

# STATE OF NEW YORK

8430

2017-2018 Regular Sessions

## IN ASSEMBLY

June 16, 2017

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the  
Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the  
prevention of water contamination from heating oil tanks

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. The environmental conservation law is amended by adding a  
2 new section 15-0517 to read as follows:

3 § 15-0517. Prevention of water contamination from heating oil tanks.

4 1. For the purposes of this section:

5 (a) the term "heating oil tank" shall apply only to heating oil tanks  
6 used for on premises consumption at the same site which is not intercon-  
7 ected to any other heating oil tank and is used to store or contain  
8 less than one thousand one hundred gallons of petroleum unless such tank  
9 is located on a site that otherwise meets the definition of facility as  
10 defined in subdivision one of section 17-1003 of this chapter.

11 (b) the term "petroleum" shall have the same meaning as defined in  
12 subdivision fifteen of section one hundred seventy-two of the navigation  
13 law.

14 2. The department shall examine existing heating oil tank construction  
15 standards to determine what additional standards should be required to  
16 decrease the risk of leaks and resulting water contamination, including  
17 but not limited to: materials used; secondary containment; and, tank  
18 wall construction.

19 3. The department shall prepare recommendations for posting on the  
20 department website regarding best management practices for the care and  
21 maintenance of heating oil tanks to decrease the risk of leaks and the  
22 resulting water contamination.

23 4. The department shall, no later than January first, two thousand  
24 nineteen, prepare a report to the legislature regarding effective meth-  
25 ods to reduce leaks and water contamination from heating oil tanks. Such

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD13160-01-7

1 report, which shall be based on the best available scientific informa-  
2 tion, shall include:

3 (a) review of effective management measures being taken in other  
4 states;

5 (b) the need and effectiveness of prohibitions on the placement of  
6 underground heating oil tanks in certain critical environmental areas,  
7 sole source aquifers, and watersheds; and

8 (c) recommendations pursuant to subdivision three of this section.

9 § 2. This act shall take effect immediately.