

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(c) of the City Charter and Sections 24-109(a)(17) and 24-163.12 of the Administrative Code, that the Department of Environmental Protection promulgates and adopts amendments to its rules by adding a new Chapter 50 to Title 15 of the Rules of the City of New York regarding the registration of Certain Mobile Food Vending Unit Engines. These amendments were proposed and published in the City Record on November 6, 2017 and two comments were received. A public hearing was held on December 20, 2017 and testimony was provided based upon the two submitted public comments.

Statement of Basis and Purpose of Rule

Local Law Number 38 for the year 2015 amends Title 24 of the Administrative Code of the City of New York by authorizing the department to promulgate rules that will require emission sources or activities not listed in section 24-109(a)(1)-(16) to be registered with DEP.

DEP is promulgating these rules, as authorized by Section 24-109(a)(17) to reduce emissions, from mobile food vending units used to power a process device, which in the case of mobile vending units is used to preserve food. DEP will conduct public outreach to the regulated community to make all stakeholders aware of these requirements.

This rulemaking reflects DEP's determination that engines in mobile food vending units with an input of less than 50 horsepower are an emission source that must be registered with DEP.

Consistent with the above, DEP promulgates the following new Rule, to be found at 15 RCNY Chapter 50.

DEP's authority for these rules is found in the New York City Charter section 1043 and sections 24-109(a)(17) and 24-163.12 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

The text of the Rule follows.

Section 1. Title 15 of the Rules of the City of New York is amended by adding a new Chapter 50, to read as follows:

Chapter 50

Registration of Other Emission Sources or Activities

§50-01 Engines in Mobile Food Vending Units

No person shall cause or permit the installation, use, or operation of any engine in a mobile food vending unit with an input of less than 50 horsepower unless he or she has first registered the engine with the Department in accordance with the requirements of section 24-109 of the Administrative Code.

