

TEXT OF RULE

Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended by adding a new Subpart 1229-3 to read as follows:

Subpart 1229-3

Abandonment or Removal of Heating Oil Storage Tanks

Section 1229-3.1 Introduction.

This Subpart amends the provisions relating to the abandonment or removal of heating oil storage tanks in the Uniform Code.

Section 1229-3.2 Purpose.

This Subpart implements the provisions of subdivision thirteen of section 378 of the Executive Law, as amended by Chapter 725 of the Laws of 2019.

Section 1229-3.3 Definitions.

In this Subpart, the following terms shall have the following meanings:

(a) 2015 IFC. The publication entitled 2015 International Fire Code (publication date: May 30, 2014, third printing) published by the International Code Council, Inc., as amended by the 2017 Uniform Code Supplement.

(b) 2015 IRC. The publication entitled 2015 International Residential Code (publication date: May 30, 2014, second printing) published by the International Code Council, Inc., as amended by the 2017 Uniform Code Supplement.

(c) 2017 Uniform Code Supplement. The publication entitled 2017 Uniform Code Supplement published by the New York State Department of State.

Section 1229-3.4 Amendments to the 2015 IFC.

(a) Section 202 of the 2015 IFC shall be deemed to be amended to add the following definition:

Heating oil storage tank. A tank used for storing heating oil for consumptive use on the premises where stored.

(b) Section 5704.2.16 of the 2015 IFC shall be deemed to be amended to read as follows:

5704.2.16 Abandonment or removal of heating oil storage tanks. The abandonment or removal of heating oil storage tanks and related piping shall be in accordance with all of the following:

1. The entire contents of the heating oil storage tank and related piping shall be emptied, cleaned, and purged of all vapor. The contents of the heating oil storage tank and related piping shall be removed from the premises and disposed of in accordance with applicable local, state or federal rules and regulations.
2. The suction, inlet, gauge, vapor return, and vapor lines shall be disconnected.
3. All fill piping and other related piping shall either be permanently removed or filled with concrete. All other remaining piping shall be capped or plugged.

Exception: Piping that is reused for the installation of a new heating oil storage tank and meets the applicable requirements for the new installation.

4. If abandoned in place, underground heating oil storage tanks shall be filled completely with an approved inert solid material. Above-ground heating oil storage tanks may either be filled with an approved inert solid material or if not filled with an approved inert solid material then the vent line shall remain open and intact. A record of tank size, location, and date of abandonment shall be retained by the property owner.
5. If removed, heating oil storage tanks shall be disposed of in accordance with applicable local, state, or federal rules and regulations.

6. An inspection by the building official or by an approved inspector is required to be made of the abandonment or removal of the heating oil storage tank. If an approved inspector performs such inspection, no approval of such abandonment or removal shall be granted by the building official unless written proof of the heating oil storage tank's oil fill pipe having been removed or filled with concrete in accordance with this section and the applicable provisions of the Uniform Code has been provided by the property owner to the building official.
7. When conversion to an alternate fuel has taken place and prior to the commencement of the new home heating service, property owners shall provide written notice to their home heating oil supplier or suppliers informing them of such conversion and instructing them to discontinue deliveries.

Section 1229-3.5 Amendments to the 2015 IRC.

(a) Section M2201.7 of the 2015 IRC shall be deemed amended to read as follows:

M2201.7 Tanks abandoned or removed. Tank abandonment and removal shall be in accordance with the International Fire Code and Appendix J of this code.

(b) Section AJ202 of Appendix J of the 2015 IRC is amended to add the following definition:

Heating oil storage tank. A tank used for storing heating oil for consumptive use on the premises where stored.

(c) Appendix J of the 2015 IRC is amended to add a new section AJ12 to read as follows:

AJ12

Abandonment or Removal of Heating Oil Storage Tanks

Section AJ1201

General

The abandonment or removal of heating oil storage tanks and related piping shall be in accordance with all of the following:

1. The entire contents of the heating oil storage tank and related piping shall be emptied, cleaned, and purged of all vapor. The contents of the heating oil storage tank and related piping shall be removed from the premises and disposed of in accordance with applicable local, state or federal rules and regulations.
2. The suction, inlet, gauge, vapor return, and vapor lines shall be disconnected.
3. All fill piping and other related piping shall either be permanently removed or filled with concrete. All other remaining piping shall be capped or plugged.

Exception: Piping that is reused for the installation of a new heating oil storage tank and meets the applicable requirements for the new installation.

4. If abandoned in place, underground heating oil storage tanks shall be filled completely with an approved inert solid material. Above-ground heating oil storage tanks may either be filled with an approved inert solid material or if not filled with an approved inert solid material then the vent line shall remain open and intact. A record of tank size, location, and date of abandonment shall be retained by the property owner.
5. If removed, heating oil storage tanks shall be disposed of in accordance with applicable local, state, or federal rules and regulations.
6. An inspection by the building official or by an approved inspector is required to be made of the abandonment or removal of the heating oil storage tank. If an approved inspector performs such inspection, no approval of such abandonment or removal shall be granted by the building official unless written proof of the heating oil storage tank's oil fill pipe having been removed or filled with concrete in accordance with this section and the applicable provisions of the Uniform Code has been provided by the property owner to the building official.
7. When conversion to an alternate fuel has taken place and prior to the commencement of the new home heating service, property owners shall provide written notice to their home heating oil supplier or suppliers informing them of such conversion and instructing them to discontinue deliveries.

Section 1229-3.6 Incorporation by reference.

(a) The following publications are hereby incorporated by reference into this Subpart.

(1) 2015 International Fire Code (2015 IFC), publication date: May 30, 2014, third printing, published by the International Code Council, Inc.

(2) 2015 International Residential Code (2015 IRC), publication date: May 30, 2014, second printing, published by the International Code Council, Inc.

(3) 2017 Uniform Code Supplement, publication date: July 2017, published by the New York State Department of State.

(b) Copies of the 2015 IFC and 2015 IRC may be obtained from the publisher at the following address:
International Code Council, Inc.
500 New Jersey Avenue, NW, 6th Floor
Washington, DC 20001

(c) Copies of the 2017 Uniform Code Supplement may be obtained from the New York State Department of State at the following address:
New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(d) All publications incorporated by reference into this Subpart are available for public inspection and copying at:
New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001