

S.1704 (Harckham) / A.6646 (Septimo)

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BILL S.1704 (Harckham) / A.6646 (Septimo)
SUBJECT Reducing Evaporative Emissions from Petroleum Bulk Storage Tanks
DATE January 01, 2025
SUPPORT

The Business Council supports this legislation that will address several practical concerns regarding Chapter 505, Laws of 2021 which adopted ECL §17-1016 and its requirements for light color painting of petroleum bulk storage (PBS) tanks to reduce evaporative emissions.

Concerns have been raised that, as adopted, §17-1016 will mandate the repainting of petroleum storage tanks – at considerable cost -- in instances where such painting would provide no environmental benefit.

Given that the purpose of Chapter 505 was to reduce evaporative emissions resulting from sunlight absorption, tanks not subject to significant atmospheric temperature factors should be exempted from this mandate. These include tanks located indoors or under permanent cover, and tanks that are insulated and heated, as well as tanks with floating roofs, designed to reduce product loss through evaporation, and we recommend that those tanks be exempted as well..

One Business Council member estimated their cost of unnecessary tank painting at more than \$9 million.

In response to these concerns, S.1704 (Harckham) / A.6646 (Septimo) makes two changes to current law:

- by modifying the definition of “tanks” to which the mandate is applicable, it allows the Department of Environmental Conservation to exempt from the repainting mandate those tanks that are “otherwise sufficiently protected against volatilization in a manner no less protective than” required under Chapter 505; and
- it modifies the painting requirement to allow the DEC to approve colors that “limits volatile emissions to the same or to a greater extent as a shell color and roof color of white or beige/cream,” thereby authorizing broader flexibility on tank color.

This legislation will maintain the requirements for measures to reduce evaporative emissions envisioned in Chapter 505, while exempting tanks whose location, use or structure makes the painting mandate unnecessary.

Finally, as Chapter 505 imposed a compliance date of January 1, 2024, it is important that the state authorize these exemptions now. In January 2024, the DEC issued a temporary “enforcement discretion memo,” that will provide some compliance relief, but this issue needs a statutory fix. The alternative would be to force facilities into non-

compliance for not painting tanks where it provides no environmental benefit, or to require DEC and facilities to enter into multiple consent orders or other site-specific administrative actions to address potential non-compliance.

For these reasons, The Business Council urges two-house approval of S.1704 (Harckham) / A.6646 (Septimo) during the 2025 legislative session.

We welcome the opportunity to discuss this issue at your convenience.