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 Assembly, do enact as follows:

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

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

1. For the purposes of this section:

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

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

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

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

4. The department shall, no later than January first, two thousand nineteen, prepare a report to the legislature regarding effective methods 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

report, which shall be based on the best available scientific information, shall include:

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

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

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

§ 2. This act shall take effect immediately.