



County of Rockland

ROCKLAND COUNTY DEPARTMENT OF HEALTH
The Dr. Robert L. Yeager Health Center
50 Sanatorium Road
Pomona, New York 10970

ARTICLE XVIII

CHEMICAL BULK STORAGE

Rockland County Sanitary Code
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CHEMICAL BULK STORAGE

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ARTICLE XVIII

CHEMICAL BULK STORAGE

18.1.0 - Declaration of Policy

It is hereby declared to be the health policy of the Rockland County Health District to regulate the storage of hazardous substances and hazardous substance bulk storage facilities in order to protect the public health, safety and welfare and the lands, waters, air and environment of the County of Rockland.

18.2.0 - Definitions

18.2.1 Aboveground Tank

The term "aboveground tank" shall mean any stationary tank, which is not entirely covered with earth or other backfill material, or any stationary tank, which can be inspected in a subterranean vault.

18.2.2 Carrier

The term "carrier" shall mean any person who transports and/or transfers hazardous substances from one pipe, tank or storage container to another.

18.2.3 Cathodic Protection

The term "cathodic protection" shall mean corrosion protection for a metal tank or pipe by causing a continuous electric current to flow from one or more electrodes or a sacrificial anode to the protected structure.

18.2.4 Combined Storage Capacity

The term "combined storage capacity" shall mean the sum of the design storage capacity of each tank at a facility, which has not been permanently closed.

18.2.5 Corrosion Resistant

The term "corrosion resistant" when referring to an underground tank shall mean any tank which meets standards for new underground tanks specified in 6 NYCRR Part 599 of the NYSDEC Chemical Bulk Storage Regulations. When referring to a pipe it means any pipe that meets standards for new underground pipes specified in 6 NYCRR Part 599 of the NYSDEC Chemical Bulk Storage Regulations.

18.2.6 Discharge

The term "discharge" shall mean any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of a hazardous substance or mixture thereof into the waters

of the County or onto lands from which it might flow or drain into said waters, except discharges pursuant to and in compliance with the conditions of a valid County, State or Federal permit.

18.2.7 Existing Facility

The term **"existing facility"** means a facility that has been constructed and is capable of being operated as of the effective date of this Article.

18.2.8 Facility or Storage Facility

The term **"facility"** or **"storage facility"** shall mean one or more stationary or non-stationary tanks, including any associated intra-facility pipelines, fixtures, or other equipment with the capacity to store at least one hundred eighty-five (185) gallons of any hazardous substance or mixture thereof. A facility may include aboveground tanks, underground tanks, non-stationary tanks or the combination of above. Pipelines, which enter or leave the site, are not part of the facility.

18.2.9 Hazardous Substance

The term **"hazardous substance"** shall be defined as, but is not limited to each and every substance, material or waste found listed in either 40 CFR Part 261, or 40 CFR Part 302, or 6 NYCRR Part 371 or 6 NYCRR Part 597 of the NYSDEC Chemical Bulk Storage Regulations.

18.2.10 Leak Monitoring System

The term **"leak monitoring system"** shall mean a leak detection system as required in 6 NYCRR Parts 599.10, 599.15, 599.18 of the NYSDEC Chemical Bulk Storage Regulations.

18.2.11 Liner or Lining

The term **"liner"** or **"lining"** shall mean a coating of a non-corrodible material resistant to the product stored and bonded firmly to the interior surface of the tank.

18.2.12 Mixture

The term **"mixture"** shall mean a heterogeneous association of substances where the various individual substances retain their essential original properties and are regulated if they contain one (1) percent or more by weight or volume of at least one hazardous substance.

18.2.13 Non-Stationary Tank

The term **"non-stationary tank"** shall mean any tank or container, which in practice or design is mobile including tanks on wheels, trolleys, skids, pallets or rollers, and vessels such as a 55-gallon drum or tanker cars.

18.2.14 NYCRR

The term "NYCRR" shall mean official compilation of Codes, Rules and Regulations of the State of New York.

18.2.15 NYSDEC

The term "NYSDEC" shall mean the New York State Department of Environmental Conservation.

18.2.16 Operator

The term "operator" shall mean any person who leases, operates, controls or supervises a facility.

18.2.17 Out of Service

The term "out of service" shall mean a facility or portion thereof no longer in use. Facilities or tanks that are used for seasonal storage, for surcharge storage, or for standby storage, are not considered out-of-service.

18.2.18 Owner

The term "owner" shall mean any person who has legal or equitable title to a facility.

18.2.19 Permanently Closed

The term "permanently closed" shall mean an out-of-service storage tank or facility which has been closed in a manner prescribed in 6 NYCRR Part 598.10 of the NYSDEC Chemical Bulk Storage Regulations.

18.2.20 Reconditioned

The term "reconditioned" shall mean any tank which is rehabilitated by installing an interior liner or which is permanently repaired in a manner prescribed in 6 NYCRR Part 598.9 of the NYSDEC Chemical Bulk Storage Regulations.

18.2.21 Spill or Spillage

The term "spill" or "spillage" shall mean any escape of hazardous materials from the ordinary containers employed during the normal course of storage, transfer, processing or use.

18.2.22 Stationary Tank

The term "stationary tank" shall mean any underground or aboveground tank, which is non-mobile. Examples of stationary aboveground tanks include tanks, which may rest on the ground or may be fixed or permanently in place on foundations, racks, cradles, or stilts.

18.2.23 Substantial Modification

The term "**substantial modification**" is defined as any existing facility, which has been modified or is proposed to be modified in one or more of the following ways: (1) One or more new stationary tanks to be added; (2) An existing stationary tank replaced, re-conditioned or permanently closed; (3) A leaking tank replaced, repaired or permanently closed; (4) Installation of a non-stationary tank storage area; and/or (5) The replacement or installation of piping systems.

18.2.24 Tank

The term "**tank**" shall mean a stationary device, designed to contain an accumulation of material and which is constructed primarily of non-earthen materials (i.e., wood, concrete, steel, plastic), which also provide structural support.

18.2.25 Temporarily Closed

The term "**temporarily closed**" shall mean an out-of-service storage tank or facility that has been closed in a manner prescribed in 6 NYCRR Part 598.10 of the NYSDEC Chemical Bulk Storage Regulations.

18.2.26 Tightness Test

The term "**tightness test**" shall mean a test on any underground or aboveground tank, piping system or ancillary equipment which is performed in a manner consistent with the criteria set forth in 6 NYCRR 598.6(e) of the NYSDEC Chemical Bulk Storage Regulations.

18.2.27 Underground Tank

The term "**underground tank**" shall mean any tank completely covered with earth or other material.

18.2.28 Waters or Waters of the County

The term "**waters**" or "**waters of the County**" shall be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals. All other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the County or within its jurisdiction.

18.2.29 Working Capacity

The term "**working capacity**" shall mean total capacity of the tank less an allowance for expansion and freeboard.

18.3.0 - Applicability

This Article applies to facilities in the Rockland County Health District that store hazardous substances and/or mixtures thereof in one or more of the following:

- 18.3.1 A new, existing, or temporarily out of service aboveground storage tank with a capacity to store one hundred eighty-five (185) gallons or greater of a hazardous substance or mixture thereof.
- 18.3.2 Any new, existing, or temporarily out of service underground storage tank of any storage capacity of a hazardous substance or a mixture thereof.
- 18.3.3 Any combination of new or existing non-stationary storage tanks, barrels, drums or other holding vessels with a combined storage capacity of 185 gallons or more of a hazardous substance or mixture thereof.
- 18.3.4 Any combination of new or existing underground and aboveground storage tanks with a combined storage capacity of one hundred eighty five (185) gallons or greater of a hazardous substance or mixture thereof.

18.4.0 - Severability

If any provision of this Article or its application to any person or circumstance is held to be invalid, the remainder of the Article and the application of that provision to other persons or circumstances shall not be affected.

18.5.0 - Access To Records and Facilities

- 18.5.1 Any designated officer or employee of this Department may, at reasonable times, enter and inspect any premises, that store or that is reasonably believed to store, any hazardous substance for compliance with provisions of this Article.
- 18.5.2 The owner/operator must allow any designated officer or employee of the Department, at all reasonable times, to review and copy any books, papers, documents and records relating to record-keeping requirements and compliance with this Article.

18.6.0 - Enforcement

Any person, who violates any of the provisions of this Article, or any order issued by the Commissioner, shall be liable for the administrative penalties as set forth in Sections 309 and 348 of the New York State Public Health Law.

18.7.0 - Powers of the Commissioner

The Commissioner may make, or cause to be made, any investigation or study which, in his or her opinion is necessary for enforcing this Article or controlling or reducing the contamination or potential contamination within the Rockland County Health District.

18.7.1 The Commissioner may order the owner, operator, or any person in possession of any land, structure, or equipment to take whatever action is necessary in the opinion of the Commissioner, to bring the land, structure, or equipment into compliance with the provisions of this Article. This includes but is not limited to, the ordering of tank testing and/or the emptying of a facility when leakage is suspected or when continued operation of the facility would present a hazard or potential hazard to the general public, fire fighting personnel, property, plant or animal life, groundwater quality, surface water quality or which interferes with the healthful enjoyment of life and property throughout such areas of the Rockland County Health District as may be affected thereby.

18.7.2 The Commissioner may set additional standards for the storage and handling of hazardous materials, which are necessary to carry out the purpose of this Article.

18.8.0 - Variances

The Commissioner may, upon written application from any person subject to this Article, grant a variance from one or more specific provisions of this Article. In granting a variance, the Department may impose specific conditions necessary to assure that the variance will have no significant adverse impact on the environment or public health.

18.8.1 An application for a variance must identify the specific section or sections from which a variance is being sought.

18.8.2 Provide the Department with evidence including data, plans, specifications and test results that show the new or alternative designs, practices or methods to protect the environment in a manner equal to or greater than the requirements of this Article.

18.9.0 - Fees

The Commissioner shall establish a schedule of fees for permits, certifications, variances, review and training to recover any direct cost associated with implementing, administering or enforcing the provisions of this Article.

18.10.0 - Release of Hazardous Substances

18.10.1 Prohibition of Releases

It shall be unlawful for any person to spill, leak or discharge any hazardous substance or mixture thereof, or material contaminated with such material in the Rockland County Health District unless such discharge is specifically in

accordance with a permit issued by New York State, the Federal government or other agency acceptable to the Commissioner. It is also unlawful to operate a tank where a continuing release is occurring.

18.19.2 Release Reporting

Any person with knowledge of a spill, leak or discharge of a hazardous substance must report the incident to this Department and the NYSDEC within two (2) hours of discovery. The results of any inventory record, test or inspection which shows a facility is leaking must be reported to this Department and the NYSDEC within two (2) hours of the discovery. Notification to this Department alone shall not be deemed compliance with any other Federal or State reporting requirement. Notification shall be made to both of the following: (1) NYSDEC Spills Hotline at 800-457-7362, and (2) Rockland County Department of Health at 845-364-2584.

18.11.0 - Indemnification/Disclaimer of Liability

18.11.1 The permittee shall indemnify, hold harmless and defend the Department against any claim, cause of action, disability, loss, liability, damage, cost or expense, howsoever arising, which occurs by reason of an unlawful discharge in connection with permittee's operation under this permit, except as arises from the Department's sole willful act or sole active negligence.

18.11.2 The degree of protection required by this Article is considered reasonable for regulatory purposes. The standards set forth herein are minimal standards and this Article does not imply that compliance will ensure that there will be no unlawful discharge of hazardous substances. This Article shall not create liability on the part of the Department; any officer or employee thereof for any damages that result from reliance on this Article or any administrative decision lawfully made thereunder. All persons handling, storing, using, processing, and disposing of hazardous substances within the County shall be and are advised to determine to their own satisfaction the level of protection in addition to that required by this Article necessary or desirable to ensure that there is no unlawful discharge of hazardous substances.

18.12.0 - Registration for Existing and Substantial Modifications of Facilities

18.12.1 Existing Facilities

18.12.1.1 By September 1, 2002, the owner/operator of a facility that maintains storage tanks regulated by this Article must register with the Department.

18.12.1.2 Registration of the facility must include all out-of-service storage tanks that have not been permanently closed.

18.12.1.3 Registration of the facility must be renewed every two (2) years from the date of the last valid registration until the Department receives

written notice that all storage tanks have been permanently closed or that ownership of the storage tank has been transferred.

18.12.2 Substantially Modified Facilities

18.12.2.1 Within fifteen (15) days prior to substantially modifying a facility, the owner must notify the Department of such modification on forms provided by the Department. Forms are available at the Department of Health, Division of Environmental Health, 50 Sanatorium Road, Pomona, New York, 10970.

18.12.2.2 When an emergency installation occurs, the Department must be notified no later than two (2) hours after the decision is made by the owner/operator to install the new tank.

18.12.3 Submission of Forms

18.12.3.1 New and existing facilities must submit an application for registration, renewal of registration or substantial modification to a facility on forms provided by the Department. Forms are available at the Department of Health, Division of Environmental Health, 50 Sanatorium Road, Pomona, New York, 10970.

18.12.3.2 An application for registration submitted by a corporation must be signed by a principal executive officer of at least the level of vice-president or a duly authorized representative. An application submitted by a partnership or a sole proprietorship must be signed by a general partner or the proprietor. An application submitted by a municipal, state or other public facility must be signed by either a principal executive officer, ranking elected official or other duly authorized employee.

18.12.3.3 The applicant must submit a site plan drawn to scale with all completed applications. The plan must include the following:

- (1) All buildings;
- (2) Piping, aboveground and underground;
- (3) Adjacent streets with names;
- (4) Storage tank identified by corresponding registration number;
- (5) Storm drains and cesspools;
- (6) Location of non-stationary tanks and non-stationary tank storage areas; and
- (7) Secondary containment.

18.12.4 Fees

18.12.4.1 The owner must submit a fee with each application for registration, renewal of registration or substantial modification, in accordance with a schedule established by the Commissioner of Health.

18.12.4.2 The fee must be made payable to the Commissioner of Finance.

18.12.5 Certificates

- 18.12.5.1 Upon submittal of a complete registration application and payment of the registration fee, the Department shall issue a validated registration certificate. The operator must at all times conspicuously display a valid registration certificate at the tank site or at the entrance to the site where the storage tanks are located.
- 18.12.5.2 A registration certificate shall not be transferred from one location to another, nor from one storage facility to another.
- 18.12.5.3 If the ownership or the operator of a facility changes, the new owner/operator must re-register the facility with the Department at least thirty (30) days prior to the transfer.

18.12.6 Prohibition of Delivery to an Unregistered Tank

Commencing thirty (30) days from the effective date of this Article, no owner/operator shall accept or receive a hazardous substance or mixture thereof to a tank that is not registered with this Department.

18.13.0 - General Provisions for Handling and Storage of Hazardous Substances

18.13.1 Bulk Storage in the Flood Plain

Any facility located in a flood plain as defined in 6 NYCRR Part 500, must be safeguarded against buoyancy and lateral movement by flood waters in accordance with operating standards set forth in NFPA no. 30, Section 2-5.6, and in accordance with State and Local flood plain regulations. If such safeguards include ballasting of tanks with water during flood warning periods, tank valves and other openings must be closed and secured in a locked position in advance of the flood. Ballast water removed from the tank after the flood must not be discharged to the waters of the County, if the discharge would contravene the standards of 6 NYCRR Parts 701, 702 or 703.

18.13.2 Labeling of Stationary Storage Tanks

- 18.13.2.1 Within thirty (30) days following receipt of a validated registration certificate, or whenever there is a change in the hazardous substance contained in the storage tank, the owner must clearly mark or label each storage tank or fill port (where the tank is underground), with the following information:
 - a. Tank identification number as shown on the registration certificate;
 - b. Chemical name or common name for the hazardous substance stored;
 - c. Total capacity and working capacity of tank; and
 - d. Warning signs required by 9 NYCRR Section 1174.1(h) of the New York State Uniform Fire Prevention and Building Code.

- 18.13.2.2 The owner/operator of the facility must keep a record of all hazardous substance changes by tank in an appendage in the Spill Prevention Report.

18.13.3 Secondary Containment

- 18.13.3.1 All new underground storage tanks must have a secondary containment system, which follows the requirements as described in 6 NYCRR Part 599.4.
- 18.13.3.2 All new aboveground storage tanks must have a secondary containment system, which follows the requirements as described in 6 NYCRR Part 599.9.

18.13.4 Closure of Out-of-Service Stationary Storage Tanks

- 18.13.4.1 All out-of-service tanks (temporary and permanent) must be properly closed as described in and meet all conditions of 6 NYCRR Part 598.10 NYSDEC Chemical Bulk Storage Regulations.
- 18.13.4.2 A copy of site assessment for permanent closure must be maintained as part of the Spill Prevention Report and kept on file for the lifetime of the facility.
- 18.13.4.3 A copy of the site assessment shall be submitted within thirty (30) days of completion to the Department of Health, Division of Environmental Health, 50 Sanatorium Road, Pomona, New York, 10970.

18.14.0 - Spill Prevention Report

- 18.14.1 Within thirty (30) days of the effective date of this regulation, the owner/operator of any registered facility must prepare, maintain and submit to this Department, a Spill Prevention Report (SPR) as described in Section 18.14.1 of this Article.
 - 18.14.1.1 New facilities must submit a complete SPR with any registration package.
 - 18.14.1.2 Substantially modified facilities must amend and resubmit changes to the existing SPR within thirty (30) days of the change being made.
- 18.14.2 Minimum requirements for inclusion in the spill prevention report:
 - 18.14.2.1 Copy of registration application and certificate issued by the Department. Management approval of the report including a dated signature by a principal executive officer or authorized representative.
 - 18.14.2.2 An up-to-date facility site map of sufficient detail to locate and identify tanks, transfer stations and connecting pipes.

- 18.14.2.3 A listing and summary description, for the previous five years, of releases.
- 18.14.2.4 Identification and assessment of causes of spills, leaks and releases at the facility.
- 18.14.2.5 An appendage for required inspection reports.
- 18.14.2.6 An appendage for required records of changes in hazardous substance storage by tank.
- 18.14.2.7 Spill response plan including: a prediction of the direction of flow or dispersion of a spill; a map showing areas impacted by a spill including sewers, drainage ditches, water supplies, wells, streams and populated areas; a list of equipment and materials to contain a spill; name and phone numbers for emergency personnel; spill reporting procedures; plans for annual drills and other information consistent with generally accepted spill prevention control and countermeasure practices.

18.15.0 - Spill Response, Investigation and Corrective Action

18.15.1 Emergency Response

Upon discovery of a spill the owner or operator must take immediate action to protect human health, safety and the environment. Corrective action must be undertaken to clean up and remove the spilled material and restore the site. If the owner or operator cannot stop the spill or further spills cannot be prevented while repairs are being made, the tank must be emptied and the contents relocated to a secure storage tank.

18.15.2 Spill Investigation and Confirmation

All actual, probable or suspected spills requiring reporting must be immediately investigated to determine the quantity of spill, extent of contamination and threat to public health, safety and the environment. Immediate and long-term steps needed for corrective action and emergency response must be assessed. The owner or operator must investigate the spill using procedures described in 6 NYCRR Part 596.6(b).

- 18.15.2.1 Results of the spill investigation must be submitted to the Department within fourteen (14) days unless an alternative schedule has been established by the Department.

18.15.3 Corrective Action

Upon completion of an investigation of an actual, probable or suspected spill, the owner or operator must initiate corrective action and take other spill response actions required by the Department. These measures are described in 6 NYCRR Part 596.6(c)

- 18.15.3.1 The owner/operator must submit to the Department progress on implementing the response and corrective action plan in accordance with a schedule for reporting established by the Department.

18.16.0 - Upgrading Bulk Storage Systems

18.16.1 Underground Tanks and Pipes.

As of the effective date of these regulations, all existing underground tanks and on-ground piping must meet the standards set forth in 6 NYCRR Part 598.5 (a).

18.16.2 Aboveground Tanks and Pipes.

As of the effective date of these regulations, all above ground tanks and piping systems must be upgraded to comply with standards set forth in 6 NYCRR Part 598.5 (b).

18.16.3 Secondary Containment Systems for Aboveground Tanks.

As of the effective date of these regulations, all above ground tanks which are used to store a hazardous substance must be equipped with a secondary containment system in accordance with 6 NYCRR Part 598.5 (c).

18.16.4 Secondary Containment for Transfer Stations.

As of the effective date of these regulations, all transfers of hazardous substances must occur at a transfer station equipped with spill containment in accordance with 6 NYCRR Part 598.5 (d).

18.16.5 Spill Prevention at Pumps and Valves.

As of the effective date of these regulations, the owner or operator must prevent spills and leaks at all pumps and valves that control a liquid hazardous substance in accordance with 6 NYCRR Part 598.5 (e).

18.16.6 Upgrading Existing Storage of Solids.

As of the effective date of these regulations, hazardous substances that are water-soluble solids at ambient temperatures must be stored in accordance with 6 NYCRR Part 598.5 (f).

18.16.7 Upgrading Non-Stationary Tank Storage Areas.

As of the effective date of these regulations, all non-stationary tank storage areas must meet the requirements as set forth in 6 NYCRR Part 598.5 (g).

18.17.0 - Tank Testing and Inspection

18.17.1 Underground Tank Storage Systems

Beginning with the effective date of these regulations, the owner/operator must meet all testing and inspection requirements set forth in 6 NYCRR Part 598.6.

18.17.2 Aboveground Tank Storage Systems

Beginning with the effective date of these regulations, the owner or operator must meet all testing and inspection requirements set forth in 6 NYCRR Part 598.7.

18.17.3 Record-keeping

18.17.3.1 All reports must include: facility registration number, identification number for tank, piping or equipment tested; date of test or inspection; results of test and/or inspection; test and/or inspection method used; certification by the engineer that the test and/or inspection has been completed in accordance with the requirements of this Article; statement of engineer's qualifications; name of engineer, business address of engineer, dated signature of engineer

18.17.3.2 Reports for each monthly, annual or five-year test or inspection required by this Article must be kept with the spill prevention report.

18.17.3.3 Reports must be maintained on-site and made available to the Department upon request.

18.18.0 - Standards for New or Modified Hazardous Substance Storage Facilities

18.18.1 Underground Storage Tanks

Beginning with the effective date of these regulations, owners/operators of new underground storage tanks must meet all requirements set forth in 6 NYCRR 599.2 (a) and (b) of the NYSDEC Chemical Bulk Storage Regulations.

18.18.2 Aboveground Storage Tanks

Beginning with the effective date of these regulations, owners/operators of new aboveground storage tanks must meet all requirements set forth in 6 NYCRR 599.7 (a) and (b) of the NYSDEC Chemical Bulk Storage Regulations.

18.19.0 - References

Citations used in this Article refer to the publications listed below. These publications are available for copying and inspection at the offices of the Rockland County Department of Health, Building D, 50 Sanatorium Road, Pomona, New York, 10970.

- 6 NYCRR Part 500: Floodplain Management Regulations
- 6 NYCRR Part 595: Releases of Hazardous Substances
- 6 NYCRR Part 596: Hazardous Substances Bulk Storage Regulations
- 6 NYCRR Part 597: List of Hazardous Substances
- 6 NYCRR Part 598: Handling and Storage of Hazardous Substances
- 6 NYCRR Part 599: Standards for New or Substantially Modified Hazardous Substance Storage Facilities

18.20.0 - Effective Date

The effective date of this regulation is April 17, 2002, to be enacted on September 1, 2002.