

## NOTICE OF ADOPTION OF FINAL RULE

Department of Environmental Protection

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION** by Section 1043 (b) of the New York City Charter and Sections 24-105 and 24-109(a)(6) of the New York City Administrative Code, that the Department of Environmental Protection has repealed Chapter 40 of Title 15. These amendments were proposed and published in the City Record on July 26, 2016, and no comments were received. A public hearing was held on August 31, 2016. No testimony was given at the hearing.

### **Statement of Basis and Purpose of Rule**

As part of the amendments to the Air Pollution Control Code, which took effect May 6, 2016 (Local Law Number 38 for the year 2015), a definition of emergency generator was added to Administrative Code § 24-104. Additionally, Section 24-109 of the Administrative Code was clarified to expressly require emergency generators to be registered with the Department of Environmental Protection (DEP). These amendments to the Administrative Code have superseded the requirements relating to emergency generators found in Chapter 40 of Title 15 of the Rules of the City of New York, and, along with existing requirement of the State Department of Environmental Conservation contained in 6 NYCRR §200.1(cq) and 6 NYCRR §201-3.2, have made these rules redundant and unnecessary. Accordingly, Chapter 40 of Title 15 is repealed. This repeal does not affect the substantive requirements applicable to emergency generators in New York City.

The Rule is authorized by Section 1043(b) of the Charter and Sections 24-105 and 24-109(a)(6) of the Administrative Code.

The text of the Rule is as follows:

Section 1. Chapter 40 of title 15 of the rules of the city of New York, relating to the registration of emergency generators is REPEALED.