

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## **INSTRUCTIONS FOR COMPLETING ON-SHORE MAJOR PETROLEUM FACILITY LICENSE APPLICATION FORM**

Article 12 of Navigation Law, 6 NYCRR Part 610 and 17 NYCRR Part 30

**GENERAL INSTRUCTIONS:** Type or print all items, except "signature" in Section A. Forward completed applications to the appropriate NYSDEC Regional Office. Note: This is a multiple page application form with four sections (A, B, C & D). Be sure to complete all sections.

### **INSTRUCTIONS FOR COMPLETING "SECTION A" OF MAJOR PETROLEUM FACILITY LICENSE APPLICATION**

**LICENSE NUMBER** - Enter the five digit NYSDEC License Number if the facility was previously licensed; otherwise, leave blank.

**DEC CBS NUMBER** - Enter the Chemical Bulk Storage (CBS) Number (Hazardous Substance Bulk Storage Law, Article 40 of ECL; 6 NYCRR Parts 595-599) (SPDES) that is assigned to the facility, if applicable. If not applicable, write "Not Applicable".

**TRANSACTION TYPE** - Check the appropriate box(es) to indicate type of transaction (check all that apply).

Initial/New Facility.....First application for license for this facility. License number will be assigned by NYSDEC.  
Complete all sections.

Change of Licensee .....Application for license by a new owner or operator. Enter the License Number from the existing License Certificate for this facility and complete all sections.

Tank Installation,  
Closing, or Repair.....Check this box if one of the following applies: (1) one or more new stationary tanks has been added to the facility; or (2) an existing stationary tank has been replaced, repaired or permanently closed. In Section A, complete the Facility Section, License Number, name/title/signature of a duly authorized officer, and date. In Section B, fill in the entire line of information for each tank being amended.

Information Correction...If any information changes have occurred since the initial license application or the last renewal, indicate the corrected information in the appropriate spaces, include the License Number, and complete the name/title/signature of a duly authorized officer, and date.

Renewal .....Application by the same licensee for a previously licensed facility. Licenses for major petroleum facilities must be renewed and are not transferable. Indicate any changes that have occurred since last renewal and provide the name/title/signature of the duly authorized officer, and date.

**TYPE OF Licensee** - Check the appropriate box to indicate the type of Licensee.

**Vessel ID # (vessels only):** Not applicable for On-Shore Facilities

**FACILITY INFORMATION:** Enter the name and location (**not** PO Box) of the facility. Include any information that would assist in locating the facility. For county, enter the county in which the facility is located. For township, enter the geographical location, not the mailing city.

**FACILITY OPERATOR:** Enter the name of the person who operates the facility.

**Facility Phone Number:** Phone number during business hours.

**LICENSEE INFORMATION:** Enter the name, address and telephone number of the company which owns or operates the facility applying for a license as required by Article 12 of the Navigation Law.

**LEGAL AGENT IN NYS FOR SERVICE OF PROCESS WITH THE SECRETARY OF STATE:** Section 174 (11) of the Navigation Law requires that each owner or operator of a major facility or vessel subject to the provisions of that Section designate a person in the State as his/her legal agent for the service of process under Article 12 and further requires that such designation must be filed with the Secretary of State. In the absence of such designation, the Secretary of State shall be designated agent for purposes of service of process under Article 12 of the Navigation Law. Enter the name, street address, city, state and zip code of the person designated, as well as the date the designation of legal agent was filed with the Secretary of State. "Secretary of State" is **not** an acceptable legal agent.

**MAILING CORRESPONDENCE:** Enter the contact person name, company, address, telephone number, and email address for mailing/contact. This information must be kept up-to-date.

**TYPE OF MAJOR FACILITY:** Check the appropriate box indicating the type of major facility for which a license application is being submitted. If "other", specify the type of facility in the space provided. A major facility includes, but is not limited to, any refinery, storage or transfer facility, pipeline, deep water port, drilling platform, or any appurtenance related to any of the preceding that is used or capable of being used to refine, produce, store, handle, transfer, process or transport petroleum. A vessel shall be considered a major facility only when petroleum is transferred between vessels in the waters of the State of New York. Fueling operations between vessels are not considered a transfer. Petroleum means oil of any kind in any form including, but not limited to, oil, petroleum, fuel oil, oil sludge, oil refuse, oil mixed with other wastes and crude oils, gasoline and kerosene, etc. Facilities with a total combined aboveground or underground petroleum storage capacity of less than 400,000 gallons are not major facilities for the purposes of Article 12 of the Navigation Law. These facilities are regulated under 6 NYCRR 613, and must be registered pursuant to 6NYCRR 613-1.9. Vessels are major facilities **regardless** of storage capacity.

**PRODUCT TRANSFER OPERATIONS:** Check all that apply for the operation that is used to transfer product to and from the facility.

**AVERAGE DAILY THROUGHPUT/TOTAL STORAGE CAPACITY:** Enter the average daily throughput and the total storage capacity of the facility (specify in **gallons**).

**EMERGENCY CONTACT:** Enter the emergency contact name and telephone number.

**NAME AND OFFICIAL TITLE OF LICENSEE OR LICENSEE'S AUTHORIZED REPRESENTATIVE:** Type or print name and title of the licensee or authorized representative.

**SIGNATURE AND DATE:** Enter the name, title, and signature of the licensee or duly authorized officer, along with the date the application was prepared.

### **INSTRUCTIONS FOR COMPLETING "SECTION B" OF MAJOR PETROLEUM FACILITY LICENSE APPLICATION**

**GENERAL INSTRUCTIONS:** Provide detail for each regulated tank (one complete line per tank; use additional forms as required). An Environmental Compliance Report must be enclosed. Enter one choice per block. Make only one entry per column, except for tank external protection, tank secondary containment, tank leak detection, tank overfill prevention, piping external protection, and piping leak detection columns, where you may indicate a primary and secondary choice. **Refer to "Section B – Tank Information – Code Keys" of the application form to indicate your responses.**

**(Column 1) ACTION** - Enter the type of action from the following choices:

1. Initial Listing..... Initial listing of a tank.
2. Add Tank ..... Installing a new tank at a facility.
3. Close/Remove Tank..... Permanently closing a tank or conversion to non-regulated substance/use.
4. Information Correction.... Information changes that have occurred since the initial application or last renewal for any tank. Indicate the tank number and correct the information in the appropriate spaces.
5. Repair/Reline Tank..... Repairs/relining performed in compliance with §613-2/-3/-4 as applicable.

**(Column 2) TANK NUMBER** - A unique tank number is required for each tank. Enter the number of the tank, using the tank numbering system at the facility. If none exists, establish one (e.g. 001, 002, etc.). Duplicate tank numbers at the same facility or "000" are not acceptable. For replacement tanks, the newly installed tank must have a different number than the closed tank. Otherwise, any combination of letters and numbers is acceptable, except manifolded tanks and compartmented tanks as noted below:

Manifolded (interconnected) tanks – numbering protocol: List each interconnected tank of the manifolded system on a separate line of the application, assign a separate tank number for each. Although not required, including a sketch of the manifolded tanks identified by tank number would be helpful. On the sketch: write "STP" under the tank if it includes a submersible turbine pump; write "drone" under the tank, if applicable. Example – a facility has a 12,000-gallon tank interconnected by piping to an 8,000-gallon tank, the larger tank has an STP. The tanks would be listed on Section B of the application as follows: (tank number, capacity): 001, 12,000 gallons; 002, 8,000 gallons. On the

sketch, show tank 001 interconnected to tank 002; underneath tank 001 write "STP", underneath tank 002 write "drone".

Tank with individual compartments – numbering protocol: List each compartment on a separate line of the application, assigning each compartment a separate tank number with a letter suffix. Under capacity, list the storage capacity of the compartment. Example – a facility has a tank with 3 individual compartments of 2000 gallons, 2000 gallons, and 1000 gallons. The tanks would be listed as follows (tank number, capacity): 1A, 2000 gallons; 1B, 2000 gallons; and 1C, 1000 gallons.

**(Column 3) TANK LOCATION** - Specify the location of the tank from the following choices:

1. Aboveground - contact with soil..... Tank bottom rests on soil, allowing no visual inspection.
2. Aboveground - contact with impervious barrier ... Tank bottom rests on impervious barrier, allowing visual indication of leaks.
3. Aboveground - on saddles, legs, racks, etc..... Tank bottom is elevated above grade or tank pad, allowing visual inspection.
4. Partially buried tank (tank with 10% or more below ground)..... Tank is less than 90% above grade, partially buried.
5. Underground including vaulted with no access for inspections..... Completely covered with materials or vaulted with no access for inspection.
6. Aboveground in subterranean vault with access for inspections..... Tank in subterranean vault but accessible for inspection.

**(Column 4) STATUS** - Specify the status of the tank. In-service tanks are status 1. If a tank is permanently out of service (Status 3 or 4), it must be closed pursuant to 6 NYCRR 613-2.6/-3.5/-4.5. If not properly closed, it must be considered out-of-service (Status 2) and then closed or put back into service within 12 months of being taken out of service. Status 5 refers to a product stored in the tank that is no longer regulated under the definition of petroleum in Article 12 of the Navigation Law.

**(Column 5) INSTALLATION, OUT OF SERVICE, OR PERMANENT CLOSURE DATE** - For Action 1, 2, 4, or 5, enter the month, day, and year the tank was completely installed. If installation date is unknown, you must provide your best estimate. For Action 3 (Closure), enter the month, day, and year the tank was permanently closed in compliance with Part 613 or converted to non-regulated substance/use. If a tank is being taken out-of-service, update status (column 4) to 2 (Out-of-Service) and in column 5 write in the date the tank was taken out of service.

**(Column 6) CAPACITY** - Specify the total storage design or maximum capacity of the tank in gallons. Do not use the working capacity. For manifolded/compartmented tanks, see the instructions above for "tank number."

**(Column 7) PRODUCT STORED** - Enter proper code referring to key codes for Section B. For heating oils, select code based on whether product in tank is consumed on-site or resold/redistributed. Examples: #2 fuel oil fed to a boiler to heat this facility: enter 0001; #2 fuel oil stored at a bulk plant for later resale or redistribution: 2718; used oil that feeds an on-site boiler or furnace: 2642; used oil that will be hauled away by a waste hauler or other legal disposal: 0022. For products blended with biodiesel, list % biodiesel additive, i.e., #2 fuel oil (codes 2711 & 2724), diesel (2710, 2730) or jet fuel (1044). For gasoline mixed with ethanol (code 2712), list % ethanol additive.

**(Column 8) TANK TYPE** - Specify tank type. If tank type is unknown, or tank is coated or painted steel, enter 01. Tanks used must be in compliance with the requirements of Part 613.

**(Column 9) TANK INTERNAL PROTECTION** - Specify the type of protection provided for the tank to prevent internal corrosion.

**(Column 10) TANK EXTERNAL PROTECTION** - Specify the type(s) of protection provided for the tank to prevent external corrosion.

**(Column 11) TANK SECONDARY CONTAINMENT** - Specify type(s) of secondary containment provided that are in compliance with Part 613. For aboveground tanks, 10,000 gallons or larger, and some smaller capacity aboveground tanks, secondary containment is required per 6 NYCRR §613-4.1(b)(1)(v). Aboveground tanks with impervious underlayment or double bottoms must also have diking or remote impoundment (use second column to specify which). Select "09" (Modified Ver. 11/01/2022

Double – Walled, Aboveground Only) for double wall aboveground tanks that provide containment for all spill scenarios, including overfills and leaks from tank top connections, as specified in DER-25, Aboveground Storage Tanks, §XVD, available at [http://www.dec.ny.gov/docs/remediation\\_hudson\\_pdf/der25.pdf](http://www.dec.ny.gov/docs/remediation_hudson_pdf/der25.pdf). Select “12” (Double – Walled, Aboveground Only) for double wall aboveground tanks that do not provide containment for all spill scenarios as specified in DER-25.

**(Column 12) TANK LEAK DETECTION** - Specify leak detection method(s) used that are in compliance with Part 613. List leak detection equipment that is operational and in use on a consistent basis

**(Column 13) TANK OVERFILL PREVENTION** - Specify the type(s) of overflow prevention equipment used. (Specify the type(s) of overflow prevention equipment used that are in compliance with Part 613.

**(Column 14) TANK SPILL PREVENTION** - Indicate if there is a spill catch basin (also known as a spill bucket) at the fill port (required for federally-regulated underground tanks).

**(Column 15) TANK DISPENSER METHOD** - Specify method/pump used to remove product from tank.

**(Column 16) PIPING LOCATION** - Specify piping location.

- 00. No Piping .....No piping exists for this tank.
- 01. Aboveground .....Piping is elevated and not in contact with the surface (soil, concrete, asphalt, etc.).
- 02. Underground/On-ground.....Piping completely covered with earth or resting in contact with surface (soil, concrete, asphalt, etc.).
- 03. Aboveground/Underground Combination ....Piping system contains both aboveground and underground piping

**(Column 17) PIPING TYPE** - Specify piping type from the tank to the end use point (e.g., dispenser; not to the fill port or vent pipe). For aboveground/underground combination, list the piping type for the underground portion.

**(Column 18) PIPING EXTERNAL PROTECTION** - Specify the type(s) of protection provided for the pipe to prevent external corrosion.

**(Column 19) PIPING SECONDARY CONTAINMENT** - Specify the type of secondary containment system.

**(Column 20) PIPING LEAK DETECTION** - Specify leak detection method used List leak detection equipment that is operational and in use on a consistent basis. For a description of “Exempt Suction Piping” and when it can be listed as leak detection, refer to DER-25, §IIB, available at, [http://www.dec.ny.gov/docs/remediation\\_hudson\\_pdf/der25.pdf](http://www.dec.ny.gov/docs/remediation_hudson_pdf/der25.pdf).

**(Column 21) LAST TEST OR INSPECTION DATE** - For underground tanks, enter the month, day, and year of the most recent tightness test performed). This entry does not satisfy the requirement for notification of test results for tank and line tests. Calculations, along with the test report, must be submitted to NYSDEC if they have not already been. For aboveground tanks, enter the month, day, and year of the most recent 10-year inspection performed per 6 NYCRR 613- 4.3. Note that not all underground and aboveground tanks require testing or inspections.

### **INSTRUCTIONS: SECTION C OF MAJOR PETROLEUM FACILITY LICENSE APPLICATION**

**GENERAL INSTRUCTIONS:** List the owners for all tanks listed in Section B. By no later than October 11, 2016, facilities with certain underground tanks (generally those storing motor fuels) must have specified the names and authorization numbers for their authorized Class A and Class B Operators. See <http://www.dec.ny.gov/chemical/102202.html> for more guidance

**TANK OWNER INFORMATION:** If all tanks are owned by the Licensee listed in Section A, check the box in the upper left hand corner and skip the remainder of Section C. If one or more tanks are owned by someone other than the Licensee listed in Section A, fill out name, address, and contact information for each tank owner and then complete “Specific Tanks Owned” directly below. If there are multiple tank owners, fill out the adjacent columns with their information (use extra sheets if necessary).

**SPECIFIC TANKS OWNED:** If all tanks are owned by one owner, check the box indicated. It is not necessary to list associated tank numbers. If there is more than one tank owner, do not check this box. Instead, list each tank number for the corresponding owner listed in the section above using the tank number listed in Section B. AS AN EXAMPLE ONLY - a facility has six tanks; five are owned by Joe Smith, the sixth is owned by ABC Company. The owner information for Joe

Smith would be added to the first column. The tank numbers for the five tanks he owns would be listed under "Specific Tanks Owned." The owner information for the ABC Company would be added in the second tank owner information column, and the tank number for the one tank owned by ABC Company would be listed under "Specific Tanks Owned."

**CHANGE OF TANK OWNERSHIP:** (with no change of licensee): Enter the new tank ownership information. This is considered an information correction transaction (see instructions in Section A above) and should be submitted within 30 days of the tank ownership change.

**Class B (Daily On-Site) Operator:** For facilities with underground storage tank systems regulated under 6NYCRR Subpart 613-2, enter the Class B Operator and their Operator Authorization number. The Class B Operator typically implements field aspects of operation, maintenance, and associated recordkeeping for the storage tank(s) at the facility. For facilities not regulated under Subpart 613-2, leave the Class B Operator and Authorization number blank.

**Class A (Primary) Operator:** For facilities with underground storage tank systems regulated under 6NYCRR Subpart 613-2, enter the Class A Operator and their Operator Authorization number. The Class A Operator typically manages resources and personnel through establishing work assignments to achieve and maintain compliance with the requirements of the PBS Regulations. For all other facilities, leave the Class A Operator and Authorization number blank.

### **INSTRUCTIONS FOR COMPLETING "SECTION D" OF MAJOR PETROLEUM FACILITY LICENSE APPLICATION (ON-SHORE ONLY)**

Answer Questions 1-6 for **INITIAL AND CHANGE OF LICENSEE APPLICATIONS ONLY**, by checking the appropriate box. Supply any additional information that is required.

- (1) Spill Prevention Control and Countermeasure (SPCC) Plan means a plan which has been prepared for the purpose of complying with 40 Code of Federal Regulations, Part 112 (40 CFR 112) and which does comply with the requirements of 40 CFR 112. If "Yes" is checked, attach a copy of SPCC Plan. If "No" is checked, as part of the application for a license, all major facilities must submit a cleanup or removal plan conforming to the requirements of 6 NYCRR Section 610.4(a)(3) and a spill prevention and containment plan conforming to 6 NYCRR Section 610.4(a)(4). These plans must address groundwater as well as surface water.
- (2) An Operations Manual means a manual prepared for the purpose of complying with 33 Code of Federal Regulations, part 154.300 *et seq.* (33 CFR 154.300 *et seq.*), and which does comply with the requirements of 33 CFR 154.300 *et seq.*, as it presently exists, or as amended. If "Yes" is checked, attach a copy of the Operations Manual.
- (3) If some plan other than an SPCC Plan or an Operations Manual is submitted as the **prevention plan**, please refer to and review the NYSDEC Regulations, 6 NYCRR Section 610.4(a)(4) which describe the information that must be contained in a prevention plan.
- (4) According to Article 12 of the Navigation Law, a **cleanup and removal plan** shall contain, but is not limited to, an inventory of the following:
  - (i) The storage and transfer capacity of the facility;
  - (ii) The containment and removal equipment, including, but not limited to, vehicles, vessels, pumps, skimmers, booms, chemicals, and communication devices, to which the facility has access through direct ownership or by contract or membership in a discharge cleanup organization recognized by the Department of Environmental Conservation as well as the time lapse following a discharge which precedes such access;
  - (iii) The trained personnel which are required and available to operate such containment and removal equipment and the time lapse following a discharge which precedes such availability;
  - (iv) All equipment and trained personnel used or employed in a capacity at the facility to prevent discharges of petroleum;
  - (v) The terms of agreement and operation plan of any discharge cleanup organization to which the owner or operator of the facility belongs;
  - (vi) The type and amount of petroleum transferred, refined, processed or stored at the facility.

Most of this information may already be contained on the application questionnaire or in the plan(s) submitted. If the required information is contained in an existing plan which has been submitted, indicate where the information is located in the plan. Required information not found in a submitted plan or on the application questionnaire should be submitted with the application on a separate sheet referenced to the question.

- (5) Check "Yes" if your spill prevention plan and your clean-up and removal plan are fully implemented, otherwise check "No." If "No" is checked, indicate date when implementation will be completed and on a separate sheet indicate the parts of the plans that are implemented and the equipment you have in use for the prevention of oil spills and the equipment available to you on short notice for the containment and removal of oil spills.
- (6) If this facility has been the source of spills or discharges during the past five years, please attach a statement providing the following information for each spill or discharge:
- (i) cause of spill;
  - (ii) amount and type of product spilled;
  - (iii) environmental damages caused by spill; and
  - (iv) corrective actions taken to prevent a similar event from recurring.

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Answer Questions 7-9 for **RENEWAL APPLICATIONS ONLY**, by checking the appropriate box. Supply any additional information that is required.

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- (7) If this facility has been the source of spills or discharges during the past year, please attach a statement providing the following information for each spill or discharge:
- (i) cause of spill;
  - (ii) amount and type of product spilled;
  - (iii) environmental damages caused by spill; and
  - (iv) corrective actions taken to prevent a similar event from recurring.
- (8) Please submit complete description of changes, altered site plan, etc., and an explanation of how these changes will affect daily and/or emergency operations in the event of a spill.
- (9) Check "Yes" if your spill prevention plan and your clean-up and removal plan has been amended or otherwise changed within the last year, and submit the revised plans with your application. SPCC Plans must be reviewed and updated every **three** years. If the three year review of the plan reveals no amendment is needed, then an engineering certificate is not required. Please submit your updated and/or amended SPCC Plan and any other plans that have been updated or amended since being submitted for initial licensing.

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Answer Questions 10-16 for **ALL APPLICATIONS** by checking the appropriate box. Supply any additional information that is required.

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- (10) If the Coast Guard and/or the U.S. Environmental Protection Agency has had occasion to inspect your facility and has cited your company for violation(s) and you have not corrected the violation(s), check "Yes" and attach an explanation identifying the violation(s) and explaining why corrective actions have not been taken or are not fully complete. Otherwise, check "No."
- (11) If a general site plan of your facility is included as part of the submitted plans, check "Yes", and indicate the Plan and page number where the General Site Plan is located. Otherwise, please submit a general site plan.
- (12) If a description of your facility's ability to prevent contamination of groundwater as a result of a spill or discharge is included in the submitted plan, check "Yes" and indicate page number where this information can be found. Otherwise, attach a description of what precautions, if any, have been taken to prevent petroleum products from reaching groundwater during a spill or discharge.
- (13) If you are a member of a discharge clean-up organization or cooperative, check "Yes" and enter name and address of organization and supply a copy of the agreement. Otherwise, check "No."

- (14) If you contract for discharge clean-up services, check "Yes" and enter name and address of contractor. Otherwise check "No."
- (15) If you dispose of waste petroleum and/or petroleum contaminated materials off site, check "Yes" and enter name and address of the disposal service(s) and the location (state, county, town and street address) of the disposal site(s) used. Otherwise, check "No" and attach explanation of how such wastes are handled.
- (16) On-shore Major Petroleum Storage Facilities must comply with 6 NYCRR Part 613 as provided by 6 NYCRR Part 610. Check "Yes" if your facility and plans are in compliance with the requirements and schedules of 6 NYCRR Part 613. Otherwise, check "No", enter the date when compliance is anticipated and submit a schedule for implementation to comply with 6 NYCRR Part 613.

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**MAILING INSTRUCTIONS**

Please mail the completed application (Sections A, B, C & D) with attachments to the appropriate **NYSDEC regional office**. Initial and change of licensee applications must be accompanied by a new or recertified SPCC Plan with the current licensee's name.

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