. E-mail: swreg@gw.dec.state.ny.us

6 NYCRR Subpart 374-4 - Standards for the Management of Elemental Mercury and Dental Amalgam Wastes at Dental Facilities. Pursuant to Chapter 506, Laws of 2002, a new Subpart 374-4 will establish waste management standards for dental facilities that use mercury or generate mercury-containing dental amalgam wastes. The regulations will also require dentists to install, properly operate and maintain mercury amalgam separation and collection equipment. Contact: James Honan, NYS Department of Environmental Conservation, Division of Solid & Hazardous Materials, 625 Broadway, Albany, NY 12233-7253. Telephone: 518-402-8705. E-mail: dshmwrr@gw.dec.state.ny.us

6 NYCRR Part 381 - Low-Level Radioactive Waste Transporter Permit and Manifest System - This proposed consensus rulemaking amends Section 381.18 (b), (c), (d), (e), (f), (g) and (h) of the Low-Level Radioactive Waste Transporter Permit and Manifest System regulations by updating the publication dates of certain federal regulations which are incorporated by reference. This is required to keep Part 381 current and satisfy deficiencies identified by the United States Nuclear Regulatory Commission. The proposed rulemaking also removes reference to an invalid room number from the Department's address. Contact: John B. Zeh, NYS Department of Environmental Conservation, Division of Solid & Hazardous Materials, 625 Broadway, Albany, NY 12233-7255. Telephone: 518-402-8579. E-mail: radregs@gw.dec.state.ny.us

DIVISION OF WATER

6 NYCRR Part 700 - 704 - Water Quality Regulations - Propose amendments likely including but not limited to: revision or addition of ambient water quality standards for ammonia, dissolved oxygen, flow, metolachlor, acetaldehyde, carbon disulfide, and formaldehyde, deletion of aquatic life standards for iron, revision or addition of groundwater effluent standards, revision of standard-setting procedures for human health and aquatic life, addition of Recreation and revision of Aesthetic Types of standards, and addition of provision to derive specific organic mixture guidance value. Contact: Scott Stoner, Chief, Standards and Classifications Unit, NYS Department of Environmental Conservation, Bureau of Water Assessment and Management, Division of Water, 625 Broadway, Albany, NY 12233-3502. Telephone: 518-402-8193. E-mail: sxstoner@gw.dec.state.ny.us

6 NYCRR Part 485 - SPDES Program Fees - Propose revision to the fees associated with industrial facilities, power plants and construction stormwater permits in order to reflect the increases reflected in recent legislation. Contact: Angus Eaton, Chief, NYS Department of Environmental Conservation, General Permits Section, Bureau of Water Permits, Division of Water, 625 Broadway, Albany, NY 12233-3505. Telephone: 518-402-8123. E-mail: akeaton@gw.dec.state.ny.us

6 NYCRR Part 750 - State Pollutant Discharge Elimination System (SPDES) Permits - Propose revisions to incorporate the federal Concentrated Animal Feeding Operation rules and to delete the reference to availability of materials on the Department's website. Contact: Angus Eaton, Chief, NYS Department of Environmental Conservation, General Permits Section, Bureau of Water Permits, Division of Water, 625 Broadway, Albany, NY 12233-3505. Telephone: 518-402-8123. E-mail: akeaton@gw.dec.state.ny.us