



To: All Concerned Entities

From: R. Radhakrishnan, P.E.  
*R. Radhakrishnan*  
Executive Director, Asbestos and Air Engineering

Date: September 28, 2012

Re: Use of Heating Oil Remaining in Tanks

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*Carter H. Strickland Jr.*  
*Commissioner*

Michael Gilsenan  
Assistant Commissioner  
Environmental Compliance

59-17 Junction Boulevard  
Flushing, NY 11373

Regulations which become effective on October 1, 2012 prohibit the use or delivery of heating oil which does not meet the following requirements: (i) at least two percent biodiesel by volume (ii) for # 4 heating oil, no more than 0.15% (1500 ppm) sulfur by weight; (iii) for # 2 heating oil, no more than 0.0015% (15 ppm) sulfur by weight.

However, DEP recognizes that there may be heating oil already present in fuel tanks on October 1, 2012 which does not comply with the above requirements, and that it would not be practical to empty the oil from such tanks. In view of this, DEP is using its enforcement discretion to allow those users who have heating oil already in the tank prior to October 1, 2012, to use the remaining heating oil without the need to empty the tank.

It should be kept in mind that any delivery of heating oil on or after October 1, 2012 must contain a minimum of two per cent biodiesel, and must comply with applicable sulfur content restrictions. Fuel delivery records shall be made available for inspection and audit.