

REGULATORY AGENDA

Department of Environmental Conservation

Introduction

Each year, pursuant to SAPA, the department publishes a Regulatory Agenda and 5 Year Review of Rules in the State Register and on its website. This is a listing of the regulations that may be proposed for adoption or amendment within that calendar year, and a review of department rules adopted 5 years previous.

Division of Air Resources

6 NYCRR Part 200, General Provisions. Statutory Authority: Environmental Conservation Law Sections 1-0101, 1-0303, 3-0301, 3-0303, 11-0303, 11-0305, 11-0535, 13-0105, 15-0109, 15-1903, 16-0111, 17-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 19-0306, 19-0311, 19-0319, 19-0323, 24-0103, 25-0102, 34-0108, 49-0309, 70-0109, 71-2103, 71-2105, 72-0303; Energy Law Sections 3-101, 3-103; Public Authorities Law Sections 1850, 1851, 1854, 1855; Federal Clean Air Act Sections 160-169, 171-193 [42 U.S.C. 7470-7479; 7501-7515]. Part 200 is being revised, and is on the Department's 2015 regulatory agenda and will carry into 2016. Contact: Steve Yarrington, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3254. Telephone: 518-402-8403. E-Mail: Air.Reggs@dec.ny.gov. Please include the Part number when e-mailing.

6 NYCRR Part 201, Permits and Registrations. Statutory authority: Environmental Conservation Law. Part 201 will be amended to make certain minor wording changes, correct typographical errors, and other minor corrections to ensure consistent implementation across regions. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Mark Lanzafame, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8403. E-mail: Air.Reggs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 205, Architectural and Industrial Maintenance Coatings. The existing regulation will be revised to include additional and more restrictive volatile organic compound (VOC) limits. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Ona Papageorgiou, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: Air.Reggs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 217, Motor Vehicle Emissions. The regulation will be amended to add emissions-related recall repairs to the enhanced inspection and maintenance program requirements. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: James Clyne, P.E., NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3255. Telephone: 518-402-8292. E-mail: Air.Reggs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 218, Emission Standards for Motor Vehicles and Motor Vehicle Engines. The regulation will be amended to incorporate revisions California has made in 2015 to its emission control program

to amend the Zero Emission Vehicle program. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Jeff Marshall, P.E., NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3255. Telephone: 518-402-8292. E-mail: Air.Reggs@dec.ny.gov. Please include the Part number when emailing.

NYCRR Part 222, Distributed Generation Sources. This is a new regulation to establish emission standards for distributed generation sources located at facilities that are not subject to 6 NYCRR Part 227-2. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: John Barnes, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: Air.Reggs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Fuel. Statutory authority: Environmental Conservation Law, §§ 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 71-2103, 71-2105. The existing regulation will be revised to remove "out-of-date" regulatory references, correct typographical errors, update the waste oil constituent limits, remove "out-of-date" work practices, expand the number of facilities allowed to burn waste oil, and update the rule to complement Title V criteria.

6 NYCRR Subpart 227-1, Stationary Combustion Installations. Statutory authority: Environmental Conservation Law, Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0311. The existing regulation will be revised to remove "out-of-date" regulatory references, correct typographical errors, and update the permissible emission rates for particulate matter for both solid and liquid fuels. E-mail: Air.Reggs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Subpart 227-2, NOx RACT. A review of the NOx emission limits for peaking turbines will be conducted. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Ona Papageorgiou, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: Air.Reggs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Subpart 228-3, Mobile Equipment Repair and Refinishing. A new rule to establish VOC limits for coatings used in motor vehicle repair and refinishing. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Marie Barnes, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: Air.Reggs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 230, Gasoline Dispensing Sites and Transport Vehicles. Statutory authority: Environmental Conservation Law, § 3-0301, § 19-0301. The existing rule will be amended to update and clarify testing requirements for gasoline dispensing sites (gas stations) and to conform more closely to new federal requirements and

guidance. The regulation will also require prior notification to the department for each test; require new vapor leak detection equipment; and remove Stage II requirements. E-mail: Air.Reg@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 232, Perchloroethylene Dry Cleaning Facilities. Statutory authority: Environmental Conservation Law, §§ 3-0301, 19-0301, 19-0303. The existing regulation that became effective May 15, 1997 will be updated to provide for administrative streamlining and consistency with any new federal requirements. E-mail: Air.Reg@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 235, Consumer Products. The existing regulation will be updated to implement additional Volatile Organic Compound (VOC) product content limits. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Kenneth Newkirk, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: Air.Reg@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 242, CO2 Budget Trading Program. The regulation will be amended, as necessary and appropriate, to incorporate revisions to comply with the Environmental Protection Agency's "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units." This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Michael Sheehan, P.E., NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251, Telephone: 518-402-8396. E-mail: Air.Reg@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Parts 243, 244, 245, Transport Rule. These existing regulations will be updated to fully incorporate the Cross State Air Pollution Rule adopted by the Environmental Protection Agency into the New York State Implementation Plan. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Marie Barnes, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: Air.Reg@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 247, Outdoor Wood Boilers. The existing regulation will be updated to conform to the emission standards and certification requirements of the federal NSPS rule. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: John Barnes, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: Air.Reg@dec.ny.gov. Please include the Part number when emailing.

Division of Environmental Permits

6 NYCRR, Part 621, Uniform Procedure Act (UPA). Part 621 was last amended on October 14, 2009. Since that time several statutes and regulations that interface with Part 621 have been changed or amended. The Division of Environmental Permits proposes to update the main text of Part 621. Several minor changes and updates are proposed to align the text with the revised regulations. Also several minor clarifications and corrections are proposed to correct inaccurate references and clarify permitting procedures. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Kent Sanders, NYS Department of Environmental Conservation, 625 Broadway, 4th Floor, Albany, NY 12233-1750. Telephone: 518-402-9168. E-mail: deppermitting@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 617, State Environmental Quality Review Act (SEQR). The Division of Environmental Permits proposes to amend the main text of Part 617. The purpose of the revisions is to streamline the SEQR process without sacrificing meaningful environmental review. The revisions would modify the Type I and Type II lists of actions, as well make other changes to the SEQR process. More information about the expected changes could be found at <http://www.dec.ny.gov/permits/83389.html>. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Kent Sanders, Department of Environmental Conservation, 625 Broadway, 4th Floor, Albany, NY 12233-1750. Telephone: 518-402-9167. E-mail: deppermitting@dec.ny.gov. Please include the Part number when emailing.

www.dec.ny.gov/permits/83389.html. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Kent Sanders, Department of Environmental Conservation, 625 Broadway, 4th Floor, Albany, NY 12233-1750. Telephone: 518-402-9167. E-mail: deppermitting@dec.ny.gov. Please include the Part number when emailing.

Division of Environmental Remediation

6 NYCRR Parts 370, 371, 372, 373, 374, and 376, Hazardous Waste Management Regulations ('FedReg5'). This rule making will incorporate, as appropriate, (1) federal rules from January 2002 to present; (2) changes related to Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Maximum Achievable Control Technology (MACT) rules) from September 1999 to present; and (3) State-initiated changes, including clarification of language and corrections of errors found in the regulations. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Michelle Ching, New York State Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, NY 12233-7020. Telephone: 518-402-9553. E-mail: hwregs@dec.ny.gov. Please include 'FedReg5' in the subject line when emailing.

6 NYCRR Parts 370, 371, 372, 373, 374 and 376, Hazardous Waste Management Regulations ('FedReg6'). This rulemaking will incorporate, as appropriate, four federal rules that were adopted between July 31, 2013 and January 13, 2015, which are: (1) Solvent-Contaminated Wipes Rule, published in Federal Register on July 31, 2013, which modifies provisions for laundering and reuse that are currently administered by Program Policy DSW-HW-03-09, 'Regulatory Status of Laundered Industrial Rags and Soiled Clothing'; (2) Carbon Dioxide Sequestration Rule, published in Federal Register on January 3, 2014, which provides a conditional exclusion for carbon dioxide streams in geological sequestration activities; (3) Electronic Manifest Rule, published in Federal Register on February 7, 2014, which provides the legal and policy framework to authorize use of electronic manifests; and (4) 2008 Definition of Solid Waste Rule, as amended on January 13, 2015. Standards for the Management of Used Oil (6 NYCRR Subpart 374-2) may also be amended. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Michelle Ching, New York State Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, NY 12233-7020. Telephone: 518-402-9553. E-mail: hwregs@dec.ny.gov. Please include 'FedReg6' in the subject line when e-mailing.

6 NYCRR Part 375 (Subparts 375-1 to 375-4, and 375-6), Environmental Remediation Programs. DEC proposes to amend subparts 375-1 to 375-4, and 375-6 to: (1) provide additional direction for issues that have been encountered since the rule was promulgated in December 2006; (2) provide additional guidance on processes so as to promote uniformity and consistency; (3) incorporate provisions as specified in Part BB of Chapter 56 of the Laws of 2015 as they pertain to the Environmental Remediation Programs in Part 375; (4) incorporate soil cleanup objective (SCO) changes, if any, resulting from the statutorily required five-year review; (5) add or revise multiple provisions to clarify issues that have arisen in the Brownfield Cleanup Program in the course of implementing the program since 2006; (6) make necessary revisions of provisions applicable to the State Superfund Program, including, but not limited to, possibly clarifying the definition of "significant threat;" (7) encourage the incorporation of sustainable remediation and development techniques into cleanup projects covered by this rule; and (8) correct scrivener's errors that have caused inconsistencies and created confusion, replace accidental omissions, and insert clarifications as needed to conform to the amendments to these regulations. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Michael Ryan, New York State Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, NY 12233-7011. Telephone: 518-402-9706. E-mail: derweb@dec.ny.gov. Please include 'Part 375' in the subject line when e-mailing.

6 NYCRR Part 380, Prevention and Control of Environmental Pollution by Radioactive Materials. This rule making will amend the Part 380 regulations to incorporate federal rule changes. In addition, several corrections and revisions not related to the federal rules will be done, including: clarifying the regulations in a number of areas such as standards for issuance of a Part 380 permit and language in the variance provision; elimination of redundant provisions; and deletion of obsolete provisions. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Sandra Hinkel, New York State Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, New York 12233-7255. Telephone: 518-402-9625. E-mail: radregs@dec.ny.gov. Please include 'Part 380' in the subject line when e-mailing.

6 NYCRR Part 384, Cleanup Criteria for Remediation of Sites Contaminated with Radioactive Material. This rule is being developed to adopt applicable sections of the federal Nuclear Regulatory Commission's (NRC) License Termination Rule (LTR), which establishes cleanup criteria for radiologically contaminated sites, and the Timeliness of Decommissioning Rule, which outlines necessary steps for the planning and implementing of site cleanups. Program staff are coordinating adoption of these rules with the New York State Department of Health and the New York City Department of Health and Mental Hygiene to ensure compatibility, as they also are required to adopt applicable sections of these federal rules. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Timothy Rice, New York State Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, NY 12233-7255. Telephone: 518-402-8579. E-mail: radregs@dec.ny.gov. Please include 'Part 384' in the subject line when e-mailing.

6 NYCRR Part 483, Hazardous Waste Program Fees. This rule making will amend Part 483 to incorporate statutory changes made to the Hazardous Waste Program Fees in Environmental Conservation Law section 72-0402. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Laura Zeppetelli, New York State Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, New York 12233-7012. Telephone: 518-402-9764. E-mail: derweb@dec.ny.gov. Please include 'Part 483' in the subject line when e-mailing.

6 NYCRR Parts 596, 597, 598, and 599, Chemical Bulk Storage Regulations. In this second phase of rule making for revisions to the Chemical Bulk Storage (CBS) regulations, DEC proposes to repeal Parts 596, 597, 598, and 599 and replace them with a new Part 598 to: (1) achieve equivalency with 40 CFR Part 280 (Underground Storage Tank regulations), which is needed in order for the State to receive delegation from U.S. Environmental Protection Agency (EPA), by incorporating new requirements from the federal regulations that the EPA promulgated in their July 2015 rule making; and (2) incorporate State-initiated changes pertaining to the administration of the CBS program and its consistency with the Petroleum Bulk Storage program, where applicable. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Russ Brauksieck, New York State Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, New York 12233-7020. Telephone: 518-402-9553. E-mail: derweb@dec.ny.gov. Please include 'Part 598' in the subject line when e-mailing.

6 NYCRR Part 610, Certification of Onshore Major Facilities [Major Oil Storage Facility (MOSF) Regulations]. DEC proposes to repeal and replace Part 610 to: (1) incorporate appropriate language from the New York State Department of Transportation regulations, 17 NYCRR Parts 30, 31 and 32, that pertains to the administration of the MOSF program, which has been solely handled by DEC since 1985; (2) repeal 17 NYCRR Parts 30, 31 and 32; (3) improve the consistency and clarity of language directing the administration of the MOSF program, which will make explicit in regulation the procedures set forth in DEC Program Policy DER-11, Procedures for Licensing Onshore Major Oil Storage Facilities; (4) enhance monitoring, main-

tenance, procedures, and equipment requirements to prevent leaks and spills; and (5) evaluate the need for additional measures to ensure protection of public health and the environment, including the need for financial assurance. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Russ Brauksieck, New York State Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, New York 12233-7020. Telephone: 518-402-9553. E-mail: derweb@dec.ny.gov. Please include 'Part 610' in the subject line when e-mailing.

6 NYCRR Part 611, Environmental Priorities and Procedures in Petroleum Cleanup and Removal. DEC proposes to repeal and replace Part 611 to incorporate requirements from Article 12 of the Navigation Law, which prohibits the discharge of petroleum and provides for cleanup and removal of any petroleum discharge. Part 611 needs to be revised to achieve equivalency with 40 CFR Part 280 (Underground Storage Tank regulations), which is needed in order for the State to receive delegation from EPA. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Dennis Farrar, New York State Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, New York 12233-7020. Telephone: 518-402-9553. E-mail: derweb@dec.ny.gov. Please include 'Part 611' in the subject line when e-mailing.

6 NYCRR Part 613, Petroleum Bulk Storage Regulations. In this second phase of rule making for revisions to the Petroleum Bulk Storage (PBS) regulations, DEC proposes to amend Part 613 to: (1) achieve equivalency with 40 CFR Part 280 (Underground Storage Tank regulations), which is needed in order for the State to receive delegation from EPA by incorporating new requirements from the federal regulations that the EPA promulgated in their July 2015 rule making; and (2) incorporate State-initiated changes pertaining to the administration of the PBS program and its consistency with the CBS program, where applicable. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Russ Brauksieck, New York State Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, New York 12233-7020. Telephone: 518-402-9553. E-mail: derweb@dec.ny.gov. Please include 'Part 613' in the subject line when e-mailing.

Division of Fish, Wildlife, and Marine Resources

6 NYCRR Part 10 - Sportfishing Regulations. Every two years the Department makes needed adjustments to the freshwater sportfishing regulations for the purposes of keeping the regulations up to date and current with management needs (including individual waters) and to provide for angling opportunity. The amendment of these regulations is necessary to adjust for meeting management needs, and to include appropriate adjustments to seasons, creel limits, and size limits. A Notice of Proposed Rule Making will be filed during the second half of 2016. Regulation changes, once finally adopted would become effective on 4/1/17. This amendment will not require a Regulatory Flexibility Analysis for Small Businesses or a Rural Area Flexibility Analysis. Contact: Shaun Keeler, New York State Department of Environmental Conservation, Bureau of Fisheries, 625 Broadway, Albany, NY 12233. Telephone: 518-402-8928. E-mail: shaun.keeler@dec.ny.gov

6 NYCRR Part 189, Chronic Wasting Disease. Statutory Authority: ECL 3-0301, 11-0325, and 11-1905. These amendments are needed to strengthen the existing regulation pertaining to importation, transportation, possession and disposal of live or dead Cervids (or parts of those animals) as necessary to prevent the introduction or spread of Chronic-wasting Disease in New York. It is not anticipated that this amendment will require a Regulatory Flexibility Analysis for small businesses or a Rural Area Flexibility Analysis. Contact: Vicky Wagenbaugh, NYS Department of Environmental Conservation, Division of Fish, Wildlife & Marine Resources, 625 Broadway, Albany, NY 12233-4754, Telephone: 518-402-8879. E-mail: vicky.wagenbaugh@dec.ny.gov

6 NYCRR Section 3.1, Diamondback terrapins. Statutory Authority: ECL 11-0905. The Department is proposing to revise 6 NYCRR Sec-

tion 3.1, Diamondback terrapins to close the current open season for harvesting this species. The agency lacks data to verify that harvest of these turtles is sustainable and all other states in the region have already closed their seasons. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Vicky Wagenbaugh, NYS Department of Environmental Conservation, Division of Fish, Wildlife & Marine Resources, 625 Broadway, Albany, NY 12233-4754, Telephone: 518-402-8879. E-mail: vicky.wagenbaugh@dec.ny.gov

6 NYCRR Subchapter G (Fish and Wildlife Management Areas and Facilities), Parts 51-113. Statutory Authority: ECL 11-0303, 11-2101, 11-2106. These amendments are needed to simplify public use regulations pertaining to the wildlife management areas, cooperative fish and wildlife management areas, and several state parks. They are also needed to ensure that public use activities on WMAs are consistent with the requirements of the Pittman-Robertson Law, a key source of federal funding for the acquisition and management of WMAs. It is not anticipated that this amendment will require a Regulatory Flexibility Analysis for small businesses or a Rural Area Flexibility Analysis. Contact: Stephen Hurst, NYS Department of Environmental Conservation, Division of Fish, Wildlife & Marine Resources, 625 Broadway, Albany, NY 12233-4754, Telephone: 518-402-8924. E-mail: steve.hurst@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Parts 151, 153, 174, 175, 180, 182, and 184. Amendments to these regulations would be done as one package.

6 NYCRR Part 151, Propagation and Sale of Fur-Bearing Animals. The Department is proposing to amend 6 NYCRR Part 151 to bring the regulations current with changes to ECL 11-1907, which became effective in April 2012. The statutory language now states that the department shall not issue any new licenses after April 1, 2012. The regulatory changes will provide for continued licensing of currently licensed individuals and will prohibit the issuance of new licenses. This amendment may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments but not a Rural Area Flexibility Analysis. Contact: Joseph Therrien, New York State Department of Environmental Conservation, Division of Fish, Wildlife and Marine Resources, 625 Broadway, Albany, NY 12233-4752. Telephone: 518-402-8985. E-mail: joseph.therrien@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 153, Preserve Licenses. The Department is proposing to amend 6 NYCRR Part 153 to bring the regulations current with changes to multiple Sections of the ECL. The statutory language has removed the requirement for marking domestic game species with a Department provided tag and has extended the shooting season authorized for shooting preserve licenses. The regulatory changes will remove the carcass tagging requirements in Section 153.1 and will extend the shooting season as allowed in Section 153.2. In addition, the requirement for submission of an annual report will be removed from Section 153.1. This amendment will not require a Regulatory Flexibility Analysis for Small Businesses and Local Governments or a Rural Area Flexibility Analysis. Contact: Joseph Therrien, New York State Department of Environmental Conservation, Division of Fish, Wildlife and Marine Resources, 625 Broadway, Albany, NY 12233-4752. Telephone: 518-402-8985. E-mail: joseph.therrien@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 174, Sale of Live Birds. The Department is proposing to amend 6 NYCRR Part 174 to simplify the regulatory language and to clearly state for what purposes a license is required. Part 174 will be repealed in its entirety and a new Part 174 will be written. Changes will also include the removal of the records retention requirement in 174.3(c). This amendment may require a Regulatory Flexibility Analysis for Small Businesses but not a Rural Area Flexibility Analysis. Contact: Joseph Therrien, New York State Department of Environmental Conservation, Division of Fish, Wildlife and Marine Resources, 625 Broadway, Albany, NY 12233-4752. Telephone: 518-402-8985. E-mail: joseph.therrien@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 180, Miscellaneous Regulations. The Department is

proposing to amend 6 NYCRR 180.9(c) by removing the permit fee and authorizing possession of dangerous fish only for education and exhibition at Zoos accredited by the Association of Zoos and Aquariums and for scientific research. Contact: Joseph Therrien, New York State Department of Environmental Conservation, Division of Fish, Wildlife and Marine Resources, 625 Broadway, Albany, NY 12233-4752. Telephone: 518-402-8985. E-mail: joseph.therrien@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Section 180.1, Wildlife Dangerous to Health or Welfare. The Department is proposing to amend 6 NYCRR Section 180.1 or promulgate a new regulation to address statutory requirements of ECL 11-0511, 11-0512, and 11-0103(6)(e)(5). The statutory language in ECL 11-0512 and 11-0103(6)(e)(5) provides the opportunity for the private possession of animals that are or should be considered too dangerous for possession outside of bona fide zoological gardens. In addition, pursuant to ECL 11-0511, the proposed amendments to Section 180.1 will provide a list of species that have been found to be too dangerous to the public or to the fish and wildlife resources of the state to be possessed in any facility except a bona fide zoological garden certified by the American Zoological Association. This amendment may require a Regulatory Flexibility Analysis for Small Businesses but not a Rural Area Flexibility Analysis. Contact: Joseph Therrien, New York State Department of Environmental Conservation, Division of Fish, Wildlife and Marine Resources, 625 Broadway, Albany, NY 12233-4752. Telephone: 518-402-8985. E-mail: joseph.therrien@dec.ny.gov. Please include the Section number when emailing.

6 NYCRR Part 182, Endangered and Threatened Species of Fish and Wildlife; Species of Special Concern; Incidental Take Permits. The Department is proposing to repeal Section 182.14 to; remove license fee and application language for sale of articles made from crocodilian species; "rewrite Section 182.8 or, add new Section allowing an exception for the sale of crocodilian and vicuna articles manufactured from legal sources;" rewrite 182.8 to clearly distinguish between live animals, raw carcasses or parts and worked or manufactured articles containing pieces or parts from endangered or threatened species; and or to define requirements of license application including proof of acquisition and provenance. This amendment may require a Regulatory Flexibility Analysis for Small Businesses but not a Rural Area Flexibility Analysis. Contact: Joseph Therrien, New York State Department of Environmental Conservation, Division of Fish, Wildlife and Marine Resources, 625 Broadway, Albany, NY 12233-4752. Telephone: 518-402-8985. E-mail: joseph.therrien@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 182 Endangered and Threatened Species of Fish and Wildlife; Species of Special Concern; Incidental Take Permits. The Department is also proposing to amend Section 182.5 to revise the list of endangered species, threatened species, and species of special concerns, and amend Section 182.13 to allow for experimental populations and to exempt man-made structures from critical habitat. This amendment may require a Regulatory Flexibility Analysis for Small Businesses but not a Rural Area Flexibility Analysis. Contact: Daniel Rosenblatt, New York State Department of Environmental Conservation, Division of Fish, Wildlife and Marine Resources, 625 Broadway, Albany, NY 12233-4752. Telephone: 518-402-8884. E-mail: daniel.rosenblatt@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 184, Wildlife Rehabilitation. The Department is proposing to amend 6 NYCRR Part 184 to; reduce the number of license classes from six to one; "to remove the requirement for submitting two character references with license applications; and" to remove the requirement for interview of new licensees by regional staff. Changes will be made to incorporate the prohibitions of the proposed dangerous animal regulations and the Chronic Wasting Disease Regulations as to possession of prohibited species for rehabilitative care. This amendment may require a Regulatory Flexibility Analysis for Small Businesses but not a Rural Area Flexibility Analysis. Contact: Joseph Therrien, New York State Department of Environmental Conservation, Division of Fish, Wildlife and Marine Resources, 625 Broadway, Albany, NY 12233-4752. Telephone: 518-402-8985. E-mail: joseph.therrien@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 177, Sporting License Issuance and Use. Amend current regulations to update proof of qualifications for certain licenses to be consistent with updated procedures and potential changes necessary to issue sporting licenses as part of a statewide, shared services electronic licensing system that is currently under development. Also, amend current regulations concerning the description of what constitutes a license issued by DEC to allow for electronic sporting licenses to be carried and presented via electronic device(s). It is not anticipated that this amendment will require a Regulatory Flexibility Analysis for small businesses or a Rural Area Flexibility Analysis. Contact: Mary Bailey, New York State Department of Environmental Conservation, Division of Fish, Wildlife, and Marine Resources, 625 Broadway, Albany, NY 12233-4750, Telephone: 518-402-8869. E-mail: mary.bailey@dec.ny.gov.

6 NYCRR Part 183, License-Issuing Officers. Amend current regulations to address procedures for evaluation and prioritization of applicants that wish to become license-issuing officers (agents) for DEC. It is not anticipated that this amendment will require a Regulatory Flexibility Analysis for small businesses or a Rural Area Flexibility Analysis. Contact: Mary Bailey, New York State Department of Environmental Conservation, Division of Fish, Wildlife, and Marine Resources, 625 Broadway, Albany, NY 12233-4750, Telephone: 518-402-8869. E-mail: mary.bailey@dec.ny.gov.

Bureau of Marine Resources

6 NYCRR, Part 11 - More Than One Species. The Department is proposing amendments that pertain to the management of diadromous fishes, including American eel, for taking, possessing, sale, or trafficking in the Harlem or East Rivers and the Hudson River. They are needed to remain in compliance with fishery management plans developed by the Atlantic States Marine Fisheries Commission or as directed in the Federal Sustainable Fisheries Act for such species. They also comply with the requirements of Environmental Conservation Law regarding the management of anadromous species. The purpose of these regulations is to protect and to maintain the health of these fish stocks. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: Stephen W. Heins, New York State Department of Environmental Conservation, Bureau of Marine Resources, 205 N. Belle Meade Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0435. E-mail: steve.heins@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR, Part 18 - Taking Bait. The Department is proposing amendments that pertain to the management of diadromous fishes to take as bait for sportfishing via the use of fishing devices. They are needed to remain in compliance with fishery management plans developed by the Atlantic States Marine Fisheries Commission or as directed in the Federal Sustainable Fisheries Act for such species. They also comply with the requirements of Environmental Conservation Law regarding the management of anadromous species. The purpose of these regulations is to protect and to maintain the health of these fish stocks. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: Stephen W. Heins, New York State Department of Environmental Conservation, Bureau of Marine Resources, 205 N. Belle Meade Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0435. E-mail: steve.heins@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR, Part 35 - Licenses. The Department proposes to establish new reporting requirements for certain inland commercial fishery license holders, consistent with those in Part 40 for the same regulated species. The Department also proposes to reduce the number of types of licenses issued and to increase in the fees charged for certain licenses. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: Stephen W. Heins, New York State Department of Environmental Conservation, Bureau of Marine Resources, 205 N. Belle Meade Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0435. E-mail: steve.heins@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR, Part 36 - Gear and Operation of Gear. The Department is proposing amendments that pertain to the management of diadromous fishes in the Hudson and Delaware Rivers and are needed to maintain compliance with fishery management plans developed by the Atlantic States Marine Fisheries Commission (ASMFC) or as directed in the Federal Sustainable Fisheries Act for such species. They also comply with the requirements of Environmental Conservation Law regarding the management of anadromous species. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: Stephen W. Heins, New York State Department of Environmental Conservation, Bureau of Marine Resources, 205 N. Belle Meade Road, Suite 1, E. Setauket, New York 11733. Telephone: 631-444-0435. E-mail: steve.heins@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 40 - Marine Fish. The Department proposes to amend regulations pertaining to the management of marine and diadromous fishes to maintain compliance with fishery management plans developed by the Atlantic States Marine Fisheries Commission (ASMFC), or with the requirements of Environmental Conservation Law, or pursuant to the Federal Sustainable Fisheries Act for such species. Proposed amendments will also provide compliance with National Marine Fisheries Service requirements and other federal laws. The Department proposes to amend the regulations to define what methods are allowed for recreational anglers to take fish. The Department proposes to amend reporting and record keeping requirements for State licensed harvesters; and to create a definition for proof of residency and establish the requirement for providing such proof of residency when obtaining marine license and permits. The Department proposes to amend the striped bass and summer flounder commercial fishing special regulations to replace qualifications for permits with an acceptable substitute for 50 percent of earned income and tax records and make changes to striped bass commercial fishing permit reissuance and striped bass commercial permit tag provisions. New regulations will be proposed to make changes in the summer flounder commercial fishing special regulations to add language for re-qualification similar to that in the striped bass commercial fishing special regulations. The Department proposes to adopt regulations to establish a commercial eel permit with reporting requirements statewide, and to extend coverage by the general provisions of this part to include Rockland and Putnam Counties and ensure that commercial possession is covered statewide. The proposed amendments will adopt changes to the shipping, labeling and packing requirements to require harvester's fishing vessel trip report numbers on labels for quota managed species and adopt regulations to clarify provision for records retention by food fish shippers and dealers. The Department proposes amendments to establish seasonal area gear closures to decrease bycatch of Atlantic sturgeon. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: Stephen W. Heins, New York State Department of Environmental Conservation, Bureau of Marine Resources, 205 N. Belle Meade Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0435. E-mail: steve.heins@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 41 - Sanitary Condition of Shellfish Lands. As necessary, the Department will propose to amend regulations that specify the classification (certified or uncertified) of shellfish lands. This is necessary to protect public health by designating lands that do not meet bacteriological water quality criteria as uncertified or closed to shellfish harvesting. Shellfish lands that meet the water quality criteria are designated as certified (open) for the taking of shellfish. Shellfish are defined in law as oysters, scallops, and all kinds of clams and mussels. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Government but no Rural Area Flexibility Analysis. Contact: William Hastback, New York State Department of Environmental Conservation, Bureau of Marine Resources, Shellfisheries Section, 205 N. Belle Meade Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0479. E-mail: william.hastback@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 42 - Sanitary Control over Shellfish. The Department proposes to amend regulations pertaining to the sanitary, record keeping, and reporting requirements and to require *Vibrio* control plans and introduce educational requirements, as necessary, to protect public health and allow for the modification of any conditions placed on permit activities after the permit has been issued for shellfish harvesters and shippers needed to comply with the guidelines of the National Shellfish Sanitation Program (NSSP), the federal regulations regarding interstate shipment of shellfish, and the Environmental Conservation Law. The proposed regulations will modify the descriptions of allowable activities under each category of shellfish shipper permits and the harvester permit consistent with the NSSP and the Environmental Conservation Law and amend and clarify descriptions of shellfish harvest areas to clearly delineate geographical sites where shellfish are harvested. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: Susan Ritchie, New York State Department of Environmental Conservation, Bureau of Marine Resources, 205 N. Belle Meade Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0494. E-mail: susan.ritchie@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 43 - Surfclam/Ocean Quahog Fishery Management. The Department proposes to amend regulations pertaining to the management of surfclams and ocean quahogs that are consistent with the provisions of fishery management plans adopted by the Department and allow for the orderly implementation of any changes to the Environmental Conservation Law for the surfclam fishery. All amendments may describe changes to permit requirements and eligibility, harvest limits, gear restrictions, record keeping, and reporting requirements. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Government but no Rural Area Flexibility Analysis. Contact: Jennifer O'Dwyer, New York State Department of Environmental Conservation, Bureau of Marine Resources, 205 N. Belle Mead Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0489. E-mail: jennifer.odwyer@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 44 - Lobsters and Crabs. The Department proposes to amend regulations pertaining to the management of lobsters, decapod crabs and horseshoe crabs to maintain the health of such species and to prevent the introduction of exotic crustacean species. These proposed regulations will comply with fishery management plans developed by the Atlantic State Marine Fisheries Commission (ASMFC) for these species and with requirements of the Environmental Conservation Law. The proposed regulations will include general provisions consistent with those found in Part 40. The proposed amendments will allow for flexibility in the type of vent used in crab traps, mandatory use of terrapin excluder devices on crab traps and establish open crab dredge seasons and areas. The Department will propose to modify the crab endorsement language to mirror the language used for lobster and finfish endorsement. The Department proposes to adopt regulations to implement the new ASMFC Interstate Fishery Management Plan for Jonah Crab which will include a special permit, size limit, effort controls and other management measures based on details of the plan. The Department proposes to clarify current language and remove unnecessary regulations. Horseshoe crabs regulations will be proposed to allow more control over the harvest and storage of horseshoe crabs and modify daily trip limit language. Rules will also be developed to prohibit the importation, possession and use of Asian horseshoe crabs. ASMFC will be developing an Addendum to the lobster management plan to scale the size of the Southern New England lobster fishery to the size of the resource and to respond to the continued depletion of the stock. The Department will propose lobster regulations based on the details of the Addendum. The Department will propose rules to prohibit the liberation of non-local crustaceans into New York's marine district. Rules will be developed to modify lobster trap tag allocations in order to implement trap transferability program. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Government as well as a Rural Area Flexibility Analysis. Contact:

Kim McKown, New York State Department of Environmental Conservation, Bureau of Marine Resources, Finfish and Crustaceans Section, 205 N. Belle Meade Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0454. E-mail: kim.mckown@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 45 - Transplanting of Shellfish. The Department proposes to amend regulations pertaining to the transplanting of shellfish that are necessary to provide adequate protection of public health and comply with the guidelines and minimum requirements of the National Shellfish Sanitation Program. The proposed regulations will amend requirements for permits, transplanting of shellfish, relay area certification, and establish requirements for recordkeeping and reporting. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Government as well as a Rural Area Flexibility Analysis. Contact: Debra Barnes, New York State Department of Environmental Conservation, Bureau of Marine Resources, 205 N. Belle Mead Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0483. E-mail: debra.barnes@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 48 - Marine Hatcheries, On-Bottom and Off-Bottom Culture of Marine Plant and Animal Life. The Department proposes to amend regulations pertaining to the sale of cultured food fish and other cultured food products for consumption or resale. The proposed regulations will amend requirements for marking and identification of cultivation products in commercial markets, requirements for permits, and record keeping and reporting requirements. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Government as well as a Rural Area Flexibility Analysis. Contact: Wade Carden, New York State Department of Environmental Conservation, Bureau of Marine Resources, 205 N. Belle Mead Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0481. E-mail: wade.carden@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 49 - Shellfish Management. The Department proposes to adopt regulations for the management of hard clams, soft or steamer clams and razor clams. The management measures include provisions for size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility, record keeping and identification requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale. The Department proposes to amend regulations pertaining to the possession of oysters of less than legal size which is needed to ensure enforceability and compliance with the minimum size requirements for harvest of wild (natural) oysters in the marine district. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Government as well as a Rural Area Flexibility Analysis. Contact: Debra Barnes, New York State Department of Environmental Conservation, Bureau of Marine Resources, 205 N. Belle Mead Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0483. E-mail: debra.barnes@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 50 - Miscellaneous Marine Species. The Department proposes to adopt new regulations for the protection and management of various other marine species. The immediate need is for the adoption of regulations for the protection and management of whelks (also known as conch, *Busycon* spp). These regulations will include size limits, reporting requirements for harvesters and dealers, specifications for marking and placement of whelk fishing gear, trap limits and other regulations necessary to manage the whelk fishery. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Government but no Rural Flexibility Analysis. Contact: Kim McKown, New York State Department of Environmental Conservation, Bureau of Marine Resources, 205 N. Belle Mead Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0454. E-mail: kim.mckown@dec.ny.gov. Please include the Part number when emailing.

Office of Hearings and Mediation Services

6 NYCRR Part 622, Uniform Enforcement Hearing Procedures. The Office of Hearings and Mediation Services proposes to clarify

procedures governing default procedures and motions for order without hearing, and make various typographical, technical and related corrections throughout. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses, and a Rural Regulatory Flexibility Analysis. Contact: James T. McClymonds, Chief Administrative Law Judge, New York State Department of Environmental Conservation, Office of Hearings and Mediation Services, 625 Broadway, First Floor, Albany, New York 12233-1550. E-mail: jtmcclym@gw.dec.state.ny.us

6 NYCRR Part 624, Permit Hearing Procedures. The Office of Hearings and Mediation Services proposes to amend procedures governing issues conferences and interim appeals to the Commissioner from issues rulings by the Administrative Law Judges, to clarify the procedures governing motion practice, to establish procedures governing trade secrets and other confidential information in adjudicatory hearings, to revise certain definitions and to make various typographical, technical and related corrections. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses, and a Rural Regulatory Flexibility Analysis. Contact: Louis A. Alexander, New York State Department of Environmental Conservation, Office of Hearings and Mediation Services, 625 Broadway, 14th Floor, Albany, New York 12233-1010. E-mail: laalexan@gw.dec.state.ny.us

Division of Lands and Forests

6 NYCRR Part 592, Conservation Easements. Addition of a New Part. These regulations will provide guidance and a process for the Department to follow when modifying or extinguishing a conservation easement. A Regulatory Flexibility Analysis and a Rural Area Flexibility Analysis are not required for this rulemaking. Contact: Robert Burgher, NYS Department of Environmental Conservation, Division of Lands and Forests, 625 Broadway, Albany, NY 12233-4256, Telephone (518) 402-9442, E-mail: robert.burgher@dec.ny.gov

6 NYCRR, Aquatic Invasive Species Prevention. Addition of a New Part. These regulations will define "reasonable precautions" that a person shall take prior to launching a watercraft or floating dock into a public water body. A Regulatory Flexibility Analysis and a Rural Area Flexibility Analysis are not required for this rulemaking. Contact: Leslie Surprenant, NYS Department of Environmental Conservation, Division of Lands and Forests, 625 Broadway, Albany, NY 12233-4250. Telephone: (518) 402-8980, E-mail: leslie.surprenant@dec.ny.gov

6 NYCRR Part 195, Permits for the Erection and Maintenance of Signs, Advertising Structures and Devices in the Adirondack and Catskill Parks. These regulations will allow a modest increase in the size of signs and the distance of signs from businesses. A Regulatory Flexibility Analysis and a Rural Area Flexibility Analysis are not required for this rulemaking. Contact: Peter J. Frank, NYS Department of Environmental Conservation, Bureau of Forest Preserve Management, 625 Broadway, Albany, NY 12233-4254, Telephone: (518) 473-9518, E-mail: peter.frank@dec.ny.gov

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 Saint Regis Canoe Area from overuse by applying restrictions to group size, camping, campfires and other activities. A Regulatory Flexibility Analysis and a Rural Area Flexibility Analysis are not required for this rulemaking. Contact: Peter J. Frank, NYS Department of Environmental Conservation, Bureau of Forest Preserve Management, 625 Broadway, Albany, NY 12233-4254, Telephone: (518) 473-9518. E-mail: peter.frank@dec.ny.gov

6 NYCRR Part 196, Operation of Motorized Vehicles, Vessels, Aircraft and Motorized Equipment in the Forest Preserve. Amend Section 196.7, Operation of Bicycles in the Adirondack Forest Preserve. This regulation will update existing Section 196.7 implemented by Adirondack Park State Land Master Plan guidelines for bicycle use. A Regulatory Flexibility Analysis and a Rural Area Flexibility Analysis are not required for this rulemaking. Contact: Peter J. Frank, NYS Department of Environmental Conservation, Bureau of Forest Preserve Management, 625 Broadway, Albany, NY 12233-4254 Telephone: (518) 473-9518, E-mail: peter.frank@dec.ny.gov

6 NYCRR Part 190, Use of State Lands. Amend existing Section

190.10, Unique Areas. The amended regulation will address public safety and environmental issues at the Department managed Croton Gorge Unique Area. A Regulatory Flexibility Analysis and a Rural Area Flexibility Analysis are not required for this rulemaking. Contact: Jeffrey Wiegert, NYS Department of Environmental Conservation, 21 South Putt Corners Road, New Paltz, NY 12561, Telephone: (845) 256-3084, E-mail: jeffrey.wiegert@dec.ny.gov

6 NYCRR Part 190, Lower Salmon River State Forest. Adopt a new section. These regulations are needed to control public use on lands to be acquired by the Department along the Salmon River in Oswego County. Because of the uniqueness of the area and its uses, specific regulations for the state forest will be developed that are not addressed in the existing Part 190 general regulations. A Regulatory Flexibility Analysis and a Rural Area Flexibility Analysis are not required for this rulemaking. Contact: Daniel Bishop, NYS Department of Environmental Conservation, Region 7 Sub-Office, 1285 Fisher Avenue, Cortland, NY 13045-1090, Telephone: (607) 753-3095, E-mail: daniel.bishop@dec.ny.gov

Division of Materials Management

6 NYCRR, Part 327, Rules and Regulations Relating to the Use of Chemicals for the Control or Elimination of Aquatic Vegetation. Part 327 will be amended to reflect the current statutory requirement of the Environmental Conservation Law. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Anthony Lamanno, NYS Department of Environmental Conservation, Division of Materials Management, 625 Broadway, Albany, New York 12233-7254. Telephone: 518-402-8727. E-mail: pestcomp@dec.ny.gov. Please include the Part number when e-mailing.

6 NYCRR, Part 328, Rules and Regulations Relating to the Use of Chemicals for the Control or Elimination of Undesirable Fish. Part 328 will be amended to reflect the current statutory requirement of the Environmental Conservation Law. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Anthony Lamanno, NYS Department of Environmental Conservation, Division of Materials Management, 625 Broadway, Albany, New York 12233-7254. Telephone: 518-402-8727. E-mail: pestcomp@dec.ny.gov. Please include the Part number when e-mailing.

6 NYCRR, Part 329, Rules and Regulations Relating to the Use of Chemicals for the Control or Elimination of Aquatic Insects. Part 329 will be amended to reflect the current statutory requirement of the Environmental Conservation Law. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Anthony Lamanno, NYS Department of Environmental Conservation, Division of Materials Management, 625 Broadway, Albany, New York 12233-7254. Telephone: 518-402-8727. E-mail: pestcomp@dec.ny.gov. Please include the Part number when e-mailing.

6 NYCRR, Part 325, Rules and Regulations Relating to the Application of Pesticides. Part 325 will be amended to adopt regulations on the use of pesticides classified by the USEPA as exempt from the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act. These pesticides are commonly known as 25(b) or minimum risk pesticides. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Anthony Lamanno, NYS Department of Environmental Conservation, Division of Materials Management, 625 Broadway, Albany, New York 12233-7254. Telephone: 518-402-8727. E-mail: pestcomp@dec.ny.gov Please include the Part number when e-mailing.

6 NYCRR Part 360 Series, Solid Waste Management Facilities. This rulemaking will update and clarify technical criteria for solid waste management facilities and activities, and incorporate legal and policy developments that have not been made since the last major revision to these regulations in 1993. 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, technologies or waste streams that are not currently specifically addressed within existing Part 360, including automobile dismantlers, pharmaceutical waste, dredge materials, biohazard incident waste, and yellow grease. Enhancements will be made to the regulations to address the current issues associated with large commercial mulching operations and the improper disposal of construction and demolition debris materials in certain areas of the state. The information contained in the current Part 360 will be subdivided into different parts to better organize solid waste topics, and to make future revisions to specific topics less burdensome. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Melissa Treers, NYS Department of Environmental Conservation, Division of Materials Management, 625 Broadway, Albany, New York 12233-7260. Telephone: 518-402-8678. E-mail: SolidWasteRegulations@dec.ny.gov Please include the Part number when e-mailing.

6 NYCRR Part 367, Returnable Beverage Containers. This rulemaking will incorporate revisions to the statute that specifically changed and, in some cases, change the Part 367 regulations that were promulgated in 1983; reflect changes in the way the industry and the regulated community now complies with these regulations; and include changes that will lead to improved compliance and enforcement. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Jennifer Kruman, NYS Department of Environmental Conservation, Division of Materials Management, 625 Broadway, Albany, New York 12233-7253. Telephone: 518-402-8706. E-mail: nybottle@dec.ny.gov Please include the Part number when e-mailing.

6 NYCRR Part 368, Product Stewardship and Labeling. This rulemaking will rename and include changes to the existing Recycling Emblem regulations in 6 NYCRR Part 368 to be consistent with national labeling guidelines for recycling terms. It will also include developing regulations for mercury-added consumer products labeling, and product stewardship requirements for E-Waste, Cell Phones and Rechargeable Batteries - all resulting from legislation for these specific materials. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Peter Pettit, NYS Department of Environmental Conservation, Division of Materials Management, 625 Broadway, Albany, New York 12233-7253. Telephone: 518-402-8706. E-mail: pswr@dec.ny.gov Please include the Part number when e-mailing.

Division of Operations

6 NYCRR 623: Use of Environmental Education Centers. The Department is proposing to revise 6 NYCRR 623: Use of Environmental Education Centers to include Reinstein Woods Environmental Education Center, update appropriate uses of the education centers, and make the regulations consistent with relevant sections of Part 190: Use of State Lands. This rulemaking will not require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Tom Shimalla, NYS Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-5256. Telephone: 518-402-8043. E-mail: edcenterregs@dec.ny.gov. Please include the Part number when emailing.

Division of Water

6 NYCRR Part 602 - Long Island Agricultural Water Wells. Revisions are needed to reflect that the permit exemption for agricultural water wells on Long Island was eliminated in 1992 by the introduction of paragraph 7 of ECL § 15-1527. This rulemaking may require a Regulatory Flexibility Analysis for small businesses and a Rural Area Flexibility Analysis. Contact: Angus Eaton, Director of Bureau of Water Resource Management, Division of Water, 625 Broadway, Albany, New York 12233. Telephone: 518-402-8099. E-mail: angus.eaton@dec.ny.gov

6 NYCRR Part TBD - Waste Water Reuse. Regulations are needed to reflect the provisions in 6 ECL § 15-0605 regarding water efficien-

cies and the promotion of the reuse of reclaimed wastewater. This rulemaking may require a Regulatory Flexibility Analysis for small businesses and a Rural Area Flexibility Analysis. Contact: Angus Eaton, Director of Bureau of Water Resource Management, Division of Water, 625 Broadway, Albany, New York 12233. Telephone: 518-402-8099. E-mail: angus.eaton@dec.ny.gov

6 NYCRR Part 502 - Floodplain Management Criteria for State Projects. Revisions will update language to comply with enabling legislation and will update criteria to comply with changes in Federal Emergency Management Agency regulations and New York State Building Code. Part 502 was last updated in 1984. Revisions will include updated definitions, clarifying floodway encroachment requirements, changing lowest floor elevation requirements to reflect the Building Code of New York State, and clarifying the variance application and decision process. This rulemaking may require a Regulatory Flexibility Analysis for small businesses and a Rural Area Flexibility Analysis. Contact: Alan Fuchs, Director Bureau of Flood Protection and Dam Safety, Division of Water, NYSDEC, Albany, NY 12233-3507 Telephone 518-402-8185. E-mail: alan.fuchs@dec.ny.gov

6 NYCRR Parts 700 – 706 Water Quality Standards. Revisions will add/revise ambient water quality standards, standard-setting procedures, implementation procedures, and other regulatory provisions. This rulemaking may require a Regulatory Flexibility Analysis for small businesses and a Rural Area Flexibility Analysis. Contact: Scott Stoner, Chief, Standards and Analytical Support Section, Bureau of Water Quality Management, Division of Water, NYSDEC, Albany, NY 12233-3502. Telephone 518-402-8193. E-mail: scott.stoner@dec.ny.gov

6 NYCRR Part 505 - Coastal Erosion Management Regulations. Part 505 of 6 NYCRR was last amended in March 1988. Revisions will include clarifying definitions, adding new defined terms, and clarifying language regarding regulated activities in natural protective features areas. This rulemaking may require a Regulatory Flexibility Analysis for small businesses and a Rural Area Flexibility Analysis. Contact: Alan Fuchs, Director, Bureau of Water Permits, Division of Water, 625 Broadway, Albany, NY 12233-3505. Telephone: 518-402-8185. E-mail: alan.fuchs@dec.ny.gov

6 NYCRR Part TBD, Water Well Registration and Reporting. A new Part will be developed in conjunction with ECL 15-1525 to establish registration, reporting, certification, and enforcement provisions. This rulemaking may require a Regulatory Flexibility Analysis for small businesses and a Rural Area Flexibility Analysis. Contact: Mike Holt, Section Chief, Bureau of Water Resource Management, Division of Water, 625 Broadway, Albany, New York 12233. Telephone: 518-402-8099. E-mail: michael.holt@dec.ny.gov

6 NYCRR Part 485 - State Pollutant Discharge Elimination System (SPDES) Program Fees. The SPDES program fees were changed in 2009 through amendments to ECL Section 72-0602. Part 485 will be amended to conform the SPDES fees in regulation to the fees in statute. This rulemaking may require a Regulatory Flexibility Analysis for small businesses and a Rural Area Flexibility Analysis. Contact: Koon Tang, Director, Bureau of Water Permits, Division of Water, 625 Broadway, Albany, NY 12233-3505. Telephone: 518-402-8111. E-mail: koon.tang@dec.ny.gov

6 NYCRR Part 500 - Flood Plain Management Regulations Development Permits (BFP&DS). This Part of 6 NYCRR will be repealed. Changes made to ECL Article 36 in 1992 removed this requirement from law. This rulemaking may require a Regulatory Flexibility Analysis for small businesses and a Rural Area Flexibility Analysis. Contact: Alan Fuchs, Director, Bureau of Flood Protection and Dam Safety, Division of Water, 625 Broadway, Albany, NY 12233-3505. Telephone: 518-402- 8111. E-mail: alan.fuchs@dec.ny.gov

6 NYCRR Part 651 - State Aid for Collection, Treatment and Disposal of Sewage - Cost of Operation and Maintenance of Sewage Treatment Plants. Due to a lack of appropriations for this program for several years, this Part of 6 NYCRR will be repealed. This rulemaking may require a Regulatory Flexibility Analysis for small businesses and a Rural Area Flexibility Analysis. Contact: Koon Tang, Director, Bureau of Water Permits, Division of Water, 625 Broadway, Albany,

NY 12233-3505. Telephone: 518-402- 8111. E-mail: koon.tang@dec.ny.gov

6 NYCRR Part 750 - State Pollutant Discharge Elimination System (SPDES) Permits. Revisions are necessary to incorporate new federal criteria and standards. This rulemaking may require a Regulatory Flexibility Analysis for small businesses and a Rural Area Flexibility Analysis. Contact: Koon Tang, Director, Bureau of Water Permits, Division of Water, 625 Broadway, Albany, NY 12233-3505. Telephone: 518-402- 8111. E-mail: koon.tang@dec.ny.gov

6 NYCRR Part 830 - Lake Champlain Drainage Basin. Revisions will reclassify surface waters as needed to provide water quality protection consistent with designated best usages, as well as the Clean Water Act (CWA) Section 101(a)(2) goals. This rulemaking may require a Regulatory Flexibility Analysis for small businesses and a Rural Area Flexibility Analysis. Contact: Scott Stoner, Chief, Standards and Analytical Support Section, Bureau of Water Quality Management, Division of Water, NYSDEC, Albany, NY 12233-3502. Telephone 518-402-8193. E-mail: scott.stoner@dec.ny.gov

6 NYCRR Part 910 - St. Lawrence River Drainage Basin. Revisions will reclassify surface waters as needed to provide water quality protection consistent with designated best usages, as well as the Clean Water Act (CWA) Section 101(a)(2) goals. This rulemaking may require a Regulatory Flexibility Analysis for small businesses and a Rural Area Flexibility Analysis. Contact: Scott Stoner, Chief, Standards and Analytical Support Section, Bureau of Water Quality Management, Division of Water, NYSDEC, Albany, NY 12233-3502. Telephone 518-402-8193. E-mail: scott.stoner@dec.ny.gov

