§ 40-0105. Definitions.

1. "Abandoned storage facility" means a storage facility which is no longer being maintained in accordance with this article or the regulations promulgated thereunder.

2. "Authorization" means the possession, where required, of a valid license, permit or certificate issued by an agency of the state of New York or the federal government or an order issued by the commissioner or the administrator of the federal environmental protection agency under applicable statutes, rules or regulations regarding the possession or release of hazardous substances or otherwise engaging in conduct which is exempt under applicable statutes, rules or regulations from the requirements of possessing such a license, permit, certificate or order.

3. "Environment" means any water, water vapor, any land including land surface or subsurface, air, fish, wildlife, biota and all other natural resources.

4. "Hazardous substance" means any substance listed as a substance hazardous to the public health, safety or the environment in regulations promulgated pursuant to article thirty-seven of this chapter; provided however, that the term "hazardous substance" shall not include petroleum as defined in section 17-1003 of this chapter.

5. "Modified storage facility" means a storage facility at which there has occurred substantial reconditioning or repair of an existing tank or storage vessel or associated pipes, lines or fixtures or replacement of a substantial portion of the storage facility.

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

7. "Owner" means any person who has legal title to a facility.

8. "Person" or "persons" means any individual, public or private corporation, political subdivision, government agency, municipality,

co-partnership, association, firm, consortium, joint venture, interstate body, trust, estate or any other legal entity whatsoever.

9. "Release" means any unauthorized pumping, pouring, spilling, leaking, emitting, discharging, escaping, emptying, leaching or disposing, directly or indirectly, of a hazardous substance so that the substance or any related constituent thereof, or any degradation product of such a substance or of a related constituent thereof, may enter the environment.

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 tanks 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.);

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

c. septic tanks, stormwater or wastewater collection systems;

d. capacitors or transformers containing polychlorinated biphenyls;

e. 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. tanks which have been permanently closed in accordance with regulations promulgated pursuant to section 40-0113 of this chapter.