



PBS Regulations – Subpart 2

January 11, 2016

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Agenda

1. Introduction/Ground Rules
2. Applicability Summary
3. Subpart 2 Applicability
4. Tank System Categories
5. Equipment Requirements
6. Operational Requirements
7. Leak Detection
8. Operator Training
9. OOS Tanks/Closure
10. Wrap-Up



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Ground Rules for Webinar

- We will mute all lines
- Please type all questions into chat box (directed to host)
- Questions will be addressed at specific points during the presentation



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Regulations have been ADOPTED!

Effective Date
October 11, 2015



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PBS Regulations

Part 613 Structure



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Part 613 Structure

- Subpart 1: General Provisions
- Subpart 2: UST Systems Subject to Both Subtitle I and Title 10 (USEPA & NYSDEC regulated)
- Subpart 3: UST Systems Subject Only to Title 10 (NYSDEC regulated)



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Part 613 Structure

- Subpart 4: AST Systems
- Subpart 5: Delivery Prohibition
- Subpart 6: Release Response and Corrective Action



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Structure of Subparts 2 - 4

Requirements for	Subpart 2	Subpart 3	Subpart 4
Equipment	.1	.1	.1
General Operations	.2	.2	.2
Leak Detection/Inspection	.3	.3	.3
Reporting, Investigation, and Confirmation	.4	.4	.4
Operator Training	.5		
Out-of-Service Tanks and Tank Closure	.6	.5	.5



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Subpart 1

General Provisions



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Applicability

Petroleum means:

- Crude oil and any fraction thereof
- Synthetic forms of certain oils, complex blends of hydrocarbons, and petroleum mixtures are included
- Animal & vegetable oils and substances that are normally gases are excluded



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Applicability

Petroleum mixture:

- 1% or more petroleum with no hazardous substance
- OR
- At least 70% petroleum with less than 30% hazardous substance



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Applicability

Tank system means:

- Stationary device designed to store petroleum that is constructed of non-earthen materials that provide structural support, including all associated piping and ancillary equipment



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Applicability

Tank system does not include:

- Dispenser system
- Septic tank system
- Surface impoundment, pit, pond, or lagoon
- Spill/overflow containment tanks expeditiously emptied after use
- Stormwater or wastewater collection system
- Flow-through process tank system
- Liquid trap/gathering lines related to oil/gas production



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Applicability

- *Stationary device* means a device that is not mobile
- Examples of stationary devices include tank systems that are fixed or permanently in place on foundations, racks, cradles, or stilts



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Applicability

Facility means:

a single property, or contiguous or adjacent properties used for a common purpose which are owned or operated by the same person or persons, on or in which are located:

(1) one or more tank systems having a combined storage capacity of more than 1,100 gallons (including a major facility)

OR

(2) an underground tank system having a storage capacity that is greater than 110 gallons



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Applicability

Facility means:

- The property on which the tanks are located, not the tanks themselves
- Even if there is more than one tank owner at a property, all tanks may be considered one facility
- If unrelated businesses on the same property, then each business may be considered a separate facility



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Applicability

Facility includes:

- One or more tank systems with combined storage capacity >1,100 gallons
- Certain USTs >110 gallons



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Applicability

Facility does not include:

- *Operational tank systems*
- *Temporary tank systems*
- *Wastewater treatment tank system*
- Heating oil tank systems $\leq 1,100$ gallons used for on-premises consumption*
- Tank systems $\leq 1,100$ gallons storing motor fuel for non-commercial purposes at a *farm* or *residence**

*unless on a property that is otherwise a facility



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Applicability

- *UST system* means:
 - tank system that has 10% or more of its volume beneath the surface of the ground, or
 - is covered by materials



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Applicability

- Subpart 2 covers all UST systems that are part of a facility not covered by Subpart 3
- Subpart 3 covers UST systems that are part of a facility where the UST system:
 - Contains heating oil for on-premises consumption
 - Has a design capacity of 1,100 gallons or less storing motor fuel at a farm or residence
 - Is part of emergency generator at nuclear power plant
 - Consists of a field-constructed tank



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Subpart 2 Applicability

- Subpart 2 covers all UST systems that are part of a facility not covered by Subpart 3
- Examples:
 - Motor fuels (gasoline; gasoline/ethanol; diesel; biodiesel; jet fuel; jet fuel (biofuel); aviation gasoline)
 - Used oil (not used as a substitute for heating oil)
 - Kerosene (retail)



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Tank System Categories

- Category 1 = tank installed before December 27, 1986
- Category 2 = tank installed from December 27, 1986 through October 11, 2015
- Category 3 = tank installed after October 11, 2015



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Questions?



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Subpart 2

UST Systems Subject to Both Subtitle I and Title 10



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Equipment Requirements – Tanks

Category 2 UST systems – multiple secondary containment options



Category 3 UST systems – double-walled tank and piping only acceptable method of secondary containment (must do interstitial monitoring)



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Equipment Requirements – Piping

Piping replacement requirement:

- *Entire* piping run must be replaced when 50% or more of piping run is replaced
- Unless piping has been constructed in accordance with section 613-2.1(b)(2)



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Equipment Requirements – Spill / Overfill

Spill / overfill prevention not required for USTs receiving ≤25 gallons at a time



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Equipment Requirements – Installation

- Accurate site diagram for Category 2 and 3 UST systems
- Signed installer statement for each UST component* installed after 10/11/2015
- Manufacturer's installation checklist for each UST component* installed after 10/11/2015

*UST component = tank & pipe



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Equipment Requirements – Dispensers

Under-dispenser containment (UDC) required for new dispenser systems



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Equipment Requirements – Valves

- Shear valve for pressurized piping (motor fuel UST)
- Solenoid valve for UST that causes gravity head on motor fuel dispenser
- Operating valve for each connection on gravity-drained UST
- Check valve to prevent backflow from pump-filled UST



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Operating Requirements – Spill / Overfill

- One of the transfer procedures described in NFPA 385 or API RP 1007 must be used (available on respective websites)
- Unless those procedures are technically infeasible (must still have/employ procedure to prevent spills & overfills)



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Operating Requirements – Fill Ports

- Fill port must be color coded (API 1637)
- Label – tank ID number; design & working capacities; type of petroleum able to be stored
- **614-compliant label DOES NOT need to be replaced**
- New labels must conform to new Part 613 requirements



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Operating Requirements – CP

- Must provide continuous protection to metal components
- Must be inspected by qualified CP tester
- Cathodic protection monitoring records must be maintained for 3 years
 - Change from former requirement (1 year)
 - For consistency with other recordkeeping requirements



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Questions?



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Leak Detection – General

- All UST systems must be monitored for leaks weekly
- Portion of system that routinely contains petroleum
- Tightness testing is not an option
- Double-walled USTs = interstitial monitoring
- Last 30 days of LD records must always be accessible
- Monthly operability check required



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Leak Detection – Tank Options

- Interstitial Monitoring
- Automatic Tank Gauging (ATG)
- Manual Tank Gauging (MTG)
- Statistical Inventory Reconciliation (SIR)
- Groundwater Monitoring
- Vapor Monitoring



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Leak Detection – Piping Options

- Pressurized
 - ALLD* plus: *annual functionality testing
 - Weekly monitoring
 - Annual line test OR
- Suction
 - Weekly monitoring
 - 3-year line test OR



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Leak Detection – Inventory Monitoring

- Inventory monitoring (10-day reconciliation) is required only for UST systems storing motor fuel or kerosene which is sold as part of a commercial transaction
- Be aware of **NYS Fire Code Section 3404.2.11.5.1 (inventory control)** – “daily inventory records shall be maintained for underground storage tank systems”



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Reporting

- Suspected leaks must be reported within 2 hours after discovery for any of the following:
 - Discovery of petroleum outside UST system
 - Unusual operating conditions
 - LD results, apart from inventory monitoring or SIR
- If inventory or SIR indicate potential leak, you must investigate & report within 48 hours (unless results can be explained)



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Questions?



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Operator Training

- Federal operator training requirements are incorporated
 - DER-40 (operator training policy) available: www.dec.ny.gov/docs/remediation_hudson_pdf/der40.pdf
 - DEC has developed training material and test
- Test is administered online and in-person (see <http://www.dec.ny.gov/chemical/102202.html> for details)
- Operators have until October 11, 2016 to complete



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Operator Training

Retraining / Retesting

- Not required unless facility has significant non-compliance

Reciprocity

- Any state with EPA-acceptable Operator Training program (initial authorization only)

Exemptions

- NONE



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“Who is my Class A/B/C Operator?”

- Class A
 - Manages resources & personnel to achieve/maintain compliance
- Class B
 - More technically oriented toward operation & maintenance of USTs
- Class C
 - Responds to emergencies



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Questions?



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Out-of-Service USTs

Tanks are either *in-service* or *out-of-service*

- Must maintain CP & LD for OOS UST systems
- No LD if system is empty (<1 inch of residue)
- Systems OOS between 3-12 months have add'l requirements
- Systems OOS >12 months must be closed
- Need OOS date on registration form



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UST Closure

When UST system is out-of-service for more than 12 months, UST system must be closed:

- Regardless of whether Category 1, 2 or 3
- To be consistent with Fire Code

Closure report due no more than 90 days after permanent closure



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Questions?



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Wrap-Up

Additional webinars:

- February 1 – focus on Subpart 3 requirements
- February 22 – focus on Subpart 4 requirements



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Questions?

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