



Building Standards and Codes

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NOTICE OF HOME HEATING OIL SYSTEM CONVERSION PURSUANT TO GENERAL BUSINESS LAW §778-aa

Effective March 19, 2020

Homeowners converting their existing home heating oil system to an alternative method of home heating should take notice of the provisions of Executive Law §378(13), in addition to any other state laws, rules, or regulations related to the closure, abandonment, and/or removal of a heating oil storage tank, including fill and vent pipes and other related materials and equipment.

Particularly, the Uniform Fire Prevention and Building Code (the Uniform Code),ⁱ which is applicable throughout the State of New York except in New York City, includes the following provisions:

HEATING OIL STORAGE TANK. A tank used for storing heating oil for consumptive use on the premises where stored.

The abandonment or removal of heating oil storage tanks and related piping shall be in accordance with all of the following:

1. The entire contents of the heating oil storage tank and related piping shall be emptied, cleaned, and purged of all vapor. The contents of the heating oil storage tank and related piping shall be removed from the premises and disposed of in accordance with applicable local, state or federal rules and regulations.
2. The suction, inlet, gauge, vapor return, and vapor lines shall be disconnected.
3. All fill piping and other related piping shall either be permanently removed or filled with concrete. All other remaining piping shall be capped or plugged.

Exception: Piping that is reused for the installation of a new heating oil storage tank and meets the applicable requirements for the new installation.

4. If abandoned in place, underground heating oil storage tanks shall be filled completely with an approved inert solid material. Above-



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- ground heating oil storage tanks may either be filled with an approved inert solid material or if not filled with an approved inert solid material then the vent line shall remain open and intact. A record of tank size, location, and date of abandonment shall be retained by the property owner.
5. If removed, heating oil storage tanks shall be disposed of in accordance with applicable local, state, or federal rules and regulations.
 6. An inspection by the building official or by an approved inspector is required to be made of the abandonment or removal of the heating oil storage tank. If an approved inspector performs such inspection, no approval of such abandonment or removal shall be granted by the building official unless written proof of the heating oil storage tank's oil fill pipe having been removed or filled with concrete in accordance with this section and the applicable provisions of the Uniform Code has been provided by the property owner to the building official.
 7. When conversion to an alternate fuel has taken place and prior to the commencement of the new home heating service, property owners shall provide written notice to their home heating oil supplier or suppliers informing them of such conversion and instructing them to discontinue deliveries.

Homeowners should take further notice that there may be other local laws, ordinances, or regulations related to such conversions.

ⁱ Effective March 19, 2020, the applicable Uniform Code provisions can be found in 19 NYCRR Subpart 1229-3 (amending Appendix J of the 2015 International Residential Code and Sections 202 and 5704.2.16 of the 2015 International Fire Code).

Effective on and after May 12, 2020, the applicable Uniform Code provisions can be found in 19 NYCRR Sections 1220.3 and 1225.3 (amending Appendix J of the 2020 Residential Code of New York State and Sections 202 and 5704.2.16 of the 2020 Fire Code of New York State).