

# DER-11 / Procedures for Licensing Onshore Major Oil Storage Facilities

New York State Department of Environmental Conservation

## DEC Program Policy

**Issuing Authority:** Carl Johnson

**Title:** Deputy Commissioner, Office of Air and  
Waste Management

**Date Issued:** February 10, 2004

**Latest Date Revised:** January 4, 2007

### I. Summary

The purpose of this program policy is to outline the procedures for licensing new and existing onshore major oil storage facilities (MOSFs).

### II. Program Policy

Refer to Appendix A.

### III. Purpose and Background

Under Article 12 of the New York State Navigation Law, the New York State Department of Environmental Conservation (Department) is responsible for licensing facilities with a total combined storage capacity of 400,000 gallons or more of petroleum and for licensing vessels involved in the transfer of petroleum on the waters of the State. Licenses are issued on April 1 for periods of one to five years. The owner/operator must meet the requirements of 6 NYCRR Parts 610, 611, 613 and 614 and 17 NYCRR Part 30.

### IV. Responsibility

Overall responsibility for the MOSF program is assigned to the Spill Prevention and Bulk Storage Section (SPBSS) within the Bureau of Technical Support of the Division of Environmental Remediation (DER). This responsibility includes program oversight, training, evaluating new technologies, interpreting the regulations, and providing technical support in connection with appeals. The SPBSS provides guidance and coordination to ensure uniformity and consistency from Region to Region throughout the state.

The SPBSS is responsible for mailing renewal application forms, tracking licenses issued by the Regional Offices, and developing and maintaining an accurate statewide MOSF program database.

The Division of Management and Budget, Oil Spill Revenue Unit is responsible for receiving monthly reports of throughput and revenues derived from licensing fees and surcharges imposed by Article 12 of the Navigation Law.

Under the Commissioner's Delegation of Authority Memorandum 05-09, dated June 5, 2005, authority

to execute and issue licenses for major petroleum facilities pursuant to Section 174 of the Navigation Law is given to several program managers in the Central and Regional Offices.

Specific responsibilities assigned to the Regions include:

- inspecting facilities;
- reviewing facility plans, including spill prevention and containment plans, and engineering plans for upgrading or major modification;
- reviewing licensing applications and issuing licenses; and
- approving cleanup plans.

## **V. Procedure**

Refer to Appendix B.

## **VI. Related References**

- Article 12 of the Navigation Law
- 6 NYCRR Parts 610, 611, 612, 613 and 614 (The Department's Regulations)
- 17 NYCRR Part 30 and 32 (DOT Regulations)
- 40 CFR 112 Spill Prevention, Control and Countermeasures Plans (Federal Regulations)
- 40 CFR 280 Underground Storage Tanks (Federal Regulations)
- 33 CFR 151, 154, 155, 156 (U.S. Coast Guard Operations Manual)
- "Sampling Guidelines and Protocols," Technological Background and Quality Control/Quality Assurance for NYS DEC Spill Response Program, March 1991
- "Analytical Services Protocol," The New York State Department of Environmental Conservation, July 2005
- "Spill Prevention Operations Technology Series (SPOTS) Memo #10, Secondary Containment Systems for Aboveground Storage Tanks," NYSDEC, September 28, 1994

## APPENDIX A

### 1.0 PROGRAM POLICY

#### 1.1 Licensing Procedures

The procedures for licensing onshore major oil storage facilities are provided as Attachment 1 of Appendix B. Application forms are mailed by the Spill Prevention and Bulk Storage Section (SPBSS). A sample license renewal cover letter is provided as Attachment 2 of Appendix B. The facility submits the application form and necessary documentation to the appropriate Regional Office for review.

The Regional Offices should either issue or deny all license applications by March 31 of the year the license expires. If this is not possible due to overriding regional concerns, the SPBSS should be provided with a status report, schedule, and a brief explanation for the delay in the issuance of a license. Punctual issuance or denial is necessary to fulfill the Department's responsibility and prevent the operation of facilities with expired licenses.

The licensing package is found in Appendix B and includes the following:	Attachment #
License Procedures for Renewal, New and Transferred Facilities	1
License/Certification Renewal Form Letter	2
License/Certification Letter	3a
General License Conditions	3b
Special License Conditions Checklist	3c
Special License Conditions Instructions and Deadlines	3d
Guidelines on Installation of Monitoring Wells	3e
Report Format Guidance for Preparing an Environmental Compliance Report	3f

#### 1.2 License Period

Licenses may be issued for a period not to exceed 5 years. However, under certain circumstances, a shorter time period (1 or 2 years) may be more appropriate. Specifically, shorter time periods should be considered for facilities with poor or unknown compliance histories. Facilities with unacceptable compliance histories should also be considered for license denial and/or enforcement.

#### 1.3 Regional MOSF Inspections

The Department will conduct a comprehensive facility inspection at least once during the license period of all facilities. In addition, the Department may at its discretion conduct an annual comprehensive inspection or, a reconnaissance (not comprehensive) inspections of all facilities. Such inspections provide both the Department and the facility operator an opportunity to exchange views on issues and to show that continued compliance by the facility is a high priority for the Department.

## **1.4 License/Certification Letter**

The standard form of the License/Certification Letter is provided in Attachment 3(a) of Appendix B. Alterations to the License/Certification Letter should not be made, in order to maintain statewide uniformity. However, if a special condition arises and modifications are needed, the modifications must be approved by the SPBSS before being issued.

## **1.5 General License Conditions**

General License Conditions are imposed on all licensees. Alterations to the general license conditions by the Regions cannot be made, since these conditions are derived directly from statutory and regulatory requirements.

## **1.6 Special License Conditions**

Caution should be taken to check off only the special license conditions applicable to the facility for the licensing period. If a previous license condition(s) has not been complied with, the Region must make a determination whether an enforcement action or denial of the license is appropriate. In some cases there may be acceptable reasons for non-compliance (e.g., conditions arose beyond the control of the facility). In these cases, the Region should continue to check off the condition(s) with the original or a new compliance date inserted, as deemed appropriate by the Regional Office.

The Regional Offices may continue to modify or add special license conditions to address site specific issues at the facility. Modifications to any special conditions should be verified with the SPBSS to ensure consistency with the Petroleum Bulk Storage and MOSF regulations. Efforts should be made to maintain statewide uniformity to eliminate inconsistencies and minimize license appeals. In most cases, special conditions cannot be used to bring facilities into compliance with existing requirements. Facilities that are not in compliance should be brought under order/stipulation to cure the violation(s). See Section 2.0 below for additional guidance on special license conditions.

The Regional Offices may deny, suspend, or revoke a license for failure to comply with a license condition(s). The Region, in consultation with its Regional Attorney, should consider denying a license and/or commencing enforcement action against any facility for continued, gross, and flagrant violations of past license conditions.<sup>1</sup> The owner or operator may appeal a license denial or any special condition contained in the license, in accordance with the applicable regulations (17 NYCRR 30.7; 6 NYCRR 610.5).

All licenses and license denials are to be issued by certified mail return receipt requested. This will assist the Department in evaluating whether appeals are timely or not.

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<sup>1</sup> Such phrase refers to violations which: persist, despite a previous notice of non-compliance; and those which involve a failure to comply with a fundamental license requirement (e.g., a failure to provide secondary containment or a failure to notify the Department of a substantial modification to the facility).

## **1.7 Fuel Additive Tanks**

A fuel additive typically consists of one or more hazardous substances which may be blended with fuels or lubricants to alter their physical characteristics and to improve their performance. By themselves, fuel additives are not sold commercially as a fuel to produce heat or energy, nor as fuels or lubricants for engines. Thus, fuel additives will be subject to regulation under the Chemical Bulk Storage (CBS) program under the following circumstances:

1. Material Safety Data Sheet, or other analytical data for the fuel additive, indicates that the mixture includes one or more listed hazardous substances (6 NYCRR Part 597), the aggregate concentration of which is present at one percent or more; and
2. fuel additive(s) is stored in an aboveground tank with a capacity of one hundred eighty-five (185) gallons or greater, or an underground tank of any capacity.

Where those circumstances exist, the fuel additive tank(s) must be registered with the CBS program and shall not be listed on the MOSF tank inventory list. All CBS tanks must be in compliance with 6 NYCRR Parts 596 through 599.

## **2.0 GUIDANCE FOR APPLYING SPECIAL CONDITIONS**

### **2.1 Installation of Monitoring Wells**

In general, all facilities must have monitoring wells to determine the ambient groundwater quality and to detect contamination coming from any part of the facility. The number and location of monitoring wells are subject to approval by the Regional Office. This requires facility owners or operators to work with the Regional Office to develop an effective groundwater monitoring program.

The placement of monitoring wells inside the dike walls is not recommended and should be discouraged. However, under certain conditions such placement may be appropriate. For example, a facility may be sandwiched between two other facilities or it may require remediation from a prior release. Under such circumstances, the operator has no choice but to install monitoring wells within the diked area to monitor for a leak or spill. When this situation occurs, use of liquid tight caps or monitoring wells that exceed the height of the dike wall will be necessary.

If a facility has an adequate system of monitoring wells already in place, do not check off Special Conditions 1(a) or 1(b). If additional monitoring wells are needed, check Special Condition 1(b) only.

### **2.2 Sampling and Testing of Monitoring Wells**

The facility operator must test the groundwater for the presence of all grades of oil that are stored at the site, including No. 6 fuel oil. It is important to include monitoring for methyl tertiary butyl ether (MTBE) whenever petroleum is stored or has been stored since the beginning of MTBE usage in the 1970s.

When monitoring wells are installed, check off all of the following: Special Condition 2(a), initial testing of wells; Special Condition 2(b), six-month testing of wells; and Special Condition 2(d), monthly monitoring. Owners/operators of facilities that have monitoring wells must perform monthly monitoring and annual testing.

The results of the annual testing must be forwarded to the appropriate Regional Office by the private laboratory. Monthly monitoring well inspection reports should be forwarded to the Regional Office only if contamination is detected, an on-going cleanup project is underway, or when other situations require Department oversight. Normally, the monthly reports should be reviewed by the Regional Office while conducting the facility inspection. Contamination is defined as any and all analytical results which exceed existing groundwater standards or other conditions identified in the license.

Based on the results of the initial testing and the six-month testing, the Regional Office may require that testing be done more frequently. If any monitoring or test results indicate the presence of petroleum, the discharge must be called in on the Department's Spill Hotline immediately, but in no case later than two hours after discovery of the discharge.

### **2.3 Spill Prevention and Containment Plan**

A Spill Prevention and Containment Plan must be prepared for each facility in accordance with 6 NYCRR Section 610.4. Some of the documentation required by the Department includes:

- Spill Prevention Control and Countermeasures (SPCC) Plan and a Facility Response Plan written in accordance with 40 CFR 112
- U.S. Coast Guard Operations Manual written according to 33 CFR 151, 154, 155 and 156
- Site Plan [6 NYCRR §610.4(a)(4)(iii)]
- Description of previous spills [6 NYCRR §610.4(a)(4)(iv)]
- Environmental Compliance Report [6 NYCRR §610.5(a)(4)]
- Inspection reports for secondary containment [6 NYCRR 613.3(c)(6)]
- Inspection records for aboveground storage tanks [6 NYCRR 613.6]

6 NYCRR §610.4(a)(4)(ii) requires that the Spill Prevention and Containment Plan include a description of how the facility meets the additional goal of protecting groundwater by providing the following information:

- the results of permeability tests and geological studies indicating the groundwater flow direction, the depth to groundwater, and the minimum travel time for the most mobile product stored within the secondary containment area to contact the groundwater or subsoil profile;
- a site map, drawn to scale, which indicates: the location of surface water bodies; all

observation, monitoring, and recovery wells; tanks and their respective secondary containment areas; product transfer areas; and any spill cleanup equipment. The scale used for the site map should be drawn such that all of the referenced map features (tanks, transfer areas, wells, etc.) are readily visible. This must be submitted to the Department in an acceptable electronic format, if available;

- a description of procedures and methods which the owner/operator will use to inspect and test the effectiveness of secondary containment systems to show compliance with 6 NYCRR 613.3(c)(6); and
- a description of all petroleum spills, discharges and cleanup activities during the preceding license period. This must include as available, the cause, type and amount of product spilled and recovered, corrective action taken, cleanup effectiveness, long term cleanup plans, and plans for preventing the recurrence of such a spill or discharge. The foregoing description must be submitted along with other required document during the license renewal application.

Also, as required by 40 CFR 112.4(c), a complete copy of any additional information provided to the EPA Regional Administrator pursuant to Section 112.4(a) (discharge notification) must be submitted to the Regional Office.

The owner/operator of an MOSF must submit an Environmental Compliance Report at the time application for a license is made.

Appendix B, Attachment 3(f) contains the report format guidance for preparing an Environmental Compliance Report. The attached report format guidance should be provided. A complete Environmental Compliance Report must contain the following four sections.

- Section A - Compliance with Federal SPCC Planning
- Section B - Compliance with Federal Underground Storage Tank Regulations
- Section C - Compliance with Petroleum Bulk Storage Regulations (6 NYCRR Parts 613 and 614)
- Section D - Compliance with MOSF Licensing Conditions

A Professional Engineer (P.E.), licensed and registered in New York State by the New York State Education Department under Title VIII - Article 145, must certify that the Spill Prevention and Containment Plan has been prepared in accordance with good engineering practices and in conformance with 40 CFR 112. The Plan must be updated and recertified whenever any major addition, change or rehabilitation occurs, as set forth in 6 NYCRR 610.5(c)(2). If no major changes occur, the owner/operator must complete a review and evaluation of the Plan at least once every five years, but only after the Plan has been certified by a professional engineer who is licensed and registered in NYS. The owner/operator must submit all recertification or management reviews to the Regional Office.

**APPENDIX B**  
**Attachment 1**

**Procedures for Renewing MOSF Licenses**

1. Spill Prevention and Bulk Storage Section (SPBSS) Send cover letter and preprinted application forms to existing facilities by November 1, prior to the expiration of the license.

2. Applicant Submit application and a copy of license fee report to the Regional Office at least 90 days prior to the expiration of the license.

Note: Licenses are issued for periods of one to five years. Renewal applications must be submitted at least 90 days prior to the expiration of current license.

3. Regional Office Review the application for completeness. Procedures for reviewing the application for completeness are given in the Program Policy DER-12, *Application Review Policy for PBS and CBS Registration Applications*. If incomplete, return to the applicant within 15 days of the receipt of the application stating that the application is incomplete and listing the deficiencies. Upon receipt of a complete application, enter the information from the application forms into the registration database.

Perform comprehensive inspections at least once every license period, and annual reconnaissance inspections as necessary. An inspection of the facility must be completed prior to issuing a license to operate.

Review the facility's federal SPCC Plan and Facility Response Plan, and compliance with 6 NYCRR Parts 610, 611, 613 and 614; and 17 NYCRR Parts 30 and 32. If deficiencies are found, send a formal letter to the facility owner/operator addressing what must be done to get into compliance. A letter denying a MOSF license, must be sent within 90 days of receipt of an application.

Develop license special conditions and submittal requirements.

If no deficiencies are found, then the Regional Spill Supervisor may issue the license to operate with any special conditions. All licenses must be mailed Certified Mail - Return Receipt Requested. A log must be kept on the status of all facilities, including dates of when licenses or deficiency letters were sent out.

Send a licensing package (cover letter, license, and special conditions) to the facility, scan all MOSF documents into e-Docs for reference, and input license issuance date and expiration date in database.

## Procedures for a New or Transferred MOSF License

1. Spill Prevention and Bulk Storage Section (SPBSS)      Upon notification that a facility has become a major facility, an application package consisting of all regulations and an application form is sent to the owner or operator of the facility.  
  
Notify the Regional Spill Supervisor that a new facility exists.
2. Applicant      Before constructing a new facility, the owner/operator must comply with the State Environmental Quality Review Act (SEQRA). An application for a new facility license must be filed with the Department as soon as possible in advance of the date on which construction of the proposed facility will commence.
3. Regional Office      Determine if the application and Spill Prevention and Containment Plan are administratively complete. If one or both are incomplete, then return the incomplete item to the applicant within 15 days of receipt of the package stating that the application is incomplete and listing the deficiencies. If both are complete, enter the information from the application form into the registration database and assign the facility a license number. (Note: License numbers are assigned to the physical location of a facility. Therefore, facilities that change name or ownership, but not their location, will retain the same license number.)  
  
Inspect the facility prior to issuing a license and as necessary after the initial inspection.  
  
Review the facility's federal SPCC Plan and Facility Response Plan, and compliance with 6 NYCRR Parts 610, 611, 613 and 614; and 17 NYCRR Parts 30 and 32.  
  
If deficiencies are found, send a formal letter to the facility owner or operator addressing what must be done to get into compliance. A letter of denial must be sent within 90 days of receipt of an application.  
  
If no deficiencies are found, then the Regional Spill Supervisor can issue the license to operate with any Special Conditions. All licenses must be mailed Certified Mail - Return Receipt Requested. A log must be kept on the status of all facilities, including dates of when licenses or deficiency letters were sent out.  
  
Send a licensing package (cover letter, license, and special conditions) to the facility, scan all MOSF documents into e-Docs for reference, and input license issuance date and expiration date in database.
4. (SPBSS)      Forward a copy of the license to Division of Management and Budget, Oil Spill Revenue Unit.

**APPENDIX B**  
**Attachment 2**

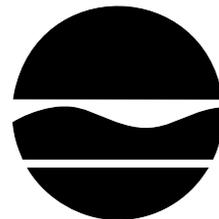
**New York State Department of Environmental Conservation**  
**Division of Environmental Remediation**

625 Broadway, Albany, New York 12233-7020

Bureau of Technical Support, 11th Floor

Phone: (518) 402-9543 • FAX: (518) 402-9547

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Alexander B. Grannis  
Commissioner

Date

Dear Major Oil Storage Facility Owner/Operator:

As the licensed owner/operator of the above noted onshore major oil storage facility, you must renew your license to operate the facility, pursuant to Section 174 of the Navigation Law. The law requires that all onshore major oil storage facilities be licensed by the Department of Environmental Conservation in order to conduct operations in New York State.

Enclosed is a renewal form with portions pre-printed and an instruction sheet. Please read the instructions carefully. Then, thoroughly review, revise, and complete all sections (A, B, and C), including the blank portions. Clearly mark corrections by crossing out incorrect information and neatly printing the correct information. Please do not use "white out."

Application for this license renewal must be received by the Department no later than December 31 of this year, which is 90 days prior to the expiration of your present license. In addition, a major petroleum facility license fee report must be submitted to the Department. Failure to submit a timely renewal application and a current facility fee report may result in a denial of the application and/or penalties pursuant to Section 192 of the Navigation Law.

Send your completed renewal application, along with any other necessary attachments to:  
Attention:

NYS Department of Environmental Conservation - Region Number  
address  
address  
address

If you have any questions, please call the Department Regional Office noted above.

Sincerely,

**APPENDIX B**  
**Attachment 3**

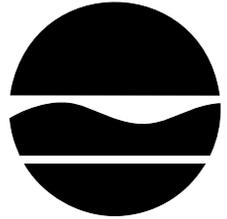
**LICENSING PACKAGE**

- A. License/Certification Letter [Attachment 3(a)]
- B. General Conditions for Onshore Major Oil Storage Facility License [Attachment 3(b)]
- C. Onshore Major Oil Storage Facility Special License Conditions Checklist [Attachment 3(c)]
- D. Onshore Major Oil Storage Facility Special License Conditions [Attachment 3(d)] (Instructions and Deadlines)
- E. Guidelines on Installation of Monitoring Wells [Attachment 3(e)]
- F. Guidance for Preparing an Environmental Compliance Report [Attachment 3(f)]

**APPENDIX B**  
**Attachment 3(a)**  
**License/Certification Letter**

**New York State Department of Environmental Conservation**  
**Division of Environmental Remediation**

625 Broadway, Albany, New York 12233-7020  
Bureau of Technical Support, 11th Floor  
Phone: (518) 402-9543 • FAX: (518) 402-9547  
Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Alexander B. Grannis  
Commissioner

Date

Dear Owner/Operator:

Enclosed herein is your Onshore Major Oil Storage Facility License # \_\_\_\_\_ which expires March 31, \_\_\_\_.

You must reapply 90 days before that date and comply with any new or modified conditions or guidelines to prevent, contain, cleanup and remove discharges of petroleum to surface and groundwater. Scheduled facility inspections will be made by the Department representatives, as well as random inspections. Information regarding license fees and surcharges will be sent by the Department's Division of Management and Budget, Oil Spill Revenue Unit.

The Department bases the issuance of this license upon an evaluation of the information contained in your application, on-site facility inspections, and

evaluation of submitted State and Federal plans to prevent, control, contain and remove discharges OR

a schedule of when such plans are to be submitted.

The Department hereby certifies that the facility operator currently:

has implemented or \_\_\_\_\_ is in the process of implementing State and Federal plans and regulations for the prevention, control, containment and removal of discharges.

has implemented or \_\_\_\_\_ is in the process of implementing the requirements of 6 NYCRR Sections 613.2 through 613.9 and 614.2 through 614.14.

Included in your license are General and Special Conditions as deemed necessary to protect the waters of the State based upon evaluation of State and Federal plans, compliance with 6 NYCRR Parts 613 and 614, environmental setting and/or facility inspections.

Future license renewals will be based on, among other factors, the history of spills and discharges at the facility, the history of compliance with the applicable provisions of 6 NYCRR Parts 613 and 614, a review of submitted plans and inspections of the facility, compliance with license conditions and additional guidelines as subsequently issued.

Please post this license conspicuously at the facility for which it is issued.

Sincerely,

**APPENDIX B**  
**Attachment 3(b)**

**GENERAL CONDITIONS AND INFORMATION REGARDING ONSHORE MAJOR OIL  
STORAGE FACILITY LICENSE**

**I. General Conditions**

1. No chemical dispersants may be employed in the clean-up of a spill or discharge without approval by the Department. If a Spill Prevention and Containment Plan or spill cleanup plan contains a list of chemical or biological agents, the use of such agents is subject to prior approval from the Department.
2. The use of sorbents shall be limited to the cleanup of small spills and the final cleanup of large spills.
3. Disposal of all recovered petroleum products and oil-soaked debris shall be in accordance with 6 NYCRR Section 611.6.
4. The owner or operator shall maintain all equipment, including spill cleanup equipment, in good repair.
5. Major additions, changes or rehabilitation in the structures or equipment of the onshore major oil storage facility which would materially affect the potential for a petroleum discharge (hereafter referred to as "project") must be approved in advance by the Department. Any amendments or changes to any plans submitted with or referred to in the license application shall be furnished promptly to the Regional Office.
6. The Department shall be notified of all leaks, spills, and discharges immediately, but in no case later than two hours after the discovery of a discharge. Notification must be made by calling the Department Spill Hotline at (800) 457-7362 or (518) 457-7362 outside New York State.
7. Any person transporting and/or disposing of recovered oil and/or oily debris must be registered by the Department as a "REGISTERED WASTE HAULER," pursuant to 6 NYCRR Part 364, and must transport the material to a disposal facility shown on the Part 364 registration.
8. Monthly reports shall be submitted, and license fees and surcharges must be paid by the licensee as required by 17 NYCRR Sections 30.8 and 30.9, "Oil Spill Prevention and Control - Licensing of Major Facilities."
9. The owner or operator of the facility shall provide access to representatives of the Department during normal business hours for the purpose of determining compliance with State and Federal regulations and all general and special conditions of this license.
10. The owner or operator shall comply with the conditions specified in any Order on Consent or variance pertaining to the facility.

## **II. Department Initiated Modifications, Suspensions or Revocations**

1. The Department may modify, suspend or revoke this license at any time; the grounds for such action may include, but are not limited to, the following:
  - (a) materially false or inaccurate statements in the license application or supporting documentation;
  - (b) failure by the licensee to comply with any terms or conditions of the license;
  - (c) exceeding the scope of the project as described in the license application;
  - (d) failure to pay monthly license fees and surcharges and/or submit monthly license reports;
  - (e) newly discovered material information or material changes in environmental conditions, relevant technology, applicable laws, or regulations, or a change in the Department's policy since the issuance of the existing license; or
  - (f) non-compliance with previously issued license conditions, Orders on Consent, orders of the Commissioner, variances, any provision of the Navigation Law or Environmental Conservation Law or the regulations adopted pursuant to such laws related to the licensed activity.
2. The Department shall send a notice of intent to modify, suspend or revoke a license to the licensee by certified mail with return receipt requested or personal service. The notice shall state the alleged facts or conduct which appear to warrant the intended action.
3. Within 15 days of the date of such notice of intent, the licensee may submit a written statement to the Department, giving reasons why the permit should not be modified, suspended or revoked, or requesting a hearing, or both. Failure by the licensee to submit a timely statement shall result in the Department's action becoming effective on the date specified in the notice of intent.
4. Within 30 days of receipt of the licensee's statement, the Department shall take the following action. If a statement without a request for a hearing is submitted, the Department shall rescind or confirm the notice of intent based on a review of the information provided by the licensee. If a statement with a request for a hearing has been submitted, the Department shall notify the licensee of a date and place for a hearing, to be commenced not later than 60 days from that notification.
5. In the event such a hearing is held, the Commissioner shall, within 30 days of receipt of the complete record, and receipt of the hearing officer's findings of fact and recommendations, issue a decision which:
  - (a) continues the license in effect as originally issued;
  - (b) modifies the license, or suspends it for a stated period of time or upon stated conditions; or
  - (c) revokes the license, including when ordered by the Commissioner, the removal or

modification of all or any portion of a project, whether completed or not.

Notice of the Commissioner's decision, stating the findings and reasons for the action, shall be mailed to the licensee.

6. Where the Department has proposed to modify a license and the licensee requests a hearing on the proposed modification, the original license conditions remain in effect until there has been a decision issued by the Commissioner as provided herein.
7. Nothing in these license conditions shall preclude or affect the Commissioner's authority to issue summary abatement orders under ECL 71-0301 or take emergency action summarily suspending a license under section 401(3) of the State Administrative Procedure Act.

### **III. Licensee Initiated Modification**

Applications for modification of a license must include a written statement of necessity or reasons for the modification, as well as a description of the requested modification. The Department shall notify the licensee of its decision, by mail, within fifteen days of receipt of a completed application. An application for modification may be denied for failure to meet any of the standards or criteria applicable under the Navigation Law and regulations adopted thereunder, Article 8 of the Environmental Conservation Law or for any of the reasons set forth in paragraphs II(1) (a)-(f) above.

The Department may determine that an application for modification shall be treated as a new application for a license if:

- the requested modification would result in a material change to existing license conditions or in the scope of permitted activities; or
- there is newly discovered material information or there has been a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing license.

Until the Department grants a request for modification, the original license conditions remain in effect.

**APPENDIX B**  
**Attachment 3(c)**  
**Onshore Major Oil Storage Facility**

**SPECIAL LICENSE CONDITIONS CHECKLIST**

**Instructions:** If an "X" appears in the column labeled "Condition," the specified condition applies to the license issued to the facility. The details of each condition and compliance dates are included in the section titled, "Onshore Major Oil Storage Facility Special License Conditions (Instructions and Deadlines)."

<u>Condition</u>	<u>Section Number</u>	<u>Date</u>	<u>Compliance</u> <u>Section Title</u>
			<b><u>Installing Monitoring Wells</u></b>
_____	1(a)	_____	Initial Installation of Monitoring Wells
_____	1(b)	_____	Additional Monitoring Wells
_____	1(c)	_____	Geological Survey of ground water flow
			<b><u>Sampling and Testing of Monitoring Wells</u></b>
_____	2(a)	_____	Initial Testing of Monitoring Wells
_____	2(b)	_____	Six Month Testing of Monitoring Wells
_____	2(c)	_____	Annual Testing of Monitoring Wells
_____	2(d)	_____	Monthly Monitoring of Wells
			<b><u>Spill Prevention and Containment Plan</u></b>
_____	3(a)	_____	P.E. Certification/Management Review of Plan
_____	3(b)	_____	Description of Secondary Containment System
_____	3(c)	_____	Testing of Secondary Containment System (Initial Construction)
_____	3(d)	_____	Engineering Plan for Upgrading Secondary Containment System
_____	3(e)	_____	Implementation of Engineering Plan
_____	3(f)	_____	Site Map
_____	3(g)	_____	Description of Previous Spills
_____	3(h)	_____	Environmental Compliance Report
_____	3(i)	_____	Facility Response Plan
_____	3(j)	_____	Inspection Certification of Secondary Containment Systems (Every Five Years)
_____	3(k)	_____	Updated SPCC Plan/Facility Response Plan
			<b><u>Closure of Facility</u></b>
_____	4(a)	_____	Site Assessment

**APPENDIX B**  
**Attachment 3(d)**  
**Onshore Major Oil Storage Facility**

**SPECIAL LICENSE CONDITIONS**  
**Instructions and Deadlines**

The Department of Environmental Conservation is required by Article 12 of the Navigation Law to protect and preserve the lands and waters of New York State from all discharges of petroleum, including any from onshore major oil storage facilities. To protect and preserve the waters of the State, owners/operators are required to show how they guard against contamination of surface and groundwater. Surface and groundwater protection at MOSFs is accomplished through the following:

1. installing groundwater monitoring wells
2. monitoring groundwater quality; and
3. developing and implementing the Spill Prevention and Containment Plan, in accordance with 6 NYCRR 610.4(a)(4).

The following sections detail how to meet each of the conditions marked on the Special Conditions Checklist. Sections 1 through 3 correspond to the three elements of protecting the waters of the State. The section numbers on the checklist correspond to the following section numbers.

**1. Installation of Monitoring Wells**

Monitoring wells are needed to determine ambient groundwater quality and to detect possible contamination that could come from any portion of the facility. The number and location of wells must be approved by the Department. Plans for existing and/or proposed wells must be submitted to the issuing Regional Office by the indicated date. Subject to Department approval, these monitoring wells must be installed by the date set by the Department.

**a. Initial Installation of Monitoring Wells**

Install at least one (1) well hydraulically up gradient of the facility and install at least three (3) wells hydraulically down gradient of the facility spaced as needed to detect any releases from the facility. Monitoring wells must be properly installed to a depth that compensates for seasonal variations.

When adjacent facilities exist, monitoring wells should be placed on the property lines to determine the source of contamination. In this case, common monitoring wells will exist between facilities so the schedules for testing should be consistent.

Submit plan by \_\_\_\_\_

Install wells by \_\_\_\_\_

**b. Additional Monitoring Wells**

Installation of additional wells may be necessary based on site-specific conditions,

information obtained from existing wells, evidence of past spills, or evidence of a potential spill source. The number and location of all additional monitoring wells must be submitted on a site plan for approval by the Regional Office prior to installation.

Number of Wells to be Installed \_\_\_\_\_

Install Wells by \_\_\_\_\_

**c. Geological Survey of groundwater flow**

A geological survey of groundwater flow direction is necessary for installation of an effective groundwater monitoring systems. A geological survey report must be submitted to the Regional Office to verify the proper placement of the groundwater monitoring wells or if additional wells are needed prior to the installation of the additional wells.

**2. Sampling and Testing of Monitoring Wells**

Owners/operators shall conduct a groundwater sampling and testing program to ensure protection of groundwater at the facility. Owners/operators must test the groundwater for the presence of the different types of petroleum that are stored at the site. The groundwater monitoring program must include testing for methyl tertiary butyl ether (MTBE) whenever petroleum is stored or has been stored since the beginning of MTBE usage in the 1970s.

All sampling and testing must be conducted by a third party laboratory which is ELAP-certified by the NYS Department of Health for the specific parameter or category of parameters. A list of certified laboratories is available at <http://www.wadsworth.org/labcert/elap/elap.html> . The laboratory must send the test results directly to both the facility and the Department Regional Office. The facility operator may monitor for free product without the aid of an outside contractor. Upon request, laboratories shall submit analytical results in an electronic format acceptable to the Department.

**TABLE 1**

**Recommended Testing Methods for Detecting Petroleum in Groundwater.  
Site-specific concerns or changes in testing methods may allow for substitution of EPA methods.**

<b><u>TO TEST FOR:</u></b>	<b><u>USE EPA METHOD:</u></b>
VOC - Volatile Organic Compounds	8260, 524.2, 624, 8021, 502.2
SVOC- Semi Volatile Organic Compounds	8270 (Base Neutral Extractable) or 625
Initial Testing of Monitoring Wells	8260 plus MTBE, 8270

<b><u>TYPE OF PETROLEUM</u></b>	<b><u>MUST TEST FOR *</u></b>
Gasoline	VOC + MTBE
Aviation Gasoline	VOC + MTBE
Kerosene	VOC + MTBE and SVOC
Diesel	VOC + MTBE and SVOC
Fuel Oils	VOC + MTBE and SVOC

\* Measurements of MTBE are not standard outputs of these EPA Methods. To obtain such a measurement, the lab must be instructed to add MTBE as a target analyte to the test method selected. Minimum detection limit for MTBE is 5 PPB.

**EPA 8021** test analyzes for a broad number of aromatic volatile compounds that are found in light grade petroleum products by purge and trap capillary column GC with a photo ionization detector. Identification of a compound is based on detector response and retention time.

**EPA 624 (EPA 8260)** test series covers a broader number of substances using a gas chromatography - mass spectrometer (GC-MS) by extraction. This is effective in testing for volatile organic compounds in gasoline and aviation gasoline.

**EPA 8270 (EPA 625)** test series covers a broader number of substances using a GC-MS by extraction. This is useful for detecting semi-volatile organics found in kerosene, fuel oil, jet and diesel fuels.

**EPA 500** test series was adopted by the New York State Department of Health to test drinking water. The 502.2 test is applicable in the determination of 33 aromatic hydrocarbons using a chromatographic/photo ionization detector. This is effective for detecting volatile organics found in light grade products, such as gasoline.

**EPA 524.2** is a capillary column GC-MS purgeable organics test for volatile organics which have a vapor pressure equal to or greater than 0.1 mm of Hg. The method which is suited for the detection of MTBE is described in EPA's reference "Methods For The Determination of Organics Compounds In Drinking Water."

For a quick reference on what compounds of petroleum products should be monitored and which analytical methods can be used in analyzing them, see Chart 7-1, Section 7.0 of "Sampling Guidelines and Protocols," NYS Department of Environmental Conservation - Division of Water, dated March 1991.

Note: GC/PID methods used to analyze for MTBE are subject to interference (co-elution problems) when samples contain significant amounts of petroleum product contamination. This may lead to false-positive MTBE results. Results can be verified by use of GC-MS methods.

## **Sampling Procedures**

Groundwater samples for analysis must be taken and handled properly to ensure that they are representative of in-situ conditions. Standard practice is to purge wells prior to sampling by bailing 3-5 volumes of water present in the well prior to taking samples. Guidance on purging and other approved techniques may be found in the Department's "Sampling Guidelines and Protocols" manual. Alternate sampling procedures, such as but not limited to low and no flow methods, may be appropriate in specific situations as approved by the Department.

If free product is found in any monitoring wells, the discharge must be reported to the Department Spill Hotline immediately, but in no case later than two hours after discovery of the discharge. The owner/operator must perform the following testing and monitoring of wells, and provide results and reports as scheduled.

### **a. Initial Testing of Monitoring Wells**

All monitoring wells must have an initial testing to determine a baseline assessment of water quality, using appropriate methods discussed above.

Test Results to be Submitted by \_\_\_\_\_

### **b. Six Month Testing of Monitoring Wells**

All monitoring wells must be retested six months after initial testing. This requires analytical testing as described in Section 2-a, above. Based on the results of the initial and six-month testing, the Department Regional Office will establish a schedule for further sampling and testing.

Test Results to be Submitted by \_\_\_\_\_

### **c. Annual Testing of Monitoring Wells**

Annual testing of monitoring wells must be done between April 15 and May 15 of each year using the analytical tests that are described in Section 2, Table 1. The Regional Office may specify a different testing period if site specific conditions indicate the need for more frequent testing.

Test Results to be Submitted Annually by \_\_\_\_\_

### **d. Monthly Monitoring of Wells**

Routine monitoring for free product is to be done at least monthly using manual methods, such as a bailer, product paste, electronic hydrocarbon probe, or other equivalent method.

Results from the visual test are to be recorded and kept on file at the facility as part of the facility's monthly inspection. If free product is found, the Department must be notified on the Department Spill Hotline immediately, but in no case later than two hours after discovery of the discharge. The Department may request that these monthly reports be submitted to the Regional Office.

\_\_\_\_\_ Submit Monitoring Well Monthly Reports to Regional Office.

\_\_\_\_\_ Keep Monitoring Well Monthly Reports on file at facility.

### **3. Spill Prevention and Containment Plan**

A Spill Prevention and Containment Plan prepared in accordance with 6 NYCRR 610.4(a)(4) must be submitted to the Department prior to the issuance of a license. The Spill Prevention and Containment Plan (the "Plan") must include the following elements:

1. Spill Prevention Control and Countermeasure Plan (SPCC Plan) and a Facility Response Plan written according to 40 CFR 112.
2. Operations Manual written according to 33 CFR 151, 154, 155 and 156.
3. Groundwater Contingency Plan written in accordance with Special License Conditions 1 and 2 and 6 NYCRR 610.4(a)(4)(ii).
4. Site Plan written in accordance with Special License Condition 3(f) and 6 NYCRR 610.4(a)(iii).
5. Description of Previous Spills written in accordance with Special License Condition 3(g) and 6 NYCRR 610.4(a)(4)(iv).
6. Environmental Compliance Report written in accordance with Special License Condition 3(h) and 6 NYCRR 610.5(a)(4).
7. Inspection reports for secondary containment pursuant to 6 NYCRR 613.3(c)(6).
8. Inspection records for aboveground storage tanks [6 NYCRR 613.6].

The following sections detail how to satisfy the elements of a Spill Prevention and Containment Plan.

#### **a. PE Certification/Management Review of Plan**

A Professional Engineer (P.E.), licensed and registered in New York State by the New York State Education Department, must review and certify that the Spill Prevention and Containment Plan has been prepared in accordance with good engineering practices and other requirements as defined in 40 CFR 112.3(d). The Plan must be updated and recertified whenever any major additions, changes or rehabilitation occurs, as defined in 6 NYCRR 610.5(c)(2). If no major changes occur, then the owner/operator must

complete a review and evaluation of the Plan at least every five years. The owner/operator must submit all recertification or management reviews to the Regional Office. If the SPCC Plan has not been signed by a P.E, licensed and registered in New York State, then re-certification must include a review and re-certification by a New York licensed and registered P.E.

PE Certification/Management Review to be Submitted by \_\_\_\_\_

**b. Description of Secondary Containment System**

Owners or operators shall submit a description of the existing secondary containment system in detail and explain how this system prevents a spill of petroleum from reaching the lands or waters outside the containment area before cleanup occurs.

Secondary Containment Description to be Submitted by \_\_\_\_\_

**c. Testing of Secondary Containment System (Initial Construction)**

The secondary containment system shall be tested according to the guidance provided in the Department's technical guidance memo, SPOTS #10, "Secondary Containment Systems for Aboveground Storage Tanks." The Plan must contain a description of the procedures and methods used to inspect and test the effectiveness of the system.

When soil permeability is being evaluated, the test methods, procedure, results, test limitations and advantages as outlined in API Publication Standard 351, "Overview of Soil Permeability Test Methods," April, 1999, are considered to be good engineering practice and must be used by the design engineer when seeking approval from the Regional Office.

Test Results to be Submitted by \_\_\_\_\_

**d. Engineering Plan for Upgrading Secondary Containment System**

If the secondary containment system does not meet the standards set forth in 6 NYCRR 613.3(c)(6), then an engineering plan certified by a Professional Engineer, licensed and registered with the New York State Education Department, must be submitted to the Regional Office describing how existing systems will be improved. This plan must include the composition and permeability of the existing soil; the methodology that will be used to upgrade the secondary containment system, such as a synthetic liner; the specifications of the material to be used; procedures on installation; and the proposed permeability of the resulting containment system.

This plan must be submitted to and approved by the Regional Office before construction is started.

Engineering Plan to be Submitted by \_\_\_\_\_

**e. Implementation of Engineering Plan**

After the engineering plan to improve the secondary containment system has been reviewed and approved by the Department, the owner or operator may begin implementation of the proposed secondary containment system.

Construction to be Completed by \_\_\_\_\_

**f. Site Map**

The Plan must contain a site map showing the location of all surface water, observation, monitoring, and recovery wells, location of tanks and their respective secondary containment areas, product transfer areas, and spill cleanup equipment storage. The scale used for the site map must be drawn such that all of the referenced map features (tanks, transfer areas, wells, etc.) are readily visible. This must be submitted to the Department in an acceptable electronic format, if available.

Site Map to be Submitted by \_\_\_\_\_

**g. Description of Previous Spills**

The Plan must contain a description of all spills, discharges and cleanup activities during the preceding 12-month period. This description must include the cause, type and amount of product spilled and recovered, corrective action taken, cleanup effectiveness, long-term cleanup plans and plans for preventing the recurrence of a spill or discharge. This description must be submitted within one year after discovery of the spill or discharge, or at the time the application for a transferred or renewal license is submitted to the Department, whichever is sooner.

Description of Previous Spills to be Submitted by \_\_\_\_\_

**h. Environmental Compliance Report**

The Plan must contain an assessment of compliance with 6 NYCRR Parts 610, 611, 612, 613, 614; 17 NYCRR Parts 30 and 32; 40 CFR 112; 40 CFR 280; and special conditions required under this license. This must include a status report and schedule for compliance. The Environmental Compliance Report Guidance is attached.

Environmental Compliance Report to be Submitted by \_\_\_\_\_

**i. Facility Response Plan**

Facility Response Plans are required under 40 CFR 112.20 and the Oil Pollution Act (OPA) of 1990 for any on-shore facility that could reasonably be expected to discharge oil to navigable waters, adjoining shoreline or to the exclusive economic zone. These must contain plans for responding, to the maximum extent practical, to a worse-case discharge.

Any facility which must have a Facility Response Plan pursuant to the OPA must file a copy of that plan and any subsequent amendments with the Department. Such plan must be filed concurrent with the filing with the USEPA.

Facility Response Plan to be Submitted by \_\_\_\_\_

**j. Inspection Certification of Secondary Containment Systems**

Secondary containment systems must be inspected monthly for compliance with standards set forth in 6 NYCRR 613.3(c)(6). Inspection reports must be maintained which identify any deficiency found during the inspection and any subsequent repairs rendered. See 6 NYCRR 613.6(a) and (c).

The Department will accept documented monthly inspections that are “visually performed,” provided they are performed in conjunction with in-depth integrity inspections performed at least once every five years. Such in-depth inspections are to be conducted and certified by a Professional Engineer, licensed and registered in New York State by New York State Education Department. The Regional Office must be notified prior to any modifications and repairs to the secondary containment systems. The Regional Office will decide if additional information or plans are required. When soil permeability is being evaluated, the test methods, procedure, results, test limitations and advantages as outlined in API Publication Standard 351, “Overview of Soil Permeability Test Methods,” April, 1999, must be considered by the design engineer prior to approval by the Regional Office.

Test Results to be Submitted by \_\_\_\_\_

In-depth integrity inspection and reports to be submitted by \_\_\_\_\_ and every five years thereafter.

**k. Updated SPCC Plan/Facility Response Plan**

Any amendments to the SPCC Plan required by revisions to 40 CFR 112 or any other update or change whatsoever must be filed with the Department. Updated SPCC Plan must be submitted **within 60 days of the effective date of the amendments.**

**4. Closure of Facility**

**a. Site Assessment**

Prior to permanently closing a facility, the facility owner must perform a site assessment to determine if environmental contamination exists at the facility. The site assessment must include both soil and groundwater samples. Sample locations must include, at a minimum, the areas adjacent to the tanks, manifolds, loading racks and transfer areas.

Prior to conducting the site assessment, a proposal must be submitted to the Department which details the assessment. The proposal must include, at a minimum, a site sketch

indicating the sample locations, a description of the technology to be used to collect the samples and the sampling methodology to be used to analyze the samples.

If contamination is encountered at any time during the site assessment, the Department shall be notified immediately, but in no case later than two hours after discovery of the discharge.

A site assessment proposal shall be submitted 60 days prior to permanent closure. The site assessment shall commence in accordance with an agreed upon time frame after the Department's acceptance of the site assessment proposal. A site assessment report detailing the findings of the assessment shall be submitted to the Department no later than 60 days after completion of the site assessment.

**APPENDIX B**  
**Attachment 3(e)**

**GUIDELINES ON INSTALLATION OF MONITORING WELLS**

The following is the Department's guidance on the installation of monitoring wells at onshore major oil storage facilities. All installation of monitoring wells must follow guidelines from 6NYCRR 360-2.11(a)(8). In addition, all monitoring well installations must comply with the following guidelines:

1. All wells must be four (4) inches in diameter or larger.
2. A log must be kept for each boring that is made. Soil samples must be taken when the composition of the soil layer changes or at five (5) foot intervals, whichever comes first. The log must include a general description of the composition of the soil and the depth that groundwater was first encountered.
3. Monitoring wells must be installed plumb and straight.
4. The well must be sufficiently developed to ensure that it is free flowing and accurately represents the conditions of the groundwater table.

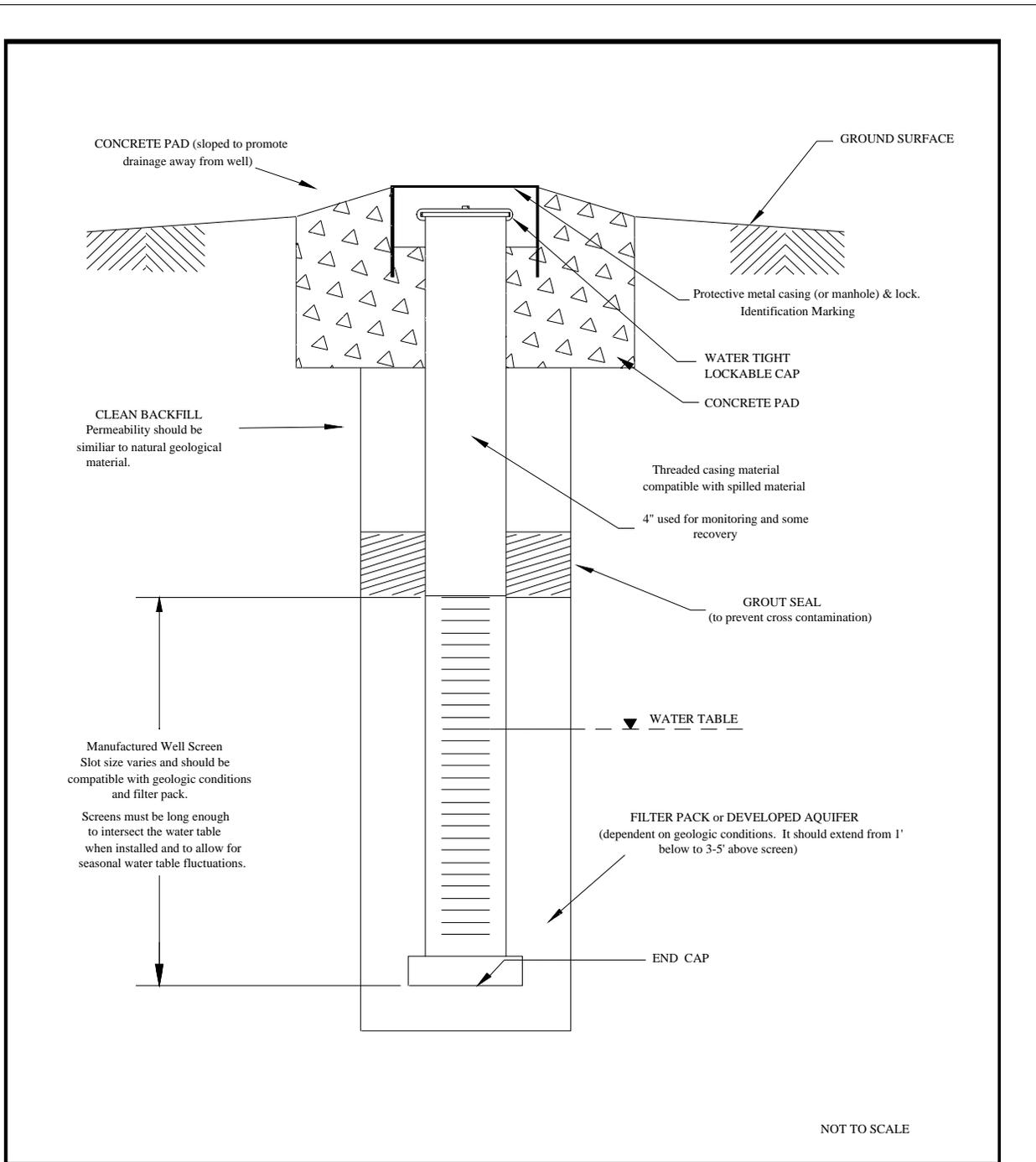
All monitoring wells must conform to the well specifications given in this section. The number and location of monitoring wells will be approved by the Regional Office based on topography and geological studies of the facility. A drawing of an acceptable monitoring well is given on the next page.

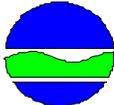
All monitoring wells shall be installed outside a secondary containment area, except where the Department has approved an alternate installation plan. Monitoring wells that are installed inside the secondary containment area must have water tight well caps and be installed so the top of the well is above the height of the dike wall. In addition, the well casing must be properly sealed to prevent infiltration of petroleum in the event of a spill.

**APPENDIX B**  
**Attachment 3(e) – Continued**  
**Monitoring Well Design**

**APPENDIX B**  
**Attachment 3 (e)**

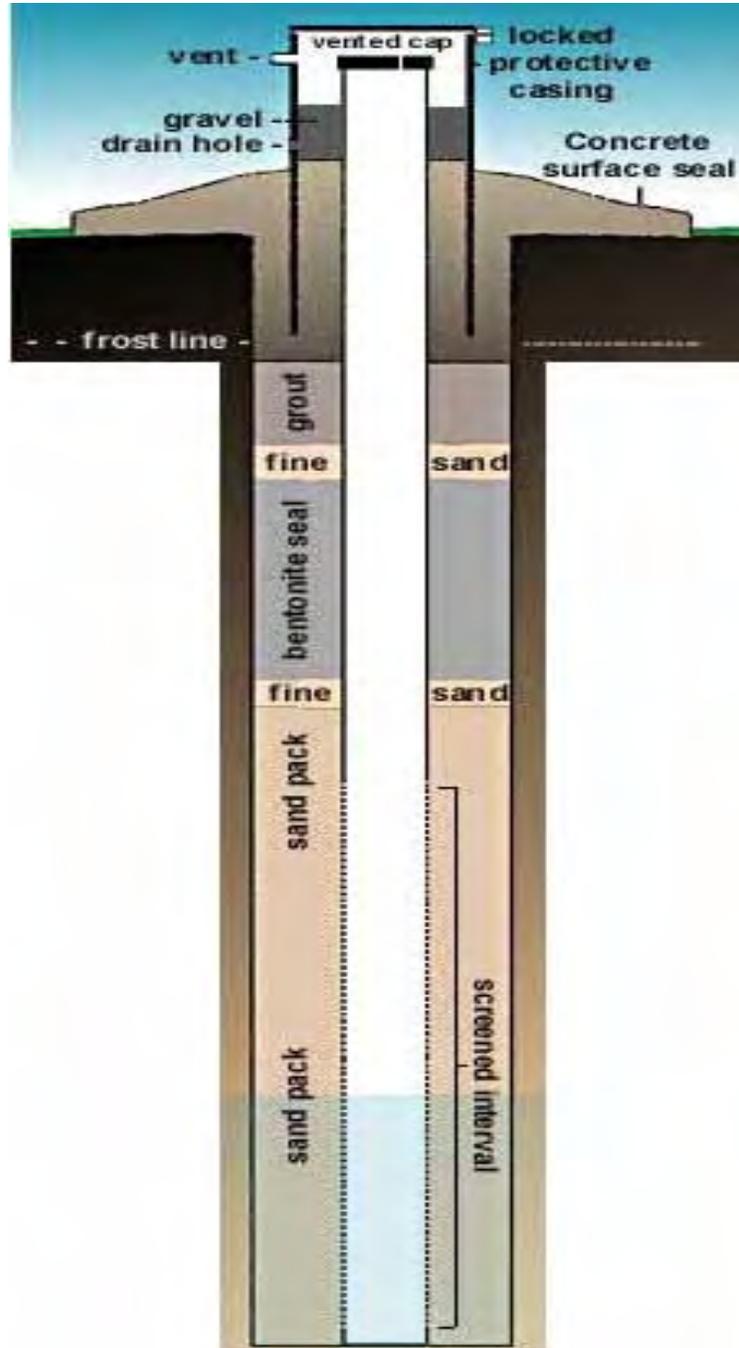
**Figure 1**



<p>Site Remediation Section</p>  <p>NYSDEC</p>	<p>DESIGN BY: _____</p> <p>DRAWN BY: _____</p> <p>APPROVED BY: _____</p> <p>DATE: _____</p>	<p align="center"><b>TYPICAL MONITORING WELL CONSTRUCTION</b></p>
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APPENDIX B  
Attachment 3(e)

Figure 2  
A “Stick-Up” Groundwater Monitoring Well



**APPENDIX B**  
**Attachment 3 (f)**

**Report Format Guidance for Preparing an  
Environmental Compliance Report**

**New York State  
Department of Environmental Conservation  
Onshore Major Oil Storage Facility**

**INTRODUCTION:**

The following Environmental Compliance Report checklist is intended to assist MOSF facility owners/operators in complying with the requirement to prepare an environmental compliance report. The checklist addresses the major requirements of the following regulations:

40 CFR	Part 112	SPCC Plan/Facility Response Plan (effective August 16, 2002)
	Part 280	USEPA Underground Storage Tank
6 NYCRR	Part 610	Certification of On-Shore Major Facilities
	Part 611	Petroleum Cleanup and Removal
	Part 613	Handling and Storage of Petroleum
	Part 614	Standards for New and Substantially Modified Facilities
17 NYCRR	Part 30	Licensing of Major Facilities
	Part 30.6	General/Special License Conditions
	Part 32	Actions to be taken in case of a Discharge

Additional Federal, State and local regulations not specified in this report also may be applicable to the facility.

Section A addresses Federal requirement for SPCC planning under 40 CFR Part 112. Section B covers Federal requirements for underground storage tank regulations (40 CFR Part 280). Section C addresses major State requirements under the Petroleum Bulk Storage Regulations (6 NYCRR Parts 613 and 614). Section D deals with MOSF licensing conditions under Article 12 of the Navigation Law.

## Environmental Compliance Report

MOSF License Number \_\_\_\_\_ Facility is Active \_\_\_\_\_ Inactive \_\_\_\_\_  
Date Inactive \_\_\_\_\_

Facility Name

Address \_\_\_\_\_ City/Town \_\_\_\_\_ Zip \_\_\_\_\_

Operator \_\_\_\_\_ Phone ( \_\_\_\_\_ )

Person Responsible for this report \_\_\_\_\_ Phone ( \_\_\_\_\_ )

Preparer's Printed Name \_\_\_\_\_ Signature \_\_\_\_\_

Date Prepared \_\_\_\_\_

**SECTION A  
SPCC PLAN IMPLEMENTATION CHECKLIST**

**Environmental Compliance Report**

<b>This section of the report addresses compliance with certain requirements of Federal Regulations 40 CFR 112.</b>			
For the facilities that are inactive, proceed to Section D, Line 7B			
<b>I. STATUS OF SPCC PLAN (40 CFR 112.3)</b>		Yes	No
A. Is the Plan up-to-date with contact persons?			
B. Has the Plan been reviewed within the past five years? Date of last review:			
C. Has the Plan been reviewed and certified by a Professional Engineer, licensed and registered by the New York State Education Department?			
D. Has the Plan been approved and signed by management?			
<b>II. SPILL HISTORY OF THE FACILITY (40 CFR 112.4)</b>			
Has there been a reportable discharge(s) at the facility within the preceding 12-month period? If yes, enter the information below. (Add additional sheets, as necessary.)			
Department Spill Number	Date	Material and Amount Spilled	Cause
<b>III. Modification to the Facility (40 CFR 112.5)</b>		Yes	No
A. Has there been a major change in the design, construction, operation or maintenance of the facility during the past five years?			
If yes, were the changes certified by a Professional Engineer, licensed and registered by the New York State Education Department?			
Date of major changes: _____			

B. Does the SPCC Plan or the Facility Response Plan contain:	Yes	No
(1) a written commitment by management to provide the necessary resources to implement the Plan?		
(2) a written description of all spills and actions taken to prevent recurrence?		
(3) an assessment of potential spills showing possible location, volume and direction of flow?		
(4) a description of the type of secondary containment needed to contain each spill?		
If secondary containment is not provided, explain on a separate sheet how spills are prevented from reaching waters.		
<b>IV. Drainage (40 CFR 112.7)</b>		
A. Does the Plan discuss the following issues:		
(1) how drainage from the diked area is contained and released?		
(2) the use of drainage valves and how the valves are opened?		
(3) undiked system that is used to return a spill to the plant. If so, does the plan discuss how this is accomplished?		
(4) any diversion system that is used to return a spill to the plant. If yes, does the plan discuss how this is accomplished?		
B. Does the facility have a SPDES Permit to release wastewater from the diked area? (A SPDES Permit is required to discharge wastewater.)		
C. Are wastewater discharges from treatment plants monitored to detect system upset?		
D. Are there written procedures for draining storm water from the diked area?		
(1) Are bypass valves normally sealed closed?		
(2) When the bypass valve is open, is a supervisor present?		
(3) Are records maintained for each drainage release?		

<b>V. Bulk Storage Tanks (40 CFR 112.7)</b> Does the SPCC Plan address the following issues:	Yes	No
A. Is the petroleum being stored compatible with the material used to construct the tank, ancillary equipment and secondary containment material?		
B. Does the secondary containment system(s) meet the following requirements? International Building Codes Federal New York State County		
C. Are aboveground tanks in contact with soil protected from corrosion?		
D. Are underground tanks tested or have leak detection to ensure that the tanks are not leaking?		
E. Are aboveground tanks internally inspected for structural integrity and to insure that they are not leaking?		
F. Have plans been implemented to prevent spills during transfers of petroleum products, including the use of: (1) high level alarms and alarm pump shut off devices? (2) communications between tank gauger and pumping station?		
G. Are leaks from tank seams, gaskets, rivets and bolts immediately repaired?		
<b>VI. Transfer Operations, Pumping and In-plant Process (40 CFR 112.7)</b> Does the SPCC Plan address the following issues:		
A. Are buried pipelines cathodically protected?		
B. Are out-of-service pipelines properly closed, capped or blank-flanged and properly labeled?		
C. Are aboveground pipe supports properly designed to minimize: (1) abrasion and corrosion? (2) expansion and contraction?		

	Yes	No
D. Do personnel check the conditions of pipelines, including flange and expansion joints, valves, drip pans, pipeline supports, locking of valves and metal surfaces?		
E. Are pipelines periodically pressure tested?		
F. Is vehicular traffic controlled near aboveground pipelines?		
<b>VII. Tank Car and Tank Truck Loading/Unloading Rack (40 CFR 112.7)</b> Does the Plan address the following issues:		
A. Do loading/unloading procedures meet Department of Transportation regulations?		
B. Is the secondary containment for the loading area designed to hold at least the largest single compartment of a tanker truck?		
C. Are written procedures in place to ensure transfer lines are disconnected prior to vehicular departure?		
<b>VIII. Inspections and Records (40 CFR 112.7)</b> Does the Plan include a copy of:		
A. written inspections procedures to be followed by personnel?		
B. records of inspections for the past three years?		
<b>IX. Security (40 CFR 112.7)</b> Does the Plan discuss:		
A. the need for security, such as full fencing, locking of entrance gates and/or guards?		
B. the security for all master flow and drain valves which would permit direct outward flow of a tank's contents?		
C. how product pump starter controls are locked or limit accessibility when not operating?		
D. the need for capping or installing blank flanges in loading/unloading pipelines when they are not in full service or are in standby service?		
E. the adequacy of facility lighting to facilitate discovery of spills and prevention of vandalism?		

<b>X. Personnel, Training and Spill Prevention Procedures (40 CFR 112.7)</b>		
<p>A. Does the Plan contain a training program for personnel responsible for:</p> <p>(1) operation and maintenance of equipment?</p> <p>(2) preventing discharges of oil and complying with pollution control laws, rules and regulations?</p> <p>(3) spill response?</p>	Yes	No
<p>B. Has a person been given responsibility for spill prevention?</p> <p>Name _____</p> <p>Title _____</p> <p>Telephone No. _____</p>		
<b>XI. Facility Response Plan (40 CFR 112.20)</b>		
<p>Does the facility have a Facility Response Plan (FRP) approved by the USCG/USEPA?</p> <p>Date of the latest FRP _____</p> <p>Date last FRP Drill Performed _____</p>		

# SECTION B

## FEDERAL UNDERGROUND STORAGE TANK REGULATIONS

### Environmental Compliance Report

This report address compliance with certain sections of the USEPA Underground Storage Tank Regulations (40 CFR Part 280)					
<b>I. Tank Number</b>	Tank #				
A. What is the tank identification number on the facility information sheet? For additional tanks, use extra copies of this form.					
B. Is tank leak detection performed? (Required by 40 CFR Part 280.40) Y/N					
C. Is tank protected from corrosion? (Required by 40 CFR Part 280.21) Y/N					
D. Does the tank have a spill catchment basin? (Required by 40 CFR Part 280.21[d]) Y/N					
E. Does the tank have an overflow prevention device such as an automatic shutoff device, overflow alarm or float vent valve? (Required by 40 CFR Part 280.21[d]). Y/N					
F. If the tank has undergone permanent closure since 12/22/88, was a site assessment performed at the time of closure? (Required by 40 CFR Part 280.72) Y/N					
<b>II. Underground Piping</b>					
A. Do pressurized piping systems have a line leak detector? (Required by 40 CFR Part 280.41[b]) Y/N					
B. Is pipe leak detection being performed? (Required by 40 CFR 280.41(b)) Y/N					
- Do pressurized piping systems have an additional form of leak detection? Y/N					
- Do suction systems have a form of leak detection, if not exempt from the leak detection requirements? Y/N					
C. Is the product piping protected from corrosion? (Required by 40 CFR Part 280.21[c]) Y/N					

# SECTION C

## NYS PETROLEUM BULK STORAGE REGULATIONS

### Environmental Compliance Report

This section of the report addresses compliance with certain sections of the New York State Petroleum Bulk Storage (PBS) Regulations (6 NYCRR Parts 613 and 614).

**PBS Regulations (6 NYCRR Parts 613 and 614)**

**Underground and Aboveground Tanks**

	Yes		Yes		
1. Are monitoring wells marked and secured?					
<b>Tank Number</b>	Tank #				
For additional tanks, use extra copies of this form.					
2. If tanks are temporarily out-of-service, have they been temporarily closed properly? Y/N/NA					
3. Were any unreported spills observed during the inspection? Y/N If yes, explain on separate sheet.					
4. For underground tanks: have tank top and dispenser sumps and fill port catch basins been properly maintained? Y/ N (accumulation of product) / 1(poor condition)					
5. Are <b>fill ports color coded</b> to identify the product in the tank? See 6 NYCRR 613.3(b). Y/N/NA					
6. Are the motor fuel tanks with pressurized piping equipped with <b>shear valves</b> . Y/N/NA/1(Inoperative)					

## Underground Tanks

### Tank Number

For additional tanks, use extra copies of this form.

	Tank #				
<p>7. Do the tanks installed after 12/86 comply with the <b>new tank system standards</b>? Y/N/NA</p> <p>If no, identify the missing item(s).                      (1) corrosion resistant, (2) secondary containment, (3) leak monitoring, (4) overfill prevention (auto shut-off valve, high level alarm or ballfloat valve) and have (5) corrosion resistant piping with (6) leak monitoring (line leak detector for pressurized piping) or (7) only having one check valve under the pump in suction piping system (8) tank label (9) as built plans or drawings.</p>					
<p>8. Is <b>leak monitoring</b> (UST) being performed? Y/N</p> <p>Identify the method(s).                      1 (wall tank - interstice is checked) / 2 (inoperative system) / 3 (monitoring records not maintained) / 4 (inappropriate method)</p>					
<p>9. Is the <b>cathodic protection</b> for steel UST and piping systems monitored annually? Y/N</p> <p>If no, identify the missing cathodic protection.                      N (missing both) / 1 (no monitoring on tank) / 2 (no monitoring on line) / 3 (records not maintained) / 4 (system not maintained to achieve protection) / 5 (inadequate method)</p>					
<p>10. Are <b>inventory records</b> for metered UST systems being properly maintained and reconciled?</p> <p>Mark (1) for no records, (2) for poor equipment, (3) for no reconciliation. (4) for reconciliation performed other than 10 days</p>					
<p>11. Do <b>unmetered tanks</b> have annual standpipe, or tank test or other leak detect method? Y/N</p>					
<p>12. Has a <b>tightness testing</b> (USTs) been conducted on the tank and piping system? Y/N</p> <p>Check for both tank and piping.                      Y/N/1(entire tank not tested)/2 (no test on line)</p>					

## Aboveground Tanks

<b>Tank Number</b>	Tank #				
For additional tanks use extra copies of this form.					
<p>13. For the tanks installed after 12/86, do they meet the new <b>tank system standards?</b> Y/N/NA</p> <p>If no, identify missing items? <b>ASTs</b> must be (1) welded steel with adequate (2) surface coating (paint), if on soil have (3) cathodic protection and if on grade have an (4) impermeable barrier under the tank with the ability to (5) monitor for leaks.</p>					
<p>14. Are <b>monthly inspections</b> for all ASTs performed? Y/N/1 (records not maintained)</p>					
<p>15. Are <b>ten year inspections</b> for ASTs performed? Y/N/X/1 (records not maintained)</p> <p>Date last ten year inspection performed.</p>					
<p>16. <b>Secondary containment</b></p> <p>Does the secondary containment systems comply with the requirements found in Parts 613 and 614? Y/N</p> <p>If no, explain on separate sheet.</p>					
<p>17. Are the <b>dike drain valves</b> <u>locked in a closed position</u> Y/N/NA</p>					
<p>18. Are the <b>ASTs equipped with a gauge, high level alarm or other equivalent device?</b> Y/N/ 1(inoperative)</p>					
<p>19. Are the ASTs marked with the <b>design/working capacity, and identification number?</b> Y/N</p>					
<p>20. Is a <b>solenoid</b> or equivalent valve in place for gravity-fed motor fuel dispensers Y/N/ 1(inoperative)/ X (not applicable)</p>					
<p>21. Is there a <b>check valve</b> in place for pump-filled tanks with remote fills? Y/N/ 1(inoperative)/ X (not applicable)</p>					

## SECTION D

### ONSHORE MAJOR OIL STORAGE FACILITY LICENSING CONDITIONS

#### Environmental Compliance Report

This section of the report addresses licensing conditions applicable to your facility regulated under Article 12 of the New York Navigation Law.		
<b>A. Closure Plan</b>	Yes	No
1. If the facility is inactive, was a closure plan submitted to the Department?  Date: _____		
2. Did the Department approve of the closure plan?		
3. Are any of the aboveground tanks considered temporarily or permanently closed? If yes, explain on a separate sheet.		
<b>B. Monitoring Wells and Sampling</b>		
1. Has the Department approved the monitoring well system?		
2. Has a baseline assessment of groundwater quality been completed?		
3. Are wells monitored monthly?		
4. Are wells monitored biannually?		
5. Are wells monitored annually?		
6. Are sampling results forwarded to the Department's Regional Office?		
annually        _____		
biannually      _____		
monthly         _____		
<b>C. Secondary Containment</b>		
1. Have secondary containment systems been evaluated for permeability?		
2. Has a detailed description of the secondary containment systems been submitted to the Department?		
3. Do all secondary containment systems meet the Department's standards in 6 NYCRR 613.3(c)(6)? If no, explain on separate sheet.		

	Yes	No
4. Was a five year in-depth secondary containment system integrity inspection performed?		
Date of last inspection: _____		
Was the inspection approved by the Department?		
If no, explain on a separate sheet		
5. Does the Plan evaluate groundwater geology, hydrology, contamination and risks?		
6. If secondary containment systems do not meet standards set forth in 6 NYCRR 613.3(c)(6), have engineering plans been submitted to the Department?		
7. Has the Department approved the engineering plans?		
<b>D. Site Map</b> Has a site map acceptable to the Department been prepared?		
<b>E. Variance</b> Has the Department granted a variance?		
If yes, is the facility in compliance with the variance?		
<b>F. Violations</b>  Were any violations to Federal, State and county, local regulations, codes and license conditions cited during the last five years?		
If yes, explain on a separate sheet.		
<b>G. Additional Licensing Requirements</b>		
1. Have accurate monthly reports on the number of barrels transferred at the facility been submitted to the Department each month?		
2. Have monthly license fees and surcharges been paid to the Department?		