

# RULE REVIEW

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## Department of Environmental Conservation

The following rules were adopted by the New York State Department of Environmental Conservation (Department or DEC) during 2011, and pursuant to SAPA Section 207 have been reviewed. Comments on the rules that are being amended this year should be directed to the contact person listed in the main body of the Regulatory Agenda. Comments on any rules that are not being changed at this time will be accepted for 45 days from the date of publication in the State Register and should be directed to the regulatory coordinator for the appropriate program, as listed below the rules.

### 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 will be revised, and is on the Department's 2015 regulatory agenda.

6 NYCRR Part 201, Permits and Registrations. Statutory authority: Environmental Conservation Law, §§ 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 19-0306, 19-0311, 70-0109, 71-2103, and 71-2105; 40 CFR part 70; United States Code, § 7661[b], Federal Clean Air Act, §§ 160-169, 171-193 [42 U.S.C. 7470-7479; 7501-7515]. Part 201 was amended in 2011 to make certain minor wording changes, correct typographical errors, and other minor corrections to ensure consistent implementation across regions. This regulation is on the Department's 2015 regulatory agenda for 2015.

6 NYCRR Subpart 219-9, Emission Guidelines and Compliance Schedules for Existing Sewage Sludge Incineration Units. Statutory authority: Public Health Law, §§ 1271, 1276; Environmental Conservation Law, §§ 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 19-0306, 19-0311, 19-0319, 20-0109, 71-2103, 71-2105. This regulation was amended in 2011 and no amendments are planned at this time.

6 NYCRR Part 231, New Source Review for New and Modified Facilities. Statutory Authority: Environmental Conservation Law Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305; Federal Clean Air Act Sections 160-169, 171-193 [42 U.S.C. 7470-7479; 7501-7515]. Part 231 was amended in 2011. No further amendments will be made at this time.

6 NYCRR Part 247, Outdoor Wood Boilers. Statutory Authority: Environmental Conservation Law Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 71-2103, and 71-2105. Part 247 was adopted in 2010 to establish PM emission limits as well as siting and stack height requirements for new outdoor wood boilers (OWBs). This regulation was amended in 2011 and is on the Regulatory Agenda for 2015.

Contact: Jennifer Masa, New York State Department of Environmental Conservation, Division of Air Resources, 625 Broadway, Albany, NY 12233-3258. Telephone: 518-402-8401. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

### Division of Fish, Wildlife, and Marine Resources

6 NYCRR Section 1.31, Black Bear Hunting. Statutory Authority: Environmental Conservation Law Sections 11-0303, 11-0903, and 11-0907. Section 1.31 was amended in 2014. Section 1.31 is under consideration for possible revision, and is on the Department's 2016 regulatory agenda.

6 NYCRR Section 1.40, Wild Turkey Hunting. Statutory Authority: Environmental Conservation Law Sections 11-0303, 11-0903, 11-0905. The amendment in 2011 established a two-day spring youth-only hunt in Suffolk County, Long Island that coincides with the two-day youth-only hunt in upstate New York. This regulation is still serving the intended purpose and need, and will not be amended at this time.

Section 1.40 was amended in 2015 to revise fall turkey hunting seasons and bag limits statewide. No further amendments will be made at this time.

6 NYCRR Part 2 and Section 170.6, Crossbow Hunting. Statutory Authority: Environmental Conservation Law Sections 11-0303, 11-0901. Part 2 was revised in 2014. No further amendments will be made at this time.

6 NYCRR Section 2.25, Pheasant Hunting. Statutory Authority: Environmental Conservation Law Sections 11-0303, 11-0903, 11-0905. The amendment in 2011 established a two-day youth-only pheasant hunt in Nassau and Suffolk counties. This regulation is still serving the intended purpose and need, and will not be amended at this time.

6 NYCRR Part 10 Sportfishing Regulations; Part 19 Use of baitfish, fish for bait, and baitfish; Part 35 Commercial Inland Fisheries; and Part 188 Fish Health Inspection Requirements. Statutory Authority: Environmental Conservation Law Sections 3-0301, 11-0303, 11-0305, and 11-0325. Parts 10, 19, 35 and 188 were amended in 2011 to provide some allowances for the transportation of uncertified baitfish by anglers, and to adjust the baitfish "green" list. These regulations will not be amended at this time as the current restrictions on the transportation of uncertified baitfish provide a balance between being resource protective while accommodating for angler use of baitfish. The baitfish "green" list was further amended in 2015.

6 NYCRR Section 187.1, Black Bear Feeding. Statutory Authority: Environmental Conservation Law Sections 11-0521, 11-0903, 11-0928. This regulation is still serving the intended purpose and need and will not be amended at this time.

### Division of Lands and Forests

6 NYCRR Part 190, Use of State Lands, Hemlock- Canadice State Forest. Statutory Authority: Environmental Conservation Law sections, 1-0101(1), 1-0101(3)(b), 3-0301(1), 3-0301(1)(b), 3-0301(2)(m), 3-0301(2)(v), 9-0105(1) and 9-0105(3). This regulation is needed to control public use and safety and to protect watershed

values and natural resources. No amendments to this regulation are planned for the coming year since implementation has been satisfactory.

6 NYCRR Part 190, Use of State Lands, Otter Creek Trail System Assembly Area. Statutory Authority: Environmental Conservation Law sections, 1-0101(1), 1-0101(3)(b), 3-0301(1), 3-0301(1)(b), 3-0301(2)(m), 9-0105(1) and 9-0105(3). This regulation is needed to protect natural resources and public safety. No amendments to this regulation are planned for the coming year since implementation has been satisfactory.

6 NYCRR Part 196, Operation of Motorized Vehicles, Vessels, Aircraft and Motorized Equipment in the Forest Preserve, Operation of Mechanically Propelled Vessels on Certain Bodies of Water. Statutory Authority: 1-0101(3)(b), 1-0101(3)(d), 3-0301(1)(b), 3-0301(1)(d), 3-0301(2)(m), 9-0105(1), Executive Law Section 816 (3) and Article XIV, Section 1 of the New York State Constitution. This regulation sets forth mechanically propelled vessel use restrictions on Thirteenth Lake. No amendments to this regulation are planned for the coming year since implementation has been satisfactory.

Contact: Linda Kashdan-Schrom, NYS Department of Environmental Conservation, Division of Lands and Forests, 625 Broadway, Albany, NY 12233-4250 Telephone: (518) 402-9405 E-mail: linda.kashdan-schrom@dec.ny.gov

Division of Water

6 NYCRR Part 649 – The Linked Deposit Program Administered jointly with Environmental Facilities Corporation. Statutory Authority: Environmental Conservation Law sections 3-0301, 15-0313, 17-030117-1909(3); Public Authorities Law Sections 1284(5) and 1285-j(4), State Finance Law Section 243. The Water Pollution Control Linked Deposit Program Act (Act) established the linked deposit program (LDP), under the Clean Water State Revolving Fund (CWSRF). Changes to Part 649 were necessary to adopt the provisions established in the Act. This regulation will not be amended at this time. Contact: Robert Simson, Regulatory Coordinator, Division of Water, NYSDEC, Albany, NY 12233-3500. Telephone 518-402-8271. E-mail: robert.simson@dec.ny.gov