



New York State  
Department of Environmental Conservation  
**MAJOR PETROLEUM FACILITY LICENSE**



**FACILITY:**

**BROOKHAVEN NATIONAL LABORATORY  
40 BROOKHAVEN AVENUE  
UPTON, NY 11973**

**OWNER:**

**DEPARTMENT OF ENERGY (DOE)  
BROOKHAVEN GROUP  
UPTON, NY 11973**

**The facility named above has been duly licensed, pursuant to Article 12 of the Navigation Law. Any conditions placed on this license are marked on the attached Special Conditions Check List.**

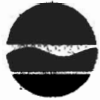
**MAILING CORRESPONDENCE:**

**LICENSE NUMBER: 1-1700  
DATE ISSUED: 3/8/2007  
EXPIRATION DATE: 3/31/2012**

**ATTN: MICHAEL D. HOLLAND, BROOKHAVEN** Commissioner of Environmental Conservation  
**DEPARTMENT OF ENERGY (DOE)**  
**BROOKHAVEN SITE OFFICE**  
**UPTON, NY 11973**

By   
Title **Regional Spill Engineer**

**THIS LICENSE IS NON-TRANSFERABLE**



**MAJOR PETROLEUM FACILITY LICENSE**

**Tank Listing For License Number: 1-1700**



<b>TANK NUMBER</b>	<b>DATE INSTALLED</b>	<b>TANK LOCATION</b>	<b>TANK TYPE</b>	<b>CAPACITY (Gallons)</b>	<b>PRODUCT STORED</b>
<b>9</b>	<b>08/01/1989</b>	<b>Aboveground - in contact with soil</b>	<b>Steel/Carbon Steel/Iron</b>	<b>400,000</b>	<b>#6 Fuel Oil</b>
<b>(611C)3</b>	<b>01/01/1964</b>	<b>Aboveground - in contact with soil</b>	<b>Steel/Carbon Steel/Iron</b>	<b>300,006</b>	<b>#6 Fuel Oil</b>
<b>(611D)4</b>	<b>01/01/1974</b>	<b>Aboveground - in contact with soil</b>	<b>Steel/Carbon Steel/Iron</b>	<b>400,008</b>	<b>#6 Fuel Oil</b>
<b>(611E) 5</b>	<b>01/01/1983</b>	<b>Aboveground - in contact with soil</b>	<b>Steel/Carbon Steel/Iron</b>	<b>300,006</b>	<b>#2 Fuel Oil</b>
<b>(611F) 6</b>	<b>01/01/1983</b>	<b>Aboveground - in contact with soil</b>	<b>Steel/Carbon Steel/Iron</b>	<b>300,006</b>	<b>#2 Fuel Oil</b>
<b>10</b>	<b>08/01/1989</b>	<b>Aboveground - in contact with soil</b>	<b>Steel/Carbon Steel/Iron</b>	<b>600,000</b>	<b>#6 Fuel Oil</b>

**New York State Department of Environmental Conservation**  
**Division of Environmental Remediation, Region One**  
**Spill Prevention and Response**  
50 Circle Road - SUNY, Stony Brook, New York 11790-3409  
Phone: (631) 444-0320 • FAX: (631) 444-0328  
Website: www.dec.state.ny.us



MAR 08 2007

**CERTIFIED LETTER - RETURN RECEIPT REQUESTED**

Department of Energy  
53 Bell Avenue  
Brookhaven Site Office  
Upton, NY 11973  
Attn: Mr. Michael Holland, Brookhaven Site Manager

Facility: Brookhaven National Laboratory  
40 Brookhaven Avenue  
Upton, NY 11973

Dear Mr. Holland:

Enclosed herein is your Onshore Major Oil Storage Facility (MOSF) License #**01-1700** which expires **March 31, 2012**. You must reapply 90 days before that date and comply with any new or modified conditions or guidelines to prevent, contain, cleanup and remove discharges of petroleum to surface and groundwater. Scheduled facility inspections will be made by the Department representatives, as well as random inspections. Information regarding license fees and surcharges will be sent by the Division of Management and Budget, Oil Spill Revenue Unit.

The Department bases the issuance of this license upon an evaluation of the information contained in your application, on-site facility inspections, and

evaluation of submitted State and Federal plans to prevent, control, contain and remove discharges OR  
 a schedule of when such plans are to be submitted.

The Department hereby certifies that the facility operator currently:

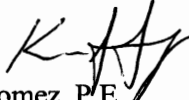
has implemented or  is in the process of implementing State and Federal plans and regulations for the prevention, control, containment and removal of discharges.

has implemented or  is in the process of implementing the requirements of 6 NYCRR Parts 613.2 through 613.9 and 614.2 through 614.14.

Included in your license are General and Special Conditions as deemed necessary to protect the waters of the State based upon evaluation of State and Federal plans, compliance with 6 NYCRR Parts 613 and 614, environmental setting and/or facility inspections.

Future license renewals will be based on, among other factors, the history of spills and discharges at the facility, the history of compliance with the applicable provisions of 6 NYCRR Parts 613 and 614, a review of submitted plans and inspections of the facility, compliance with license conditions and additional guidelines as subsequently issued.

**Please post this license conspicuously at the facility for which it is issued.**

Sincerely,   
Karen J. Gomez, P.E.  
Regional Spill Engineer

Enc.: License Conditions  
cc: Spill Prevention and Response Data Section

## GENERAL CONDITIONS FOR ONSHORE MAJOR OIL STORAGE FACILITY LICENSE

### I. Conditions

1. No chemical dispersants may be employed in the clean-up of a spill or discharge without approval by the Department. If a Spill Prevention and Containment Plan or spill cleanup plan contains a list of chemical or biological agents, the use of such agents is subject to prior approval from the Department.
2. The use of sorbents shall be limited to the cleanup of small spills and the final cleanup of large spills.
3. Disposal of all recovered petroleum products and oil-soaked debris shall be in accordance with 6 NYCRR Section 611.6.
4. The owner or operator shall maintain all equipment, including spill cleanup equipment, in good repair.
5. Major additions, changes or rehabilitation in the structures or equipment of the onshore major oil storage facility which would materially affect the potential for a petroleum discharge (hereafter referred to as "project") must be approved in advance by the Department. Any amendments or changes to any plans submitted with or referred to in the license application shall be furnished promptly to the Regional Office.
6. The Department shall be notified of all leaks, spills, and discharges immediately, but in no case later than two hours after the discharge. Notification must be made by calling the Department Spill Hotline at (800) 457-7362 or (518) 457-7362 outside New York State.
7. Any person transporting and/or disposing of recovered oil and/or oily debris must be registered by the Department as a "REGISTERED WASTE HAULER," pursuant to 6 NYCRR Part 364, and must transport the material to a disposal facility shown on the Part 364 registration.
8. Monthly reports shall be submitted, and license fees and surcharges must be paid by the licensee as required by 17 NYCRR Sections 30.8 and 30.9, "Oil Spill Prevention and Control - Licensing of Major Facilities."
9. The owner or operator of the facility shall provide access to representatives of the Department during normal business hours for the purpose of determining compliance with State and Federal regulations and all general and special conditions of this license.
10. The owner or operator shall comply with the conditions specified in any Order on Consent or variance pertaining to the facility.

## **II. The Department Initiated Modifications, Suspensions or Revocations**

1. The Department may modify, suspend or revoke this license at any time; the grounds for such action may include, but are not limited to, the following:
  - (a) materially false or inaccurate statements in the license application or supporting documentation;
  - (b) failure by the licensee to comply with any terms or conditions of the license;
  - (c) exceeding the scope of the project as described in the license application;
  - (d) failure to pay monthly license fees and surcharges and/or submit monthly license reports;
  - (e) newly discovered material information or material changes in environmental conditions, relevant technology, applicable laws, or regulations, or a change in the Department's policy since the issuance of the existing license; or
  - (f) noncompliance with previously issued license conditions, Orders on Consent, orders of the Commissioner, variances, any provision of the Navigation Law or Environmental Conservation Law or the regulations adopted pursuant to such laws related to the licensed activity.
2. The Department shall send a notice of intent to modify, suspend or revoke a license to the licensee by certified mail with return receipt requested or personal service. The notice shall state the alleged facts or conduct which appear to warrant the intended action.
3. Within 15 days of the date of such notice of intent, the licensee may submit a written statement to the Department, giving reasons why the permit should not be modified, suspended or revoked, or requesting a hearing, or both. Failure by the licensee to submit a timely statement shall result in the Department's action becoming effective on the date specified in the notice of intent.
4. Within 30 days of receipt of the licensee's statement, the Department shall take the following action. If a statement without a request for a hearing is submitted, the Department shall rescind or confirm the notice of intent based on a review of the information provided by the licensee. If a statement with a request for a hearing has been submitted, the Department shall notify the licensee of a date and place for a hearing, to be commenced not later than 60 days from that notification.
5. In the event such a hearing is held, the Commissioner shall, within 30 days of receipt of the complete record, and receipt of the hearing officer's findings of fact and recommendations, issue a decision which:
  - (a) continues the license in effect as originally issued;
  - (b) modifies the license, or suspends it for a stated period of time or upon stated conditions; or
  - (c) revokes the license, including when ordered by the Commissioner, the removal or modification of all or any portion of a project, whether completed or not.

Notice of the Commissioner's decision, stating the findings and reasons for the action, shall be mailed to the licensee.

6. Where the Department has proposed to modify a license and the licensee requests a hearing on the proposed modification, the original license conditions remain in effect until there has been a decision issued by the Commissioner as provided herein.
7. Nothing in these license conditions shall preclude or affect the Commissioner's authority to issue summary abatement orders under ECL 71-0301 or take emergency action summarily suspending a license under section 401(3) of the State Administrative Procedure Act.

### **III. Licensee Initiated Modification**

Applications for modification of a license must include a written statement of necessity or reasons for the modification, as well as a description of the requested modification. The Department shall notify the licensee of its decision, by mail, within fifteen days of receipt of a completed application. An application for modification may be denied for failure to meet any of the standards or criteria applicable under the Navigation Law and regulations adopted thereunder, Article 8 of the Environmental Conservation Law or for any of the reasons set forth in paragraphs II(1) (a)-(f) above.

The Department may determine that an application for modification shall be treated as a new application for a license if:

- the requested modification would result in a material change to existing license conditions or in the scope of permitted activities; or
- there is newly discovered material information or there has been a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing license.

Until the Department grants a request for modification, the original license conditions remain in effect.

**Onshore Major Oil Storage Facility  
SPECIAL LICENSE CONDITIONS CHECKLIST**

**Instructions:** If an "X" appears in the column labeled "Condition," the specified condition applies to the license issued to the facility. The details of each condition and compliance dates are included in the section titled, "Onshore Major Oil Storage Facility Special License Conditions (Instructions and Deadlines)."

<u>Condition</u>	<u>Section Number</u>	<u>Date</u>	<u>Compliance</u>	<u>Section Title</u>
				<b><u>Installing Monitoring Wells</u></b>
_____	1(a)	_____		Initial Installation of Monitoring Wells
_____	1(b)	_____		Additional Monitoring Wells
				<b><u>Sampling and Testing of Monitoring Wells</u></b>
_____	2(a)	_____		Initial Testing of Monitoring Wells
<u>  X  </u>	2(b)	<u>See Section</u>		Six Month Testing of Monitoring Wells
_____	2(c)	_____		Annual Testing of Monitoring Wells
<u>  X  </u>	2(d)	<u>See Section</u>		Monthly Monitoring of Wells
				<b><u>Spill Prevention and Containment Plan</u></b>
<u>  X  </u>	3(a)	<u>10/31/2007</u>		P.E. Certification/Management Review of Plan
_____	3(b)	_____		Description of Secondary Containment System
_____	3(c)	_____		Testing of Secondary Containment System (Initial Construction)
<u>  X  </u>	3(d)	<u>05/31/2007</u>		Engineering Plan for Upgrading Secondary Containment System
<u>  X  </u>	3(e)	<u>09/01/2007</u>		Implementation of Engineering Plan
_____	3(f)	_____		Site Map
<u>  X  </u>	3(g)	<u>See Section</u>		Description of Previous Spills
<u>  X  </u>	3(h)	<u>12/31/2011</u>		Environmental Compliance Report
_____	3(i)	_____		Facility Response Plan
_____	3(j)	_____		Inspection Certification of Secondary Containment Systems (Every Five Years )
<u>  X  </u>	3(k)	<u>10/31/2007</u>		Updated SPCC Plan/Facility Response Plan
_____	4(a)	_____		<b>Closure of Facility</b> Site Assessment

**Onshore Major Oil Storage Facility  
SPECIAL LICENSE CONDITIONS  
Instructions and Deadlines**

The Department of Environmental Conservation is required by Article 12 of the Navigation Law to protect and preserve the lands and waters of New York State from all discharges of petroleum, including any from onshore major oil storage facilities. To protect and preserve the waters of the State, owners/operators are required to show how they guard against contamination of surface and groundwater. Surface and groundwater protection at MOSFs is accomplished through the following:

1. installing groundwater monitoring wells;
2. monitoring groundwater quality; and
3. developing and implementing the Spill Prevention and Containment Plan, in accordance with Part 610.4(a)(4).

The following sections detail how to meet each of the conditions marked on the Special Conditions Checklist. Sections 1 through 3 correspond to the three elements of protecting the waters of the State. The section numbers on the checklist correspond to the following section numbers.

**1. Installation of Monitoring Wells**

Monitoring wells are needed to determine ambient groundwater quality and to detect possible contamination that could come from any portion of the facility. The number and location of wells must be approved by the Department. Plans for existing and/or proposed wells must be submitted to the issuing Regional Office by the indicated date. Subject to Department approval, these monitoring wells must be installed by the date set by the Department.

**a. Initial Installation of Monitoring Wells**

Install at least one (1) well hydraulically up gradient of the facility and install at least three (3) wells hydraulically down gradient of the facility. Monitoring wells must be properly installed to a depth to compensate for the lowest seasonal variation.

When adjacent facilities exist, monitoring wells should be placed on the property lines to determine the source of contamination. In this case, common monitoring wells will exist between facilities so the schedules for testing should be consistent.

Submit plan by \_\_\_\_\_

Install wells by \_\_\_\_\_

**Additional Monitoring Wells**

Installation of additional wells may be necessary based on site-specific conditions, information obtained from existing wells, evidence of past spills, or evidence of a potential spill source. The number and location of all additional monitoring wells must be submitted on a site plan for approval by the Regional Office prior to installation.

Number of Wells to be Installed \_\_\_\_\_

Install Wells by \_\_\_\_\_

## 2. Sampling and Testing of Monitoring Wells

Owners/operators shall conduct a groundwater sampling and testing program to ensure protection of groundwater at the facility. Owners/operators must test the groundwater for the presence of the different types of petroleum that are stored at the site. The groundwater monitoring program must include testing for methyl tertiary butyl ether (MTBE) whenever petroleum is stored or has been stored since the beginning of MTBE usage in the 1970s.

All sampling and testing must be conducted by a private or "out-of-house" laboratory which is ELAP-certified by the NYS Department of Health for the specific parameter or category of parameters. A list of certified laboratories is available at <http://www.wadsworth.org/labcert/elap/elap.html>. The laboratory must send the test results directly to both the facility and the Department Regional Office. The facility operator may monitor for free product without the aid of an outside contractor. Upon request, laboratories shall submit analytical results in an electronic format acceptable to the Department.

**TABLE 1**

**Recommended Testing Methods for Detecting Petroleum in Groundwater. Site-specific concerns or changes in testing methods may allow for the substitution of EPA methods.**

**TO TEST FOR:**

VOC - Volatile Organic Compounds

SVOC- Semi Volatile Organic Compounds

Initial Testing of Monitoring Wells

**TYPE OF PETROLEUM**

Gasoline

Aviation Gasoline

Kerosene

Diesel

Fuel Oils

**USE EPA METHOD:**

8260, 524.2, 624, 8021, 502.2

8270 (Base Neutral Extractable) or 625

8260 plus MTBE, 8270

**MUST TEST FOR \***

VOC + MTBE

VOC + MTBE,

VOC + MTBE and SVOC

VOC + MTBE and SVOC

VOC + MTBE and SVOC

\* Measurements of MTBE are not standard outputs of these EPA Methods. To obtain such a measurement, the lab must be instructed to add MTBE as a target analyte to the test method selected. Minimum detection limit for MTBE is 5 PPB.

**EPA 8021** test analyzes for a broad number of aromatic volatile compounds that are found in light grade petroleum products by purge and trap capillary column GC with a photo ionization detector. Identification of a compound is based on detector response and retention time.

**EPA 624 (EPA 8260)** test series covers a broader number of substances using a gas chromatography - mass spectrometer (GC-MS) by extraction. This is effective in testing for volatile organic compounds in gasoline and aviation gasoline.

**EPA 8270 (EPA 625)** test series covers a broader number of substances using a gas chromatography - mass spectrometer (GC-MS) by extraction. This is useful for detecting semi-volatile organics found in kerosene, fuel oil, jet and diesel fuels.

**EPA 500** test series was adopted by the New York State Department of Health to test drinking water. The 502.2 test is applicable in the determination of 33 aromatic hydrocarbons using a chromatographic/photo ionization detector. This is effective for detecting volatile organics found in light grade products, such as gasoline.

EPA 524.2 is a capillary column GC/MS purgeable organics test for volatile organics which have a vapor pressure equal to or greater than 0.1 mm of Hg. The method which is suited for the detection of MTBE is described in EPA's reference "Methods For The Determination of Organics Compounds In Drinking Water."

For a quick reference on what compounds of petroleum products should be monitored and which analytical methods can be used in analyzing them, see Chart 7-1, Section 7.0 of "Sampling Guidelines and Protocols", NYS Department of Environmental Conservation - Division of Water, dated March 1991.

Note: GC/PID methods used to analyze for MTBE are subject to interference (co-elution problems) when samples contain significant amounts of petroleum product contamination. This may lead to false-positive MTBE results. Results can be verified by use of GC/MS methods.

### **Sampling Procedures**

Groundwater samples for analysis must be taken and handled properly to ensure that they are representative of in-situ conditions. Standard practice is to purge wells prior to sampling by bailing 3-5 volumes of water present in the well prior to taking samples. Guidance on purging and other approved techniques may be found in the Department's "Sampling Guidelines and Protocols" manual. Alternate sampling procedures, such as but not limited to low and no flow methods, may be appropriate in specific situations as approved by the Department.

If free product is found in any monitoring wells, the discharge must be reported to the Department Spill Hotline immediately, but in no case later than two hours after the discharge. The owner/operator must perform the following testing and monitoring of wells, and provide results and reports as scheduled.

**a. Initial Testing of Monitoring Wells**

All monitoring wells must have an initial testing to determine a baseline assessment of water quality, using appropriate methods discussed above.

Test Results to be Submitted by \_\_\_\_\_

**b. Six Month Testing of Monitoring Wells**

All monitoring wells must be retested six months after initial testing. This requires analytical testing as described in Section #2-a, above. Based on the results of the initial and six-month testing, the Department Regional Office will establish a schedule for further sampling and testing.

Test Results to be Submitted by July 1 and December 31.

**c. Annual Testing of Monitoring Wells**

Annual testing of monitoring wells must be done between April 15 and May 15 of each year using the analytical tests that are described in Section 2, Table 1. The Regional Office may specify a different testing period if site specific conditions indicate the need for more frequent testing.

Test Results to be Submitted Annually by \_\_\_\_\_.

**d. Monthly Monitoring of Wells**

Routine monitoring for free product is to be done at least monthly using manual methods, such as a bailer, product paste, electronic hydrocarbon probe, or other equivalent method. Results from the visual test are to be recorded and kept on file at the facility as part of the facility's monthly inspection. If free product is found, the Department must be notified on the Department Spill Hotline immediately, but in no case later than two hours after the discharge. The Department may request that these monthly reports be submitted to the Regional Office.

Submit Monitoring Well Monthly Reports to Regional Office.

Keep Monitoring Well Monthly Reports on file at facility.

**3. Spill Prevention and Containment Plan**

A Spill Prevention and Containment Plan prepared in accordance with 6 NYCRR 610.4(a)(4) must be submitted to the Department prior to the issuance of a license. The Spill Prevention and Containment Plan (the "Plan") must include the following elements:

1. Spill Prevention Control and Countermeasure Plan (SPCC Plan) and a Facility Response Plan written according to 40 CFR 112;
2. Operations Manual written according to 33 CFR 151, 154, 155 and 156;
3. Groundwater Contingency Plan written in accordance with Special License Conditions 1 and 2 and Part 610.4(a)(4)(ii);
4. Site Plan written in accordance with Special License Condition 3(f) and Part 610.4(a)(iii);
5. Description of Previous Spills written in accordance with Special License Condition 3(g) and Part 610.4(a)(4)(iv);
6. Environmental Compliance Report written in accordance with Special License Condition 3(h) and Part 610.5(a)(4);
7. Inspection reports for secondary containment pursuant to Part 613.6(c).
8. Inspection records for aboveground storage tanks [Part 613.6]

The following sections detail how to satisfy the elements of a Spill Prevention and Containment Plan.

**a. PE Certification/Management Review of Plan**

A professional engineer (P.E.), licensed and registered in New York State by the New York State Education Department, must review and certify that the Spill Prevention and Containment Plan has been prepared in accordance with good engineering practices and other requirements as defined in 40 CFR 112.3(d). The Plan must be updated and recertified whenever any major additions, changes or rehabilitation occurs, as defined in 6 NYCRR 610.5(c)(2). If no major changes occur, then the owner/operator must complete a review and evaluation of the Plan at least every five years. The owner/operator must submit all recertification or management reviews to the Regional Office. If the SPCC Plan has not been signed by a P.E, licensed and registered in New York State, then re-certification must include a review and re-certification by a New York licensed and registered P.E.

PE Certification/Management Review to be Submitted by October 31, 2007.

**b. Description of Secondary Containment System**

Owners or operators shall submit a description of the existing secondary containment system in detail and explain how this system prevents a spill of petroleum from reaching the lands or waters outside the containment area before cleanup occurs.

Secondary Containment Description to be Submitted \_\_\_\_\_

**c. Testing of Secondary Containment System (Initial Construction)**

The secondary containment system shall be tested according to the guidance provided in the Department's technical guidance memo, SPOTS #10, "Secondary Containment Systems for Aboveground Storage Tanks." The Plan must contain a description of the procedures and methods used to inspect and test the effectiveness of the system.

When soil permeability is being evaluated, the test methods, procedure, results, test limitations and advantages as outlined in API Publication Standard 351, "Overview of Soil Permeability Test Methods," April 1999, are considered to be good engineering practice and must be used by the design engineer when seeking approval from the Regional Office.

Test Results to be Submitted no later than \_\_\_\_\_.

**d. Engineering Plan for Upgrading Secondary Containment System**

If the secondary containment system does not meet the standards set forth in 6NYCRR Section 613.3(6), then an engineering plan certified by a Professional Engineer, licenced and registered with the New York State Education Department, must be submitted to the Regional Office describing how existing systems will be improved. This plan must include the composition and permeability of the existing soil; the methodology that will be used to upgrade the secondary containment system, such as a synthetic liner; the specifications of the material to be used; procedures on installation; and the proposed permeability of the resulting containment system.

This plan must be submitted to and approved by the Regional Office before construction is started.

Engineering Plan to be submitted by May 31, 2007.

**e. Implementation of Engineering Plan**

After the engineering plan to improve the secondary containment system has been reviewed and approved by the Department, the owner or operator may begin implementation of the proposed secondary containment system.

Construction to be completed by September 1, 2007.

**f. Site Map**

The Plan must contain a site map showing the location of all surface water, observation, monitoring, and recovery wells, location of tanks and their respective secondary containment areas, product transfer areas, and spill cleanup equipment storage. The scale used for the site map must be drawn such that all of the referenced map features (tanks, transfer areas, wells, etc.) are readily visible. This must be submitted to the Department in an acceptable electronic format, if available.

Site Map to be submitted by \_\_\_\_\_

**g. Description of Previous Spills**

The Plan must contain a description of all spills, discharges and cleanup activities during the preceding 12-month period. This description must include the cause, type and amount of product spilled and recovered, corrective action taken, cleanup effectiveness, long-term cleanup plans and plans for preventing the recurrence of a spill or discharge. This description must be submitted within one year after discovery of the spill or discharge, or at the time the application for a transferred or renewal license is submitted to the Department, whichever is sooner.

Description of Previous Spills to be Submitted as necessary.

**h. Environmental Compliance Report**

The Plan must contain an assessment of compliance with the 6 NYCRR Parts 610, 611, 612, 613, 614; 17 NYCRR Parts 30 and 32, 40 CFR 112, 40 CFR 280 and special conditions required under this license. This must include a status report and schedule for compliance. The Environmental Compliance Report Guidance is attached.

Environmental Compliance Report to be submitted by December 31, 2011.

**i. Facility Response Plan**

Facility Response Plans are required under the 40 CFR 112.20 and the Oil Pollution Act (OPA) of 1990 for any on-shore facility that could reasonably be expected to discharge oil to navigable waters, adjoining shoreline or to the exclusive economic zone. These must contain plans for responding, to the maximum extent practical, to a worse-case discharge.

Any facility which must have a Facility Response Plan pursuant to the OPA must file a copy of that plan and any subsequent amendments with the Department. Such plan must be filed concurrent with the filing with the USEPA.

Facility Response Plan to be submitted by \_\_\_\_\_

**j. Inspection Certification of Secondary Containment Systems**

Secondary containment systems must be inspected monthly for compliance with standards set forth in 6 NYCRR 613.3(c)(6). Inspection reports must be maintained which identify any deficiency found during the inspection and any subsequent repairs rendered. See Section 613.6(a) and (c).

The Department will accept documented monthly inspections that are “visually performed,” provided they are performed in conjunction with in-depth integrity inspections performed at least once every five years. Such in-depth inspections are to be conducted and certified by a Professional Engineer, licensed and registered in New York State by New York State Education Department. The Regional Office must be notified prior to any modifications and repairs to the secondary containment systems. The Regional Office will decide if additional information or plans are required. When soil permeability is being evaluated, the test methods, procedure, results, test limitations and advantages as outlined in API Publication Standard 351, “Overview of Soil Permeability Test Methods,” April 1999, must be considered by the design engineer prior to approval by the Regional Office.

In-depth integrity inspection and reports to be submitted by\_\_\_\_\_.

**k. Updated SPCC Plan/Facility Response Plan**

Any amendments to the SPCC Plan required by revisions to 40 CFR 112 or any other update or change whatsoever must be filed with the Department. Updated SPCC Plan must be submitted by October 31, 2007.

**4. Closure of Facility**

**a. Site Assessment**

Prior to permanently closing a facility, the facility owner must perform a site assessment to determine if environmental contamination exists at the facility. The site assessment must include both soil and groundwater samples. Sample locations must include, at a minimum, the areas adjacent to the tanks, manifolds, loading racks and transfer areas.

Prior to conducting the site assessment, a proposal must be submitted to the Department which details the assessment. The proposal must include, at a minimum, a site sketch indicating the sample locations, a description of the technology to be used to collect the samples and the sampling methodology to be used to analyze the samples.

If contamination is encountered at any time during the site assessment, the Department shall be notified immediately, but in no case later than two hours after the discharge.

A site assessment proposal shall be submitted 60 days prior to permanent closure. The site assessment shall commence in accordance with an agreed upon time frame after the Department’s acceptance of the site assessment proposal. A site assessment report detailing the findings of the assessment shall be submitted to the Department no later than 60 days after completion of the site assessment.