

RULE MAKING ACTIVITIES

Each rule making is identified by an I.D. No., which consists of 13 characters. For example, the I.D. No. AAM-01-96-00001-E indicates the following:

- AAM -the abbreviation to identify the adopting agency
01 -the *State Register* issue number
96 -the year
00001 -the Department of State number, assigned upon receipt of notice.
E -Emergency Rule Making—permanent action not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent and does not expire 90 days after filing.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

Department of Civil Service

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-11-16-00001-P

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

Proposed Action: Amendment of Appendixes 1 and 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To delete positions from and classify positions in the exempt and non-competitive classes.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Financial Services, by deleting therefrom the positions of Assistant Director Insurance Frauds Bureau and Director Insurance Frauds Bureau and by adding thereto the positions of Assistant Director Financial Services Frauds Bureau and Director Financial Services Frauds Bureau; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Financial Services, by deleting therefrom the positions of Insurance Frauds Investigator 1 (32), Insurance Frauds Investigator 2 (20), Insurance Frauds Investigator 3 (10), Insurance Frauds Investigator 4 (2) and Insurance Frauds Investigator 5 (1) and by adding there to the positions of Financial Services Frauds Investigator 1 (32), Financial Services Frauds Investigator 2 (20), Financial Services Frauds Investigator 3 (10), Financial Services Frauds Investigator 4 (2) and Financial Services Frauds Investigator 5 (1).

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Data, views or arguments may be submitted to: Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-11-16-00002-P

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

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office of General Services," by adding thereto the position of Director Affirmative Action Programs.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Data, views or arguments may be submitted to: Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

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previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Regulatory Flexibility Analysis

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Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Job Impact Statement

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PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-11-16-00003-P

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

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Gaming Commission," by adding thereto the positions of Minority Business Specialist 1 (1) and Minority Business Specialist 2 (1).

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Data, views or arguments may be submitted to: Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

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Regulatory Flexibility Analysis

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Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Job Impact Statement

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Education Department

REVISED RULE MAKING NO HEARING(S) SCHEDULED

School Receivership

I.D. No. EDU-27-15-00008-RP

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

Proposed Action: Addition of section 100.19 to Title 8 NYCRR.

Statutory authority: Education Law, sections 207 (not subdivided), 211-f(15), 215 (not subdivided), 305(1), (2), (20), 308 (not subdivided) and 309 (not subdivided); L. 2015, ch. 56, part EE, subpart H

Subject: School receivership.

Purpose: To implement Education Law section 211-f, as added by part EE, subpart H of ch. 56 of the Laws of 2015.

Substance of revised rule: The Commissioner of Education proposes to add a new section 100.19 of the Commissioner's Regulations. The proposed rule was originally adopted as an emergency action at the June 2015 Regents meeting, effective June 23, 2015 and revised and adopted as an emergency action at the September and October 2015 Regents meetings, and readopted as an emergency action at the December 2015 and January 2016 Regents meeting. A Notice of Revised Rule Making was subsequently published in the State Register on February 24, 2016. The proposed rule has now been further revised as set forth in the Statement Concerning the Regulatory Impact Statement submitted herewith. The following is a summary of the substantive provisions of the revised rule.

Section 100.19(a), Definitions, provides the definitions used in the section, including the definitions of Failing School (Struggling School), Persistently Failing School (Persistently Struggling School), Priority School, School District in Good Standing, School District Superintendent Receiver, Independent Receiver, School District, Community School, Board of Education, Department-approved Intervention Model, School Intervention Plan, School Receiver, Diagnostic Tool for School and District Effectiveness, Consultation and Cooperation, Consultation, Consulting and Day.

§ 100.19(b), Designation of Schools as Failing and Persistently Failing, explains the process by which the Commissioner shall designate schools as Struggling or Persistently Struggling and clarifies that school districts will have the opportunity to present data and relevant information concerning extenuating or extraordinary circumstances faced by the school that should cause it not to be identified as a Struggling or a Persistently Struggling School.

§ 100.19(c), Public Notice and Hearing and Community Engagement, details the process and timeline for notifying parents and the community regarding the Struggling or Persistently Struggling designation, the establishment of a Community Engagement Team, and the role of the Community Engagement Team in the development of recommendations for the identified school. The regulations would require at least one public meeting or hearing annually regarding the status of the school and annual notification to parents of the school's designation and its implications. The regulations also detail the process by which the hearing shall be conducted and notifications made. Additionally, the subdivision specifies that the district superintendent receiver is required to develop a community engagement plan for approval by the Commissioner.

§ 100.19(d), School District Receivership, specifies that the superintendent shall be vested with the powers of the receiver for Persistently Struggling Schools for the 2015-16 school year and with the powers of the receiver for Struggling Schools for the 2015-16 and 2016-17 school years, provided that there is a Department approved intervention model or comprehensive education plan in place for these school years that includes rigorous performance metrics. The school district superintendent receiver shall provide quarterly written reports regarding implementation of the department-approved intervention model or school comprehensive education plan, and such reports, together with a plain-language summary thereof, shall be made publicly available. At the end of the 2015-16 school year, the Commissioner will review (in consultation and collaboration with the district) the performance of the Persistently Struggling School to determine whether the school can continue under the superintendent receivership or whether the district must appoint an independent receiver for the school. Similarly, the Department will review the performance of Struggling Schools after two years to determine whether the schools can continue under the superintendent receivership or whether the district must appoint an independent receiver for the school.

§ 100.19(e), Appointment of an Independent Receiver, details the timeline and process for appointment of an independent receiver for Persistently Struggling and Struggling Schools and the process by which the Commissioner approves and contracts with the independent receiver. The section also details the power of the Commissioner to appoint an independent receiver if the district fails within sixty days to appoint an independent receiver that meets the Commissioner's approval. The subdivision clarifies that districts may appoint independent receivers from a department approved list or provide evidence of qualifications of a receiver not on the approved list. Additionally, the subdivision specifies what happens when the Commissioner must appoint an interim receiver.

§ 100.19(f), School Intervention Plan, describes the timeline and process by which the independent receiver will submit to the Commissioner for approval a school intervention plan and the specific components of that plan, including the metrics that will be used to evaluate plan implementation. Each approved school intervention plan must be submitted within six months of the independent receiver's appointment and this approval is authorized for a period of no more than three years. Each approved school intervention plan must be based on input from stakeholders delineated in the subdivision and a stakeholder engagement plan must be provided to the Commissioner within ten days of the independent receiver entering into a contract with the Commissioner. The school intervention plan must also be based upon recent diagnostic reviews and student achievement data. The independent receiver must provide quarterly reports, and plain-language summaries thereof, regarding the progress of implementing the school intervention plan to the local board of education, the Board of Regents, and the Commissioner. In order to provide additional direction to school districts, the regulations further delineate that in converting a school to a community school, the receiver must follow a particular process and meet minimum program requirements. The subdivision further clarifies that if the independent receiver cannot create an approvable plan, the Commissioner may appoint a new independent receiver.

§ 100.19(g), Powers and Duties of a Receiver, delineates the powers and duties of a school receiver, and the powers and duties that an independent receiver has in developing and implementing a school intervention plan. The independent receiver is required to convert the school to a community school and to submit an approvable school intervention plan to the Commissioner. The receiver (both the superintendent receiver and the independent receiver) has powers that may be exercised in the areas of school program and curriculum development; staffing, including replacement of teachers and administrators; school budget; expansion of the school day or year; professional development for staff; conversion of the school to a charter school; and requesting changes to the collective bargaining agreement at the identified school in areas that impact implementation of the school intervention plan. This section also describes the power of the receiver (both the superintendent and the independent receiver) to supersede decisions, policies, or local school district regulations that the receiver, in his/her sole judgment, believes impedes implementation of the school intervention plan.

Under the provisions of this subdivision, the receiver must notify the board of education, superintendent, and principal when the receiver is superseding their authority. The receiver must provide a reason for the supersession and an opportunity for the supersession to be appealed, all within a timeline prescribed in the regulations. This subdivision also delineates a similar process by which the receiver reviews and makes changes to the school budget and supersedes employment decisions regarding staff employed in schools operating under receivership.

§ 100.19(h), Annual Evaluation of Schools with an Appointed Independent Receiver, describes how the Commissioner, in collaboration and consultation with the district, will conduct an annual evaluation of each school to determine whether the school is meeting the performance goals and progressing in implementation of the school intervention plan. As a result of this evaluation, the Commissioner may allow the receiver to continue with the approved plan or require the receiver to modify the school intervention plan.

§ 100.19(i), Expiration of School Intervention Plan, describes the process by which the Commissioner evaluates the progress of the school under the receiver's school intervention plan after a three year period. Based on the results of the evaluation, the Commissioner may renew the plan with the independent receiver for not more than three years; terminate the independent receiver and appoint a new receiver; or determine that the school has improved sufficiently to be removed from Failing or Persistently Failing status.

§ 100.19(j), Phase-out and Closure of Failing and Persistently Failing School, states that nothing in these regulations shall prohibit the Commissioner from directing a school district to phase out or close a school, the Board of Regents from revoking the registration of a school, or a district from closing or phasing out a school with the approval of the Commissioner.

§ 100.19(k), regarding the Commissioner's evaluation of a school

receivership program, requires the school receiver to provide any reports or other information requested by the Commissioner, in such form and format and according to such timeline as may be prescribed by the Commissioner, in order for the Commissioner to conduct an evaluation of the school receivership program.

Revised rule making(s) were previously published in the State Register on October 7, 2015 and November 10, 2015.

Revised rule compared with proposed rule: Substantive revisions were made in section 100.19(c)(2), (g)(5) and (9).

Text of revised proposed rule and any required statements and analyses may be obtained from Kirti Goswami, State Education Department, Office of Counsel, State Education Building, Room 148, 89 Washington Ave., Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Data, views or arguments may be submitted to: Cheryl Atkinson, Associate Commissioner, State Education Department, Office of P-12 Education, State Education Building, 2M West, 89 Washington Ave., Albany, NY 12234, (518) 474-5520, email: NYSEDP12@nysed.gov

Public comment will be received until: 30 days after publication of this notice.

Revised Regulatory Impact Statement

Since publication of a Notice of Revised Rule Making in the State Register on February 24, 2016, the following revisions have been made to the proposed rule.

The Notice of Revised Rule Making published in the February 24, 2016 State Register [EDU-27-15-00008-RP] inadvertently omitted language in section 100.19(g)(5)(iii) relating to procedures for collective bargaining (which language was previously added pursuant to the Notice of Emergency Adoption and Revised Rule Making published in the November 10, 2016 State Register [EDU-27-15-00008-ERP]), and replaced the omitted language with language from a prior draft of the proposed rule. Section 100.19(g)(5)(iii) has been revised to reinstate the omitted language and delete the prior draft language.

Section 100.19(c)(2)(i) has been revised to delete language providing that a community engagement team can be a district-level team if one district has several schools in receivership, as long as each receivership school is represented on this district-level team. Such provision is inconsistent with Education Law § 211-f(1-a) which provides for the establishment of a community engagement team for each school designated as failing or persistently failing, and thus precludes a district-level team.

Section 100.19(c)(2)(i) has been revised to delete language providing that a community engagement team may include agencies (e.g.: mental health, health services, social services, early childhood, expanded learning opportunities, mentoring, youth development, early childhood, CTE, workforce development, and higher education institutions) with an integrated focus on rigorous academics and the fostering of a positive and supportive learning environment, and a range of school-based and school-linked programs and services that lead to improved student learning, stronger families, and healthier communities. Specification of types of agencies in the proposed rule is unnecessary and inappropriate and issues involving their inclusion in community engagement teams can be best addressed in guidance.

Section 100.19(g)(9)(iii)(b) has been revised to specify that the timeline referenced therein be determined using business days.

The above changes do not require any changes to the previously published Regulatory Impact Statement.

Revised Regulatory Flexibility Analysis

Since publication of a Notice of Revised Rule Making in the State Register on February 24, 2016, substantial revisions have been made to the proposed rule as described in the Statement Concerning the Regulatory Impact Statement submitted herewith.

The above changes do not require any changes to the previously published Regulatory Flexibility Analysis.

Revised Rural Area Flexibility Analysis

Since publication of a Notice of Revised Rule Making in the State Register on February 24, 2016, substantial revisions have been made to the proposed rule as described in the Statement Concerning the Regulatory Impact Statement submitted herewith.

The above changes do not require any changes to the previously published Rural Area Flexibility Analysis.

Revised Job Impact Statement

Since publication of a Notice of Revised Rule Making in the State Register on February 24, 2016, substantial revisions have been made to the proposed rule as described in the Statement Concerning the Regulatory Impact Statement submitted herewith.

The proposed rule, as revised, applies to public schools that are Struggling or Persistently Struggling and placed into receivership and will not result in an adverse impact on jobs or employment opportunities. Because it is evident from the nature of the revised rule that it will have no impact,

on jobs or employment opportunities, no further steps were needed to ascertain those facts and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Assessment of Public Comment

The agency received no public comment.

Department of Environmental Conservation

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Solid Waste Management Regulations

I.D. No. ENV-11-16-00004-P

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

Proposed Action: Repeal of Parts 360, 362, 363, 364 and 369; addition of Parts 360, 361, 362, 363, 364, 365, 366 and 369; renumbering of Part 361 to 377; and amendment of Parts 370, 371, 372, 373, 374 and 621 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 8-0113, 19-0301, 19-0303, 19-0306, 27-1901, 27-1903, 27-1911, 54-0103, 71-2201, 72-0502; art. 17, titles 3, 5, 7, 8; art. 23, title 23; art. 27, titles 1, 3, 5, 7, 9, 10, 13, 15, 18, 21, 23, 25, 26, 27, 29; art. 54, titles 5, 7; art. 70, title 1; and art. 71, titles 27, 35, 40 and 44

Subject: Solid Waste Management Regulations.

Purpose: Amend the rules that implement the solid waste program in New York State to incorporate changes in law and technology.

Public hearing(s) will be held at: 1:00 p.m., June 2, 2016 at Suffolk County Water Authority Education Center, 260 Motor Pkwy., Hauppauge, NY; 1:00 p.m., June 6, 2016 at Department of Environmental Conservation, 625 Broadway, Rm. 129A, Albany, NY; and 1:00 p.m., June 7, 2016 at RIT Inn and Conference Center, Henrietta Ballroom, 5257 Henrietta Rd., Rochester, NY.

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

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

Substance of proposed rule (Full text is posted at the following State website: <http://www.dec.ny.gov/regulations/propreg-ulations.html>): This proposed rulemaking is a comprehensive revision to existing regulations. The existing regulations for solid waste management facilities are currently found in Part 360. A component of this proposed rulemaking is to subdivide the solid waste management facility regulations into groups that are similar in nature, such as facilities that recycle and recover materials. Therefore, the current Part 360 criteria will be found in Parts 360, 361, 362, 363, 365, and 366. The types of facilities covered by each proposed part are described in more detail below and in the express terms themselves. In addition to the solid waste management facilities and activities currently regulated under Part 360, this proposed rulemaking includes revisions to regulations governing waste transportation (Part 364) and state assistance grants to municipalities related to solid waste management (Part 369). This rulemaking will also incorporate minor amendments to Parts 621, 370-374.

Part 360 General Requirements:

Existing Part 360 is repealed and a new Part 360 is proposed which includes the general requirements for all solid waste management facilities. This includes definitions, general exemptions, variance criteria, financial assurance criteria, general permit application and operation standards, and provisions to petition the Department for a jurisdictional determination that a material is not a solid waste through a beneficial use determination (BUD). A new section has been added to address the management of historic fill, including criteria for the on-site use, off-site use, and disposal of the waste, as well as addition of criteria for the reuse of navigational dredged material.

Part 361 Material Recovery Facilities:

Existing 6 NYCRR Part 361 Siting of Industrial Hazardous Waste Fa-

cilities is renumbered 6 NYCRR Part 377 Siting of Industrial Hazardous Waste Facilities and a new 6 NYCRR Part 361 is proposed which includes the following subparts addressing material recovery facilities:

Subpart 361-1 Recyclables Handling and Recovery Facilities

Subpart 361-2 Land Application and Associated Storage Facilities

Subpart 361-3 Composting and Other Organics Processing Facilities

Subpart 361-4 Wood Debris and Yard Trimmings Processing Facilities

Subpart 361-5 Construction and Demolition Debris Processing Facilities

Subpart 361-6 Waste Tire Handling and Recovery Facilities

Subpart 361-7 Metal Processing and Vehicle Dismantling Facilities

Subpart 361-8 Used Cooking Oil and Yellow Grease Processing Facilities

The addition of the subpart for wood debris was added to address the issues regarding the storage of mulch at facilities by restricting pile size and other criteria to control odor and fire. A number of issues related to the management of construction and demolition (C&D) debris have resulted in instances of environmental harm, adverse impacts to residents and communities in the State, and significant costs for clean-up of illegal disposal. The Department has evaluated these issues and has implemented several targeted enforcement strategies with limited long-term success. The impediments encountered in these efforts are addressed by a number of revisions related to C&D debris management in the proposal.

Part 362 Combustion, Thermal Treatment, Transfer and Collection Facilities:

Existing 6 NYCRR Part 362 State Aid to Municipalities For Planning the Construction Or Improvement Of Solid Waste Disposal Facilities is repealed and a new 6 NYCRR Part 362 is proposed which contains the following subparts:

Subpart 362-1 Combustion Facilities and Thermal Treatment Facilities

Subpart 362-2 Municipal Solid Waste Processing Facilities

Subpart 362-3 Transfer Facilities

Subpart 362-4 Household Hazardous Collection Facilities and Events

The proposed revisions restrict several source-separated waste streams from being managed in municipal waste combustors or thermal treatment facilities that accept municipal solid waste (MSW). The proposal requires municipal waste combustors, thermal treatment facilities that process MSW, and transfer facilities that transport wastes out-of-state to install and utilize fixed radiation detectors to monitor all incoming waste loads. To increase material recovery, the revisions will allow transfer facilities also authorized as recyclables handling and recovery facilities to accept particular source-separated waste streams for recycling. The current household hazardous waste regulations located in Subpart 373-4 are proposed to be repealed and the requirements of that subpart to be incorporated into this new Part.

Part 363 Landfills:

Existing 6 NYCRR Part 363 State Aid For Planning For Collection, Treatment and Disposal of Refuse is repealed and a new 6 NYCRR Part 363 addressing landfills is proposed. The proposed revisions require active collection and destruction of landfill gas for all new MSW landfills and for subsequent development at existing MSW landfills. Part 363 also includes new language to clarify the responsibilities of landfill owners after landfill closure. Under the proposed revisions, post-closure care activities including leachate collection and treatment; landfill cover maintenance and repair; regular landfill gas, groundwater, and surface water monitoring; and regular inspection must be conducted until the owner or operator can demonstrate to the Department that the landfill's potential threat to public health or the environment has been reduced to a level where environmental monitoring and maintenance can be reduced. The facility manual for a landfill will now include a requirement for a custodial care plan. Throughout both the post-closure and custodial care periods, the owner or operator must maintain financial assurance to ensure that post-closure and custodial care activities will continue.

The amendments address disposal issues which have been problematic since the last major revision of Part 360. Disposal of land clearing debris has become problematic in some areas of the state, creating nuisance odors and reducing the amount of wood wastes that could be directed to reuse or recycling. Therefore, the current registration and exemption for disposal of land clearing debris have been removed and replaced with an exemption for a facility no more than one acre in size for the disposal of tree debris. This exemption will not be available in Nassau and Suffolk counties. Current regulations exempt disposal of certain materials such as uncontaminated concrete and concrete products, asphalt pavement, brick, glass, soil, and rock. There are currently no volume or size restrictions associated with this exemption, and several areas of the state have experienced problems with large-volume exempt disposal sites which have impacted surrounding communities. In addition, non-exempt wastes such as processing residues have been found at exempt sites. The proposed revisions replace the current exemption for the disposal of these materials with an exemption that prohibits disposal of processing residues at an

exempt site, and restricts disposal to no more than 5,000 cubic yards of these materials. This exemption will not be available in Nassau and Suffolk counties.

The technical criteria for landfill construction has been updated to incorporate changes in technology and frequently approved variance requests. The proposed revisions require that landfill liner integrity testing be conducted on both geomembrane liners of a double-composite liner system. The proposal will also require that the secondary leachate collection and removal system be designed to a minimum flowrate capacity of 1000 gallons per acre per day to ensure rapid detection of leaks.

A sustainability plan will now be required as a part of all landfill applications. The plan will address operations that will conserve landfill airspace, encourage diversion of natural resources, reduce receipt of organic wastes, utilize alternative operating cover materials, enhance waste mass stabilization, include landfill reclamation techniques, and utilize other sustainable landfill management techniques.

Part 364 Waste Transporters:

Existing 6 NYCRR Part 364 Waste Transporter Permits is repealed and a new 6 NYCRR Part 364 Waste Transporters is proposed. The new Part 364 has been revised to operate in concert with new Parts 360, 361, 362, 363 and 365 and to include tracking of wastes that have been a problem or concern such as C&D debris, historic fill, and drilling and production waste, and to exclude the permitting of wastes with little potential harm when transported. The proposed regulation includes a requirement for waste tracking forms for the transport of certain wastes including C&D debris (both to processing or disposal facilities as well as residues from C&D debris processing facilities), drilling and production waste, and historic fill. Regulated medical waste will continue to require a tracking form. Exemptions have been clarified and new exemptions added for electronics destined for recovery, elemental mercury and dental amalgam from dental facilities destined for mercury recovery, and regulated medical waste transported by emergency rescue vehicles.

Part 365 Biohazard Waste Management Facilities:

A new Part 365 is proposed to consolidate all the treatment and management of RMW in one location, address all wastes that present a biological hazard and contain the standards for treatment and management of those wastes. This Part includes criteria for regulated medical waste, household medical waste sharps collection, biohazard-incident waste, and animal and contaminated food supply waste. The proposal identifies standards for handling and storage of regulated medical waste at the site of generation and for trauma scene responders, provides operation requirements for autoclave and alternative treatment devices, and provides requirements for sharps consolidation and reusable device sorting.

Part 366 Local Solid Waste Management Planning:

A new Part 366 Local Solid Waste Management Planning is proposed. The current requirement for updates, modifications and biennial compliance reports for local solid waste management plans (LSWMPs) has been replaced with a requirement for an annual planning unit report, accompanied every other year with a biennial update. These updates will allow for evaluation and adjustment of the LSWMP, taking into account changes that will occur on a routine basis following initial LSWMP approval. Part 366 also clarifies the process in which the public is to be involved in the preparation of an LSWMP to ensure consistent application across the state. The streamlining and reorganization of the LSWMP process is intended to make the preparation and implementation of LSWMPs less complicated for municipalities, yet at the same time assist them in reducing the amount of waste they are disposing and increase the percentages of recyclables removed from the waste stream.

Part 369 State Assistance Projects:

Existing Part 369 Municipal Waste Reduction and Recycling Projects is repealed and a new Part 369 is proposed addressing state assistance projects. Currently, state assistance programs for municipalities for waste reduction and recycling are guided by the Part 369 regulations. Landfill closure is governed by Subpart 360-9, landfill gas collection is administered through a program policy, and household hazardous waste is covered by Subpart 373-4. These various state assistance programs related to solid waste management will be consolidated into the new Part 369. There has been concern in the past regarding funding of waste reduction and recycling education and coordination projects and positions; the delay in reimbursement to municipalities can be problematic for municipal budgeting, and has even resulted in some municipalities eliminating these important positions. The proposed revisions establish separate funding categories for capital waste reduction, recycling and household hazardous waste projects; waste reduction and recycling education and coordination projects; household hazardous waste collection and disposal; as well as establishment of an annual application process for education/coordination; and household hazardous waste (HHW) collection programs to better control and direct available funding to municipalities in a timely manner. For the annually funded projects, should insufficient funds be available to provide 50% reimbursement, the department may either lower the percentage or set a dollar maximum on the funding level.

Due to changing technologies and evolving priorities, the department needs to have flexibility to help advance certain waste reduction and recycling activities and projects in the state. In order to accomplish this, the proposed revisions establish a targeted priority area assistance program that the Department can use as needed in accordance with available funding and program needs and priorities.

In order to ensure that funded projects are well thought out and part of a reasonable and structured program consistent with state and local waste reduction and recycling efforts, awarding of state assistance grants will be limited to municipalities guided by approved Local Solid Waste Management Plans (LSWMPs) or Comprehensive Recycling Analyses (CRAs) or those found to be making substantial progress toward completion of an LSWMP or CRA, unless unique circumstances prevent the municipality from completing an LSWMP or CRA in a timely fashion.

Text of proposed rule and any required statements and analyses may be obtained from: Melissa Treers, Department of Environmental Conservation, Division of Materials Management, 625 Broadway, Albany 12233-7260, (518) 402-8678, email: melissa.treers@dec.ny.gov

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

Public comment will be received until: July 15, 2016.

Additional matter required by statute: Pursuant to the State Environmental Quality Review Act, a Positive Declaration, Environmental Impact Statement, and a Coastal Assessment Form have been prepared and are on file.

Summary of Regulatory Impact Statement

The Department of Environmental Conservation (Department) is authorized to promulgate regulations to establish requirements for solid waste management in New York State pursuant to multiple statutes which provide general and specific authority.

This proposed rulemaking is a comprehensive revision to existing regulations. The existing regulations for solid waste management facilities are currently found in Part 360. A component of this proposed rulemaking is to subdivide the solid waste management facility regulations into groups that are similar in nature, such as facilities that recycle and recover materials. Therefore, the current Part 360 criteria will be found in Parts 360, 361, 362, 363, 365, 366 and 369. This proposed rulemaking also includes revisions to regulations governing waste transportation (Part 364) and state funding of municipal waste reduction and recycling projects (Part 369). In addition to the amendments to existing Parts 360, 364, and 369, this rulemaking will incorporate minor amendments to Parts 621, 361, 362, 363, 370, 371, 372, 373 and 374 as outlined below:

The proposed amendments to Part 621, Uniform Procedures specifically address paragraph 621.4(m)(2), which sets forth a list of minor solid waste management facility projects for the purpose of outlining those facilities with little potential environmental impact.

Existing Parts 362 and 363 are antiquated state aid regulations which are no longer funded or needed and will be repealed and replaced with the proposed Parts 362 and 363.

Minor revisions addressing renumbering will be made to existing Parts 370-374 to ensure appropriate cross references.

Proposed revisions to existing Part 360 also include removal of existing Subpart 360-14 regulatory criteria for used oil. The regulatory criteria and requirements for used oil will be contained solely in Subpart 374-2, Standards for the Management of Used Oil. Permits for used oil handling facilities will continue to be issued pursuant to Part 360.

This rulemaking will also include specific amendments to 6 NYCRR Subpart 373-4, Facility Standards for the Collection of Household Hazardous Waste and Hazardous Waste from Conditionally Exempt Small Quantity Generators. Under this rulemaking, existing Subpart 373-4 is proposed to be repealed and the requirements of that subpart are proposed to be incorporated into the new Subpart 362-4.

In addition, existing Part 361, Siting of Industrial Hazardous Waste Facilities, will be renumbered as Part 377.

1. STATUTORY AUTHORITY

The Department's statutory authority to undertake amendments to Part 360 is found in Environmental Conservation Law Sections 1-0101, 3-0301, 8-0113, Titles 3, 5, 7 and 8 of Article 17, 19-0301, 19-0303, 19-0306, Title 23 of Article 23, Titles 1, 3, 5, 7, 9, 10, 13, 15, 18, 21, 23, 25, 26, 27, 29 of Article 27, 27-1901, 27-1903, 27-1911, 54-0103, Titles 5 and 7 of Article 54, Title 1 of Article 70, 71-2201, Titles 27, 35, 40 and 44 of Article 71, and 72-0502.

2. LEGISLATIVE OBJECTIVES

The overarching legislative objective of ECL Article 27 as it relates to solid waste management is found in ECL Section 27-0703, authorizing the department to:

Adopt and promulgate, amend and repeal rules and regulations governing the operation of solid waste management facilities. Such rules and regulations shall be directed at the prevention or reduction of (a) water pollution, (b) air pollution, (c) noise pollution, (d) obnoxious odors, (e) unsightly conditions, caused by uncontrolled release of litter, and (f) infes-

tation of flies and vermin, and other conditions inimical to the public health, safety, and welfare. In promulgating such rules and regulations, the department shall give due regard to the economic and technological feasibility of compliance therewith. Any rule or regulation promulgated pursuant hereto may differ in its terms and provisions as between particular types of solid waste management facilities and as between particular areas of the state.

3. NEEDS AND BENEFITS

The last comprehensive revisions to the regulations governing solid waste management in New York State occurred 20 years ago in 1993. Many changes in law and technology have occurred in that time period that dictate the need for an overhaul of the regulations at this time. In the last two decades the Department has gained significant knowledge on the proper technical criteria for these facilities and this knowledge needs to be reflected in the regulations.

For landfills and other solid waste management facilities, updating the regulatory criteria does not mean more stringent criteria in all cases. If Department research and experience has found that a current regulatory requirement is too stringent, the proposed revision will justifiably lessen the burden on the regulated community. In all cases, the goal of the revisions is to ensure that the citizens of New York State are protected by the most up to date and appropriate solid waste management regulations.

Existing Part 361, Siting of Industrial Hazardous Waste Facilities, will be renumbered Part 377. Existing Parts 362 and 363 are antiquated regulations which are no longer needed. Existing 6 NYCRR Part 369 Municipal Waste Reduction and Recycling Projects regulation is proposed to be repealed and replaced with Part 369 State Assistance Projects.

The proposal includes significant reorganization and subdivision of requirements contained in the existing 6 NYCRR Part 360 into a Part 360 series, which will include:

- Part 360 General Requirements
- Part 361 Material Recovery Facilities
- Part 362 Combustion, Thermal Treatment, Transfer, and Collection Facilities
- Part 363 Landfills
- Part 365 Biohazard Waste Management Facilities
- Part 366 Local Solid Waste Management Planning
- Part 369 State Assistance Projects

In addition, the proposal also repeals and replaces existing 6 NYCRR Part 364 Waste Transporter Permits regulations to incorporate legal and policy developments and experiences gained since the last major revision of these regulations.

Many new or expanded solid waste management facilities, particularly recycling facilities and landfills, have been constructed since the last comprehensive revision in 1993, providing the Department with experience in applying those regulations. This experience has demonstrated that many areas of the regulations would benefit from revision, clarification, or modification to allow for new, technically appropriate alternatives to the design and operation criteria for solid waste management facilities found in the existing regulations, and to streamline the regulatory process.

4. COSTS

For a limited number of facilities, such as mulch facilities, the proposed regulations will result in some additional costs for regulated parties, including local governments. For most facilities, no significant change from the current regulatory program costs is anticipated.

Cost to Industry:

The majority of the action is derived from the current regulatory program as presented in existing Part 360 and various Department policies and actions which set forth Department interpretation of its authority and responsibility under the ECL to regulate solid waste management facilities in an environmentally protective manner. For the majority of involved industries the costs associated with complying will be similar or less than the costs currently incurred.

Costs to the Department and the State:

The cost to the State lies within the Department, for implementation and administration of the regulatory program. Since this is an existing regulatory program, it is not expected to be a significant increased cost to the Department.

Costs to Local Governments:

This proposal will not impose any direct costs on local governments in general. However, local governments who own and operate solid waste management facilities such as landfills may incur additional or reduced costs associated with the revised rulemaking. With respect to solid waste management planning, no additional costs are anticipated and the proposed revisions are expected to result in a reduction of municipal expenses and staff time necessary in the preparation of LSWMPs and LSWMP updates.

5. LOCAL GOVERNMENT MANDATES

The proposal does not directly mandate the expenditure of funds by any sector of local government. The rulemaking primarily updates existing regulatory criteria applicable to solid waste management facilities. If a lo-

cal government or small business owns and operates a solid waste management facility, the costs associated with revisions to criteria for that facility apply, as discussed in Section 4. The proposed rulemaking is not expected to negatively affect local governments.

6. PAPERWORK

The proposed rulemaking does not impose additional paperwork requirements for the majority of regulated entities. Transporters of C&D debris, historic fill and commercial waste will be required to register under Part 364 and comply with reporting requirements. The proposed regulations include criteria to reduce the burden of paperwork by reducing the quantity of information that must be submitted with permit applications and annual reports. Also, the proposed regulations allow electronic submissions whenever possible to ease the transfer of data and information. The Department intends to develop new forms to simplify and standardize electronic reporting requirements to ease the paperwork requirements imposed by the proposed regulations.

7. DUPLICATION

The proposed regulations are not intended to duplicate any other federal or State regulations or statutes. There is no federal regulatory program covering most of the facilities governed by Parts 360-365, 366 or 369.

8. ALTERNATIVE APPROACHES

The Department examined the "no-action" alternative, which would be to continue its present method of administering the solid waste management regulatory program. This program consists of existing Parts 360, 364 and 369, Division guidance memoranda, program policies, and interpretation of Division memoranda on solid waste management issues and topics. Continuing this approach would provide the Department with a wide degree of administrative discretion and allow for rapid changes in management to account for recent advances in solid waste management. However, this approach may result in inconsistent application of the program across the State due to variations in the interpretation of Part 360 where other department guidance is not available. Additionally, the rulemaking is one of the key recommendations of the State Solid Waste Management Plan. For these reasons, the no-action alternative was rejected.

The rulemaking has been the subject of both extensive internal review and public review and discussion for several years. The result of this process is the subject proposed rulemaking that the Department considers protective of environmental resources in a manner that limits the cost to the regulated community. In many cases, the cost to adhere to the regulatory criteria has been reduced without any reduction in environmental protection.

9. FEDERAL STANDARDS

As stated above, there are no federal regulations for most of the facilities contained in the proposed rulemaking. The current and proposed regulations for landfills and biosolids recycling exceed the federal regulatory framework found in 40 CFR Part 258 and 503, respectively.

10. COMPLIANCE SCHEDULE

For new facilities, compliance will be required upon adoption of the final rule. For existing facilities, transition provisions are specified in proposed Section 360.4.

11. INITIAL REVIEW OF RULE

The Department will conduct an initial review of the rule within 3 years as required by SAPA § 207.

Regulatory Flexibility Analysis

The proposed rulemaking will modify the Department of Environmental Conservation's (Department) existing regulations governing a broad array of solid waste management activities including the transportation of waste, local solid waste management planning, and funding of costs associated with solid waste management, as well as the design and operation of solid waste management facilities.

1. EFFECT OF RULE:

The proposed rulemaking is not expected to negatively affect small business and local governments. The rulemaking primarily updates existing regulatory criteria applicable to solid waste management facilities. If a local government or small business owns and operates a solid waste management facility, the costs associated with revisions to criteria for that facility apply.

2. COMPLIANCE REQUIREMENTS:

The proposed rulemaking does not impose additional paperwork requirements for the regulated community. The proposed regulations include criteria to reduce the burden of paperwork by reducing the quantity of information that must be submitted with permit applications and annual reports. Also, the proposed regulations allow electronic submissions whenever possible to ease the transfer of data and information.

This proposed rulemaking will not directly impose any significant service, duty or responsibility upon any county, city, town, village, school district, fire district or small business. This proposal does not directly mandate the expenditure of funds by any sector of local government.

3. PROFESSIONAL SERVICES:

The need for additional professional services for small businesses and

local governments is not anticipated. If a local government or small business is currently operating a solid waste management facility, they may already employ professional services to facilitate the operation of that facility and compliance with the regulatory requirements. The proposed revisions to the regulatory criteria are not expected to increase the level of professional services needed by those entities.

4. COMPLIANCE COSTS:

The proposed rulemaking does not impose additional paperwork requirements for most small businesses and local governments who operate solid waste management facilities or waste transportation businesses except for commercial waste transportation in quantities greater than 2000 pounds, and construction and demolition debris in quantities greater than 10 cubic yards. These transporters will be required to register and comply with reporting requirements under Part 364. However, the proposed regulations include criteria to reduce the burden of paperwork by reducing the quantity of information that must be submitted with permit applications and with annual reports. Also, the proposed regulations allow electronic submissions whenever possible to ease the transfer of data and information. The Department intends to develop new forms to simplify and standardize electronic reporting to ease the paperwork requirements imposed by the proposed regulations. Therefore, there will be no increase in cost for reporting.

This proposal will not impose any direct costs on small businesses or local governments. However, local governments and small businesses may own and operate solid waste management facilities or operate a waste transportation business. If a small business or local government owns and operates a solid waste management facility or waste transportation business, the costs associated with compliance with the revised rulemaking, including cost savings, are described below, organized by Part. As outlined below, in some cases the revisions will reduce cost associated with compliance. In others, the cost may increase.

Part 360 General Requirements:

Clarification of criteria for beneficial use determinations will help small businesses and local governments determine if their waste could be used in a beneficial manner, which could lead to cost savings through the sale of additional reused material.

Specifying criteria for the use of dredged materials will facilitate the use of appropriate materials and reduce the significant cost associated with disposal.

Part 361 Material Recovery Facilities:

An exemption for small scale food scrap composting will reduce the cost of management. An increasing the size threshold of a facility requiring registration related to food scraps will have a similar positive effect.

New standards for the management of wood debris may result in increased cost to a municipality or private firm due to the need for additional land for the quantity of material managed since pile size restrictions are included in the criteria. However, these criteria are not expected to affect most municipalities that have piles of mulch because they do not handle a significant amount of material.

The registration criteria for used cooking oil and yellow grease will result in decreased costs to a small facility owner since they will not incur the cost of obtaining a permit.

Part 362 Combustion, Thermal Treatment, Transfer and Collection Facilities:

Permitted transfer facilities from which waste is transported out of state and municipal solid waste processing facilities must install and operate a fixed radiation detection unit at a location appropriate for the monitoring of all incoming waste. The cost of purchasing this equipment ranges from \$5,000-\$7,000 per unit. The cost of maintenance, including calibration is expected to be \$2,000-\$3,000 annually.

The registration for the combustion of limited amounts of waste tires, unadulterated wood, used cooking oil and yellow grease under prescribed conditions will result in decreased costs for a small facility owner since they will not incur the cost of obtaining a permit.

Part 363 Landfills:

Elimination of the requirement to submit a site selection report for new landfill construction will result in cost savings of tens of thousands of dollars to landfill owners in preparation of this report.

The requirement for adding electrical resistivity testing on the upper and lower liner system as part of a Construction Quality Assurance (CQA) Plan will add cost to the construction of new landfill cells. Costs associated with the requirement are expected to be between \$2,000-\$3,000 per acre of geomembrane tested.

The regulations require all landfills that receive municipal solid waste to install and operate a fixed radiation detection unit at a location appropriate for the monitoring of all incoming waste. The cost of purchasing this equipment ranges from \$5,000-\$7,000 per unit. The cost of maintenance, including calibration is expected to be between \$2,000-\$3,000 annually.

The requirement for active collection and destruction of landfill gas for all new MSW landfills and for subsequent development at existing MSW

landfills will likely result in increased cost to two small existing municipal landfills in the state which currently do not conduct active collection and destruction of landfill gas if they choose to expand.

Part 364 Waste Transporters:

There may be an increased cost for transporters that will be required to register and comply with recordkeeping and reporting requirements. There are no fees associated with registration, only minor costs associated with the completion of tracking forms and the completion and submission of an annual report similar to registered facilities.

There will be a decrease in the cost of compliance for small transporters of regulated solid waste. The amount of material that can be transported without a permit will be increased from 500 to 2000 pounds. Those transporters that range between 500 and 2000 pounds will save the cost of permitting under the waste transporter program.

Part 365 Biohazard Waste Management Facilities:

Most generators choosing to treat RMW or other biohazard waste on-site will incur no additional costs since many, especially those based in healthcare, academic or research institutions already have autoclaves in place for processing their waste. Facilities that choose to treat waste on-site (that currently do not) may incur an initial cost increase to purchase treatment devices, but over the long term, will experience considerable cost savings over transportation and off-site processing costs.

The regulations add provisions for trauma scene waste and biohazard waste. Although these represent new costs for compliance, the Department has been working for a number of years with entities that generate these wastes to obtain voluntary compliance with these standards.

Part 366 Local Solid Waste Management Planning:

A reduction in staff time and costs related to the development and reporting requirements to a local government is expected as a result of the changes in the regulations. Small businesses are not subject to the provisions of this Part.

Part 369 State Assistance Projects:

Small businesses are not subject to the provisions of Part 369. There will be no significant change in cost to a local government located in a rural area.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The rulemaking has been in development for many years and has been subject to significant public review and comment. The Department has focused on revising the regulations in a manner that is technically sound and economical. The proposed regulations that apply to facilities that are currently subject to regulation and the proposed changes are not expected to significantly alter the operation or costs associated with those operations. However, changes in law and technology required the addition of new facility requirements in the regulations, such as vehicle dismantling facilities and facility types that are not currently addressed in the regulations. Addition of these facility requirements should not result in increased costs to these facilities. In some cases, the proposed regulations include reduced regulatory oversight, through expanded exemptions and registration provisions, which will reduce the costs associated with some solid waste facilities and activities.

6. MINIMIZING ADVERSE IMPACTS:

The proposed rulemaking is not expected to have adverse impacts on local governments or small businesses in New York State. The updated regulatory criteria for solid waste facilities, such as landfills, are not expected to significantly change the cost of the operation of that facility. Therefore, the residents and businesses will not see an increase in the cost of solid waste management due to the rulemaking.

7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION:

The proposed rulemaking has been in development for many years. During that time period, the Department has published draft regulations, accepted and evaluated public comments, given public presentations on draft criteria in numerous venues, and met with potentially affected parties. Those solid waste facilities and other affected parties have been solicited for input on the proposed revisions.

8. CURE PERIOD OR OTHER OPPORTUNITY FOR AMELIORATIVE ACTION:

Pursuant to SAPA 202-b(1-a)(a) and (b), the proposed rulemaking includes transition provisions that provide adequate time for regulated parties to come into compliance with any new provisions. Otherwise there is no such cure period included in the rule because of the potential for adverse impacts on human health and the environment. Cure periods for the illegal management or disposal of solid waste are neither desirable nor recommended as compliance is required to ensure the general welfare of the public and the environment is protected.

9. INITIAL REVIEW OF RULE:

The Department will conduct an initial review of the rule within three years as required by SAPA § 207.

Rural Area Flexibility Analysis

The proposed rulemaking will modify the Department of Environmental Conservation's (Department) existing regulations governing solid waste

management activities including facilities, waste transporters, local solid waste management planning, and state assistance projects. Since the last revision in 1993, there have been technological, legal, and policy changes that need to be reflected in the regulations. Solid waste management covers a variety of activities, including regulated medical waste and biohazard waste treatment, in addition to landfills and other facilities that are commonly associated with waste management. The Department does not expect the revisions to have a negative economic impact on rural areas.

1. TYPES AND NUMBERS OF RURAL AREAS AFFECTED

The proposed revisions apply statewide, including rural areas of the state. All areas of the state, including rural areas, generate solid waste and will be affected directly or indirectly by the proposed rulemaking.

2. REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS

The proposed rulemaking does not impose additional paperwork requirements for the majority of facilities affected by this rulemaking, including facilities located in rural areas. The current regulations require annual reports from most solid waste management facilities, and these requirements continue under the proposed regulations. However, the proposed regulations include criteria to reduce the burden of paperwork by reducing the quantity of information that must be submitted with permit applications and annual reports. Also, the proposed regulations allow electronic submissions whenever possible to ease the transfer of data and information. The Department intends to develop new forms to simplify and standardize electronic reporting to ease the paperwork requirements imposed by the proposed regulations.

The proposed rulemaking will not directly impose any significant service, duty or responsibility upon any county, city, town, village, school district or fire district in a rural area. This proposal does not directly mandate the expenditure of funds by any sector of local government.

If a local government in a rural area chooses to own and operate a solid waste management facility in the State, the proposed rulemaking may require the additional expenditure of funds to comply with the requirements of Parts 360, 361, 362, 363, and 364, which govern those solid waste facilities.

3. COSTS

This proposal will not impose any direct costs on rural areas. However, rural area governments may own and operate solid waste management facilities such as transfer facilities and landfills. If a local government owns a solid waste management facility, the costs associated with compliance with the revised rulemaking are addressed below, organized by Part:

Part 360 General Requirements:

Clarification of criteria for beneficial use determinations will help local governments determine if their waste could be used in a beneficial manner, which could lead to cost savings.

Specifying criteria for the use of navigational dredged materials will facilitate the use of appropriate materials and reduce the significant cost associated with disposal.

Part 361 Material Recovery Facilities:

An exemption for small-scale food scrap composting is included that will promote additional recycling and reduce the cost of management. An increase in the size threshold of a facility requiring registration related to food scraps will have a similar positive effect.

New standards for the management of wood debris and yard trimmings may result in increased cost to a municipality or private firm due to the need for additional land for the quantity of material managed since pile size restrictions are included in the criteria. However, these criteria are not expected to affect most municipalities that have piles of mulch because they do not handle a significant amount of material.

The registration criteria for used cooking oil and yellow grease will result in decreased costs for a small facility owner since they will not incur the cost of obtaining a permit.

Part 362 Combustion, Thermal Treatment, Transfer and Collection Facilities:

Permitted transfer facilities from which waste is transported out of state and municipal solid waste processing facilities must install and operate a fixed radiation detection unit at a location appropriate for the monitoring of all incoming waste. The cost of purchasing this equipment ranges from \$5,000-\$7,000 per unit. The cost of maintenance, including calibration is expected to be \$2,000-\$3,000 annually.

The registration for the combustion of limited amounts of waste tires, unadulterated wood, used cooking oil and yellow grease under prescribed conditions will result in decreased costs for a small facility owner since they will not incur the cost of obtaining a permit.

Part 363 Landfills:

Elimination of the requirement to submit of a site selection report for new landfill construction will result in cost savings of tens of thousands of dollars to landfill owners in preparation of this report.

The requirement for adding electrical resistivity testing on the upper and lower liner system as part of a Construction Quality Assurance (CQA)

Plan will add cost to the construction of new landfill cells. Costs associated with the requirement are expected to be \$2,000-\$3,000 per acre of geomembrane tested. Based on the known improvement gained in construction quality and liner system performance, it makes sense to perform these evaluations routinely. The cost of performing the electrical resistivity testing on both upper and lower landfill liners will be borne by the landfill owner as part of the cost of constructing a landfill, but is a small fraction of the overall cost of constructing the entire landfill. Liner integrity testing will help pinpoint defects before construction continues. This will reduce defects overall and will reduce the cost of defect repairs. Furthermore, over 50% of the recent landfill construction projects statewide have been utilizing leak detection and location technology in constructing the upper liner system with good results.

The regulations require all landfills that receive municipal solid waste to install and operate a fixed radiation detection unit at a location appropriate for the monitoring of all incoming waste. The cost of purchasing this equipment ranges from \$5,000-\$7,000 per unit. The cost of maintenance, including calibration is expected to be \$2,000-\$3,000 annually. Installation of radiation detectors at these facilities is the only means to ensure that radioactive waste will not be disposed of at landfills in the state.

The requirement for active collection and destruction of landfill gas for all new MSW landfills and for subsequent development at existing MSW landfills will likely result in increased cost to two small existing municipal landfills in the state which currently do not conduct active collection and destruction of landfill gas if they were to choose to expand. The actual cost of installing, operating, and maintaining a gas collection system varies depending on the size of a landfill. The average capital cost of landfill gas collection systems at municipal solid waste landfills in New York State, including wells, wellheads, pipe collection system, blower, knockout, and flare has been approximately \$43,650 per acre. This is greater than the USEPA estimate of \$27,667 per acre. Because the landfill gas management state assistance program, which is available to municipally-owned landfills, is a reimbursement system, the entire capital costs must be initially borne by the municipal landfill owner, with 50 percent (up to \$2,000,000) eventually reimbursed to the municipality by the State. Annual operating costs can be up to \$75,000. These costs do not include any additional expenses that would be required in order to purchase the equipment necessary to generate electricity and hook up to the electrical grid, nor do they take into account any revenues that may be realized by generating electricity.

Part 364 Waste Transporters:

There may be an increased cost for transporters that will be required to register and comply with recordkeeping and reporting requirements. There are no fees associated with registration, only minor costs associated with the completion of tracking forms and the completion and submission of an annual report similar to those now prepared by registered facilities.

There will be a decrease in the cost of compliance for small transporters of regulated solid waste. The amount of material that can be transported without a permit is increased from 500 to 2000 pounds. Those transporters that range between 500 and 2000 pounds will save the cost of permitting under the waste transporter program.

Part 365 Biohazard Waste Management Facilities:

Most generators choosing to treat RMW or other biohazard waste on-site will incur no additional costs since many, especially those based in healthcare, academic or research institutions already have autoclaves in place for processing their waste. Facilities that choose to treat waste on-site (that currently do not) may incur an initial cost increase to purchase treatment devices, but over the long term, will experience considerable cost savings over transportation and off-site processing costs.

The regulations add provisions for trauma scene waste and biohazard waste. Although these represent new costs for compliance, the Department has been working for a number of years with entities that generate these wastes to obtain voluntary compliance with these standards.

Part 366 Local Solid Waste Management Planning:

A reduction in staff time and costs related to the development and reporting requirements to a local government is expected as a result of the changes in the regulations.

Part 369 State Assistance Projects:

The majority of the action is derived from the present regulatory program as presented in existing Parts 360, 364 and 369 as well as various Department policies and actions which set forth Department interpretation of its authority and responsibility under the ECL to regulate solid waste management facilities in an environmentally protective manner. In most cases, therefore, the ultimate costs associated with complying with the existing regulatory program will be similar to those for the program established under the action.

4. MINIMIZING ADVERSE IMPACTS

The proposed rulemaking is not expected to have adverse impacts on rural areas of New York State. The updated regulatory criteria for solid waste facilities, such as landfills, that may be located in a rural area, are

not expected to significantly change the cost of the operation of that facility. Therefore, the rural area residents will not see an increase in the cost of solid waste management due to the rulemaking.

5. RURAL AREA PARTICIPATION

The proposed rulemaking has been in development for many years. During that time period, the Department has published draft regulations, accepted and evaluated public comments, given public presentations on draft criteria in numerous venues, and met with potentially affected parties. Those solid waste facilities and other affected parties in rural areas have been solicited for input on the proposed revisions.

6. INITIAL REVIEW OF RULE

The Department will conduct an initial review of the rule within three years as required by SAPA § 207.

Job Impact Statement

The New York State Department of Environmental Conservation (Department) proposes to revise 6 NYCRR Parts 360-366 and 369. The regulations will apply statewide. The Department does not expect the proposed regulations to have a negative impact on jobs and employment opportunities in the state.

The proposed rules will update the existing regulations that relate to solid waste management facilities, waste transportation, local solid waste management planning, and state assistance in relation to solid waste management. Many new or expanded solid waste management facilities, particularly recycling facilities and landfills, have been constructed since the last comprehensive revision in 1993, providing the Department with experience in applying those regulations. This experience has demonstrated that many areas of the regulations would benefit from revision, clarification, or modification to allow new, technically appropriate alternatives to the design and operation criteria for solid waste management facilities found in the existing regulations, and to streamline the regulatory process.

1. NATURE OF IMPACT

As mentioned above, the Department does not expect the proposed regulations to have a negative impact on jobs and employment. The proposed regulatory revisions amend regulations that have been in place for more than 20 years. For the majority of the criteria in the proposed rule, there will be little or no impact on economic activity.

2. CATEGORIES AND NUMBERS OF JOBS OR EMPLOYMENT OPPORTUNITIES AFFECTED

The proposed regulations themselves will not negatively affect employment opportunities. Although it is difficult to predict the number of facilities and jobs that will be gained as a result of the rulemaking, a few hundred new jobs statewide are likely.

3. REGIONS OF ADVERSE IMPACT

There are no regions of the State expected to be negatively impacted from the proposed rules. Revisions to the solid waste management regulations are intended to modernize the regulations, to reflect current industry practices and address new facility types that have begun operating since the last comprehensive revision in 1993. The revisions include reduced regulatory burden on some food scrap composting facilities.

4. MINIMIZING ADVERSE IMPACT

The proposed rules are not expected to have an adverse impact on jobs and employment. The Department already regulates the solid waste management activities covered by the proposed rules. For most facilities and activities, the proposed revisions will have no impact on jobs and employment.

5. SELF-EMPLOYMENT OPPORTUNITIES

The proposed rules are not expected to impact self-employment opportunities.

6. INITIAL REVIEW OF RULE

The Department will conduct an initial review of the rule within three years as required by SAPA § 207.

New York State Gaming Commission

NOTICE OF ADOPTION

Lottery Subscription Program

I.D. No. SGC-52-15-00005-A

Filing No. 261

Filing Date: 2016-03-01

Effective Date: 2016-03-16

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

Action taken: Amendment of sections 5005.1(b), (c), 5005.2(b), 5005.3(b), 5005.4, 5005.5, 5005.6, 5005.7 and 5005.8 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, section 104; Tax Law, section 1617

Subject: Lottery subscription program.

Purpose: To better serve customers needs and preferences.

Text or summary was published in the December 30, 2015 issue of the Register, I.D. No. SGC-52-15-00005-P.

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

Text of rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, Schenectady, New York 12301, (518) 388-3407, email: gamingrules@gaming.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is the 4th or 5th year after the year in which this rule is being adopted. This review period, justification for proposing same, and invitation for public comment thereon, were contained in a RFA, RAFA or JIS:

An assessment of public comment on the 4 or 5-year initial review period is not attached because no comments were received on the issue.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Manner in Which Prize Payments Are Made

I.D. No. SGC-52-15-00006-A

Filing No. 260

Filing Date: 2016-03-01

Effective Date: 2016-03-16

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

Action taken: Amendment of section 5002.5 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, section 104; Tax Law, sections 1601, 1604, 1612 and 1617

Subject: Manner in which prize payments are made.

Purpose: To better reflect customer and retailer preferences and the administrative needs of the Commission.

Text or summary was published in the December 30, 2015 issue of the Register, I.D. No. SGC-52-15-00006-P.

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

Text of rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, Schenectady, New York 12301, (518) 388-3407, email: gamingrules@gaming.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is the 4th or 5th year after the year in which this rule is being adopted. This review period, justification for proposing same, and invitation for public comment thereon, were contained in a RFA, RAFA or JIS:

An assessment of public comment on the 4 or 5-year initial review period is not attached because no comments were received on the issue.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Prohibiting the Administration of Stanazolol to Racehorses

I.D. No. SGC-52-15-00007-A

Filing No. 263

Filing Date: 2016-03-01

Effective Date: 2016-03-16

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

Action taken: Amendment of sections 4043.15 and 4020.12 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1), (19), 301(1), (2) and 902(1)

Subject: Prohibiting the administration of stanozolol to racehorses.

Purpose: To preserve the safety and integrity of pari-mutuel racing while generating reasonable revenue for the support of government.

Text or summary was published in the December 30, 2015 issue of the Register, I.D. No. SGC-52-15-00007-P.

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

Text of rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301, (518) 388-3407, email: gamingrules@gaming.ny.gov

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

One public comment was received in response to the publication of the proposed rule-making in the December 30, 2015 State Register. A veterinarian wrote that stanozolol should be permitted subject to drug testing for appropriate use because stanozolol is a useful medicine when used appropriately. The Commission disagrees with this suggestion because current laboratory testing cannot readily distinguish between appropriate and other uses of this drug. In addition, the proposal will continue to permit the use of three endogenous anabolic steroids, which are efficacious and have a much shorter clearance time, for necessary therapy while a horse is restricted from racing.

NOTICE OF ADOPTION

Suspension and Revocation of a Lottery Agent's License

I.D. No. SGC-52-15-00008-A

Filing No. 262

Filing Date: 2016-03-01

Effective Date: 2016-03-16

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

Action taken: Amendment of section 5001.19 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19); Tax Law, sections 1601, 1604, 1612 and 1617

Subject: Suspension and revocation of a lottery agent's license.

Purpose: To revise the rules for the procedure and grounds for suspension and revocation of a lottery license for sales agents.

Text or summary was published in the December 30, 2015 issue of the Register, I.D. No. SGC-52-15-00008-P.

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

Text of rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, Schenectady, New York 12301, (518) 388-3407, email: gamingrules@gaming.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is the 4th or 5th year after the year in which this rule is being adopted. This review period, justification for proposing same, and invitation for public comment thereon, were contained in a RFA, RAFA or JIS:

An assessment of public comment on the 4 or 5-year initial review period is not attached because no comments were received on the issue.

Assessment of Public Comment

The New York Association of Convenience Stores urged the Commission to add "actions by state and local governments" to the list of enumerated unforeseen circumstances that might be grounds for an affirmative defense by a sales agent. The Association explained that government action, such as allowing nearby gaming facilities, road construction and increased taxes on items offered at convenience stores might drive patronage down in ways in which a store owner might not be able to mitigate. The Association also urged removing the requirement for a sales agent to take reasonable steps to mitigate.

The Commission believes that the proposed language, which includes "other events or circumstances" among the enumerated factors beyond the sales agent's control provides sufficiently broad language to cover exceptional circumstances and allow a sales agent challenging a suspension or revocation on such grounds the ability to state the sales agent's

case. The Commission believes that it would be inappropriate to eliminate the duty to mitigate. The scope of a duty to mitigate will vary with the fact-specific circumstances, but eliminating a mitigation requirement would allow a sales agent to be not diligent in using best sales efforts in the wake of an unforeseen circumstance (such as a severe weather event), contrary to the policy goals of maintaining a robust sales culture.

NOTICE OF ADOPTION

Plan of Operation for the Jockey Injury Compensation Fund

I.D. No. SGC-01-16-00006-A

Filing No. 264

Filing Date: 2016-03-01

Effective Date: 2016-03-16

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

Action taken: Addition of Part 4046 to Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19) and 221(8)(b)

Subject: Plan of operation for the Jockey Injury Compensation Fund.

Purpose: To effectuate the provisions of the Jockey Injury Compensation Fund in the absence of a plan of operation for 2016.

Text or summary was published in the January 6, 2016 issue of the Register, I.D. No. SGC-01-16-00006-EP.

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

Text of rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301, (518) 388-3407, email: gamingrules@gaming.ny.gov

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The Commission received a letter from Assemblymember Carrie Woerner (113th Assembly District, Saratoga and Washington Counties) on December 22, 2015. Assemblymember Woerner expressed concern that the emergency rule would raise stall fees charged to owners and trainers at each of the thoroughbred tracks in New York. She urged the Commission to review and adopt the plan submitted by the Jockey Injury Compensation Fund (JICF), which would "keep the workers' compensation rates at the 2015 level."

At the time the emergency rule was submitted, the JICF had not submitted its 2016 plan. Shortly after the emergency rule was submitted and the JICF submitted its 2016 plan, Assemblymember Woerner spoke with Commission staff and her questions and concerns were resolved.

Department of Health

NOTICE OF ADOPTION

Standards for Individual Onsite Water Supply and Individual Onsite Wastewater Treatment Systems

I.D. No. HLT-11-15-00019-A

Filing No. 257

Filing Date: 2016-03-01

Effective Date: 2016-03-16

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

Action taken: Amendment of Part 75 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 201(1)(l)

Subject: Standards for Individual Onsite Water Supply and Individual Onsite Wastewater Treatment Systems.

Purpose: Establishes minimum water quality standards for individual onsite water supply systems.

Text or summary was published in the March 18, 2015 issue of the Register, I.D. No. HLT-11-15-00019-P.

Final rule as compared with last published rule: No changes.
Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of House Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqna@health.ny.gov
Assessment of Public Comment
 The agency received no public comment.

NOTICE OF ADOPTION

General Provisions Concerning State Aid Eligibility

I.D. No. HLT-51-15-00001-A
Filing No. 259
Filing Date: 2016-03-01
Effective Date: 2016-03-16

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

Action taken: Amendment of section 40-2.1 of Title 10 NYCRR.
Statutory authority: Public Health Law, section 619
Subject: General Provisions Concerning State Aid Eligibility.
Purpose: To clarify that rent and maintenance of space in lieu of rent (MILOR) remain eligible for State Aid.
Text or summary was published in the December 23, 2015 issue of the Register, I.D. No. HLT-51-15-00001-C.
Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of House Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqna@health.ny.gov

Assessment of Public Comment
 During the public comment period ending February 8, 2016, the Department received comments from the New York State Association of County Health Officials (NYSACHO) and the S2AY Rural Health Network, Inc., which includes the following eight local health departments: Chemung, Livingston, Ontario, Schuyler, Seneca, Steuben, Wayne and Yates.

Both comments were in support of the proposed changes. Consequently, no changes were made to the proposed regulation.

Niagara Falls Water Board

NOTICE OF ADOPTION

Adoption of Rates, Fees and Charges

I.D. No. NFW-01-16-00001-A
Filing No. 220
Filing Date: 2016-02-24
Effective Date: 2016-02-24

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

Action taken: Amendment of section 1950.20 of Title 21 NYCRR.
Statutory authority: Public Authorities Law, section 1230-j
Subject: Adoption of rates, fees and charges.
Purpose: To pay for the increase costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders.
Text or summary was published in the January 6, 2016 issue of the Register, I.D. No. NFW-01-16-00001-EP.
Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: John J. Ottaviano, Niagara Falls Water Board, c/o 172 East Avenue, Lockport, New York 14094, (716) 438-0488, email: ottaviano@ruppbaase.com

Revised Regulatory Impact Statement
 A revised regulatory impact statement is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Revised Regulatory Flexibility Analysis
 A revised regulatory flexibility analysis is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Revised Rural Area Flexibility Analysis
 A revised rural area flexibility analysis is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Revised Job Impact Statement
 A revised job impact statement is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Assessment of Public Comment
 An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

**Office for People with
 Developmental Disabilities**

**EMERGENCY/PROPOSED
 RULE MAKING
 NO HEARING(S) SCHEDULED**

Conforming Changes Related to Chapter 106 of the Laws of 2015

I.D. No. PDD-11-16-00005-EP
Filing No. 256
Filing Date: 2016-03-01
Effective Date: 2016-03-01

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

Proposed Action: Amendment of section 633.21 of Title 14 NYCRR.
Statutory authority: Mental Hygiene Law, sections 13.09(b) and 13.38
Finding of necessity for emergency rule: Preservation of public health, public safety and general welfare.

Specific reasons underlying the finding of necessity: The emergency adoption of amendments that provide due process protections for individuals receiving care pursuant to subdivision (g) of section 13.38 of the Mental Hygiene Law is necessary to protect the health, safety, and welfare of individuals receiving services in the OPWDD system.

The emergency amendments conform OPWDD regulations in 14 NYCRR Section 633.21 to the statutory changes set forth by Chapter 106 of the Laws of 2015 that provide due process protections to individuals receiving care through emergency funding pursuant to subdivision (g) of section 13.38 of the Mental Hygiene Law. The regulations must be filed on an emergency basis as individuals have been requesting hearings concerning their objections to proposed residential placements since the time the Law was signed in August, 2015. Without these regulatory amendments, these individuals are unable to exercise their due process rights with respect to the proposed placements. Further, many proposed residential placements are pending due to the need to implement the required due process protections; delay in implementing this statutory requirement would further delay these residential placements by preventing OPWDD from making such placements for the benefit of individuals receiving services, which in turn could jeopardize the health, safety, and welfare of these individuals.

Subject: Conforming Changes Related to chapter 106 of the Laws of 2015.
Purpose: To make changes to regulations to conform to recent statutory changes set forth in chapter 106 of the Laws of 2015.

Text of emergency/proposed rule: Section 633.21 is amended as follows:
 633.21 Administrative process applicable to persons who are subject to placement [out of transitional care] under *Mental Hygiene Law section 13.38*

- (a) Principles of compliance.
- (1) The provisions of this section and any administrative process associated with its implementation, shall be in conformance with article 13, section 13.38 of the Mental Hygiene Law.
- (2) Upon making a determination that a person who is receiving care

pursuant to section 13.37-a or subdivision (g) of section 13.38 of the mental hygiene law can be cared for appropriately in an available adult care facility or by a service that is licensed, certified or approved by OPWDD, and whose removal from a child care facility or residential school is not required on an expedited basis, OPWDD shall notify in writing the person [Each person (see subparagraph [6][iii] of this subdivision) receiving transitional care (see subparagraph [6][iv] of this subdivision)] and the person's guardian (if one has been appointed), or another individual who has been actively involved in the care of the person and who can represent the person's interest, [shall be notified in writing by certified mail, return receipt requested,] of [OMRDD's] OPWDD's determination that the person [who is currently receiving transitional care] can be appropriately cared for at an available placement providing residential care or by receiving another appropriate service(s) certified and/or funded by [OMRDD] OPWDD (see subparagraph [6][i] of this subdivision regarding appropriate placement or plan of services). Such notification also shall provide a description of the proposed new placement or services.

(3)

(i) [Said] The written notification required pursuant to paragraph (2) of this subdivision[,] shall be served at least 30 days prior to the date on which the proposed placement will be available; service by ordinary mail will be deemed effective on the fifth day after mailing. Such notification shall include information about [reference] the availability of [an objection(s) and] an administrative appeal to review the determination if any of the notified parties do not agree with the determination, and of the need to request such appeal in writing within 30 days of [the receipt] service of the notice.

(ii) Any of the notified parties may request an administrative appeal by sending a written request to the Commissioner and stating the reasons for the objection. If the request is made within the time period required, a hearing will be scheduled with no less than 10 days' notice to the objecting party. The hearing shall be before a hearing officer designated by the Commissioner.

(4) If [a person, guardian, or other actively involved individual does not] none of the notified parties request a hearing within the timeframe required, or if any requested hearing results in a determination that the proposed residential placement or other service(s) is appropriate to the needs of the person, and is available (see subparagraph [6][ii] of this subdivision), or will be available on a [certain] date certain, [OMRDD shall notify the local Department of Social Services that funding for transitional care for the person is to be discontinued] OPWDD shall discontinue care funding for the person as of a date certain.

(5) [Should an objection and request for appeal be made and a hearing be necessary, it shall be held before a designated Regional Review Panel authorized by the Commissioner of OMRDD, which shall determine whether the proposed placement or plan of services is appropriate and available.

(i) The panel shall consist of three members who are professionals with experience in the field of developmental disabilities services.

(ii) At least one member of each panel shall be a licensed psychologist, certified social worker or licensed health professional.

(iii) The commissioner shall ensure that no member of the panel participates in the review of any proposed placement in which he/she has been previously involved, either by having screened, evaluated or participated in the determination regarding the proposed placement.

(a) Panel members shall not be employed by the agency which will provide the proposed residential placement or any aspect of a recommended plan of services, or be employed by the involved Developmental Disabilities Services Office (DDSO).

(b) The commissioner shall arrange for the appropriate substitution of any member of the panel with such potential conflicts of interest.]

The hearing officer shall conduct the hearing and review the parties' presentations and information to determine whether the placement or services identified by OPWDD is appropriate to the needs of the person and is available or will become available on a date certain. The hearing officer shall send a written report and recommendation to the commissioner, and the commissioner or his or her designee shall issue a written determination to the objecting party within thirty days after the close of the hearing record, on whether the proposed placement is appropriate to the needs of the person and is available or will become available on a date certain. The commissioner may, in his or her discretion, send the matter back to the hearing officer for further review. The commissioner's determination shall be the final administrative remedy available and may be appealed in accordance with the provisions of article 78 of the Civil Practice Law and Rules.

(6) Definitions relevant to this section.

(i) Appropriate placement or plan of services. The [OMRDD's] OPWDD's determination expressed in a written document, setting forth those adult services necessary to meet the essential needs of a person. Educational, [or] child care, or other services received by a person in his

or her current placement may be considered, but shall not be deemed to constitute the standard by which a proposed placement or plan of services is determined to be appropriate.

(ii) Available placement or plan of services. A placement or plan of services which can be provided to a person within 90 days of written notification by [OMRDD] OPWDD, shall be deemed "available." In cases where a placement or plan of services cannot be provided to a person within 90 days, the placement or plan of services shall be deemed available if the [Regional Review Panel] hearing officer determines that such place or plan of services can be provided on a certain date.

(iii) Person/persons. As used herein, a person with a [diagnosis of mental retardation or other] developmental disability, who is receiving [transitional care] OPWDD funding for care pursuant to section 13.37-a or subdivision (g) of section 13.38 of the mental hygiene law.

(iv) Transitional care. The care and maintenance of a person:

(a) who was placed in foster care by a social services district pursuant to article six of the Social Services Law and who has become 21 years of age, or who was placed in a residential educational placement by a school district pursuant to article 89 of the Education Law and who is no longer eligible for free educational services because this person has completed the school year in which he/she became 21;

(b) who is developmentally disabled and was in need of residential care prior to becoming age 21 or prior to becoming ineligible for free educational services, and who continues to be in need of a residential facility or other service(s); and

(c) who became 21 or became ineligible for free educational services prior to July 1, 1996; and

(d) for whom the OMRDD has approved a plan of services for continued care, but has not yet identified a currently available appropriate residential placement or other services; and

(e) whose residential needs can continue to be met where the person currently resides.]

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire May 29, 2016.

Text of rule and any required statements and analyses may be obtained from: Office of Counsel, Bureau of Policy and Regulatory Affairs, Office for People With Developmental Disabilities (OPWDD), 44 Holland Avenue, 3rd Floor, Albany, NY 12229, (518) 474-7700, email: RAU.Unit@opwdd.ny.gov

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

Public comment will be received until: 45 days after publication of this notice.

Additional matter required by statute: Pursuant to the requirements of the State Environmental Quality Review Act, OPWDD, as lead agency, has determined that the action described herein will have no effect on the environment, and an E.I.S. is not needed.

Regulatory Impact Statement

1. Statutory authority:

a. OPWDD has the authority to adopt rules and regulations necessary and proper to implement any matter under its jurisdiction as stated in the New York State (NYS) Mental Hygiene Law Section 13.09(b).

b. OPWDD has the authority to help assure that all persons in transitional care receive assistance in locating appropriate and available placements within its system as stated in Mental Hygiene Law Section 13.38.

2. Legislative objectives: The emergency/proposed amendments further the legislative objective embodied in section 13.09(b) and 13.38 of the Mental Hygiene Law. The amendments make changes to regulations to conform to recent statutory changes set forth in Chapter 106 of the Laws of 2015.

3. Needs and benefits: Existing OPWDD regulations in section 14 NYCRR 633.21 identify an administrative process that provides due process for individuals receiving transitional care who are offered a residential placement in OPWDD's system and who object to such placement. The emergency/proposed amendments revise the regulations by adding due process protections for individuals receiving care through emergency funding pursuant to subdivision (g) of section 13.38 of the Mental Hygiene Law. The amendments are added to conform with recent statutory changes in Chapter 106 of the Laws of 2015 that provide due process protections to these individuals. Since this statutory change, individuals have been requesting hearings concerning their proposed residential placements. The amendments will allow OPWDD to administer the requested hearings.

The emergency/proposed amendments also make changes to the administrative process outlined in regulations. The amendments designate a hearing officer to conduct the hearing as opposed to the Regional Review Panel charged with this responsibility in the existing regulations. The hearing officer will conduct the hearing and send a written report and recommendation to the Commissioner of OPWDD. The amendments state that the Commissioner or designee will make a determination and notify

the objecting party within 30 days after the close of the hearing record. The amendments also allow for written notice of an individual's right to appeal his or her residential placement to be sent by ordinary mail as opposed to certified, return receipt. The amendments outline requirements for the content of the notice and the timeframes for sending the notice and scheduling the hearing, and specify the process for requesting appeals.

The amendments will make due process practices consistent with other due process practices in OPWDD's system with which individuals receiving services are familiar. Further, the changes will result in efficiencies for OPWDD and easier navigation by individuals and providers of the administrative process used to address objections to residential placements. The amendments also make other minor changes to conform language in the regulation to language used in the statute in order to promote compliance with statutory requirements.

4. Costs:

a. Costs to the Agency and to the State and its local governments. The emergency/proposed amendments will not require additional costs to the State in its role paying for Medicaid as the amendments merely make changes to an OPWDD administrative process that is not funded through Medicaid.

The amendments will not result in any costs to OPWDD as a provider of services because the amendments make changes to an administrative process that is used by OPWDD in its role as an oversight entity, not as a provider.

There will be no impact to local governments as a result of any of these amendments.

b. Costs to private regulated parties: There are no initial capital investment costs or initial non-capital expenses for either of these amendments.

There will be no costs to regulated parties for the same reason stated above being that the amendments only make changes to an OPWDD administrative process.

5. Local government mandates: There are no new requirements imposed by the rule on any county, city, town, village; or school, fire, or other special district.

6. Paperwork: The emergency/proposed amendments will not result in additional paperwork requirements for regulated parties.

7. Duplication: The emergency/proposed amendments do not duplicate any existing requirements that are applicable to services for individuals with developmental disabilities.

8. Alternatives: OPWDD did not consider any alternatives to the emergency/proposed amendments as the amendments are needed to conform to recent statutory changes set forth in Chapter 106 of the Laws of 2015.

9. Federal standards: The emergency/proposed amendments do not exceed any minimum standards of the federal government for the same or similar subject areas.

10. Compliance schedule: The emergency rule is effective March 1, 2016. OPWDD has concurrently filed the rule as a Notice of Proposed Rule Making, and it intends to finalize the proposed amendments as soon as possible within the time frames mandated by the State Administrative Procedure Act. These amendments will not impose any new requirements with which regulated parties are expected to comply.

Regulatory Flexibility Analysis

A regulatory flexibility analysis for small businesses and local governments is not being submitted because these amendments will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses. There are no professional services, capital, or other compliance costs imposed on small businesses as a result of these amendments.

The proposed amendments provide due process protections for individuals receiving care through emergency funding pursuant to subdivision (g) of section 13.38 of the Mental Hygiene Law. The amendments are in conformance with recent statutory changes set forth by Chapter 106 of the Laws of 2015 that provide due process protections to these individuals. The amendments will not result in costs or new compliance requirements for regulated parties and, consequently, the amendments will not have any adverse effects on providers of small business and local governments.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis for these amendments is not being submitted because the amendments will not impose any adverse impact or significant reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. There are no professional services, capital, or other compliance costs imposed on public or private entities in rural areas as a result of the amendments.

The proposed amendments provide due process protections for individuals receiving care through emergency funding pursuant to subdivision (g) of section 13.38 of the Mental Hygiene Law. The amendments are in conformance with recent statutory changes set forth by Chapter 106 of the Laws of 2015 that provide due process protections to these individuals.

The amendments will not result in costs or new compliance requirements for regulated parties and, consequently, the amendments will not have any adverse effects on providers in rural areas and local governments.

Job Impact Statement

A Job Impact Statement for the proposed amendments is not being submitted because it is apparent from the nature and purposes of the amendments that they will not have a substantial adverse impact on jobs and/or employment opportunities.

The proposed amendments provide due process protections for individuals receiving care through emergency funding pursuant to subdivision (g) of section 13.38 of the Mental Hygiene Law. The amendments are in conformance with recent statutory changes set forth by Chapter 106 of the Laws of 2015 that provide due process protections to these individuals. The amendments will not result in costs, including staffing costs, or new compliance requirements for regulated parties and, consequently, the amendments will not have a substantial impact on jobs or employment opportunities for regulated parties.

Public Service Commission

NOTICE OF ADOPTION

Property Tax Refunds

I.D. No. PSC-10-15-00010-A

Filing Date: 2016-02-26

Effective Date: 2016-02-26

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

Action taken: On 2/23/16, the PSC adopted an order approving Verizon New York Inc.'s (Verizon) petition to retain the regulated intrastate portion of the property tax refunds received from the Town of Oyster Bay for the 2008-2010 and 2012 tax years.

Statutory authority: Public Service Law, section 113(2)

Subject: Property tax refunds.

Purpose: To approve Verizon's petition to retain property tax refunds received from the Town of Oyster Bay.

Substance of final rule: The Commission, on February 23, 2016, adopted an order approving Verizon New York Inc.'s petition to retain \$2,012,317, the regulated intrastate portion of the property tax refunds, received from the Town of Oyster Bay for the 2008-2010 and 2012 tax years, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-C-0091SA1)

NOTICE OF ADOPTION

Minor Rate Filing

I.D. No. PSC-12-15-00008-A

Filing Date: 2016-02-24

Effective Date: 2016-02-24

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

Action taken: On 2/23/16, the PSC adopted an order determining revenue requirement and rate design for the Village of Arcade.

Statutory authority: Public Service Law, section 66(12)

Subject: Minor rate filing.

Purpose: To approve an increase in annual revenues effective 3/1/16.

Substance of final rule: The Commission, on February 23, 2016, adopted

an order approving an increase in annual revenues for the Village of Arcade of \$57,403 effective March 1, 2016, and directed the Village of Arcade to file a cancellation supplement and further tariff revisions establishing the approved rates, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0132SA1)

NOTICE OF ADOPTION

Property Tax Refunds

I.D. No. PSC-15-15-00007-A

Filing Date: 2016-02-26

Effective Date: 2016-02-26

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

Action taken: On 2/23/16, the PSC adopted an order approving Verizon New York Inc.'s (Verizon) petition to retain the regulated intrastate portion of the property tax refunds received from the Town of Hempstead for the 1992-2002 tax years.

Statutory authority: Public Service Law, section 113(2)

Subject: Property tax refunds.

Purpose: To approve Verizon's petition to retain property tax refunds received from the Town of Hempstead.

Substance of final rule: The Commission, on February 23, 2016, adopted an order approving Verizon New York Inc.'s petition to retain \$5,120,869, the regulated intrastate portion of the property tax refunds, received from the Town of Hempstead for the 1992-2002 tax years, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-C-0095SA1)

NOTICE OF ADOPTION

Tariff Amendments to Rule 28 Contained in P.S.C No. 220—Electricity

I.D. No. PSC-17-15-00009-A

Filing Date: 2016-02-24

Effective Date: 2016-02-24

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

Action taken: On 2/23/16, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (NMPC) tariff amendments to Rule 28—Special Services Performed by Company at a Charge contained in P.S.C. No. 220—Electricity.

Statutory authority: Public Service Law, section 66(12)

Subject: Tariff amendments to Rule 28 contained in P.S.C No. 220—Electricity.

Purpose: To approve NMPC's tariff amendments to Rule 28 contained in P.S.C No. 220—Electricity.

Substance of final rule: The Commission, on February 23, 2016, adopted an order approving Niagara Mohawk Power Corporation d/b/a National

Grid's tariff amendments to Rule 28 – Special Services Performed by Company at a Charge contained in P.S.C. No. 220 – Electricity, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0210SA1)

NOTICE OF ADOPTION

Petition for Clarification of Commission's Order

I.D. No. PSC-20-15-00008-A

Filing Date: 2016-02-25

Effective Date: 2016-02-25

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

Action taken: On 2/23/16, the PSC adopted an order approving Town of Ramapo's (Ramapo) petition for clarification of the Commission's Order issued in Case 13-W-0246 on November 14, 2014.

Statutory authority: Public Service Law, sections 4, 5, 22, 89-a, 89-b, 89-c, 113 and 114

Subject: Petition for clarification of Commission's Order.

Purpose: To approve Ramapo's petition for clarification of Commission's Order.

Substance of final rule: The Commission, on February 23, 2016, adopted an order approving Town of Ramapo's petition for clarification of the Commission's Order Denying Surcharge and Making Determinations Regarding the Treatment of Certain Long-Term Water Supply Development Costs, issued in Case 13-W-0246 on November 14, 2014, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(13-W-0246SA4)

NOTICE OF ADOPTION

Repowering of the Cayuga Generating Facility

I.D. No. PSC-27-15-00011-A

Filing Date: 2016-02-25

Effective Date: 2016-02-25

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

Action taken: On 2/23/16, the PSC adopted an order making findings on the repowering of the Cayuga Generating Facility.

Statutory authority: Public Service Law, sections 4(1), 5(1)(b), (2), 65(1), 66(1), (2), (4), (5), (9) and (12)

Subject: Repowering of the Cayuga Generating Facility.

Purpose: To make findings on the repowering of the Cayuga Generating Facility.

Substance of final rule: The Commission, on February 23, 2016, adopted an order making findings on the repowering of the Cayuga Generating Facility where the proposals filed by Cayuga Operating Company LLC for refueling and repowering of the Cayuga Generating Facility is not in the public interest and should not be pursued further, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(12-E-0577SA5)

NOTICE OF ADOPTION

Property Tax Refunds

I.D. No. PSC-29-15-00017-A

Filing Date: 2016-02-26

Effective Date: 2016-02-26

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

Action taken: On 2/23/16, the PSC adopted an order approving Verizon New York Inc.'s (Verizon) petition to retain the regulated interstate portion of the property tax refunds received from the City of New York for the 2014-2015 tax years.

Statutory authority: Public Service Law, section 113(2)

Subject: Property tax refunds.

Purpose: To approve Verizon's petition to retain property tax refunds received from the City of New York.

Substance of final rule: The Commission, on February 23, 2016, adopted an order approving Verizon New York Inc.'s petition to retain \$1,030,763, the regulated interstate portion of the property tax refunds, received from the City of New York for the 2014-2015 tax years, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-C-0383SA1)

NOTICE OF ADOPTION

Joint Proposal to Recover Costs of an ARSSA

I.D. No. PSC-33-15-00006-A

Filing Date: 2016-02-24

Effective Date: 2016-02-24

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

Action taken: On 2/23/16, the PSC adopted the terms of a joint proposal to allow Rochester Gas and Electric Corporation (RG&E) to recover costs associated with a two-year Amended and Restated Reliability Support Services Agreement (ARSSA).

Statutory authority: Public Service Law, sections 5(1), 65(1), (2), (3), 66(1), (2), (3), (5), (8), (9) and (12)

Subject: Joint proposal to recover costs of an ARSSA.

Purpose: To approve RG&E's joint proposal to recover costs of an ARSSA.

Substance of final rule: The Commission, on February 23, 2016, adopted the terms of a joint proposal by Rochester Gas and Electric Corporation (RG&E), R.E. Ginna Nuclear Power Plant, LLC, the New York State Department of Public Service Staff, the New York State Department of State Utility Intervention Unit and Multiple Intervenors allowing RG&E to recover costs of an Amended and Restated Reliability Support Services Agreement (ARSSA), subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(14-E-0270SA3)

NOTICE OF ADOPTION

Transfer of Ownership Interests in Cayuga and Somerset

I.D. No. PSC-42-15-00011-A

Filing Date: 2016-02-25

Effective Date: 2016-02-25

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

Action taken: On 2/23/16, the PSC adopted an order approving the transfer of ownership interests in Cayuga Operating Company, LLC (Cayuga) and Somerset Operating Company, LLC (Somerset).

Statutory authority: Public Service Law, sections 2(13), 5(1)(b) and 70

Subject: Transfer of ownership interests in Cayuga and Somerset.

Purpose: To approve the transfer of ownership interests in Cayuga and Somerset.

Substance of final rule: The Commission, on February 23, 2016, adopted an order approving a joint petition by Upstate New York Power Producers, Inc. (USNYPP), Cayuga Operating Company, LLC (Cayuga), Somerset Operating Company, LLC (Somerset) and Riesling Power, LLC (Riesling) to transfer all ownership interests in Cayuga and Somerset from USNYPP to Riesling and affirmed that the lightened regulatory regime previously adopted will continue to apply, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0580SA1)

NOTICE OF ADOPTION

Motion Regarding the IPEC Reliability Contingency Plan

I.D. No. PSC-44-15-00024-A

Filing Date: 2016-02-24

Effective Date: 2016-02-24

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

Action taken: On 2/23/16, the PSC adopted an order approving Consolidated Edison Company of New York Inc.'s (Con Ed) motion regarding the Indian Point Energy Center (IPEC) Reliability Contingency Plan.

Statutory authority: Public Service Law, sections 4(1), 5(1)(b), (2), 65(1), 66(1), (2), (4), (5), (9) and (12)

Subject: Motion regarding the IPEC Reliability Contingency Plan.

Purpose: To approve Con Ed's motion regarding the IPEC Reliability Contingency Plan.

Substance of final rule: The Commission, on February 23, 2016, adopted an order approving Consolidated Edison Company of New York Inc.'s (Con Edison) motion pursuant to the Commission's Rules of Procedure, 16 NYCRR § 3.6, seeking to confirm that, under the Indian Point Energy Center (IPEC) Reliability Contingency Plan Order, Con Edison is not obligated to undertake the forced cooling phase of the Staten Island project in the event it does not renew transmission services with PJM Intercon-

nection, LLC (Motion). In this order, the Commission grants Con Edison's Motion and accordingly accepts a modified IPEC Reliability Contingency Plan, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(12-E-0503SA6)

NOTICE OF ADOPTION

Surcharge to Recover Repair Costs

I.D. No. PSC-44-15-00027-A

Filing Date: 2016-02-25

Effective Date: 2016-02-25

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

Action taken: On 2/23/16, the PSC adopted an order authorizing West Branch Acres, Inc. (West Branch) to recover \$17,711.22 through an Emergency Repair Surcharge from its customers.

Statutory authority: Public Service Law, sections 4(1), 89-b and 89-c

Subject: Surcharge to recover repair costs.

Purpose: To authorize West Branch to recover \$17,711.22 through a Emergency Repair Surcharge.

Substance of final rule: The Commission, on February 23, 2016, adopted an order authorizing West Branch Acres, Inc. to recover \$17,711.22 through an Emergency Repair Surcharge from its customers, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-W-0590SA1)

NOTICE OF ADOPTION

Petition to Transfer Street Lighting Facilities

I.D. No. PSC-44-15-00031-A

Filing Date: 2016-02-25

Effective Date: 2016-02-25

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

Action taken: On 2/26/16, the PSC adopted an order approving Rochester Gas and Electric Corporation's (RG&E) petition to transfer certain street lighting facilities to the Town of Greece.

Statutory authority: Public Service Law, section 70

Subject: Petition to transfer street lighting facilities.

Purpose: To approve RG&E's petition to transfer certain street lighting facilities to the Town of Greece.

Substance of final rule: The Commission, on February 25, 2016, adopted an order approving Rochester Gas and Electric Corporation's petition to transfer certain street lighting facilities to the Town of Greece, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social

security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-M-0568SA1)

NOTICE OF ADOPTION

Petition to Waive Monthly Billing for Net-Metered Customers

I.D. No. PSC-49-15-00006-A

Filing Date: 2016-02-26

Effective Date: 2016-02-26

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

Action taken: On 2/23/16, the PSC adopted an order approving Central Hudson Gas and Electric's (Central Hudson) petition to waive monthly billing for net-metered customers.

Statutory authority: Public Service Law, sections 5(1), 65(1), (2), (3), 66(1), (2), (3), (5), 66-j and 66-l

Subject: Petition to waive monthly billing for net-metered customers.

Purpose: To approve Central Hudson's petition to waive monthly billing for net-metered customers.

Substance of final rule: The Commission, on February 23, 2016, adopted an order approving Central Hudson Gas and Electric Corporation's petition to waive monthly billing for net-metered customers, authorizing them to bill net-metered customers on a bi-monthly basis, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(14-E-0318SA4)

NOTICE OF ADOPTION

Joint Petition for Purchase of All Assets

I.D. No. PSC-49-15-00007-A

Filing Date: 2016-02-25

Effective Date: 2016-02-25

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

Action taken: On 2/23/16, the PSC adopted an order approving New York American Water Company, Inc. (NYAW) and Association of Owners of Mill Neck Estates, Inc.'s (Mill Neck) joint petition allowing NYAW to purchase all assets of the Mill Neck water system.

Statutory authority: Public Service Law, section 89-h

Subject: Joint petition for purchase of all assets.

Purpose: To approve NYAW and Mill Neck's joint petition allowing NYAW to purchase all assets of Mill Neck's water system.

Substance of final rule: The Commission, on February 23, 2016, adopted an order approving New York American Water Company, Inc. (NYAW) and Association of Owners of Mill Neck Estates, Inc.'s (Mill Neck) joint petition allowing NYAW to purchase all assets of the Mill Neck water system, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-W-0639SA1)

NOTICE OF ADOPTION

Tariff Amendments to Rule 34 and Service Classification No. 12

I.D. No. PSC-49-15-00010-A

Filing Date: 2016-02-24

Effective Date: 2016-02-24

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

Action taken: On 2/23/16, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (NMPC) tariff amendments to Rule 34—Economic Development Programs and SC No. 12—Special Contract Rates, P.S.C. No. 220—Electricity.

Statutory authority: Public Service Law, section 66(12)

Subject: Tariff amendments to Rule 34 and Service Classification No. 12.

Purpose: To approve NMPC's tariff amendments to Rule 34 and Service Classification No. 12.

Substance of final rule: The Commission, on February 23, 2016, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's tariff amendments to Rule 34 – Economic Development Programs and Service Classification No. 12 – Special Contract Rates, contained in P.S.C. No. 220 – Electricity, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0684SA1)

NOTICE OF ADOPTION

Adoption of the IRM of 17.5% Established by the NYSRC

I.D. No. PSC-51-15-00009-A

Filing Date: 2016-02-26

Effective Date: 2016-02-26

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

Action taken: On 2/23/16, the PSC adopted an Installed Reserve Margin (IRM) established by the New York State Reliability Council (NYSRC) of 17.5%, for the New York Control Area, for the upcoming Capability Year beginning May 1, 2016, and ending April 30, 2017.

Statutory authority: Public Service Law, sections 4(1), 5(2), 65(1), 66(1), (2), (4) and (5)

Subject: Adoption of the IRM of 17.5% established by the NYSRC.

Purpose: To adopt the IRM of 17.5% established by the NYSRC.

Substance of final rule: The Commission, on February 23, 2016, adopted an Installed Reserve Margin established by the New York State Reliability Council of 17.5%, for the New York Control Area, for the upcoming Capability Year beginning May 1, 2016, and ending April 30, 2017, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(07-E-0088SA10)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Petition to Eliminate Quarterly Reporting on Electronic Deferred Payment Agreements

I.D. No. PSC-11-16-00007-P

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

Proposed Action: The Public Service Commission is considering a petition filed by National Fuel Gas Distribution Corporation to eliminate the quarterly reporting requirement for the company's electronic deferred payment agreements program.

Statutory authority: Public Service Law, sections 37, 66, 80, 89-c and 111

Subject: Petition to eliminate quarterly reporting on electronic deferred payment agreements.

Purpose: To consider the request of National Fuel Gas to eliminate quarterly reporting on electronic deferred payment agreements.

Substance of proposed rule: The Public Service Commission is considering a petition filed on February 24, 2016 by National Fuel Gas Distribution Corporation regarding the elimination of the quarterly reporting requirement for electronic deferred payment agreements as adopted in Case 13-G-0016 in the Order Approving Electronic Deferred Payment Agreements on a Permanent Basis, effective April 18, 2013. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: John.Pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(13-G-0016SP3)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Proposed Zero-Emissions Credits Purchase Program Regarding Certain Nuclear Power Plants

I.D. No. PSC-11-16-00008-P

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

Proposed Action: The Commission is considering an expedited program to purchase credits to maintain the zero-emissions benefits of certain nuclear power plants that can demonstrate a lack of viability absent additional financial support.

Statutory authority: Public Service Law, sections 5(2), 65(1), 66(1), (2), (3), (4), (5) and (6)

Subject: Proposed zero-emissions credits purchase program regarding certain nuclear power plants.

Purpose: To avoid adverse air emissions from fossil-fueled generation that would replace nuclear generation.

Substance of proposed rule: The Commission is considering an expedited program to purchase credits to maintain the zero-emissions benefits of certain nuclear power plants that can demonstrate a lack of viability absent additional financial support. Such support would provide some compensation to the facility for attributes not otherwise monetized in the electricity markets. Support would be provided on demand in the form of per MWh zero-emissions credit (ZEC) payments for actual production pursuant to short-term contracts. The Commission would establish review and contract requirements. The Commission would consider facility refueling cycles in determining the term of such contracts. The price of the ZEC payments

would be based on the minimum amount of support necessary above existing revenue streams to cover, among other things, the fuel and operational costs of the facility (“going forward costs”) as determined by the Commission after an examination of the books and records of the facility owner. The level of support would be no more than the level otherwise required to encourage new renewable facilities. NYSEDA would administer the contracts on behalf of the Commission. The source of funds for the support, and the costs of administration of the contracts, may come from any of the following sources, if available: (i) existing funds previously collected for other system benefits programs and made available by the Commission for that purpose; (ii) charges imposed by the Commission on retail electric customers for that purpose; and (iii) funds from other sources that become available to the Commission or to NYSEDA for that purpose. The Commission may adopt, modify, or reject, in whole or in part, the program proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0302SP2)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

To Establish a Process to Facilitate the Transfer of Complete Systems of Street Lighting Equipment

I.D. No. PSC-11-16-00010-P

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

Proposed Action: The Commission is considering a proposal by Central Hudson Gas and Electric Corporation to effectuate Public Service Law — New section 70-a (Transfer of Street Light Systems) contained in its electric tariff schedule, P.S.C. No. 15.

Statutory authority: Public Service Law, sections 66(12) and 70-a

Subject: To establish a process to facilitate the transfer of complete systems of street lighting equipment.

Purpose: To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment.

Substance of proposed rule: The Public Service Commission (Commission) is considering modifications proposed by Central Hudson Gas and Electric Corporation (CHG&E) pursuant to Commission Notice issued December 23, 2015, in Case 15-E-0745, et al. to effectuate Public Service Law — New § 70-a (Transfer of Street Light Systems). CHG&E proposes to establish a process for facilitating the transfer of complete systems of street lighting equipment to its electric tariff schedule, P.S.C. No. 15. The proposed amendments have an effective date of June 1, 2016. The Commission may adopt, modify, or reject, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0745SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

To Establish a Process to Facilitate the Transfer of Complete Systems of Street Lighting Equipment

I.D. No. PSC-11-16-00011-P

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

Proposed Action: The Commission is considering a proposal by New York State Electric & Gas Corporation to effectuate Public Service Law— New section 70-a (Transfer of Street Light Systems) contained in its electric tariff schedule, P.S.C. No. 121.

Statutory authority: Public Service Law, sections 66(12) and 70-a

Subject: To establish a process to facilitate the transfer of complete systems of street lighting equipment.

Purpose: To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment.

Substance of proposed rule: The Public Service Commission (Commission) is considering modifications proposed by New York State Electric & Gas Corporation (NYSEG) pursuant to Commission Notice issued December 23, 2015, in Case 15-E-0745, et al. to effectuate Public Service Law — New § 70-a (Transfer of Street Light Systems). NYSEG proposes to establish a process for facilitating the transfer of complete systems of street lighting equipment to its electric tariff schedule, P.S.C. No. 121. The proposed amendments have an effective date of June 1, 2016. The Commission may adopt, modify, or reject, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0746SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

To Establish a Process to Facilitate the Transfer of Complete Systems of Street Lighting Equipment

I.D. No. PSC-11-16-00012-P

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

Proposed Action: The Commission is considering a proposal by Niagara Mohawk Power Corporation d/b/a National Grid to effectuate Public Service Law — New section 70-a (Transfer of Street Light Systems) contained in its electric tariff schedule, P.S.C. No. 214.

Statutory authority: Public Service Law, sections 66(12) and 70-a

Subject: To establish a process to facilitate the transfer of complete systems of street lighting equipment.

Purpose: To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment.

Substance of proposed rule: The Public Service Commission (Commission) is considering modifications proposed by Niagara Mohawk Power Corporation d/b/a National Grid (NMPC) pursuant to Commission Notice issued December 23, 2015, in Case 15-E-0745, et al. to effectuate Public Service Law — New § 70-a (Transfer of Street Light Systems). NMPC proposes to establish a process for facilitating the transfer of complete systems of street lighting equipment to its electric tariff schedule, P.S.C.

No. 214. The proposed amendments have an effective date of June 1, 2016. The Commission may adopt, modify, or reject, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0747SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Leakage Survey and Corrosion Inspection Requirements

I.D. No. PSC-11-16-00013-P

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

Proposed Action: The Commission is considering the establishment of protocols and requirements for leakage surveys and corrosion inspections on inside gas services.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Leakage survey and corrosion inspection requirements.

Purpose: To establish protocols and timeframes for completing leakage surveys and corrosion inspections on gas service lines.

Substance of proposed rule: The Public Service Commission (PSC, Commission) is considering the establishment of protocols and requirements for leakage surveys and corrosion inspections on inside gas services. The PSC is also considering whether and to what extent it will allow local distribution companies (LDCs) longer time intervals than those found in 16 NYCRR Part 255 and 49 CFR Part 192 to complete the required leakage surveys and corrosion inspections on inside gas services. A Department of Public Service Staff (DPS Staff) Straw proposal details the following: existing leakage survey and corrosion inspection requirements, the actions to be taken by the Public Service Commission in its role managing the state's natural gas Distribution Integrity Management Program (DIMP), the joint LDC data collection and analysis of risks associated with leaks and corrosion on inside services, the possible use of combustible gas indicators (CGIs) for performing leakage surveys as well as for data analysis, the process by which LDCs will need to seek extensions of time to complete their baseline leakage surveys and corrosion inspections, the extent to which the operator qualification and use of meter readers to perform leakage surveys and corrosion inspections is possible, the extent to which operator qualification and use of licensed plumbers to perform leakage surveys and corrosion inspections is possible, the approval of alternative technology for use in meeting leakage survey requirements, the drug and alcohol testing of licensed plumbers who are operator qualified sufficiently to perform leakage surveys and corrosion inspections, and ways to increase or improve an LDC's access to premises to allow the LDCs to complete leakage surveys and corrosion inspections on inside gas services.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-G-0244SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

To Establish a Process to Facilitate the Transfer of Complete Systems of Street Lighting Equipment

I.D. No. PSC-11-16-00014-P

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

Proposed Action: The Commission is considering a proposal by Rochester Gas and Electric Corporation to effectuate Public Service Law—New section 70-a (Transfer of Street Light Systems) contained in its electric tariff schedule, P.S.C. No. 18.

Statutory authority: Public Service Law, sections 66(12) and 70-a

Subject: To establish a process to facilitate the transfer of complete systems of street lighting equipment.

Purpose: To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment.

Substance of proposed rule: The Public Service Commission (Commission) is considering modifications proposed by Rochester Gas and Electric Corporation (RG&E) pursuant to Commission Notice issued December 23, 2015, in Case 15-E-0745, et al. to effectuate Public Service Law – New § 70-a (Transfer of Street Light Systems). RG&E proposes to establish a process for facilitating the transfer of complete systems of street lighting equipment to its electric tariff schedule, P.S.C. No. 18. The proposed amendments have an effective date of June 1, 2016. The Commission may adopt, modify, or reject, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0748SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

To Establish a Process to Facilitate the Transfer of Complete Systems of Street Lighting Equipment

I.D. No. PSC-11-16-00015-P

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

Proposed Action: The Commission is considering a proposal by Orange and Rockland Utilities, Inc. to effectuate Public Service Law — New section 70-a (Transfer of Street Light Systems) contained in its electric tariff schedule, P.S.C. No. 3.

Statutory authority: Public Service Law, sections 66(12) and 70-a

Subject: To establish a process to facilitate the transfer of complete systems of street lighting equipment.

Purpose: To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment.

Substance of proposed rule: The Public Service Commission (Commission) is considering modifications proposed by Orange and Rockland Utilities, Inc. (O&R) pursuant to Commission Notice issued December 23, 2015, in Case 15-E-0745, et al. to effectuate Public Service Law – New § 70-a (Transfer of Street Light Systems). O&R proposes to establish a process for facilitating the transfer of complete systems of street lighting equipment to its electric tariff schedule, P.S.C. No. 3. The proposed

amendments have an effective date of June 1, 2016. The Commission may adopt, modify, or reject, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0749SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Notice of Intent to Submeter Electricity

I.D. No. PSC-11-16-00016-P

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

Proposed Action: The Public Service Commission is considering the Notice of Intent, filed by 504 Myrtle Residential Owner LLC, to submeter electricity at 504 Myrtle Avenue, Brooklyn, New York.

Statutory authority: Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

Subject: Notice of Intent to submeter electricity.

Purpose: To consider the Notice of Intent of 504 Myrtle Residential Owner LLC to submeter electricity at 504 Myrtle Avenue, Brooklyn, NY.

Substance of proposed rule: The Commission is considering the Notice of Intent, filed by 504 Myrtle Residential Owner LLC on February 10, 2016, to submeter electricity at 504 Myrtle Avenue, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0073SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Notice of Intent to Submeter Electricity

I.D. No. PSC-11-16-00017-P

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

Proposed Action: The Public Service Commission is considering the Notice of Intent, filed by 140 West Street Condominium, to submeter electricity at 100 Barclay Street, New York, New York.

Statutory authority: Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

Subject: Notice of Intent to submeter electricity.

Purpose: To consider the Notice of Intent of 140 West Street Condominium to submeter electricity at 100 Barclay Street, New York, NY.

Substance of proposed rule: The Commission is considering the Notice of Intent, filed by 140 West Street Condominium on February 11, 2016, to submeter electricity at 100 Barclay Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0077SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Rolling Meadows Water Corporation's Rates for the Provision of Water

I.D. No. PSC-11-16-00018-P

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

Proposed Action: The Commission is considering a proposal filed by Rolling Meadows Water Corporation to increase its rates by approximately \$169,841 or 34.05% to become effective June 1, 2016.

Statutory authority: Public Service Law, sections 4(1), 5(1)(f), 89-c(1), (3), (10)(a), (b) and (f)

Subject: Rolling Meadows Water Corporation's rates for the provision of water.

Purpose: To consider an increase in Rolling Meadows Water Corporation's annual water revenues by approximately \$169,841 or 34.05%.

Substance of proposed rule: The Commission is considering a proposal filed by Rolling Meadows Water Corporation (Rolling Meadows or the Company) to increase its total annual revenues by approximately \$169,841 or 34.05% with an effective date of June 1, 2016. Rolling Meadows provides metered water service to 1,060 customers in the Towns of Hurley, Ulster and Marletown, Ulster County. Fire protection is not provided. The Company states the rate increase is necessary due to increases in operating expenses, higher taxes, and labor costs. The Company states these expenses have increased significantly since the current rates went into effect on May 1, 2013. The Company is also requesting approval to eliminate its Escrow Account for Capital Improvements. According to the Company, elimination of this account would make it necessary to increase the allowance for Repairs and Maintenance to reflect the average level of repairs incurred in the past. In addition, the Company is requesting a revenue reconciliation and tax reconciliation to alleviate unexpected drops in revenue and increases in taxes. The Commission may adopt, reject or modify, in whole or in part, the relief sought by the Company and may also resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-W-0121SP1)

Assessment of Public Comment

The agency received no public comment.

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Lease of Real Property

I.D. No. PSC-11-16-00019-P

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

Proposed Action: The Commission is considering the petition by New York State Electric & Gas Corporation (NYSEG) for authority to lease space within a portion of a NYSEG facility located at 12 Dardess Drive, Chatham, NY to Columbia Memorial Hospital.

Statutory authority: Public Service Law, section 70

Subject: Lease of real property.

Purpose: To consider whether to grant authority to NYSEG to lease a portion of certain real property to Columbia Memorial Hospital.

Substance of proposed rule: The Public Service Commission (Commission) is considering whether to grant, deny or modify, in whole or in part the petition by New York State Electric & Gas Corporation (NYSEG), for authority to lease space within a portion of NYSEG's facility located at 12 Dardess Drive, Chatham New York. The lessee is Columbia Memorial Hospital, who will use the space for the purpose of primary care medical services. The Commission may adopt, reject, or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-M-0018SP1)

State University of New York

NOTICE OF ADOPTION

Addition of New Street Name and Traffic Pattern Changes at the Medical Center of Stony Brook University

I.D. No. SUN-45-15-00001-A

Filing No. 258

Filing Date: 2016-03-01

Effective Date: 2016-03-16

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

Action taken: Amendment of Part 584 of Title 8 NYCRR.

Statutory authority: Education Law, section 360(1)

Subject: Addition of new street name and traffic pattern changes at the medical center of Stony Brook University.

Purpose: To create the addition of a new street under construction at the medical center and to clearly define new traffic patterns.

Text or summary was published in the November 10, 2015 issue of the Register, I.D. No. SUN-45-15-00001-P.

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

Text of rule and any required statements and analyses may be obtained from: Eileen Kerrigan Ippolito, SUNY Stony Brook, Office of General Counsel, 328 Administration Building, Stony Brook, NY 11794, (631) 632-6110, email: Eileen.Ippolito@stonybrook.edu