

STATE OF NEW YORK

1886

2019-2020 Regular Sessions

IN SENATE

January 17, 2019

Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to direct the department of environmental conservation and the office of temporary and disability assistance to establish programs to encourage the removal and replacement of single-wall steel home heating oil storage tanks which are leaking or otherwise pose a threat to the environment

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

1 Section 1. The department of environmental conservation shall estab-
2 lish a program to encourage the removal and replacement of single-wall
3 steel home heating oil storage tanks which are leaking or otherwise pose
4 a threat to the environment.

5 § 2. (a) The commissioner of the department of environmental conserva-
6 tion shall develop and promulgate regulations which shall provide that
7 single-walled home heating oil tanks are phased out of use in New York
8 state by January 1, 2023.

9 (b) After January 1, 2023, home heating oil storage tanks for single
10 family residences which are removed and replaced shall be replaced only
11 with double-bottom-wall steel tanks, double-wall steel tanks with plas-
12 tic liners, fiberglass tanks of both single and double wall construction
13 or with such other storage tanks which are capable of preventing and
14 containing oil spills, including those having secondary containment
15 capacity equal to or exceeding 110 percent of the primary storage capac-
16 ity.

17 § 3. The commissioner of the department of environmental conservation
18 shall develop and promulgate regulations which shall provide that home
19 heating and oil storage tanks for newly constructed single family resi-
20 dences shall be double-bottom-wall steel tanks, double-wall steel tanks
21 with plastic liners, or such other tanks which are capable of preventing
22 and containing oil spills, including those having secondary containment

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

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1 capacity equal to or exceeding 110 percent of the primary storage capac-
2 ity.

3 § 4. The office of temporary and disability assistance shall develop a
4 program utilizing the heating energy assistance program (HEAP) to assist
5 eligible home owners to replace existing home heating oil storage tanks
6 which do not meet the above standards and to promulgate such regulations
7 and apply for such permissions and waivers from the United States
8 government as may be necessary to do so.

9 § 5. The department of environmental conservation and office of tempo-
10 rary and disability assistance shall, within 120 days of the effective
11 date of this act, promulgate the rules and regulations referred to in
12 sections one, two, three and four of this act.

13 § 6. This act shall take effect immediately.