

**6 NYCRR PART 596**  
**HAZARDOUS SUBSTANCE BULK STORAGE FACILITY REGISTRATION**

(Statutory authority: Environmental Conservation Law sections 1-0101, 3-0301, 3-0303,  
17-0301, 17-0303, 17-0501, 17-1743, 37-0101 through 37-0107, and 40-0101 through 40-0121)

**TABLE OF CONTENTS**

596.1	General .....	2
596.2	Registration of facilities .....	10
596.3	Registration fees for facilities .....	12
596.4	Sale of hazardous substances .....	13

596.1. General.

(a) *Purpose.* The purpose of this Part is to regulate hazardous substances in order to protect the public health, safety and welfare, and the lands, waters, air and environment of the State.

(b) *Applicability.*

(1) This Part applies to a facility which has one or more of the following:

(i) an aboveground tank system used to store hazardous substances which has a tank with a storage capacity of 185 gallons or greater;

(ii) an underground tank system used to store hazardous substances which has a tank of any storage capacity; or

(iii) a container used to store 1,000 kilograms (2,200 lbs.) or more of a hazardous substance at the facility for a period of 90 consecutive days or more.

(2) Any facility having a tank system identified in subparagraphs (1)(i) or (ii) of this subdivision which has not been permanently closed is subject to the provisions of this Part.

(3) When reference is made to both owner and operator of a tank system, and the owner and operator are separate persons, only one person is required to comply with the applicable provision; however, both parties are liable in the event of non-compliance.

(4) This Part does not apply to:

(i) facilities regulated under provisions related to liquid petroleum pipeline corporations (Public Service Law, article 3-C);

(ii) facilities regulated under article 23, title 17 of the Environmental Conservation Law (ECL) (Liquefied Natural and Petroleum Gas Act);

(iii) tank systems regulated under article 27, title 7 of the ECL (Solid Waste Management and Resource Recovery Facilities);

(iv) tank systems regulated under article 27, title 9 of the ECL (Industrial Hazardous Waste Management);

(v) tank systems regulated under article 27, title 11 of the ECL (Industrial Siting Hazardous Waste Facilities);

(vi) facilities regulated under the Natural Gas Pipeline Safety Act of 1968 as set forth in ECL, section 40-0103.2;

596.1(b)

(vii) facilities regulated under the Hazardous Liquid Pipeline Safety Act of 1979 as set forth in ECL, section 40-0103.3;

(viii) facilities regulated under the Natural Gas Act as set forth in ECL, section 40-0103.4;

(ix) facilities regulated under the Atomic Energy Act of 1954 as set forth in ECL, section 40-0103.7;

(x) tank systems regulated under article 12 of the Navigation Law or ECL, article 17, title 10 (Petroleum Bulk Storage Act);

(xi) any temporary tank system; and

(xii) any container used to store less than 1,000 kilograms (2,200 lbs) of a hazardous substance.

(c) *Definitions.* The following is a list of terms and definitions which will be used in this Part:

(1) *Aboveground piping* means piping that rests on or is above the surface of the ground. Depending on the circumstances, aboveground piping may be part of an aboveground tank system or an underground tank system. This term includes piping located in a subterranean area accessible for visual inspection.

(2) *Aboveground tank system* means any tank system that is not an underground tank system.

(3) *Ancillary equipment* means any device including, but not limited to, hoses, piping, fittings, fixtures, gages, alarms, rupture disks, pressure release valves, flanges, or valves and pumps that are used to distribute, meter, or control the flow of a hazardous substance to and from a tank.

(4) *Assembly line tanks* are tanks used for the production of a manufactured product. Examples of such tanks include dispensing vats, weigh tanks or volumetric measuring devices, metal cleaning dip tanks, electroplating tanks and cutting fluid reservoirs.

(5) *Best management practice plans*, or *BMP plans* are plans designed to prevent or minimize the release of hazardous substances into the environment. BMPs can include, but are not limited to, spill reporting procedures, risk identification and assessment, employee training, inspections and records, preventive maintenance, good housekeeping, materials compatibility, structural measures and security.

(6) *Carrier* means a person who transports and transfers hazardous substances from one pipe or tank to another.

596.1(c)

(7) *Cathodic protection* means a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a tank system can be cathodically protected through the application of either galvanic anodes or impressed current.

(8) *Change-in-service* means the material stored within a tank is switched from a hazardous substance to a non-hazardous substance, a non-hazardous substance to a hazardous substance or from one hazardous substance to another.

(9) *Class A operator* means the individual who has primary responsibility to operate and maintain the underground tank system at a facility in accordance with applicable requirements of this Part and Parts 598 and 599. The Class A operator typically manages resources and personnel to achieve and maintain compliance with the requirements of this Part and Parts 598 and 599

(10) *Class B operator* means the individual who has day-to-day responsibility for implementing applicable requirements of this Part and Parts 598 and 599. The Class B operator typically implements field aspects of operation, maintenance, and associated recordkeeping for the underground tank system.

(11) *Class C operator* means the individual who has primary responsibility for initially addressing emergencies presented by a spill or release from an underground tank system.

(12) *Compatible* means the ability of two or more materials to maintain their respective physical and chemical properties upon contact with one another under conditions likely to be encountered for the design life of the tank system.

(13) *Container* means any portable device in which a hazardous substance is stored, transported, treated, disposed of, or otherwise handled.

(14) *Corrective action plan* means a plan for activities to be undertaken to mitigate or remedy environmental damage attributable to a release.

(15) *Department* means the New York State Department of Environmental Conservation.

(16) *Dielectric material* means a material that is a nonconductor of direct electrical current.

(17) *Design capacity* means the amount of a hazardous substance that a tank is designed to hold. If a certain portion of a tank is unable to store a hazardous substance because of its integral design (for example, electrical equipment or other interior components take up space), the design capacity of the tank is thereby reduced. Actions taken to physically alter the design capacity of a tank (such as drilling a hole in the side of the tank so that it cannot hold a hazardous substance above that point) will not change the design capacity of the tank.

596.1(c)

(18) *Environment* means any water, water vapor, land including land surface or subsurface, air, fish, wildlife, biota and all other natural resources.

(19) *Existing tank system* means a tank system whose tank was installed before August 11, 1994.

(20) *Facility* means a single property, or contiguous or adjacent properties that are used for a common purpose and are owned or operated by the same person or persons, on or in which are located one or more tank systems or containers.

(21) *Farm* means a tract of land devoted to the production of crops or raising animals, including fish. Farm includes fish hatcheries, rangeland, and nurseries with growing operations.

(22) *Flammable* means a substance having a flash point below 100° F (37.8° C) and having a vapor pressure not exceeding 40 pounds per square inch (absolute) (2,068 mm Hg) at 100° F (37.8° C).

(23) *Flash point* means the temperature at which a liquid or volatile solid gives off vapor sufficient to form an ignitable mixture with air near the surface of the liquid or solid.

(24) *Hazardous substance* has the same meaning as that term is given in section 597.1(b) of this Title.

(25) *Incompatible substances* means those substances which if allowed to come in contact, may pose an adverse environmental impact such as releasing a toxic gas or vapor, causing or intensifying a fire, creating an explosion, or causing any other adverse reaction which may threaten human health, safety, welfare or the environment.

(26) *Install* or *installation* means the emplacement of a tank system, or any part thereof, in, on, or above the ground. The movement of a tank system from one location for use in a different location constitutes the installation of the tank system.

(27) *Lining* means a coating of a non-corrodible material resistant to the product stored and bonded firmly to the interior surface of the tank.

(28) *Liquid* means a fluid which is in a state of matter intermediate between gaseous and solid. Such fluids flow immediately when stressed, the rate of flow being directly proportional to the stress.

(29) *Manifolded tanks* means tanks in a tank system which are connected so that a hazardous substance stored in one tank can be transferred to another tank within the tank system.

(30) *New tank system* means a tank system that is not an existing tank system.

596.1(c)

(31) *On-ground piping* means aboveground piping that is in contact with the surface of the ground.

(32) *On-ground tank* means the tank of an aboveground tank system where the bottom of the tank is in contact with the surface of the ground.

(33) *Operating pressure* means the pressure at which the tank system is normally operated.

(34) *Operator* means any person who leases, operates, controls, or supervises a facility.

(35) *Out-of-service* means a tank system which was used for the storage of hazardous substances but is no longer used for that purpose. Tank systems which are used for seasonal storage, for surcharge storage, or for standby storage are not considered out-of-service.

(36) *Overflow* means a spill that occurs when a tank is filled beyond its storage capacity.

(37) *Owner*, for the purposes of registration in this Part, means any person who has legal title to a facility. For all other purposes, owner means any person who owns a tank system.

(38) *Permanently closed* means an out-of-service tank system which has been emptied of all product and residual materials, cleaned, rendered free of any hazardous or flammable vapors, disconnected from any process or dispensing units, and closed or converted to another purpose consistent with department standards for closure as set forth in section 598.10 of this Title.

(39) *Person* means any individual, public or private corporation, political subdivision, government agency, municipality, industry, copartnership, association, firm, trust, estate, or any other legal entity.

(40) *Piping* means one or more fixed or permanent pipes including attached equipment and components used to convey, distribute, mix, separate, discharge, meter, control, or stop the flow of a hazardous substance to or from a tank.

(41) *Pressure relief valve* means a device which is designed to prevent excessive internal pressure or vacuum, and is characterized by rapid opening (pop action) or by opening in proportion to the increase in pressure over the opening pressure, depending on application.

(42) *PSIG* means a pounds per square inch gage.

(43) *Process tank* is a vessel or other equipment used to mix or physically, chemically or biologically change a hazardous substance. The term process tank does not include tanks used to store hazardous substances prior to their introduction into the process, or

tanks used to store substances as intermediates, by-products or finished products of the process. Examples of process tanks include, but are not limited to, flow-through chemical reactor tanks, batch tanks and mixing hoppers. Feed tanks upstream of the process are considered tanks for the purposes of these regulations.

(44) *Qualified person, qualified engineer, qualified technician or qualified inspector* means a person who has knowledge of the physical sciences, technology or the principles of engineering and mathematics acquired by education and/or related practical experience, and is competent to engage in the practice so required. Engineers engaged in the practice of engineering must be licensed or otherwise permitted to practice engineering pursuant to article 145 of the State Education Law.

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

(46) *Repair* means to restore to working order a tank, pipe, spill prevention equipment, overflow prevention equipment, corrosion protection equipment, leak detection equipment or other tank system component.

(47) *Reportable quantity* has the same meaning as that term is given in section 597.1(b) of this Title.

(48) *Secondary containment* means a dike, remote impoundment, or any other containment area which protects a tank, pipe or transfer station from damage due to vehicle traffic, fire exposure, spills from nearby tank systems and which prevents any material spilled or released from reaching the land or water outside the containment area before clean-up occurs.

(49) *Spill or spillage* means any escape of a substance from the containers employed in the normal course of storage, transfer, processing or use.

(50) *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.

(51) *Storage capacity* means the total volume capacity of a tank system.

(52) *Tank* means the portion of a tank system that contains the majority of the hazardous substance in the tank system. Each section of a compartmented tank will be treated as an individual tank.

(53) *Tank system* means a stationary device constructed of non-earthen materials that provide structural support that is designed to store a hazardous substance. This term includes all associated piping and ancillary equipment. This term does not include:

596.1(c)

- (i) process tank systems;
- (ii) assembly line tanks and accessory equipment which are parts of an aboveground tank system;
- (iii) septic tanks, stormwater or wastewater collection systems;
- (iii) capacitors or transformers containing polychlorinated biphenyls;
- (iv) aboveground tank systems on an operating farm where the hazardous substances will be used for agricultural purposes on such farm;
- (v) tank systems which have been permanently closed; or
- (vi) containers.

(54) *Temporary tank system* means a tank system that is installed for use at a location for no more than 90 days during any 12-month period.

(55) *Transfer* means the movement of a hazardous substance between a tank and another tank or container, as contrasted to feeding to a use or application device.

(56) *Transfer station* refers to an area where pipes or hoses are connected and disconnected for the purpose of emptying and filling a tank system. This includes, but is not limited to, railways, roads, containment basins, curbs, collection sumps, and impervious pads, where a vehicle or container is located to off-load or receive a hazardous substance, where a coupling to a transfer line is made for the purpose of hazardous substance transfer, or where a system to collect and contain spills resulting from transfer operations is located.

(57) *Underground piping* means piping that is completely beneath the surface of the ground. Depending on the circumstances, underground piping may be part of an aboveground tank system or an underground tank system.

(58) *Underground tank system* means a tank system that has ten percent or more of its volume beneath the surface of the ground or covered by materials. This term does not include a tank system located in a subterranean area accessible for visual inspection; such a tank is considered an aboveground tank. A tank system that is covered by materials does not mean a tank system where the tank is completely above the surface of the ground and is fully enclosed within pre-fabricated secondary containment.

(59) *Unstable hazardous liquid* means a hazardous substance in liquid form which will vigorously polymerize, decompose, undergo a condensation reaction, or become self-reactive under conditions of shock, changes in pressure, or changes in temperature.

(60) *Waters or waters of the State* shall include lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals,

the Atlantic Ocean within the territorial limits of the State of New York, and 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 State or within its jurisdiction.

(61) *Working capacity* means the portion of the design capacity of a tank that may be filled before engaging the overflow prevention device, reduced by an allowance for freeboard and expansion.

(d) *Severability*. If any provision of this Part or its application to any person or circumstance is held to be invalid, the remainder of this Part and the application of that provision to other persons or circumstances shall not be affected.

(e) *Access to records and tank systems*.

(1) Any designated officer or employee of the department may:

(i) have the right of entry to, upon, or through any facility containing a tank system in which a hazardous substance is stored or on which records are required to be maintained during normal business hours or at any other time during which regulated activity is reasonably believed to be occurring. Such entry shall be accomplished with the minimum disruption to business operations occurring at such facility;

(ii) have access to and copy any records required to be maintained;

(iii) inspect any equipment, practice or method which is required by the provisions of this Part; and

(iv) have access to and inspect any monitoring stations or conduct tests or take samples to identify any actual or suspected release of a hazardous substance resulting from the operation of the facility, including the right to take split samples.

(2) Any person storing a hazardous substance may be required to furnish the department with information on the facility, repairs or replacements, hazardous substances stored, storage and handling practices, results of tests, monitoring and inspections, and the nature and extent of research concerning the effects of such substance on human health and the environment.

(f) *Confidentiality*. Any person submitting information to the department pursuant to this Part may, at the time of submission, request that the department exempt such information from disclosure under paragraph (2)(d) of section 87 of the Public Officers Law. All requests under this section must be made in accordance with the provisions of section 616.7 of this Title and all determinations will be made pursuant to that section.

**596.1(g)**

(g) *Enforcement.* Any person who violates any of the provisions of this Part, or any order issued by the commissioner, shall be liable for the civil, administrative, and criminal penalties set forth in article 71 of the Environmental Conservation Law.

**596.2. Registration of facilities.**

(a) *General.* The owner must obtain an initial or revised registration certificate from the Department prior to the first receipt of a hazardous substance into a tank system. The facility owner must ensure that the registration information identified in subdivision (e) of this section remains current and accurate. In addition, every temporary tank system that is not removed within 90 days after installation must either be included on a new facility registration or be added to an existing facility's registration. The owner may rely on an authorized representative to satisfy any obligation imposed on the owner by the provisions of this section.

(b) *Transition from earlier regulation.* Unless the registration certificate must be revised or newly issued pursuant to the terms of subdivisions (a) or (d) of this section, a registration certificate held by a facility on October 11, 2015 that was issued pursuant to terms of the former Part 596 of this Title remains valid until the expiration date recorded on the certificate.

(c) *Renewal.* Registration must be renewed every two years from the date of the last valid registration certificate until the Department receives written notice and documentation from the owner that the facility has been permanently closed, or that ownership of the facility has been transferred in accordance with subdivision (d) of this section.

(d) *Application procedure for new facilities and transfer of ownership.*

(1) If ownership of the real property on which a facility is located is transferred, the new owner must submit an application to initially register the facility with the Department within 30 days after the transfer.

(2) The owner must apply for a registration certificate using forms or electronic means as provided by the Department. Forms are available online at [www.dec.ny.gov](http://www.dec.ny.gov) and at all Department offices.

(3) Each application for a new registration or transfer of facility ownership must be accompanied by a copy of the current deed for the property at which the facility is located. If the facility is located on multiple properties, deeds for each property must be submitted with the application. If a deed does not exist for a particular property, the application must be accompanied by other evidence of ownership of the property.

(4) The application must be signed by the owner.

(5) Every application for a registration certificate must be accompanied by payment of the applicable registration fee established in section 596.3 of this Part.

(e) *Application procedure for information correction.*

(1) The owner must submit information corrections for registered facilities using forms or electronic means as provided by the Department. Forms are available online at [www.dec.ny.gov](http://www.dec.ny.gov) and at all Department offices.

(2) The registration application must be signed by the owner.

(3) Changes in the following registration items are considered information corrections:

(i) contact information;

(ii) Class A or Class B Operator; or

(iii) tank system equipment.

(4) No registration fee is required for submitting corrections of information.

(f) *Application procedure for permanent closure of tank systems.*

(1) The owner must notify the Department of permanent closure of tank systems using forms or electronic means as provided by the Department. Forms are available online at [www.dec.ny.gov](http://www.dec.ny.gov) and at all Department offices.

(2) Permanent closure must be conducted in accordance with section 598.10.

(g) *Registration certificate.* Upon submittal of a complete registration application and payment of the applicable registration fee, the Department will issue a registration certificate. The current registration certificate must be displayed at all times in a conspicuous location at the facility.

(h) *Advance notification of installation of a tank system.* When an owner intends to install a tank system, the owner must notify the Department of this action at least three days prior to installing the tank system unless immediate action is required to protect public health, safety or the environment or immediate action is necessary to keep the facility operating. When immediate action is required, the department must be notified no later than two hours after the decision is made by the owner to act.

(i) *Change of substance.* The owner must keep accurate records of any changes in the type of hazardous substances stored in the tank system and must provide the department with this information when the registration is renewed.

(j) *Identification numbers on systems.* Within 30 days following receipt of a registration certificate, or whenever there is a change in the hazardous substance contained in the tank

596.2(j)

system, the owner must clearly mark or label each tank or fill port (where the tank is underground), with the following information:

- (1) tank system identification number as shown on the registration certificate;
- (2) chemical name, or common name if the chemical name is not appropriate, for the substance stored; and
- (3) design capacity and working capacity of each tank in the tank system.

596.3. Registration fees for facilities.

(a) *Registration fees.* Registration fees are assessed on the basis of the size and number of tanks in each system. Manifolder tanks are considered to be a single tank within a tank system for registration purposes. For the largest 250 tanks at the facility, the owner must submit with each application for registration, reregistration or renewal, a two-year fee as follows:

<u>Design Capacity of Tank</u>	<u>Fee</u>
Less than or equal to 550 gallons	\$50 per tank
551-1,100 gallons	\$100 per tank
Greater than 1,100 gallons	\$125 per tank

For each additional tank at the facility, the fee is as follows:

<u>Design Capacity of Tank</u>	<u>Fee</u>
Less than or equal to 550 gallons	\$50 per tank
551-1,100 gallons	\$75 per tank
Greater than 1,100 gallons	\$75 per tank

In no case shall the registration fee charged for all tank systems located at a facility exceed \$50,000.

(b) *Fee increases due to newly installed tank systems.* No increased fee is due on account of newly installed tank systems at a facility until the facility's registration is due for renewal.

## 596.4. Sale of hazardous substances.

(a) *Requirements for distribution.*

(1) The manufacturer or distributor of a hazardous substance must provide the owner or operator of a tank system who purchases such substance with technical guidance and recommended practices for the storage and handling of such substance. Guidance and recommended practices shall be kept on file by the owner or operator at the facility where the tank system is located.

(2) The manufacturer or distributor of a hazardous substance shall ensure that the owner or operator of a tank system who purchases such substance receives technical guidance and recommended practices for storage and handling with the initial shipment and with the first shipment after the technical guidance and recommended practices for storage and handling has been updated or revised. Recommended practices and technical guidance shall also be provided when a new hazardous substance is shipped to a facility.

(3) Sales of hazardous substances which do not satisfy the requirements of this section are prohibited.

(b) *Contents of technical guidance and recommended practices.* Technical guidance and recommended practices for the proper handling and storage of a hazardous substance do not need to be a facility-specific engineering design nor are they intended to be a facility-specific engineering assessment of the need for proper storage and handling. However, they must identify or reference industry standards and include recommended practices, procedures, precautions and advice. Technical guidance must consist of the following minimum information relating to the substance to be stored:

(1) chemical abstract service number, chemical name, common name, hazardous substance components, physical and chemical characteristics (such as vapor pressure and flash point) and toxic and hazardous properties of the substance including the potential for fire, explosion and reactivity;

(2) compatibility of substance with respect to materials which may be used to construct a tank system, recommended materials which may be used for construction, prohibited materials for construction, and standards for tank system design;

(3) conditions for the safe and proper storage of the substance, including temperatures, pressures, relative humidity and light conditions for storage;

(4) recommended storage equipment, which could include tanks, pumps, gauges, piping, valves, gasket materials, overfill alarms, rupture discs, vents, automatic shut-off devices, monitors, transfer stations, labeling or color coding, leak detectors, secondary containment, curbs, liners, hoses, cathodic protection systems and safety equipment;

**596.4(b)**

(5) recommended inspection and maintenance procedures and intervals of time recommended for internal inspection of tanks and testing of equipment;

(6) safety precautions, warnings and procedures for handling and unloading bulk deliveries; and

(7) spill and emergency response procedures.

(c) *Filing requirements.* The manufacturer or distributor of a hazardous substance must file an up-to-date copy of its technical guidance and recommended practices with the department. The copy should be sent to the NYS Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, NY 12233-7020. Any subsequent revisions or additions to the guidance and recommended practices must be filed with the department at the time of such revision or addition.

(d) *Prohibition on delivery to unregistered tank systems.* No person may deliver hazardous substances to a tank system at a facility that has not been properly registered pursuant to this Part.