



Legislation Text

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**File #:** Int 1398-2019, **Version:** \*

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Int. No. 1398

By Council Members Constantinides and Cumbo

A Local Law to amend the administrative code of the city of New York, in relation to underground storage tank protocols for city-owned and city permitted storage of biodiesel blends.

Be it enacted by the Council as follows:

Section 1. §24-177 of the administrative code of the city of New York is amended by adding a new section 24-177.2 to read as follows:

§ 24-177.2 Biodiesel storage. a. No person shall cause or permit the on the ground storage of biodiesel blends greater than twenty percent biodiesel when the storage tank components are not compatible with the fuel stored.

b. System parts critical for demonstrating compatibility include the tank or internal tank lining, piping, line leak detectors, flexible connectors, drop tubes, spill and overfill prevention equipment, submersible turbine pump and components, sealants including pipe dope, thread sealants, fittings, gaskets, O-rings, bushings, couplings and boots, containment sumps, release detection floats, sensors and probes, fill and riser caps and product shear valves.

c. In order to meet the compatibility requirement of this section, owners or operators of underground storage tank systems must use components that are (i) certified or listed by a nationally recognized independent testing laboratory, such as Underwriters Laboratories, for use with the fuel stored or (ii) must be approved, in writing, by the equipment or component manufacturer to be compatible with the fuel stored (iii) and must specify the range of biofuel blends that the equipment or component is compatible with.

e. Use another method approved by the implementing agency and determined to be adequately

protective of human health and the environment where such method is determined to be more stringent than the federal underground storage regulations.

f. Where biodiesel blends of less than twenty percent biodiesel are stored in city-owned underground storage tanks, the department along with the fire department may agree to grant a citywide waiver where appropriate.

g. Where biodiesel blends greater than B20 are stored in city-owned underground storage tanks, the owner or operator must notify their implementing agency at least thirty days before storing biodiesel blends greater than twenty percent. Thereafter the department along with the New York City Fire Department may agree to grant a variance for such storage provided that the standards for granting the variance establish that the storage method is adequately protective of public health and the environment.

h. Owners or operators of underground storage tank systems must keep records of leak detection performance claims for a period of at least five years.

i. Owners or operators of underground storage tank systems must keep records that document compliance with the compatibility requirement for as long as the underground storage tank is used to store biodiesel blends.

§ 2. This local law takes effect immediately except that the commissioner of environmental protection or any other agency may take such actions as are necessary for the timely implementation of this local law, including the promulgation of rules, before such date.

[SS]  
LS #2532  
6/13/18 1:29 p.m.