§ 17-1003. Definitions.

As used in this title:

1. "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:

a. one or more stationary tanks which are used singularly or in combination for the storage or containment of more than one thousand one hundred gallons of petroleum; or

b. any tank whose capacity is greater than one hundred ten gallons that is used for the storage or containment of petroleum, the volume of which is ten percent or more beneath the surface of the ground.

This term shall not include:

(1) facilities licensed under article twelve of the navigation law;

(2) facilities regulated under the federal natural gas act;

(3) a heating oil tank 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 given in this subdivision;

(4) tanks eleven hundred gallons or less used to store motor fuel (gasoline or diesel products) for non-commercial purposes (not for resale) at a farm or residence, unless such tank or tanks are located on a site that otherwise meets the definition of facility given in this subdivision;

(5) tanks used to store or contain asphalt, however, tanks used to store or contain asphaltic emulsions are included; or

(6) tanks which have been permanently closed in accordance with regulations promulgated pursuant to section 17-1005 of this title.

2. "Substantially modified facility" means the reconditioning or replacement of an existing tank or installation of a new tank at a facility.

3. "Operator" means any person who leases, operates, controls or supervises a facility.

4. "Owner" means any person who has legal or equitable title to a facility.

5. "Petroleum" means:

a. crude oil and any fraction thereof;

b. any mixture containing crude oil or any fraction thereof; and

c. synthetic forms of lubricating oil, dielectric oils, insulating oils, hydraulic oils and cutting oils.

Such term shall not include:
(1) hazardous waste defined pursuant to section 27-0903 of this chapter;
(2) substances meeting the definition of hazardous substance pursuant to section 40-0105 of this chapter;
(3) animal or vegetable oils that do not contain crude oil or fractions thereof; or
(4) substances that are gases at standard temperature and pressure.

6. "Electronic monitoring system" means an electronic leak detection system, approved by the department, containing a warning system capable of operating on a continuous basis to detect petroleum prior to its reaching ground or surface waters.

7. "Tank" means a stationary device designed to store petroleum, which is constructed of non-earthen materials that provide structural support. The term "tank" includes all associated pipes, lines, fixtures and other ancillary equipment. The term "tank" does not include septic tank; surface impoundment, pit, pond or lagoon; storm-water or wastewater collection system; flow-through process tank; or liquid trap or associated gathering lines directly related to oil or gas production and

gathering operations.

8. "Spill" or "leak" means any escape of petroleum from the ordinary containers employed in the normal course of storage, transfer, processing or use.