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LOCAL LAWS OF THE CITY OF NEW YORK FOR THE YEAR 2010

Effective
October 1, 2012

No. 43

Introduced by Council Members Gennaro, Brewer, Fidler, James, Koppell, Lander, Sanders Jr., Van Bramer, Mark-Viverito, Lappin, Levin, Nelson, Garodnick, Crowley, Mendez, Vacca, Koslowitz, Recchia, Chin, Williams, Ferreras, Jackson and Barron

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the use of clean heating oil in New York City.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that heating oil is a significant local source of air pollution in New York City. According to a report of the Environmental Defense Fund, the combustion of heating fuel is responsible for approximately 14% of the local emissions of fine particulate matter, more than vehicle traffic or power plants. Particulate matter and other pollutants, such as sulfur and heavy metals, contribute to asthma, heart disease and other public health problems.

The Council finds that the use of bioheating fuel would reduce the emission of air pollutants, reduce cleaning and maintenance costs, increase the ease of handling fuel oils, provide other operational benefits, strengthen the alternative fuels market, support regional farmers and local businesses, and increase energy independence and the diversity of our energy supply.

The Council further finds that No. 4 and No. 6 residual heating oils are more polluting than No. 2 distillate heating oil. According to the New York City Community Air Survey's 2009 winter data report, the strongest predictor of particulate matter and sulfur dioxide in the air in New York City is the density of nearby buildings that burn fuel oil. Boilers burning heavier residual oils also require more maintenance because of the need to clean burners fouled by the high sulfur content of the oil and the

need to heat the non-viscous oils before they can be pumped and burned.

Accordingly, the Council finds that it is necessary to address pollutants from the heating oil sector by reducing the sulfur level of No. 4 oil.

§2. Section 24-167 of the administrative code of the city of New York is amended to read as follows:

§24-167 Improper use of equipment or apparatus prohibited. No person shall use or permit the use of equipment or apparatus for a purpose or in a manner which causes it to function improperly or not in accordance with its design. Nothing in this section shall be construed to prohibit the use of bioheating fuel in equipment that may be adapted for such use.

§3. Subdivision a of section 24-168 of the administrative code of the city of New York is amended to read as follows:

(a) No person shall cause or permit the use of a kind or grade of fuel in fuel burning equipment which is not designed to burn that kind or grade of fuel. Nothing in this subdivision shall be construed to prohibit the use of bioheating fuel in equipment that may be adapted for such use.

§4. Subchapter 8 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-168.1 to read as follows:

§ 24-168.1 Clean heating oil. (a) Definitions. For the purpose of this section, the following terms shall have the following meanings:

(1) "Biodiesel" shall mean a fuel, designated B100, that is composed exclusively of mono-alkyl esters of long chain fatty acids derived from feedstock and that meets the specifications of the American Society of Testing and Materials designation D 6751-09a.

(2) "Bioheating fuel" shall mean a fuel comprised

NYC LL 43 continues on page 8

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of biodiesel blended with petroleum heating oil that meets the specifications of the American Society of Testing and Materials designation D 396-09a or other specifications as determined by the commissioner.

(3) "District steam system" shall mean a system for the production of steam and for its transmission and distribution through underground pipelines to multiple buildings.

(4) "Emergency generator" shall mean a machine or device that combusts fuel to create electricity and that is used for the purpose of providing backup power in the event of a general interruption in electrical service.

(5) "Feedstock" shall mean soybean oil, oil from annual covercrops, algal oil, biogenic waste oils, fats or greases, or non-food grade corn oil, provided that the commissioner may modify the definition of feedstock based on the vegetable oils, animal fats or cellulosic biomass listed in table 1 of 40 C.F.R. § 80.1426.

(6) "Heating oil" shall mean oil refined for the purpose of use as fuel for combustion in a heating system and that meets the specifications of the American Society of Testing and Materials designation D 396-09a or other specifications as determined by the commissioner.

(7) "Heating system" shall mean a system that generates heat, hot air, hot water or steam by combustion and distributes it within a building.

(8) "Renewable biomass" shall mean crops and crop residue from existing agricultural land, tree residues, animal waste material and byproducts, slash and pre-commercial thinnings from non-federal forest lands, biomass cleared from the vicinity of buildings and other areas to reduce the risk of wildfire, algae, and separated yard waste or food waste. Such term shall not include processed materials such as particle board, treated or painted wood, and melamine resin-coated panels.

(9) "Renewable fuel" shall mean fuel produced from renewable biomass.

(b) (1) After October 1, 2012, no person shall cause or permit the use in any building in the city or deliver to any building in the city for use in such building, heating oil that is fuel oil grade no. 2, no. 4 or no. 6 containing less than two percent biodiesel by volume. The provisions of this subdivision shall not apply to the use or delivery of heating oil for use in an emergency generator or for use in a boiler where

heating oil from a dual-use tank supplies both such boiler and an emergency generator.

(2) The commissioner may authorize the use of any renewable fuel in heating systems if he or she determines that such fuel meets an applicable American Society for Testing and Materials standard or other standard as determined by the commissioner, and the emissions from such fuel contain equal or lesser amounts of particulate matter, sulfur dioxide and nitrogen oxides than the emissions from fuel oil grade no. 2.

(c) The commissioner may waive the requirements of paragraph 1 of subdivision b of this section in accordance with the provisions of this subdivision.

(1) A waiver may be issued for a particular type of boiler or fuel if the commissioner finds that:

(i) a sufficient quantity of bioheating fuel containing two percent biodiesel is not available in the city for that boiler type;

(ii) the price of available bioheating fuel for that boiler type is at least fifteen percent more than the price of a comparable fuel oil grade of one hundred percent petroleum heating oil;

(iii) the use of bioheating fuel would void the manufacturer's warranty for that boiler type; or

(iv) there is no applicable American Society of Testing and Materials standard or other standard as determined by the commissioner to govern the specification of the bioheating fuel for purposes of receiving bids and enforcing contracts.

(2) Any waiver issued pursuant to subparagraph (i) or (ii) of paragraph 1 of this subdivision shall expire after three months, unless renewed in writing by the commissioner.

(3) Any waiver issued pursuant to subparagraph (iii) or (iv) of paragraph 1 of this subdivision shall expire after six months, unless renewed in writing by the commissioner.

(4) A waiver may be issued for a specific district steam system if the commissioner finds based on documentation submitted by the applicant, including but not limited to a report certified by a professional engineer, that compliance with the requirements of paragraph 1 of subdivision b of this section would result in damage to equipment used to generate steam within such district steam system. Any waiver issued pursuant to this paragraph shall expire after one year, unless renewed in writing by the commissioner.

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(d) (1) No later than September 1, 2013, and no later than September 1 of every year thereafter, the commissioner shall submit a report to the mayor and the speaker of the council, which shall include:

(i) all waivers, findings and renewals of such findings issued pursuant to this section during the immediately preceding calendar year;

(ii) a summary of the information received pursuant to subdivision e of this section;

(iii) all waivers, findings and renewals of such findings issued pursuant to subdivision b of section 24-169 of this code during the immediately preceding calendar year; and

(iv) determinations made by the commissioner regarding renewable biomass pursuant to paragraph 2 of subdivision b of this section and any recommendations with respect to the use of renewable biomass in the city, considering appropriate standards and experiential use.

(2) The report required pursuant to this subdivision may be satisfied by including such information in the management report and preliminary management report made public and submitted to the council by the mayor pursuant to section twelve of the New York city charter.

(e) (1) The commissioner shall require persons who supply heating oil directly to buildings in the city to disclose annually to the commissioner the following information regarding fuel oil supplied:

(i) the amount in gallons of each fuel oil grade supplied by such person to buildings by zip code; and

(ii) the average percentage of biodiesel blended into each fuel oil grade supplied by such person within the city and the types of feedstock used in the creation of such biodiesel.

(2) The commissioner shall prescribe the form in which required information shall be reported annually to the department. Such form shall be certified by the person supplying the information as to the completeness and accuracy of the information provided.

(3) The department shall require that records be maintained to substantiate the information provided pursuant to this subdivision and that such records shall be made available for inspection and audit by the department for a period up to three years.

(f) The term "fuel oil" as used in any provision of the administrative code of the city of New York or the rules of the city of New York shall be deemed to

include heating oil that is fuel oil grade no. 2, no. 4 or no. 6 containing biodiesel.

(g) The commissioner shall promulgate rules to carry out the provisions of this section.

(h) The commissioner shall have the authority to sample, test and analyze heating oil supplied to buildings in the city to determine compliance with this section.

§5. Subdivisions a and b of section 24-169 of the administrative code of the city of New York are amended to read as follows:

(a) Fuel oil grade no. 2 as classified by the American [society for testing and materials] Society for Testing and Materials [, which] that contains more than [the following percentages] 0.2 percent of sulfur by weight[:

(1) For a period ending October first, nineteen hundred seventy-one, 0.5 percent;

(2) After October first, nineteen hundred seventy-one, 0.2 percent] and after June 30, 2012, more than the amount set forth in section 19-0325 of the environmental conservation law or as provided by an executive order of the governor issued pursuant to such section.


(b) Residual fuel oil and fuel oil grade no. 4 as classified by the American [society for testing and materials] Society for Testing and Materials or solid fuel on a dry basis[, which] that contains more than the following percentages of sulfur by weight:

(1) [For a period ending October first, nineteen hundred seventy-one, one percent;

(2) After October first, nineteen hundred seventy-one,] 0.30 percent and (2) for fuel oil grade no. 4 after October 1, 2012, more than 0.15 percent, provided that the commissioner may waive the requirements of this paragraph if the commissioner finds that there is an insufficient quantity of fuel oil grade no. 2 that contains no more than 0.0015 percent of sulfur by weight. Any waiver issued pursuant to this subdivision shall expire after three months, unless renewed in writing by the commissioner. The provisions of paragraph 1 of this subdivision shall apply during the period such waiver is in effect.

§6. The table of civil penalties in subparagraph (i) of paragraph 5 of subdivision b of section 24-178 of the administrative code of the city of New York is amended by adding after the line beginning 24-168 civil penalties for violation of subdivisions b and d of section 24-168.1, to read as follows:

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TABLE OF CIVIL PENALTIES

Violations related to section, subdivision and paragraph	Civil Penalties	
	Maximum	Minimum
24-168.1(b); provided that the penalty specified herein shall apply only to a violation by reason of the use or purchase of fuel oil that does not conform to the standards in such subdivision.....	As Per Schedule E	As Per Schedule E
24-168.1(b); plus twice the amount of money saved for failure to comply with such section; provided that such \$1,000-\$10,000 penalty and additional penalty shall apply only to a violation by reason of the delivery of fuel oil that does not conform to the standards in such subdivision.....	10,000	1,000

§7. If any section, subdivision, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

§8. This local law shall take effect ninety days after enactment, except that the commissioner of environmental protection shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on.....July 29, 2010..... and approved by the Mayor on.....August 16, 2010.....

MICHAEL M. McSWEENEY,
City Clerk Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 43 of 2010, Council Int. No. 194-A) contains the correct text and was passed by the New York City Council on July 29, 2010, approved by the Mayor on August 16, 2010 and returned to the City Clerk on August 16, 2010.

JEFFREY D. FRIEDLANDER,
Acting Corporation Counsel

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2010**
No. 43
Effective October 1, 2012

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EDITOR'S NOTE

All the activity in the changing and retrofitting of various parts of heating systems for the purpose of compliance or energy/cost savings has caused a sped up need to have petroleum bulk storage tanks tested. New York State Laws from the Department of Environmental Conservation, NYS DEC, that have been in effect for more than a couple of decades, have come to the forefront sooner than heretofore required. The following pages are excerpts of DEC's PBS Law Article 17, Title 10. For a Q&A primer on Petroleum Bulk Storage Underground Tank Tightness Testing, PLEASE GO TO PAGE 32.



§613.5 Underground storage facilities - testing and monitoring

(a) Periodic tightness testing.

(1) Testing schedule

(i) The owner of any underground petroleum storage tank and connecting piping system must have the tank and pipes periodically tested for tightness as shown in Table 1, below.

(ii) Any tank and piping system which is due for an initial test within the first year of the effective date of these regulations or any tank which is of unknown age must be tested within (2) years of the effective date of these regulations.

(iii) If the tank and piping system is due for an initial test but has been tested within a five (5) year

period prior to the due date in a manner consistent with criteria set forth in paragraph 613.5(a)(6), the Department may accept this test as the initial test. The test report must be sent to the Department prior to the due date for the initial test.

(iv) Retesting of all tank and piping systems must be completed no later than every five (5) years from the date of the previous test.

(v) If for any reason, testing or inspection is not performed as required in this section, the tank or piping system must be replaced in accordance with sections 614.2 through 614.5 inclusive, 614.7 and 614.14 of this Title or taken out-of-service pur-

Table 1 Testing Schedule-Underground Tanks

Category A Tank	Unprotected tank	Initial test when the tank is (10) years old. Retested every five (5) years thereafter until permanently closed.
Category B Tank	Corrosion-resistant tank	Initial test when the tank is fifteen (15) years old.
Category C Tank	Corrosion-resistant tank and pipe which have a leak monitoring system or any new tank and pipe installed in conformance with Part 614 of this Title.	Monitoring in accordance with paragraph 613.5(b)(3). No periodic testing is required.

suant to the requirements of section 613.9.

(2) Exemptions. No periodic tightness test is required:

(i) on a tank and piping system storing No. 5 or No. 6 fuel oil;

(ii) on a tank and piping system which has a capacity of eleven hundred (1,100) gallons or less unless the Department determines that the tank or

piping system could reasonably be expected to leak petroleum to the waters of the State;

(iii) on tanks and piping systems which are corrosion resistant and have a leak monitoring system;

(iv) on tanks and piping systems installed in conformance with the standards for new construction set forth in Part 614 of this Title; or

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(v) where the size of the tank exceeds 50,000 gallons or where it is technically impossible to perform a meaningful tightness test. In this case, an alternative test or inspection which is acceptable to the Department must be conducted.

(3) Qualifications of test technicians. All tightness tests must be performed by a technician who has an understanding of variables which affect the test, is trained in the performance of the test and meets the qualifications set forth by the Department.

(4) Test reports (i) A test report must be sent by the owner or technician to the Department no later than thirty (30) days after performance of the test, except any test or inspection which shows the facility is leaking must be reported by any person with knowledge of such leak to the Department within two (2) hours of the discovery of such leak. Notification must be made by calling the telephone hotline (518) 457-7362.

(ii) All test reports must be in a form satisfactory to the Department and must include the following information:

- (a) facility registration number,
 - (b) identification number used on the application form required in subdivision 612.2(f) of this Title for tank and piping system tested,
 - (c) date of test,
 - (d) results of test,
 - (e) test method,
 - (f) certification by the technician that test complies with criteria for a tightness test in paragraph 613.5(a)(6),
 - (g) statement of technician's qualifications,
 - (h) address of technician, and
 - (i) signature of technician.
- (iii) A copy of the test report(s) must be maintained by the owner of the facility for a least five (5) years.

(5) Repair, replacement and closure of leak-

ing systems. Any part of the storage facility which is not tight must be promptly emptied, replaced or repaired in accordance with Part 614 of this Title or taken out-of-service in accordance with section 613.9.

(6) Criteria for tightness test. A tightness test is a test acceptable to the Department which will determine if a tank and piping system is tight or not tight. The test must be capable of detecting a tank or piping leak as small as five-hundredths (0.05) of a gallon in one-hour accounting for variables such as vapor pockets, thermal expansion of product, temperature stratification, groundwater level, evaporation, pressure and end deflection.

(b) Monitoring of corrosion-resistant tanks and pipes.

(1) The owner or operator of any corrosion-resistant underground tank or pipe which is exempt from tightness testing under subparagraph 613.5(a)(2)(iii), must monitor all cathodic protection and leak detection systems.

(2) The adequacy of a cathodic protection system must be monitored at least annually. If at any time the system fails to provide the necessary electrical current to prevent corrosion, the cathodic protection system must be restored within thirty (30) days. Any tank or pipe with a non-working cathodic protection system will be considered unprotected and must be tested for tightness within one (1) year and retested every five (5) years thereafter until the tank is permanently closed.

(3) The owner or operator must monitor for traces of petroleum at least once per week. All monitoring systems must be inspected monthly. Monitoring systems must be kept in proper working order. If at any time the monitoring system fails to function effectively, it must be repaired within thirty (30) days. Any tank or piping system with a non-working monitoring system must be tested for tightness within one (1) year and retested every five

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(5) years thereafter until the tank is permanently closed.

(4) Monitoring records for cathodic protection and leak detection systems must be maintained on the premises for a period of at least one (1) year.

§613.6 Aboveground storage facilities - inspections

(a) Monthly inspections. The owner or operator of an aboveground storage facility must inspect the facility at least monthly. This must include:

(1) inspecting exterior surfaces of tanks, pipes, valves and other equipment for leaks and maintenance deficiencies;

(2) identifying cracks, areas of wear, corrosion and thinning, poor maintenance and operating practices, excessive settlement of structures, separation or swelling of tank insulation, malfunctioning equipment and structural and foundation weaknesses; and

(3) inspecting and monitoring all leak detection systems, cathodic protection monitoring equipment, or other monitoring or warning systems which may be in place at the facility.

(b) Ten-year inspection

(1) Schedule.

(i) In addition to monthly inspections required above, the owner or operator must perform a detailed inspection as described in paragraph 613.6(b)(3) below, of any aboveground tank with a capacity of ten thousand (10,000) gallons or more, or any tank with a capacity less than ten thousand (10,000) gallons which could reasonably be expected to discharge petroleum to the waters of the State. The initial inspection must be performed when the tank is ten (10) years old, or within five (5) years of the effective date of these regulations, whichever comes later.

(ii) Any tank which is of an unknown age must be inspected within five (5) years of the effective date of these regulations.

(iii) If a tank is due for an initial inspection but has previously been inspected in a manner consistent with the criteria set forth in paragraph 613.6(b)(3) within a ten (10) year period prior to the due date, the Department may accept this previous inspection.

(iv) Reinspection of all tanks is required no later than ten (10) years from the date of the previous inspection.

(2) Exemptions. Ten-year inspections are not required for:

(i) tanks which are entirely aboveground, such as tanks on racks, cradles or stilts;

(ii) tanks storing No. 5 or No. 6 fuel oil; or

(iii) Tanks installed in conformance with the standards for new construction set forth in sections 614.8 through 614.11 inclusive, of this Title.

(3) Requirements for ten-year inspections. A ten (10) year inspection must consist of a tightness of the tank and connecting underground pipes or an inspection which consists of the following:

(i) cleaning the tank and difficult to reach areas within the tank in accordance with generally accepted practices;

(ii) removal, transportation and disposal of sludge in a manner consistent with all applicable state and federal laws;

(iii) inspecting the tank shell for soundness and testing all welds and seams on the tank bottom for porosity and tightness. The test must be consistent with generally accepted industry testing and inspection practices. This may include one or a combination of the following: a tightness test, an air pressure, hydrostatic or vacuum test, a penetrant dye test, a non-destructive test to detect thinning of the tank or hammering to detect weak areas;

(iv) visual inspection of the internal surfaces of the tank and difficult to reach areas for corrosion or failure;

(v) inspection of internal coatings for any



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tion, registration and reporting requirements.

(b) Closure of tanks permanently out-of-service.

(1) Any tank or facility which is permanently out-of-service must comply with the following:

(i) Liquid and sludge must be removed from the tank and connecting lines. Any waste products removed must be disposed of in accordance with all applicable state and federal requirements.

(ii) The tank must be rendered free of petroleum vapors. Provisions must be made for natural breathing of the tank to ensure that the tank remains vapor free.

(iii) All connecting lines must be disconnected and removed or securely capped or plugged. Manways must be securely fastened in place.

(iv) Aboveground tanks must be stenciled with the date of permanent closure

(v) Underground tank(s) must either be filled to capacity with a solid inert material (such as sand or concrete slurry) or removed. If an inert material is used, all voids within the tank must be filled.

(vi) Aboveground tanks must be protected from floatation in accordance with good engineering practice.

(2) Storage tanks or facilities which have not been closed pursuant to paragraph 613.9(b)(1) above, are subject to all requirements of this Part and Part 612 of this Title including but not limited to periodic tightness testing, inspection, registration and reporting requirements.

(c) Reporting of out-of-service tanks. The owner of a tank or facility which is to be permanently closed must notify the Department within thirty (30) days prior to permanent closure of the tank or facility pursuant to the requirements of subdivision 612.2(d) of this Title.

(d) Used tanks.

(1) Tanks which are removed and do not meet the standards for new tanks set forth in sections 614.3 or 614.9 cannot be reinstalled for the purpose of petroleum storage.

(2) If a tank meets the standards for new tanks, it may be reinstalled for petroleum storage if after thorough cleaning and inspection, internally and externally, it is found to be structurally sound and free of pin holes, cracks, structural damage or excessive corrosion or wear. Such tanks must be reinstalled and tested in accordance with requirements of this Part and Part 614 of this Title.

(3) If a tank is to be disposed of as junk, it must be retested for petroleum vapors, rendered vapor free if necessary, and punched with holes to make it unfit for storage of liquids.

(e) Financial assurances. Forms of surety or financial assurances may be required by the Department to ensure proper closure of facilities. The amount of such financial assurances will be set by the Department. Any requirement of financial assurances must be accompanied by a finding by the Department of the public interest and shall set forth the reasons for requiring such financial assurances.

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Children's Happy Faces Foundation Raises \$2 Milion to-date for Ronald McDonald House of NY from its annual golf outing

For more information on other charity/networking events, or to donate to the cause contact; Jerome Kelton, development officer at RMDH of NY at 212.639.0212 or David J. Lipson, foundation treasurer at David Lipson <DLipson@Centuryyny.com>.

Pictures are of some of the more than 54 foursomes who braved the rain and wind to celebrate a day of giving in support of children battling cancer at the sixth annual Children's Happy Faces Foundation (CHFF) Golf Outing held at Sleepy Hollow Country Club with foursomes also teeing off at Trump National Golf Club on October 2nd. Raising more than \$475,000, the proceeds will benefit Ronald McDonald House® New York and the Make-A-Wish Foundation® of the Hudson Valley – two organizations working to help families battling pediatric cancer. This brings the CHFF's total raised over six years to \$2 million.

"As a parent, I empathize with the importance of having a comforting place to stay when facing these traumatic challenges. That's why Ronald McDonald House is so crucial," said David Lipson, event co-chair and managing director of the event's Title Sponsor, Century Management Services. "With the support of caring staff and volunteers, Ronald McDonald House is an oasis for families in troubled times. Likewise, Make-A-Wish Foundation brings hope, strength and joy to enable dreams to come true for children facing life-threatening illnesses. With the advantage of today's superior medical treatment, together with love, hope and support of friends and family, a child stricken with cancer can survive and go forward in life to do wonderful things."

"We are very grateful to Children's Happy Faces Foundation and the real estate industry for their generous support and commitment to our mission," said William T. Sullivan, president & CEO, Ronald McDonald House New York.

With 32 foursomes participating at Sleepy Hollow Country Club Championship Golf Course, and 22 foursomes at Trump National, the day's scheduled activities of golf, horseback riding, tennis, and dominos were unfortunately impacted by the inclement weather. However, the inspired supporters played on, ultimately settling into an evening of celebration that featured live music provided by the Parker Reilly Band, a live auction courtesy of Sotheby's, a silent auction, and luxury prizes that included a king-sized DUX® bed, and a South African safari.

Joining Mr. Lipson as co-chairs of this year's event were Bret Reilly and Pat Dunne. In addition to Century Management Services, the fundraiser was also supported by NCB, Alex Dimitrief, Efficient Combustion & Cooling Corporation, Graphic Services Bureau, Hercules Corporation, Hess Corporation, Mustang Harry's, Bargold Storage, Bollinger Insurance, and the New York Association of Realty Managers.

About Children's Happy Faces Foundation: Children's Happy Faces Foundation (CHFF) is dedicated to assisting the families of sick children during difficult and challenging times. The organization strives to help create an atmosphere to allow for some "happy" moments and smiling "faces" to soften these stressful times. For more information, visit <http://www.happyfacesgroup.com>.

About Ronald McDonald House New York: Ronald McDonald House New York provides temporary housing for pediatric cancer patients and their families in a strong, supportive and caring environment which encourages and nurtures the development of child-to-child and parent-to-parent support systems. Ronald McDonald House New York is the largest facility of its type in the world. The House can accommodate 84 families, and it is filled to capacity almost every night. The House's location in Manhattan, in close proximity to 13 major cancer treatment centers, draws children and families from across the country and the world, as well as from the metropolitan New York City area. Since its founding, more than 30,000 families have stayed at Ronald McDonald House New York. For more information, visit www.rmh-newyork.org.

Save-the-Date, Tuesday, October 1, 2013 Children's Happy Faces Foundation (CHFF) Golf Outing.



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About The House

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The Ronald McDonald House in New York City is the largest facility of its type in the world. The House can accommodate 84 families, and it is filled to capacity almost every night. The House's location in Manhattan, in close proximity to 12 major cancer treatment centers, draws children and families from across the country and the world, as well as from the metropolitan New York City area.

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Petroleum Bulk Storage Underground Tank Tightness Testing FAQ's

NOTE: This information is intended to provide facility owners and operators answers to commonly asked questions. Facility owners should obtain a copy of the state Petroleum Bulk Storage (PBS) regulations from their local DEC Regional Office, and read them carefully and in their entirety. Facility owners are responsible for complying with all of the PBS regulations.

1. What NYS law requires tank tightness testing?

In an effort to prevent leaks and spills, the New York State Legislature passed the Petroleum Bulk Storage (PBS) Law (Article 17, Title 10 of the Environmental Conservation Law) requiring DEC to develop and enforce a State code for storage and handling of petroleum. The resulting regulations are Parts 612, 613, & 614 of Title 6 of the New York State Code of Rules and Regulations (6 NYCRR Parts 612, 613, & 614). Part 612 covers registration and notification requirements. Among other things, Part 613 requires owners to periodically test underground systems, inspect aboveground storage systems and report test results to DEC. Any equipment found leaking must be repaired or replaced in accordance with Part 614, the standards for new or substantially modified facilities, or closed in accordance with section 613.9.

2. Which tanks must be tested?

Only underground PBS tanks must be tested for tightness. Individual underground tanks and connecting piping systems that are larger than 1,100 gallons and that store fuels or motor lubricants such as gasoline, heating oil, heavy residual fuel oils (except #5 and #6 fuel oil), kerosene or re-processed waste oil used as a fuel or lubricant, must be tested periodically. These include manifolded systems (tanks which are interconnected by piping) where combined capacity of the manifolded tanks and piping exceeds 1,100 gallons.

Tanks in subterranean vaults or basements

which cannot be visually inspected are considered underground tanks and must be tested. However, tanks in subterranean vaults which are accessible for visual inspection or wrapped tanks in New York City that have weep holes that can be visually inspected for leakage, are considered aboveground, and therefore do not have to be tested. However, these aboveground tanks must be inspected. (See section 613.6 for more information.)

No periodic testing is required for:

Tanks storing #5 or #6 fuel oil;

Systems consisting of corrosion-resistant* tanks and piping, with leak monitoring; and

New systems installed in compliance with the standards for new construction (6NYCRR Part 614).

* Corrosion-resistant systems include those constructed of fiberglass-reinforced-plastic (FRP); steel protected by fiberglass (FRP) coatings, or steel that were installed with sacrificial anodes, or impressed current systems (cathodically protected). Steel tank and piping systems that have been retrofitted with cathodic protection or an interior lining are not considered corrosion resistant and must be tested whether or not any other leak detection system is in use on the tank system.

3. What should I do if I think the notice has been sent in error and that I am not required to test my tank(s)?

If you believe that your tank(s) is not required to be tested, you must call the regional office and



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speaking with a member of the PBS staff. They will guide you on the requirements for your tank system. If you ignore this tank testing notice, follow-up enforcement will occur.

4. When must tanks be tested?

Unprotected tanks, such as bare steel, asphalt coated, or painted steel tanks, must be tested when 10 years old. Corrosion-resistant tanks, such as fiberglass or cathodically protected tanks, must be tested when 15 years old. All tanks which require testing must be retested every five (5) years from the date of the last test. Tanks and pipes which were installed corrosion-resistant and are equipped with leak monitoring systems do not require testing but do require periodic monitoring of the leak detection system and inventory monitoring.

Initial tests for tanks of unknown age and for tanks whose test was due at the start of the Petroleum Bulk Storage Program, were due for testing at the end of the two-year "phase-in" period, which was December 27, 1987. Tanks must now be tested on or before the due date which is listed on the five (5)-year registration certificate issued by DEC. (Note: Due dates might not appear on the certificate for manifolded tanks where individual tanks are less than 1,101 gallons; however, if the combined capacity is over 1,100 gallons, these tanks must be tested.)

When the ownership of a PBS facility is transferred, the new owner should submit the registration application along with any test results for tanks tested by the previous owner within the past five (5) years, in accordance with section 613.5.

Owners who fail to test tanks properly before the due date may be subject to civil, administrative and criminal penalties.

5. Who is responsible for testing?

Under the law, the tank owner (not operator)

are responsible for having tanks and piping tested periodically by a qualified technician. However, an operator may be held liable for penalties for operating a tank or tanks which have not been properly tested. In New York City, the City Fire Department must also be contacted prior to testing motor fuel tanks and piping. Operators of regulated facilities should remind owners of these testing requirements.

6. What is a tightness test?

A tightness test is a means of determining whether an underground storage tank and its piping system are leaking. DEC requires using a test that can detect a tank or piping leak (leak threshold) of 0.05 gallons per hour (gph) or smaller. The test(s) used must detect leaks from the entire tank system - liquid portion of the tank, the vapor space above the product, and all underground product piping. There are four test types or combination of test types that can be used to accomplish this:

A volumetric overfill test (a separate product piping test may also be needed depending on the tank system configuration);

A volumetric underfill test in conjunction with a non-volumetric ullage (vapor space) test and product piping test;

A non-volumetric vacuum test (a separate product piping test may also be needed depending on the tank system configuration); and

A non-volumetric tracer test.

There are many variables which can affect the ability of each of these tests to detect a leak. Volumetric tests require tanks be taken out-of-service for a period of time so that the product in the tank has a chance to stabilize. One of the common variables for almost all test methods is the need to know if groundwater is around the tank. In order to compensate for the effect of

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groundwater around the tank, it's depth must be determined on site by using either a well or well point (without this information on the test report, the test is invalid).

Because some tests compensate for variables better than others, DEC has compiled a list of tank tests which meet the requirements set forth in the regulations and which give results that are acceptable to the Department. A copy of this list is available from the DEC Regional Offices. A list of all leak detection methods, including tank tightness tests, with a specification page that indicates how each leak detection method must be used is available at the web site for the National Work Group on Leak Detection Evaluations (see link below). Tests must be conducted in accordance with this specification in order to be acceptable. [When looking at the website, look under "Method Index" and then one of the following categories: volumetric overfill, volumetric underfill, non-volumetric tank tightness test method (tracer), non-volumetric tank tightness test method (ullage), non-volumetric tank tightness test method (vacuum), or line tightness test method.]

There may be instances, as with underground tanks larger than 50,000 gallons, where it is technically impossible to perform a tank test with a leak threshold of 0.05 gph. In such cases, the owner must perform an alternative test or inspection which is acceptable to the Department. You must contact the regional office for further information.

7. Who is a qualified tester and where do I find one?

Each test manufacturer trains and certifies technicians who performs that test. Each technician will have a certificate that indicates that they have been properly trained as well as an expiration

date for that certification. The certification number for the technician performing the test must be included on the test report. Companies that provide tank testing services can be found in the telephone book, or you might get a referral from your petroleum supplier. In some cases, the regional office may also maintain a list of companies that provide tank testing services. If you have any questions about a technician, call the test manufacturer. The manufacturer's phone number is on the list found at the website for the National Work Group on Leak Detection Evaluations (see link below).

8. How are test results reported?


The test report must include the test results, calculations, how groundwater was determined and all information required in 6 NYCRR subparagraph 613.5(a)(4)(ii). This test report must be sent to the Regional Office. One copy of the report must be kept on file by the tank owner for at least five (5) years.

Test results must be submitted to DEC by the owner or the test technician within thirty (30) days after the test is performed.

9. What if my tank fails a tightness test?

If the tightness test indicates that the storage system (tank and associated piping) is leaking, the leak must be reported to the State Spill Hotline within two (2) hours by any person with knowledge of the leak. The Toll-free State Spill Hotline is 1-800-457-7362 from within New York State and 518-457-7362 when calling from outside the state. The next step is to quickly determine the source of the leak, whether tank or piping. Once the source is isolated, the tank must be promptly emptied, and the leaking tank or pipe taken out-of-service and repaired or replaced in accordance with the PBS regulations.

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NYC °CoolRoofs, an initiative of NYC Service and the NYC Department of Buildings, encourages building owners to cool their rooftops with a white reflective coating that reduces energy consumption, cooling costs and carbon emissions. Utilizing the power of volunteers, NYC °CoolRoofs aims to coat 1 million square feet of rooftop each season. The program supports New York City's goal to reduce greenhouse gas emissions by 30% by 2030.

A cool roof has a highly reflective surface, typically white, and releases heat quickly. Roofs are often coated with either a paint-like coating which is rolled or sprayed onto flat roofs, or covered with a white rooftop membrane. Both materials are durable and easily installed without disruption to daily operations.

Benefits of Cool Roofs



Save money. Cool roofs can reduce air conditioning costs by 10% to 30% on hot summer days when air conditioning accounts for up to 40% of daily electricity use. Cool roofs can reduce internal building temperatures up to 30%.



Preserve roof structure and cooling equipment. Because cool roofs don't reach such high temperatures, the thermal shock stress associated with large temperature changes is reduced, thereby prolonging the life of cooling equipment and limiting a roof's expansion and contraction that results from those temperature changes.



Reduce energy usage. By decreasing summertime peak energy demand, cool roofs help reduce utility grid stress and thus the likelihood of power outages.



Reduce carbon emissions. Cool roofs reduce carbon emissions in New York City at a rate of 0.5 lbs. per square foot of rooftop coated. NYC °CoolRoofs has coated 2.5 million square feet of rooftop, a reduction of 568 metric tons of carbon.



Combat the urban heat island effect. Because cities like New York have greater amounts of dark surfaces, city temperatures are five to seven degrees warmer than surrounding areas on an average summer day. Coating all eligible dark rooftops in New York City could result in up to a 1 degree reduction of ambient air temperature.

Since NYC °CoolRoofs' launch in 2010, we have coated 2.5 million square feet of rooftop across 288 buildings and have engaged nearly 3,000 volunteers.

NYC °CoolRoofs promotes building owners to cool their own roofs. For more information on how to cool your rooftop, visit nyc.gov/coolroofs and read our *Cool It Yourself* guide.



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More Cool Roofs, See page 38



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Frequently Asked Questions from Building Owners

Costs

What is the cost of coating materials?

The cost of material depends on the coating you decide to install but can be as low as .30 - .45 cents per square foot if you purchase coating from one of the NYC °CoolRoofs vendors.

What is the approximate labor cost for installation done outside of NYC °CoolRoofs?

Labor Type	Cost Estimate per square foot
Contractor	.65 cents - \$1.00
Painter	.17 - .45 cents
Workforce Group	.25 - .45 cents

How does the price of a cool roof compare to the price of traditional roofing materials?

The following chart from the NYC Department of Design and Construction (DDC) Cool and Green Roofing Manual shows the cost differences between cool and dark roof types:

Traditional	Cool Version	Cost Differential
4-Ply Built Up Roof \$12.50/sf	Top White Mineral Cap \$13.30 sf	.80 cents
	With White Coating \$13.50 sf	.80 cents
Built-up with Grey gravel \$12.75/sf	With white marble ballast \$13.25 sf	.50 cents
EPDM –black membrane \$17.20/sf	EPDM White membrane \$17.50 sf	.30 cents
Modified bitumen black \$13.30/sf	White mineral cap sheet \$15.50 sf	.80 cents
Metal dark color \$25.00/ sf	Light or cool coating \$25.00 sf	.0 cents
Membrane		\$8.00 - \$12.00

Roofing and Cooling Equipment

What types of roofing membranes can be coated?

White coatings can be applied to practically any roofing surfaces, membranes, or substrates, including: granule, smooth asphalt, and smooth aluminum. Roof types not suitable include: EPDM, gravelroofs, spray foam, TPO, PVS, Clay tile, wood shingles, slate and asphalt shingles.

Will my warranty be voided?

Some roof membrane manufacturers extend the roof of the warranty when a reflective coat is applied. Be sure to check with your roof warranty before cooling your roof.

How can a cool roof prolong my cooling equipment?

Cool roofs can reduce internal building temperatures up to 30%, reducing cooling loads.



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What is a NYC sidewalk defect?

According to section 19-152 of the NYC Administrative Code, any of the following shall be considered a defect which would result in a violation:

- One or more flag(s) (i.e. square of sidewalk) missing or sidewalk never built.
- One or more flag(s) cracked to such an extent that one or more pieces of the flag(s) may be loosened or readily removed.
- An undermined flag below which there is a visible void or a loose flag that rocks or seesaws.
- A trip hazard, where the vertical surface differences between adjacent sidewalk flags are greater than or equal to 1/2".
- Improper slope, which shall mean (i) flag(s) that do not drain toward the curb and retain water, (ii) flag(s) that must be replaced to provide for adequate drainage or (iii) a cross slope exceeding established standards.
- Hardware defects, which shall mean (i) hardware not flush within 1/2" of the sidewalk surface or (ii) cellar doors that deflect greater than 1" when walked on, are not skid resistant or are otherwise in a dangerous or unsafe condition.
- Defects involving structural integrity, which shall mean a flag that has a common joint, which is not an expansion joint, with a defective flag and has a crack that meets the common joint and one other joint.
- Non-compliance with DOT specifications for sidewalk construction.
- Patchwork, which shall mean (i) less than full-depth repairs to all or part of the surface area broken, cracked or chipped flag(s) or (ii) flag(s) which are partially or wholly constructed with asphalt or other unapproved non-concrete material.

What turns a defect into a sidewalk violation?

A sidewalk violation is an official notice issued by DOT stating that your sidewalk is defective. There is no fine associated with a violation. A copy of the notice is filed with the County Clerk and remains on file until the Clerk receives official notification from the City that satisfactory repairs have been made. A violation can complicate selling or refinancing your property.

(con't on next page)

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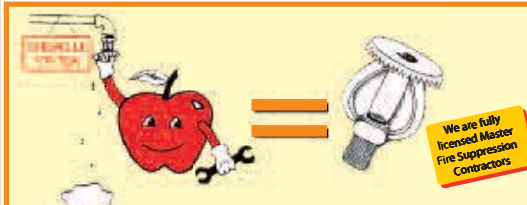
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(cont'd from previous page)

Upon receiving a sidewalk violation...

DOT recommends the following:

- Hire a contractor who is familiar with DOT specifications for sidewalk repair work as contained in Chapter 2 of Title 34 of the Rules of the City of New York. You can start by searching the Department of Consumer Affairs's database of licensed contractors or use this database to verify the contractor you picked from another source is licensed.
- Once you have chosen a contractor, you can call 311 to find out whether there are any consumer complaints pending against them.
- Once you have hired a contractor, make sure they obtain all necessary permits before beginning the work. Dial 311 and request a Sidewalk Construction Permit.
- After the work is completed, call 311 and request a Sidewalk Violation Dismissal. An inspector will come to verify that the work has been satisfactorily completed.

If you received the notice of violation later than the date shown on the violation.

The 45 days begin when the violation is received by the property owner as indicated on the certified mail receipt. In cases where the violation notice is not delivered by mail, the violation will be posted on the property. The posting date is the start of the 45 days.

If you don't start the work within 45 days, DOT may perform the work or cause the work to be performed by one of its contractors, and bill you for the cost. There is no fine or penalty associated with a sidewalk violation.

A sidewalk permit however, does not extend the 45 day period to start repairs. If you want to repair your sidewalk privately, you or your contractor must take out a permit and begin the repairs within 45 days of receipt of the violation.

DOT, Department of Transportation Regulations LINK
www.nyc.gov/html/dot/html/faqs/sidewalkfaqs.shtml#defect

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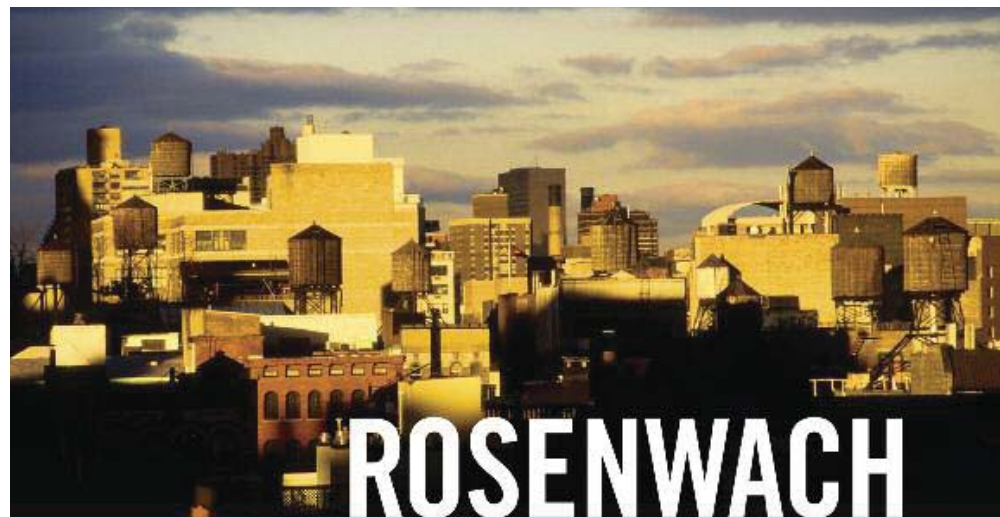
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 and encouragement we have
 received from others, our desire
 grows to pass on similar gifts.
 Gratitude spurs us on to prove
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 what others have done for us.
 The spirit of gratitude is a
 powerful energizer."*

**THANK
 YOU ALL**
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 Executive Director

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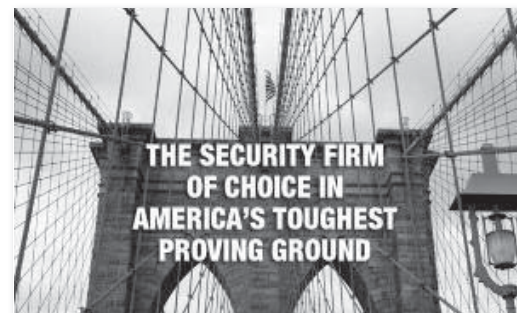
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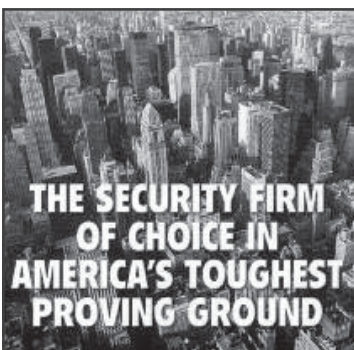
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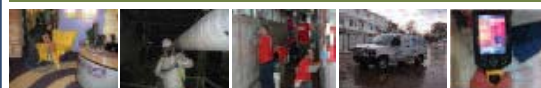
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