S T A T E O F N E W Y O R K

4570--A

2015-2016 Regular Sessions

I N A S S E M B L Y

February 3, 2015

Introduced by M. of A. CLARK, COLTON -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to hazardous substance storage facilities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivisions 10 and 11 of section 40-0105 of the environmental conservation law, subdivision 10 as amended and subdivision 11 as added by chapter 334 of the laws of 2008, are amended to read as follows:

10. "Storage facility" or "facility" means a single property or contiguous or adjacent properties used for a common purpose which are owned or operated by the same person on or in which are located one or more NON-STATIONARY tanks, BARRELS, DRUMS, OR OTHER HOLDING VESSELS STORED AT A FACILITY FOR A PERIOD OF LESS THAN NINETY DAYS, OR WHERE INDIVIDUAL CAPACITY OF SUCH NON-STATIONARY TANKS, BARRELS, DRUMS, CONTAINERS, OR OTHER HOLDING VESSELS AT A FACILITY IS LESS THAN ONE THOUSAND KILOGRAMS (2,200 LBS.) which are used for the storage or containment of hazardous substances.

11. "Tank" means a device or holding vessel designed to contain an accumulation of a hazardous substance which is constructed of non-earthen materials that provide structural support. The term "tank" includes all associated pipes, lines, fixtures, and other ancillary equipment.

Such term shall not include:

a. [non-stationary tanks, barrels, drums, containers or other holding vessels stored at a facility for a period of less than ninety days, or where individual capacity of such non-stationary tanks, barrels, drums, containers, or other holding vessels at a facility is less than one thousand kilograms (2,200 lbs.);

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

LBD08632-02-5

b.] flow-through process tanks or other equipment wherein physical, chemical or biological changes take place as part of a process;

[c.] B. septic tanks, stormwater or wastewater collection systems;

[d.] C. capacitors or transformers containing polychlorinated biphenyls;

[e.] D. above ground tanks on an operating farm used solely to store or contain hazardous substances which will be used for agricultural purposes on such farm; or

[f.] E. tanks which have been permanently closed in accordance with regulations promulgated pursuant to section 40-0113 of this [chapter] ARTICLE.

S 2. Subdivision 2 of section 40-0109 of the environmental conservation law, as added by chapter 672 of the laws of 1986, is amended to read as follows:

2. Any person storing a hazardous substance [may be required to] SHALL furnish the department with information on the storage facility, repairs or replacements, hazardous substances stored, storage and handling practices, or results of tests, monitoring and inspections.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.