

Changes to Petroleum Bulk Storage Regulations

Division of Environmental Remediation
Bureau of Technical Support



Agenda

- Overview of rulemaking and timeframes
- Select changes to PBS regulations
- Questions and Answers



Overview of Rulemaking

- Why? (What are the goals?)
- In Phase I, we will:
 - Reflect changes made to State and federal laws
 - Consolidate existing requirements into State regulations
 - Increase consistency by adopting federal definitions and structure of the regulations
 - Provide clarifications to certain requirements



Overview of Rulemaking

- In Phase II, we will:
 - Adopt any additional initiatives that EPA may adopt in the revised 40 CFR Part 280
 - Any additional NYS initiatives that should be considered to prevent leaks and spills
 - Changes to Part 610 (MOSF)
 - Changes to Part 611 (Spill Response and Corrective Action)



Overview of Rulemaking

- Major changes being incorporated:
 - Structure (PBS now, CBS later)
 - Applicability (definitions)
 - Operator Training
 - Delivery Prohibition
 - Secondary Containment for piping and dispensers (PBS Subpart 2)

No substantive new requirements in this Phase beyond what is required by law changes



Overview of Rulemaking

- Changes not being addressed now:
 - MOSF requirements (Part 610)
 - State initiatives in PBS or CBS
 - SPCC regulations
 - EPA initiatives in UST proposed regulations



Overview of Rulemaking

- Preliminary draft for consideration
- Comment period ended September 20
- DEC will review/revise drafts as needed
- Approval process for formal proposal
- Anticipate proposing before December
- Comment period until end of January
- Public meetings/hearings in January



Overview of Rulemaking

- Depending on comments/changes to current draft, Phase I regulations final
 - Earliest of late Spring 2014
 - Latest of one year from date of proposal
 - Delegated Counties will have six months to adopt
- Phase II regulation drafting will be in process shortly after phase I complete and EPA Part 280 regulations complete



Petroleum Bulk Storage



Part 613 Structure

- Subpart 1: General Provisions
- Subpart 2: UST Systems Subject to Both Subtitle I and Title 10 (EPA & DEC regulated)
- Subpart 3: UST Systems Subject Only to Title 10 (DEC regulated)



Part 613 Structure

- Subpart 4: AST Systems
- Subpart 5: Delivery Prohibition
- Subpart 6: Release Response and Corrective Action



Part 613 Applicability

What is a facility?

What is petroleum?



Definitions

- *Facility* is being modified:
 - The property on which the tanks are located, not the tanks themselves
 - If more than one tank owner at a property, then all tanks registered on the same form
 - If unrelated businesses on the same property, then each business may register tanks separately



Definitions

- *Facility* includes:
 - One or more tank systems with combined storage capacity >1100 gallons
 - Certain USTs >110 gallons



Definitions

- *Facility* does not include:
 - Operational tank systems
 - Temporary tank systems
 - Heating oil tank systems <1100 gallons used for on-premises consumption*
 - Tank systems \leq 1100 gallons storing motor fuel for non-commercial purposes at a farm or residence*

*unless on a property that is otherwise a facility



Definitions

- *Petroleum* is being modified:
 - Crude oil and any fraction of crude oil
 - Synthetic forms of certain oils, complex blends of hydrocarbons not derived from crude oil, and petroleum mixtures
 - Animal & vegetable oils and substances that are normally gases are excluded



Definitions

- *Petroleum mixture* is being added:
 - 1% or more petroleum + no hazardous substance = PETROLEUM
 - At least 70% petroleum + <30% hazardous substance (no haz waste) = PETROLEUM
 - No petroleum + <1% one or more hazardous substances = NOT REGULATED



Definitions

- *UST system* is being modified to match 40 CFR 280 (10% or more tank volume beneath ground or covered by materials)
- *AST system* is being defined as the converse of UST system



Definitions

- *Tank system* does not include:
 - Dispenser system
 - Septic tank system
 - Surface impoundment, pit, pond, or lagoon
 - Stormwater or wastewater collection system
 - Flow-through process tank system
 - Liquid trap or associated gathering lines related to oil/gas production & gathering ops



Definitions

- Definitions of *Class A operator*, *Class B operator*, *Class C operator* are being added for purposes of operator training
- Original definition of *operator* applies for all other situations



Definitions

- Various concepts of tank capacity now explicitly defined by *design capacity*, *storage capacity*, and *working capacity*
- Definition of *farm* is being added and matches 40 CFR 280



Tank System Categories

- Category 1 = tank installed before December 27, 1986
- Category 2 = tank installed from 12/27/86 through new effective date
- Category 3 = tank installed after new effective date



Registration

- Facility is property on which tanks are located
- Property owner or authorized representative is responsible for tank registration
- Tank owner/operator is responsible for operation & maintenance of tanks



Recordkeeping

- Requirements being clarified:
 - which records need to be maintained on-site
 - how long records must be kept
- Table in section 613-1.5 (pp. 12-14)



Other Provisions

- Certain regulatory provisions will apply to carriers (deliveries & delivery prohibition)



Questions?



Subpart 2 Requirements

UST Systems Subject to Both
Subtitle I and Title 10



Equipment Requirements

- Category 3 UST systems – double-walled tank & piping will be only acceptable method of secondary containment
- Spill/overflow prevention not required for USTs receiving <25 gallons at a time
- UDC required for new dispenser systems



Operating Requirements

- Existing requirement for as-built diagrams is being clarified
- CP monitoring records must be maintained for 3 years
- Tank system compatibility requirements are being consolidated into one section



Leak Detection/Investigation

- Inventory monitoring (10-day reconciliation) is being required only for retail motor fuel UST systems
- All UST systems must be monitored for leaks weekly
- Federal leak investigation requirements are being incorporated



Operator Training

- Federal operator training requirements are being incorporated
- DEC developing training material and test
- Operators can choose how to be trained
- DEC evaluating how test is administered
- Operators will have one year to complete



Financial Responsibility

- Federal FR requirements for corrective action / third-party property damage (State Oil Spill Fund allowed)
- Federal FR requirements for third-party bodily injury are being included
- All mechanisms allowed except for surety bond, letter of credit



Questions?



Subpart 3 Requirements

UST Systems Subject
Only to Title 10



Equipment Requirements

- Category 3 UST systems – double-walled tank will be only acceptable method of secondary containment
- Overfill prevention not required for USTs receiving <25 gallons at a time



Operating Requirements

- Existing requirement for as-builts is being clarified
- CP monitoring records must be maintained for 3 years
- Tank system compatibility requirements are being consolidated into one section



Leak Detection/Investigation

- Category 1 UST systems must be tightness tested annually
- Annual line testing required for suction piping that is part of Category 1 system
- Federal leak investigation requirements are being incorporated (to be consistent with Subpart 2)



Tank Closure

- As in existing regulations, closure site assessments will not be required
- However, they are strongly recommended for Subpart 3 USTs



Questions?



Subpart 4 Requirements

AST Systems



Equipment Requirements

- New tank construction standards (UL 80, UL 2258) are being adopted to allow for new technologies
- Additional industry standards are being adopted for testing of ASTs at install
- Tank secondary containment requirements are being clarified [see 613-4.1(b)(1)(ii)]



Secondary Containment

- Adopts new format similar to guidance.
- Tanks 10,000 gallons or greater
 - Be able to contain petroleum leaked from any portion of the tank until it is detected and removed
 - Be able to prevent the release of petroleum



Secondary Containment

- Tanks less than 10,000 gallons in close proximity to waters of the State
 - Required to have secondary containment, OR
 - Utilize a design/technology such that a release is not reasonably expected to occur
- Proximity to waters of the State is 500 horizontal feet from water resources or storm drain



Operating Requirements

- To maintain consistency with other subparts:
 - Annual monitoring for adequacy of cathodic protection is required
 - Impressed current systems must be monitored every 60 days for operation
 - CP monitoring records must be maintained for 3 years



Inspections and Leak Detection

- No changes are being made to leak detection requirements
- Monthly inspections
- 10-year inspections
 - API 653 or STI SP001
- Underground piping
 - ALLD or line test



Other Requirements

- Tank system compatibility requirements are being consolidated into one section
- Federal leak investigation requirements are being incorporated (to be consistent with Subparts 2 & 3)



Tank Closure

- No changes are being made to AST closure requirements
- As in existing regulations, closure site assessments will not be required



Questions?



Subpart 5 Requirements

Delivery Prohibition



Delivery Prohibition

- Definition – illegal to deliver to or accept delivery into a tank identified by State or EPA as ineligible
- DEC *will* prohibit deliveries for Tier 1 violations
 - Tanks that are leaking or suspected to be leaking
 - Subpart 2 tanks with equipment violations:
 - Spill / overfill prevention
 - Leak detection
 - Corrosion protection



Delivery Prohibition

- DEC *may* prohibit deliveries for Tier 2 violations
 - Subpart 2 tanks with:
 - Leak detection results that indicate a leak, or inability to contain a spill if it occurred
 - Operational violations (spill / overfill, leak detection, corrosion protection)



Delivery Prohibition

- DEC *may* prohibit deliveries for Tier 2 violations (cont'd)
 - Subpart 3 and 4 tanks with equipment violations:
 - Spill / overfill prevention
 - Leak detection
 - Corrosion protection



Delivery Prohibition

- If red-tagged, owner/operator will be given opportunity to:
 - Be heard promptly (not to exceed 15 days)
 - Submit proof of compliance at any time
- Requirement for DEC to remove red tags within two business days after determining that a tank is in compliance



Subpart 6 Requirements

Spill Reporting, Investigation,
and Remediation



Release Response & Corrective Action

- This is existing language from 40 CFR Part 280
- This generally reflects current practice



Questions?

