STATE OF NEW YORK

5497

2021-2022 Regular Sessions

IN SENATE

March 9, 2021

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:

Section 1. The department of environmental conservation shall establish a program 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.

§ 2. (a) The commissioner of the department of environmental conservation shall develop and promulgate regulations which shall provide that single-walled home heating oil tanks are phased out of use in New York state by January 1, 2025.

(b) After January 1, 2025, home heating oil storage tanks for single family residences which are removed and replaced shall be replaced only with double-bottom-wall steel tanks, double-wall steel tanks with plastic liners, fiberglass tanks of both single and double wall construction or with such other storage tanks which are capable of preventing and containing oil spills, including those having secondary containment capacity equal to or exceeding 110 percent of the primary storage capacity.

§ 3. The commissioner of the department of environmental conservation shall develop and promulgate regulations which shall provide that home heating and oil storage tanks for newly constructed single family residences shall be double-bottom-wall steel tanks, double-wall steel tanks with plastic liners, or such other tanks which are capable of preventing 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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capacity equal to or exceeding 110 percent of the primary storage capacity.

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

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

§ 6. This act shall take effect immediately.