

# CRITICAL INFORMATION ON NEW YORK STATE'S PETROLEUM BULK STORAGE PROGRAM

## NYSDEC Petroleum Bulk Storage Inspection Action Check List

### At time of DEC Inspection:

If a New York State Department of Environmental Conservation (NYSDEC) Petroleum Bulk Storage (PBS) inspector arrives at your facility, the following action items are recommended:

- ⇒ Fully cooperate with NYSDEC inspector;
- ⇒ Give NYSDEC inspector access to all of your tank registration, inventory records, records of tank and piping tests;
- ⇒ Provide NYSDEC inspector with copies of all requested documents;
- ⇒ Feel free to take notes during inspection;
- ⇒ Create a written log of all conversations and events which occurred during the inspections immediately after the inspection is completed; and
- ⇒ Request from the NYSDEC inspector a copy of his/her inspection report at conclusion of inspection.

### After the DEC Inspection:

If PBS violations are identified by the NYSDEC inspector during the inspection or if you receive from DEC a Notice of Violation (NOV) or Notice of Hearing or a written demand that you attend a Pre-Hearing Conference, the following action items are recommended:

- ⇒ Immediately take steps to correct all violations noted;
- ⇒ Contact your contractor or consultant who is responsible for maintaining your tank systems to request assistance for correcting any violations and complying with PBS regulations;
- ⇒ Make sure any response to an NOV is sent to the NYSDEC in writing and includes back-up documentation to show that you are complying with the PBS regulations.
- ⇒ Contact your environmental attorney to obtain legal guidance and advice on PBS regulations and NYSDEC enforcement.
- ⇒ At any *Pre-Hearing Conference*,
  - bring all relevant documentation;
  - have your consultant attend to answer questions on technical issues;
  - it is highly advisable that you bring legal counsel to the conference since there will be a NYSDEC attorney (along with the PBS inspector) at such conference.

## **Rules For Existing And New/Modified Underground Storage Tanks (USTs)**

NYSDEC Petroleum Bulk Storage regulations apply to any facility with combined storage *capacity* greater than 1,100 gallons. The following basic rules apply:

- UST operators must:
  - observe rules for color coding of fill ports, shutoff valves, gauges and check valves;
  - keep daily inventory records, reconcile them on a 10 day basis (and maintain them for five years);
  - notify DEC and the tank owner within 48 hours of unexplained inventory losses; and
  - test tanks and pipes every five years or monitor the interstitial space of double-walled equipment.
- USTs that are *temporarily out-of-service* (30 days or more) must be drained of product to the lowest draw off point. Fill lines and gauge openings must be capped or plugged. Inspection and registration must continue.
- Tanks which are *permanently out-of-service* must be emptied of liquid, sludge and vapors and then either removed or, if left in, place and must be filled with solid inert material such as sand or concrete slurry. DEC must be notified 30 days prior to filling or removal.
- New USTs must either be made of fiberglass reinforced plastic; cathodically protected steel (to protect against the corrosion caused by contact between steel and soil); or steel clad with fiberglass reinforced plastic. Secondary containment such as a double-walled tank, or a vault, must be provided. If tank is double walled, monitoring of the interstitial space is required, otherwise use of an in-tank monitoring system or one or more observation wells is required.
- New underground piping systems must be designed with a 30-year life expectancy. If made of steel, they must be cathodically protected. Pipes may be constructed of fiberglass-reinforced plastic or other equivalent non-corrodible materials.

### **For details on DEC's PBS program refer to:**

NYSDEC Petroleum Bulk Storage Regulations (Parts 612-614)

<http://www.dec.ny.gov/regs/4434.html>

<http://www.dec.ny.gov/regs/4433.html>

<http://www.dec.ny.gov/regs/4432.html>

Additional Information on Petroleum Bulk Storage can be found at:

<http://www.dec.ny.gov/chemical/8640.html>

<http://www.dec.ny.gov/regulations/2642.html>

<http://www.dec.ny.gov/chemical/2650.html>

<http://www.dec.ny.gov/chemical/32252.html>