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April 19, 2017

Dear Oil Customer,

The NYS Department of Environmental Conservation (DEC) has started enforcing regulatory changes (see 6 NYCRR 613) adopted in 2015 that affects petroleum bulk storage (PBS) tanks, which include the indoor tanks in the basements of multifamily buildings. DEC is sending inspectors out to perform spot checks of tanks, which may result in penalties for noncompliance.

The major regulatory change made by DEC that concerns owners of buildings is in the definition of underground storage tanks (UST). The new definition of UST includes a tank that has 10% or more of its volume (inclusive of piping) beneath the ground or covered by materials (these tanks were formerly considered above ground storage tanks (ASTs)). Thus, any tank that is above ground and encased in concrete, even if just the bottom portion of the tank, is now defined as a UST, which brings additional compliance obligations that include leak monitoring, a log book of monitoring results, monthly checks of the monitoring system, specific labeling and color-coding of ports and pipes, an amended tank registration, pipe monitoring and tightness testing, and operator training requirements.

The particular definitions and respective compliance requirements for USTs and ASTs, as well as the tank size thresholds that trigger applicability, can be found in the DEC regulations. The UST regulations (6NYCRR 613-2 and 613-3) apply to any underground (as defined) tank or system with a capacity of more than 110 gallons; but where the tank is used only for "on-premises consumption" (i.e., heating the building in which the tank sits), the threshold is 1,100 gallons or more. The AST regulations (6 NYCRR 613-4) apply to any above ground (as defined) tank or system with an individual or combined capacity of more than 1,100 gallons. There is no "grandfathering" of existing tanks under the old definitions, so compliance is required despite no subsequent work being done on the tank.

Original Energy is ready to assist you with a thorough walkthrough and visual inspection of your tank, tank room and fuel oil system. Following the inspection, a report of the findings and recommendations will be submitted to your attention in order to mitigate the probability of violations from the DEC inspections for non-compliance. Our partnership with valued and trusted contractors can provide a one stop shop from inspection to compliance modifications, all the way to tank testing. Original will complete the following project management and report for a minimal fee of \$400 per inspection.

For additional information about the process, please contact Ken Camilleri (KCamilleri@OriginalEnergy.com), General Manager at Original Energy on the direct line at (914) 847-0267.

Regards,

James Slattery

James Slattery
President, Original Energy