

NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Environmental Protection (“DEP”) is promulgating rules that would amend the existing fee rule for the Air Pollution Control Code.

When and where is the hearing? The department will hold a public hearing on the proposed rule amendments. The public hearing will take place at 10 a.m. on July 27, 2016. The hearing will be held in the 9th floor conference room at 59-17 Junction Boulevard, Flushing, New York.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the Department of Environmental Protection through the NYC rules web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to nycrules@dep.nyc.gov.
- **Mail.** You can mail written comments to the Department of Environmental Protection, Bureau of Legal Affairs, 59-17 Junction Boulevard, 19th Floor, Flushing, NY 11373.
- **Fax.** You can fax written comments to the Department of Environmental Protection, Bureau of Legal Affairs, at 718-595-6543.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 718-595-6531. You can also sign up in the hearing room before the hearing begins on July 27, 2016. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by July 27, 2016.

Do you need assistance to participate in the hearing? You must tell the Bureau of Legal Affairs if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by postal mail or email to the addresses given above. You may also tell us by telephone at 718-595-6531. You must tell us by July 20, 2016.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Bureau of Legal Affairs.

What authorizes the Department to make this rule? Section 1403(c) of the City Charter and section 24-105 of the Administrative Code authorize the Department to make this proposed rule, which was included in the Department's regulatory agenda for this fiscal year. This rule is exempt from additional review under section 1043(d) of the Charter since it only establishes new fees.

Where can I find the Department's rules? The Department's rules are in Title 15 of the Rules of the City of New York.

What rules govern the rulemaking process? The Department must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

On May 6, 2016, Subchapter 5 of Title 24, Chapter 1 of the Administrative Code was repealed. The repealed subchapter had set forth fees for the Air Pollution Control Code. A rule was promulgated to replace the fees which had been set forth in the repealed subchapter; however, certain fees were not carried over. The purpose of the proposed rule is to carry over those omitted fees.

New text is underlined; deleted material is in [brackets].

The text of the proposed Rule follows.

Section 1. Section 34-03 of Chapter 34 of Title 15 of the Rules of the City of New York is amended to read as follows:

§ 34-03 Registration Fees. The fee for a new registration or registration renewal is as follows:

(a) (1) For boilers or water heaters:

Input in MMBTU/HR	Fee No.2 FUEL OIL &/Or NATURAL GAS	Fee No.4 FUEL OIL ONLY OR #4 FUEL OIL & NATURAL GAS
0.35 to less than 1.0	\$110	\$110
1 to less than 2.8	\$190	\$345
2.8 to less than 4.2	\$345	\$345

(a)(2) The fee for each field re-inspection required because of a notice of disapproval for a major deficiency shall be equal to the fee required in subdivision (a)(1) of this section for those boilers and water heaters 2.8 to less than 4.2 MMBTU/HR.

(a)(3) There shall be an additional fee imposed for each registration issued or renewed on the basis of a notarized affidavit supplied in response to a notice of disapproval for a minor deficiency issued after a field inspection shall be equal to fifty percent of the fee required in subdivision (a)(1) of this section for those boilers and water heaters 2.8 to less than 4.2 MMBTU/HR.

Section 2. Section 34-04 of Chapter 34 of Title 15 of the Rules of the City of New York is amended by adding new subdivisions (n), (o) and (p), to read as follows:

(n) The fee for each field re-inspection required because of a notice of disapproval for a major deficiency shall be equal to the fee required in subdivisions (a) through (i) of this section.

(o) There shall be an additional fee imposed for each operating certificate issued or renewed on the basis of a notarized affidavit supplied in response to a notice of disapproval for a minor

deficiency issued after a field inspection shall be equal to fifty percent of the fee required in subdivisions (a) through (i) of this section.

(p) The expiration date of a valid operating certificate may be abridged by the commissioner for the convenience of the department for good cause shown. The fee to renew the abridged operating certificate shall be reduced by one third per each full or partial year that the unabridged operating certificate would have been, as set forth in subdivisions (a) through (i) of this section.