

TGG: JGL: MMG: AJO: RF
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TO: Distribution

FROM: T. G. Grumbles
DATE: May 19, 1989

Interoffice
Communication

VISTA

SUBJ: NEW YORK STATE CHEMICAL BULK STORAGE REGULATIONS:
REGISTRATION OF HAZARDOUS SUBSTANCE BULK STORAGE TANKS

As of July 1 of this year, owners of tanks in New York, that store a hazardous substance must register the tank with the state, pay a per tank fee of \$50-125, and supply to the state a copy of technical guidance and recommended practices for storage of each hazardous material.

The regulation also requires: "the manufacturer or distributor of a hazardous substance must provide the owner or operator of a storage tank who purchases such substance with technical guidance and recommended practices for the storage and handling of such substance."

The information required is detailed. I've enclosed the pages of the regulation specifying the content of technical guidance. A combination of the MSDS and Shipping Transfer and Storage Manual information may satisfy the requirements. However, keep in mind the ST&S manual should not be used for customer distribution without appropriate disclaiming verbiage. We have responded to at least one NY customer in this manner.

Further, the regulation prohibits delivery of a hazardous substance to a regulated tank that has not been properly registered. In other words, we have the responsibility to determine if the tank is registered before delivery. The "terms of sale" may have some impact on whether we are "delivering" to the tank even if it's our equipment and driver. I am asking Legal to review this issue.

For now I recommend the following:

1. Marketing contact NY customers who may have "regulated tanks" to determine if they are aware of the regulations and are proceeding to register their tanks. It appears many NY businesses are unaware of this regulation. This action will allow us to comply and may be well appreciated by the customer.
2. Determine what information the customer believes they need from us and how we can best provide it.

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3. Determine what information we have to provide and how we can do it. It may require some quick "production" work to give quality information. R&D and my group can assist.

The list of hazardous substances is extensive. Based on my review, I believe the following Vista products would be covered:

ALFOL 4
Methyl Chloride (?) (probably Vulcan responsibility)
Hydrochloric Acid
Dodecylbenzene Sulfonic Acid

Other products may be on the list, such as EDC but I don't believe we deliver them to NY.

I'm sending one full copy of the regulation to Legal and the Saddlebrook office. Please let me know by June 15 how many customers are affected, which products, and what we need to supply.

If any customer tells us he's ignoring the regulation we need to discuss our liability in knowingly delivering to an unregistered, regulated tank.



T. G. Grumbles

ajo

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(b) **Fee for substantial modification.** No fee is required for notifications of substantial modifications provided to the Department as required in section 596.2(f) of this Part, or for updating the information contained in the Department's tank registry.

596.5 Sale of hazardous substances

(a) **Requirements for distribution.** (1) Commencing one (1) year after the effective date of these regulations, the manufacturer or distributor of a hazardous substance must provide the owner or operator of a storage tank who purchases such substance with technical guidance and recommended practices for the storage and handling of such substance. Guidance and recommended practices shall be kept on file by the owner or operator at the site where the storage tank(s) is located.

(2) The manufacturer or distributor of a hazardous substance shall insure that the owner or operator of a storage tank who purchases such substance receives technical guidance and recommended practices for storage and handling with the initial shipment and with the first shipment after the technical guidance and recommended practices for storage and handling has been updated or revised. Recommended practices and technical guidance shall also be provided when a new hazardous substance is shipped to a site.

(3) Sales of hazardous substances which do not satisfy the requirements of this section are prohibited.

(b) Contents of technical guidance and recommended practices. Technical guidance and recommended practices for the proper handling and storage of a hazardous substance does not need to be a site-specific engineering design nor is it intended to be a site-specific engineering assessment of the need for proper storage and handling. However, it must identify or reference industry standards and include recommended practices, procedures, precautions and advice. Technical guidance must consist of the following minimum information relating to the substance to be stored:

(1) Chemical Abstract Service (CAS) number, chemical name, common name, hazardous substance mixture components, physical and chemical characteristics (such as vapor pressure and flash point) and toxic and hazardous properties of the substance and mixture components including the potential for fire, explosion and reactivity;

(2) compatibility of substance with respect to materials which may be used to construct a storage tank, recommended materials which may be used for construction, prohibited materials for construction, and standards for storage tank design;

(3) conditions for the safe and proper storage of the substance, including temperatures, pressures, relative humidity and light conditions for storage;

(4) recommended storage equipment, which could include tanks, pumps, gauges, piping, valves, gasket materials, overfill alarms, rupture discs, vents, automatic shut-off devices, monitors, transfer stations, labeling or color coding, leak detectors, secondary containment, curbs, liners, hoses, cathodic protection systems and safety equipment;

(5) recommended inspection and maintenance procedures and intervals of time recommended for internal inspection of tanks and testing of equipment;

(6) safety precautions, warnings and procedures for handling and unloading bulk deliveries; and

(7) spill and emergency response procedures.

(c) **Filing requirements.** Commencing one year after the effective date of these regulations, the manufacturer or distributor of a hazardous substance must file an up-to-date copy of its technical guidance and recommended practices with the Department. The copy should be sent to the NYS Department of Environmental Conservation, Division of Water, Room 300, 50 Wolf Road, Albany, New York, 12233-3520. Any subsequent revisions or additions to the guidance and recommended practices shall be filed with the Department at the time of such revision or addition.

(d) **Prohibition on delivery to unregistered storage tanks.** Commencing one (1) year after the effective date of these regulations, no person shall deliver hazardous substances to a regulated tank that has not been properly registered pursuant to this Part.