

6 NYCRR PART 206, STATE AID FOR GENERAL AIR POLLUTION CONTROL WORK, NEW  
YORK CITY

Express Terms

All of Part 206 is repealed.

6 NYCRR Part 250, MISCELLANEOUS ORDERS

Express Terms

All of Part 250 is repealed.

6 NYCRR PART 256, AIR QUALITY CLASSIFICATIONS SYSTEM

Express Terms

All of Part 256 is repealed.

6 NYCRR PART 257, AIR QUALITY STANDARDS

Express Terms

SUBPART 257-1

AIR QUALITY STANDARDS—GENERAL is revised as follows:

Section 257-1.1 Foreword.

Remains unchanged.

Section 257-1.2 Definitions.

Remains unchanged.

Section 257-1.3 Application.

(a) The standards shall be applicable [, as specified in the individual Subpart, to the levels as described in Part 256 of this Title and as assigned in Subchapter C. In addition, emissions in a classified area shall be controlled to the extent required to be compatible with standards established in other areas] statewide.

(b) The procedures and techniques employed to determine ambient air concentrations of contaminants shall be as specified in the standard [or in accordance with other methods or techniques acceptable to the commissioner. Acceptable methods may be published from time to time by the commissioner].

Section 257-1.4 Compliance.

(a) No person shall permit, suffer or allow the emission of contaminants from an emission source which alone or in combination with emissions from other sources cause contravention of air quality standards promulgated in this Part.

[(b) Notwithstanding the existence of specific standards, emissions of odorous, toxic, or deleterious substance in concentrations or of such duration that will affect human health or well-being, or unreasonably

interfere with the enjoyment of property, or unreasonably and adversely affect plant or animal life shall not be permitted.]

SUBPART 257-2

AIR QUALITY STANDARDS--SULFUR DIOXIDE (SO<sub>2</sub>)

All of Subpart 257-2 is repealed.

SUBPART 257-3

AIR QUALITY STANDARDS -- PARTICULATES

All of Subpart 257-3 is repealed.

SUBPART 257-4

AMBIENT AIR QUALITY STANDARDS-FLUORIDES is revised as follows:

Section 257-4.1 Definition.

Remains unchanged.

Section 257-4.2 Standards.

(a) Total fluorides, parts per million (ppm), dry weight basis (as F) in and on forage for consumption by grazing ruminants. Average concentration shall be less than the following [in all levels] statewide:

(1) For growing season (not to exceed six consecutive months) - 40 ppm

(2) For any 60 day period - 60 ppm

(3) For any 30 day period - 80 ppm

(b) Gaseous fluorides in air (parts per million parts of air) as F-[all levels] statewide. (25 degrees Centigrade, 760 mm Hg.)

(1) 12 hour averages to be less than 4.5 ppb ( $3.7 \mu\text{g}/\text{m}^3$ )

(2) 24 hour averages to be less than 3.5 ppb ( $2.85 \mu\text{g}/\text{m}^3$ )

(3) 1 week averages to be less than 2.0 ppb ( $1.65 \mu\text{g}/\text{m}^3$ )

(4) 1 month averages to be less than 1.0 ppb ( $0.8 \mu\text{g}/\text{m}^3$ )

Section 257-4.3 Measurement.

Remains unchanged.

## SUBPART 257-5

AMBIENT AIR QUALITY STANDARD--HYDROGEN SULFIDE (H<sub>2</sub>S) is revised as follows:

Section 257-5.1 Definition.

Remains unchanged.

Section 257-5.2 Objective.

Remains unchanged.

Section 257-5.3 Standard.

[Applicable in all levels.]Applicable statewide. In any one-hour period, the average concentration of hydrogen sulfide shall not exceed 0.010 ppm (14 µg/m<sup>3</sup>).

Section 257-5.4 Measurement.

Remains unchanged.

6 NYCRR: Part 260: Albany County, Part 261: Allegany County, Part 262: Broome County, Part 263: Cattaraugus County, Part 264: Cayuga County, Part 265: Chautauqua County, Part 266: Chemung County, Part 267: Chenango County, Part 268: Clinton County, Part 269: Columbia County, Part 270: Cortland County, Part 271: Delaware County, Part 272: Dutchess County, Part 273: Erie County, Part 274: Essex County, Part 275: Franklin County, Part 276: Fulton County, Part 277: Genessee County, Part 278: Greene County, Part 279: Hamilton County, Part 280: Herkimer County, Part 281: Jefferson County, Part 282: Lewis County, Part 283: Livingston County, Part 284: Madison County, Part 285: Monroe County, Part 286: Montgomery County, Part 287: Nassau County, Part 288: New York City, Part 289: Niagara County, Part 290: Oneida County, Part 291: Onondaga County, Part 292: Ontario County, Part 293: Orange County, Part 294: Orleans County, Part 295: Oswego County, Part 296: Otsego County, Part 297: Putnam County, Part 298: Rensselaer County, Part 299: Rockland County, Part 300: St. Lawrence County, Part 301: Saratoga County, Part 302: Schenectady County, Part 303: Schoharie County, Part 304: Schuyler County, Part 305: Seneca County, Part 306: Steuben County, Part 307: Suffolk County, Part 308: Sullivan County, Part 309: Tioga County, Part 310: Tompkins County, Part 311: Ulster County, Part 312: Warren County, Part 313: Washington County, Part 314: Wayne County, Part 315: Westchester County, Part 316: Wyoming County, and Part 317: Yates County

### Express Terms

All of Parts 260-317 are repealed.

PART 200

GENERAL PROVISIONS

Existing sections 200.1 through 200.8 remain unchanged.

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

Regulation	CFR Cite	Page Number in July 1, 2006 Edition of CFR	Availability
247.2	EPA Test 28 OWHH for Measurement of Particulate Emissions and Heating Efficiency of Outdoor Wood-Fired Hydronic Heating Appliances (Attachment 2 of the EPA Outdoor Wood-Fired Hydronic Heater Program Phase I Partnership Agreement) (March 16, 2007)	[**]	**
[257-3.5(a)	40 CFR Part 50 Appendices J (July 1, 2012)		*
257-3.5(a)	40 CFR Part 50 Appendices K (July 1, 2012)		*
257-3.5(a)	40 CFR Part 50 Appendices L (July 1, 2012)		*]

The remainder of Part 200 remains unchanged.

6 NYCRR Part 200, General Provisions;  
6 NYCRR Part 206, State Aid for General Air Pollution Control Work, New York City;  
6 NYCRR Part 250, Miscellaneous Orders;  
6 NYCRR Part 256, Air Quality Classification System;  
6 NYCRR Part 257, Air Quality Standards; and  
Subchapter C, Air Quality Area Classifications, 6 NYCRR Parts 260-317

### Job Impact Statement

The Department of Environmental Conservation (Department) proposes to repeal 6 NYCRR Part 206, State Aid for General Air Pollution Control Work, New York City; 6 NYCRR Part 250, Miscellaneous Orders; 6 NYCRR Part 256, Air Quality Classification System; and Subchapter C, Air Quality Area Classifications, 6 NYCRR Parts 260-317; because they are obsolete. The Department proposes to revise 6 NYCRR Part 257, Air Quality Standards, to remove references to 6 NYCRR Part 256. The Department also proposes to revise 6 NYCRR Part 200, “General Provisions” to update and remove attendant references.

### NATURE OF IMPACT

The repeal of 6 NYCRR Parts 206, 250, 256, and 260-317 will not have any impact on jobs or employment opportunities in New York State because the regulations are obsolete. The revision of 6 NYCRR Parts 200 and 257 will not have any impact on jobs or employment opportunities in New York State because the revisions are only to remove references to the regulations being repealed.



## CATEGORIES AND NUMBERS AFFECTED

There are no categories of jobs or employment opportunities affected by these rulemaking repeals.

## REGIONS OF ADVERSE IMPACT

There are no regions of the state where the rulemakings will have a disproportionate adverse impact on existing jobs and the development of new employment opportunities because there are no adverse impacts of repealing obsolete regulations.

## MINIMIZING ADVERSE IMPACT

There is no need to take any measures to minimize any unnecessary adverse impacts on existing jobs and the promotion of new employment opportunities because there are no adverse impacts of repealing obsolete regulations.

6 NYCRR Part 200, General Provisions;

6 NYCRR Part 206, State Aid for General Air Pollution Control Work, New York City;

6 NYCRR Part 250, Miscellaneous Orders;

6 NYCRR Part 256, Air Quality Classification System;

6 NYCRR Part 257, Air Quality Standards; and

Subchapter C, Air Quality Area Classifications, 6 NYCRR Parts 260-317

#### Rural Area Flexibility Analysis

The Department of Environmental Conservation (Department) proposes to repeal 6 NYCRR Part 206, State Aid for General Air Pollution Control Work, New York City; 6 NYCRR Part 250, Miscellaneous Orders; 6 NYCRR Part 256, Air Quality Classification System; and Subchapter C, Air Quality Area Classifications, 6 NYCRR Parts 260-317; because they are obsolete. The Department proposes to revise 6 NYCRR Part 257, Air Quality Standards, to remove references to 6 NYCRR Part 256. The Department also proposes to revise 6 NYCRR Part 200, “General Provisions” to update and remove attendant references.

#### TYPES AND ESTIMATED NUMBERS OF RURAL AREAS

All of the subject regulations apply either statewide or in each county in the state, therefore, all rural areas in the state are affected.

## REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES

There are no reporting, recordkeeping, or compliance requirements associated with repealing 6 NYCRR Parts 206, 250, 256, and 260-317 or revising 6 NYCRR Parts 200 and 257.

## COSTS

There are no costs to rural areas associated with repealing 6 NYCRR Parts 206, 250, 256, and 260-317 or revising 6 NYCRR Parts 200 and 257.

## MINIMIZING ADVERSE IMPACT

The regulations being repealed are obsolete; and 6 NYCRR Parts 200 and 257 are being revised to remove references to the regulations being repealed. There will be no adverse impact statewide, including in rural areas.

## RURAL AREA PARTICIPATION

The entire state, including rural areas, will be notified of the public comment period and public hearing for these rulemakings through the Environmental Notice Bulletin and the New York State Register.

6 NYCRR Part 200, General Provisions;  
6 NYCRR Part 206, State Aid for General Air Pollution Control Work, New York City;  
6 NYCRR Part 250, Miscellaneous Orders;  
6 NYCRR Part 256, Air Quality Classification System;  
6 NYCRR Part 257, Air Quality Standards; and  
Subchapter C, Air Quality Area Classifications, 6 NYCRR Parts 260-317  
Regulatory Flexibility Analysis for Small Businesses and Local Governments

The Department of Environmental Conservation (Department) proposes to repeal 6 NYCRR Part 206, State Aid for General Air Pollution Control Work, New York City; 6 NYCRR Part 250, Miscellaneous Orders; 6 NYCRR Part 256, Air Quality Classification System; and Subchapter C, Air Quality Area Classifications, 6 NYCRR Subchapter C, Parts 260-317; because they are obsolete. The Department proposes to revise 6 NYCRR Part 257, Air Quality Standards, to remove references to 6 NYCRR Part 256. The Department also proposes to revise 6 NYCRR Part 200, “General Provisions” to update and remove attendant.

#### EFFECT OF RULE

The repeal of 6 NYCRR Parts 206, 250, 256, and 260-317 will not have any impact on small business and local governments in New York State because the regulations are obsolete. The revision of 6 NYCRR Parts 200 and 257 will not have any impact on small businesses and local governments in New York State because the revisions are only to remove references to the regulations being repealed.

## COMPLIANCE REQUIREMENTS

There are no reporting, recordkeeping, or other compliance requirements for small businesses or local governments associated with these rulemakings.

## PROFESSIONAL SERVICES

There are no professional services that a small business or local government will need to comply with the regulations because they are being repealed.

## COMPLIANCE COSTS

There are no compliance costs for any small business or local government associated with these rulemakings.

## ECONOMIC AND TECHNICAL FEASIBILITY

There are no economic or technological impacts for any small business or local government associated with these rulemakings. Therefore, there is no need to provide an assessment of the economic and technological feasibility of compliance with these rulemakings.

## MINIMIZING ADVERSE IMPACT

There are no adverse economic impacts on small businesses or local governments because the regulations are being eliminated.

#### SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

Small businesses and local governments will be notified of the public comment period and public hearing for these rulemakings through the Environmental Notice Bulletin and the New York State Register.

6 NYCRR Part 200, General Provisions;  
6 NYCRR Part 206, State Aid for General Air Pollution Control Work, New York City;  
6 NYCRR Part 250, Miscellaneous Orders;  
6 NYCRR Part 256, Air Quality Classification System;  
6 NYCRR Part 257, Air Quality Standards; and  
Subchapter C, Air Quality Area Classifications, 6 NYCRR Parts 260-317

### Regulatory Impact Statement

The Department of Environmental Conservation (Department) proposes to repeal 6 NYCRR Part 206, State Aid for General Air Pollution Control Work, New York City; 6 NYCRR Part 250, Miscellaneous Orders; 6 NYCRR Part 256, Air Quality Classification System; and Subchapter C, Air Quality Area Classifications, 6 NYCRR Parts 260-317; because they are obsolete. The Department proposes to revise 6 NYCRR Part 257, Air Quality Standards, to remove references to 6 NYCRR Part 256. The Department also proposes to revise 6 NYCRR Part 200, “General Provisions” to update and remove attendant references.

Following adoption, the Department is required to incorporate these revisions into New York’s State Implementation Plan (SIP) and provide the revised SIP to the United States Environmental Protection Agency (EPA) for review and approval.

### STATUTORY AUTHORITY

The statutory authority for the repeal of 6 NYCRR Parts 206, 250, 256, and Parts 260-317 and the attendant revisions to 6 NYCRR Parts 200 and 257 is found in the New York State

Environmental Conservation Law (ECL), Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, and 71-2105.

ECL Section 1-0101. This section declares it to be the policy of the state to conserve, improve and protect its natural resources and environment and control air pollution in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being. Section 1-0101 further expresses, among other things, that it is the policy of the state to coordinate the state's environmental plans, functions, powers and programs with those of the federal government and other regions and manage air resources so that the state may fulfill its responsibility as trustee of the environment for present and future generations. This section also provides that it is the policy of the state to foster, promote, create and maintain conditions by which man and nature can thrive in harmony by providing that care is taken for air resources that are shared with other states.

ECL Section 3-0301. This section states that it shall be the responsibility of DEC to carry out the environmental policy of the state. In furtherance of that mandate, Section 3-0301(1)(a) gives the Commissioner authority to “[c]oordinate and develop policies, planning and programs related to the environment of the state and regions thereof...”. Section 3-0301(1)(b) directs the Commissioner to promote and coordinate management of, among other things, air resources “to assure their protection, enhancement, provision, allocation, and balanced utilization consistent with the environmental policy of the state and take into account the cumulative impact upon all of such resources in making any determination in connection with any license, order, permit, certification or other similar action or promulgating any rule or regulation, standard or



criterion.” Pursuant to ECL Section 3-0301(1)(i), the Commissioner is charged with promoting and protecting the air resources of New York including providing for the prevention and abatement of air pollution. Section 3-0301(2)(a) permits the Commissioner to adopt rules and regulations to carry out the purposes and provisions of the ECL. Section 3-0301(2)(m) gives the Commissioner authority to “[a]dopt such rules, regulations, and procedures as may be necessary, convenient or desirable to effectuate the purposes of this chapter.”

ECL Section 3-0303. This section requires that DEC formulate and, from time to time, revise a statewide environmental plan for the management and protection of the quality of the environment and the natural resources of the state. In formulating this plan and any revisions, DEC is required to conduct public hearings, cooperate with other departments, agencies and government officials, and any other interested parties, and obtain assistance and data as may be necessary from any department, division, board, bureau, commission or other agency of the state or political subdivision or any public authority to enable DEC to carry out its responsibilities.

ECL Section 19-0103. This section declares that it is the policy of New York State to maintain a reasonable degree of purity of air resources. In carrying out such policy, DEC is required to balance public health and welfare, the industrial development of the state, propagation and protection of flora and fauna, and the protection of personal property and other resources. To that end, DEC is required to use all available practical and reasonable methods to prevent and control air pollution in the state.

ECL Section 19-0105. This section declares that it is the purpose of Article 19 of the

ECL to safeguard the air resources of the state under a program which is consistent with the policy expressed in Section 19-0103 and in accordance with other provisions of Article 19.

ECL Section 19-0107. This section provides definitions to be used in the application of the requirements of Article 19 of the ECL.

ECL Section 19-0301. This section authorizes DEC to adopt regulations to prevent and control air pollution in such areas of the state that are affected by air pollution, develop a general comprehensive plan for the control and abatement of existing air pollution and for the control and prevention of new air pollution and cooperate with government agencies and other states or interstate agencies with respect to the control of air pollution.

ECL Section 19-0302. This section states that permit applications, renewals, modifications, suspensions and revocations are governed by rules and regulations adopted by DEC, and that permits issued may not include performance, emission or control standards more stringent than any standard established by the Act or EPA unless such standards are authorized by rules or regulations.

ECL Section 19-0303. This section provides that the terms of any air pollution control regulation promulgated by DEC may differentiate between particular types and conditions of air pollution and air contamination sources.

ECL Section 19-0305. This section authorizes DEC to enforce the codes, rules and

regulations established in accordance with Article 19.

ECL Sections 71-2103 and 71-2105. These sections include provisions for the civil and criminal enforcement of Article 19 of the ECL.

#### LEGISLATIVE OBJECTIVES

Article 19 of the ECL was adopted for the purpose of safeguarding the air resources of New York State from pollution. To facilitate this purpose, the Legislature bestowed general and specific powers and duties on the Department including the power to formulate, adopt, promulgate, amend, and repeal regulations as needed in order to prevent, control or prohibit air pollution.

#### NEEDS AND BENEFITS

The Department is proposing to repeal 6 NYCRR Part 206 because the New York City Department of Environmental Protection (NYCDEP) collects its own fees to update and enforce its own Air Pollution Control Code. The Department discontinued aid to the NYCDEP in 1989.

The Department is proposing to repeal 6 NYCRR Part 250 because all of the miscellaneous orders are obsolete. The last air pollution episode order was rescinded on October 25, 1973, and the last special limitation order expired on August 11, 1985.

The Department is proposing to repeal 6 NYCRR Parts 256 and 260-317 because the federal National Ambient Air Quality Standards and other federal regulations pursuant to the Clean Air Act Amendments of 1990 now apply to all counties in New York, rendering these

regulations obsolete.

The Department is proposing to revise 6 NYCRR Part 257 to reflect current ambient air quality standards and remove obsolete portions of the rule.

The Department is proposing to revise 6 NYCRR Part 200 to update and remove attendant references.

#### COSTS

The only costs associated with these rulemakings will be the Department's costs for the preparation of public hearing transcripts.

#### LOCAL GOVERNMENT MANDATES

There are no local government mandates associated with the repeal of 6 NYCRR Parts 206, 250, 256, and 260-317 or from the revisions to 6 NYCRR Parts 200 and 257.

#### PAPERWORK

No additional record keeping, reporting, or other requirements will result from these rulemakings.

#### DUPLICATION

This proposal does not duplicate any federal or state regulations or statutes

## ALTERNATIVES

The alternative is to take no action, however, that is contradictory to the Department's objective of eliminating obsolete regulations.

## FEDERAL STANDARDS

The repeal of 6 NYCRR Parts 206, 250, 256, and 260-317 and the revisions to 6 NYCRR Parts 200 and 257 do not exceed any minimum standard of the federal government.

## COMPLIANCE SCHEDULE

There is no compliance schedule associated with the repeal of 6 NYCRR Parts 206, 250, 256, and 260-317 or from the revisions to 6 NYCRR Parts 200 and 257.