

**State Environmental Quality Review  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

Project Number     N/A    

Date: **07/10/2014**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law (ECL).

The New York State Department of Environmental Conservation (DEC), as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

**Name of Action:**

Repeal of Parts 612, 613 and 614, addition of new Part 613 to Title 6 of NYCRR, Petroleum Bulk Storage (PBS), and amendments to Title 6 of Subpart 374-2, Standards for the Management of Used Oil and section 370.1(e)(2), Hazardous Waste Management System - General.

**SEQR Status:**

Type 1     

Unlisted   

**Conditioned Negative Declaration:**     Yes

No

**Description of Action:**

Title 10 of Article 17 of the Environmental Conservation Law (ECL), ECL sections 17-1001 through 17-1017, Control of the Bulk Storage of Petroleum (Title 10), mandates the establishment of requirements for the safe storage and handling of petroleum in underground storage tank (UST) and aboveground storage tank systems at petroleum bulk storage (PBS) facilities. Petroleum spills represent a threat to public health and the environment. During 1985, DEC promulgated the existing 6 NYCRR Parts 612 through 614 in order to establish the PBS regulatory program mandated by Title 10.

The essential aim of this rule making is to reorganize existing PBS regulatory requirements and include additional requirements mandated by 2008 amendments to Title 10. In addition, DEC is proposing to incorporate by reference current technology and standards of practice for newly installed tank systems and clarify certain existing regulatory requirements. DEC does not intend to establish any new requirements concerning PBS that will change the manner in which subject facilities operate under existing industry practices and applicable federal and State laws and regulations.

ECL Article 23 allows DEC to implement regulations governing used oil collectors, re-refiners and retention facilities, in conformance with ECL Article 27. ECL section 27-0900 requires that the hazardous waste management regulations must be at least as broad and as stringent as those established by the federal government under the authority of the Resource Conservation and Recovery Act. To conform to changes in proposed 6 NYCRR Part 613, corresponding changes to cross-references and definitions are being made to the Standards for the Management of Used Oil established at 6 NYCRR Subpart 374-2. The revisions include federally driven corrections and clarifications, and updates to testing requirements to make it easier and more cost-effective for the regulated community to comply with certain sampling and analysis requirements. Changes are also being made to 6 NYCRR section 370.1(e)(2) to update references to federal regulations.

**Location:** Statewide.

**Reasons Supporting This Determination:**

(See 617.7(a)-(c) for requirements of this determination; see 617.7(d) for Conditioned Negative Declaration)

DEC has determined that this Notice of Determination of Non-Significance is appropriate and that the proposed rule will not cause adverse impacts on the environment. Rather, it will sustain environmental benefits by continuing and updating standards governing the proper handling and storage of petroleum and used oil. With the continuation of the implementation of standards for the proper handling and storage of petroleum and used oil, land and water resources will be protected from releases of petroleum and used oil.

**If Conditioned Negative Declaration,** provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

**For Further Information:**

Contact Person(s): Ted Bennett/Angela Chieco, DER Regulatory Coordinators

Address: NYS Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany NY, 12233-7012

Telephone Number: (518) 402-9764

**For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:**

Chief Executive Officer, Town / City / Village of  
Other involved agencies (if any)  
Applicant (if any)  
Environmental Notice Bulletin, 4<sup>th</sup> Floor, 625 Broadway, Albany NY 12233-1750

**Appendix C**  
**State Environmental Quality Review**  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
**For UNLISTED ACTIONS Only**

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project sponsor)**

1. APPLICANT/SPONSOR  <b>NYS Department of Environmental Conservation (DEC)</b>	2. PROJECT NAME  <b>Rulemaking for Petroleum Bulk Storage (PBS) and Used Oil Management</b>
3. PROJECT LOCATION: <b>Statewide</b>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <b>Statewide</b>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Title 10 of Article 17 of the Environmental Conservation Law (ECL), ECL sections 17-1001 through 17-1017, Control of the Bulk Storage of Petroleum (Title 10), mandates the establishment of requirements for the safe storage and handling of petroleum in underground storage tank (UST) and aboveground storage tank systems at petroleum bulk storage (PBS) facilities. Petroleum spills represent a threat to public health and the environment. During 1985, DEC promulgated the existing 6 NYCRR Parts 612 through 614 in order to establish the PBS regulatory program mandated by Title 10. The essential aim of this rule making is to reorganize existing PBS regulatory requirements and include additional requirements mandated by 2008 amendments to Title 10. In addition, DEC is proposing to incorporate by reference current technology and standards of practice for newly installed tank systems and clarify certain existing regulatory requirements. DEC does not intend to establish any new requirements concerning PBS that will change the manner in which subject facilities operate under existing industry practices and applicable federal and State laws and regulations. ECL Article 23 allows DEC to implement regulations governing used oil collectors, re-refiners and retention facilities, in conformance with ECL Article 27. ECL section 27-0900 requires that the hazardous waste management regulations must be at least as broad and as stringent as those established by the federal government under the authority of the Resource Conservation and Recovery Act. To conform to changes in proposed 6 NYCRR Part 613, corresponding changes to cross-references and definitions are being made to the Standards for the Management of Used Oil established at 6 NYCRR Subpart 374-2. The revisions include federally driven corrections and clarifications, and updates to testing requirements to make it easier and more cost-effective for the regulated community to comply with certain sampling and analysis requirements. Changes are also being made to 6 NYCRR section 370.1(e)(2) to update references to federal regulations.	
7. AMOUNT OF LAND AFFECTED: Initially <u>  N/A  </u> acres      Ultimately <u>                    </u> Acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <b>N/A</b> <input type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <b>N/A</b> <b>N/A</b> <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals: USEPA grants for partial program implementation.	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <b>NYSDEC-Division of Environmental Remediation</b> <b>Robert W. Schick, Division Director</b>	Date: <b>May 12, 2014</b>
Signature: _____ /S/	

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**

**PART II – IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN <b>ANY</b> ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: <b>No. The proposed rule does not establish any new requirements concerning PBS or used oil that will change the manner in which subject facilities operate under existing industry practices and applicable federal and State laws and regulations.</b> C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: <b>No.</b> C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: <b>No.</b> C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: <b>No.</b> C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: <b>No.</b> C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: <b>No.</b> C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly: <b>No.</b>	
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:	
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:	

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide, on attachments as necessary, the reasons supporting this determination.	
_____ New York State Department of Environmental Conservation Name of Lead Agency	_____ May 12, 2014 Date
_____ Robert W. Schick Print or Type Name of Responsible Officer in Lead Agency	_____ Director, Division of Environmental Remediation Title of Responsible Officer
_____ /S/ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (If different from responsible officer)

NEW YORK STATE DEPARTMENT OF STATE  
COASTAL MANAGEMENT PROGRAM

Coastal Assessment Form

A. INSTRUCTIONS (Please print or type all answers)

1. State agencies shall complete this CAF for proposed actions which are subject to Part 600 of Title 19 of the NYCRR. This assessment is intended to supplement other information used by a state agency in making a determination of significance pursuant to the State Environmental Quality Review Act (see 6 NYCRR, Part 617). If it is determined that a proposed action will not have a significant effect on the environment, this assessment is intended to assist a state agency in complying with the certification requirements of 19 NYCRR Section 600.4.
2. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the coastal policies contained in Article 42 of the Executive Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to either (a) making a certification of consistency pursuant to 19 NYCRR Part 600 or, (b) making the findings required under SEQR, 6 NYCRR, Section 617.11, if the action is one for which an environmental impact statement is being prepared. If an action cannot be certified as consistent with the coastal policies, it shall not be undertaken.
3. Before answering the questions in Section C, the preparer of this form should review the coastal policies contained in 19 NYCRR Section 600.5. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

B. DESCRIPTION OF PROPOSED ACTION

1. Type of state agency action (check appropriate response):

- (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) X
- (b) Financial assistance (e.g. grant, loan, subsidy) \_\_\_\_\_
- (c) Permit, license, certification \_\_\_\_\_

2. Title 10 of Article 17 of the Environmental Conservation Law (ECL), ECL sections 17-1001 through 17-1017, Control of the Bulk Storage of Petroleum (Title 10), mandates the establishment of requirements for the safe storage and handling of petroleum in underground storage tank (UST) and aboveground storage tank systems at petroleum bulk storage (PBS) facilities. Petroleum spills represent a threat to public health and the environment. During 1985, New York State Department of Environmental Conservation (DEC) promulgated the existing 6 NYCRR Parts 612 through 614 in order to establish the PBS regulatory program mandated by Title 10.

The essential aim of this rule making is to reorganize existing PBS regulatory requirements and include additional requirements mandated by 2008 amendments to Title 10. In addition, DEC is proposing to incorporate by reference current technology and standards of practice for newly installed tank systems and clarify certain existing regulatory requirements. DEC does not intend to establish any new requirements concerning PBS that will change the manner in which subject facilities operate under existing industry practices and applicable federal and State laws and regulations.

ECL Article 23 allows DEC to implement regulations governing used oil collectors, re-refiners and retention facilities, in conformance with ECL Article 27. ECL section 27-0900 requires that the hazardous waste management regulations must be at least as broad and as stringent as those established by the federal government under the authority of the Resource Conservation and Recovery Act. To conform to changes in proposed 6 NYCRR Part 613, corresponding changes to cross-references and definitions are being made to the Standards for the Management of Used Oil established at 6 NYCRR Subpart 374-2. The revisions include federally driven corrections and clarifications, and updates to testing requirements to make it easier and more cost-effective for the regulated community to comply with certain sampling and analysis requirements. Changes are also being made to 6 NYCRR section 370.1(e)(2) to update references to federal regulations.

3. Location of action: **STATEWIDE**

County	City, Town or Village	Street or Site Description
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4. If an application for the proposed action has been filed with the state agency, the following information shall be provided:

- (a) Name of applicant: N/A
- (b) Mailing address: N/A
- (c) Telephone Number: Area Code N/A
- (d) State agency application number: N/A

5. Will the action be directly undertaken, require funding, or approval by a federal agency?

Yes  No  If yes, which federal agency? \_\_\_\_\_

C. COASTAL ASSESSMENT (Check either "YES" or "NO" for each of the following questions)

1. Will the proposed activity be located in, or contiguous to, or have a significant effect upon any of the resource areas identified on the coastal area map:

- |  | YES                      | NO                                  |
|--|--------------------------|-------------------------------------|
| (a) Significant fish or wildlife habitats?.....      | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) Scenic resources of statewide significance?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (c) Important agricultural lands?.....               | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

2. Will the proposed activity have a significant effect upon:

- |   |                          |                                     |
|---|--------------------------|-------------------------------------|
| (a) Commercial or recreational use of fish and wildlife resources?.....   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) Scenic quality of the coastal environment? .....  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (c) Development of future, or existing water dependent uses? .....  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (d) Operation of the State's major ports?.....  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (e) Land and water uses within the State's small harbors?.....  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (f) Existing or potential public recreation opportunities?.....   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (g) Structures, sites or districts of historic, archeological or cultural significance to the State or nation?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

3. Will the proposed activity involve or result in any of the following:

- |  |                          |                                     |
|--|--------------------------|-------------------------------------|
| (a) Physical alteration of two (2) acres or more of land along the shoreline, land under water or coastal waters?.....               | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) Physical alteration of five (5) acres or more of land located elsewhere in the coastal area? .....                               | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (c) Expansion of existing public services of infrastructure in undeveloped or low density areas of the coastal area?.....            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (d) Energy facility not subject to Article VII or VIII of the Public Service Law? .....  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (e) Mining, excavation, filling or dredging in coastal waters?.....  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (f) Reduction of existing or potential public access to or along the shore? .....  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (g) Sale or change in use of state-owned lands located on the shoreline or under water?.....   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (h) Development within a designated flood or erosion hazard area? .....  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

4. Will the proposed action be located in or have a significant effect upon an area included in an approved Local Waterfront Revitalization Program? .....

YES  NO

D. SUBMISSION REQUIREMENTS

If any question in Section C is answered "Yes", AND either of the following two conditions is met:

Section B.1(a) or B.1(b) is checked; or  
Section B.1(c) is checked AND B.5 is answered "Yes",

THEN one copy of the Completed Coastal Assessment Form shall be submitted to:

New York State Department of State  
Division of Coastal Resources  
41 State Street, 8th Floor  
Albany, New York 12231

If assistance of further information is needed to complete this form, please call the Department of State at (518) 474-6000.

E. REMARKS OR ADDITIONAL INFORMATION

Signature: \_\_\_\_\_ /S/

Preparer's Name: Robert W. Schick

Title: Director, Division of Environmental Remediation

Agency: NYS Department of Environmental Conservation

Telephone Number: (518) 402-9706 Date: May 12, 2014