



NEW YORK STATE SENATOR

Suzi Oppenheimer

Legislature Strengthens Penalties for Violations of Petroleum Bulk Storage Regulations

SUZI OPPENHEIMER July 6, 2010

| ISSUE: **ENERGY, ENVIRONMENT, GOING GREEN, HAZARDOUS WASTE**

Senator Suzi Oppenheimer (D-Mamaroneck) and Assemblywoman Amy Paulin (D-Scarsdale) are pleased to announce that their bill imposing significantly higher penalties for violations of New York's Petroleum Bulk Storage (PBS) regulations was approved by the NYS Legislature this week (S.7753/A.10888).

The storage of bulk petroleum is regulated by the state Department of Environmental Conservation (DEC). Currently, Westchester County is among five New York counties that have been designated by the DEC to enforce PBS regulations under the county health department's sanitary codes. Because enforcement is conducted under the sanitary codes, however, the County may only assess a maximum penalty of \$1,000 for violations of the petroleum storage rules.

This bill would align Westchester County (along with Cortland, Rockland, Nassau and Suffolk counties) with other areas of the state, which may impose fines of up to \$37,500 for similar violations. The bill does not provide for duplicative enforcement by the DEC and the county. Rather, under the new law, the county with delegated authority would be able to

assess the same maximum financial penalty as could be imposed by the DEC in its own enforcement actions.

Just this month, hundreds of gallons of heating oil spilled onto the Bronx River Parkway. Stretching from Main Street in White Plains to Crane Road in Scarsdale, the spill was later traced to a leak in a nearby apartment building. Under Westchester's sanitary code, it is unlawful for an individual to discharge petroleum, which includes heating oil, unless the discharge is pursuant to a permit issued by the state.

"The threat of significant financial penalties has been shown to encourage compliance with the law," observed Senator Oppenheimer. "This bill provides the extra incentive that some parties may need to do the right thing and take the necessary precautions that will protect our environment against hazardous spills."

"Allowing Westchester County to impose the same, higher penalty as the rest of the state is not only fair, but makes common sense - higher penalties means fewer violations and fewer violations means a cleaner environment as well as savings in staff time and resources. The recent oil spill into the Bronx River Parkway highlighted the discrepancy which existed in enforcement and in the amount of the penalty which this bill has now eliminated," said Assemblywoman Amy Paulin. "We've all seen the tremendous cost and effort involved in cleaning up spills, so the \$37,500 is a far more appropriate penalty," she added.

"I am pleased to have worked with my colleague, Assemblywoman Paulin, on this important environmental legislation," said Senator Oppenheimer. "I join her in urging the Governor to sign this bill into law."

