



STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE AND MARKETS
10B AIRLINE DRIVE
ALBANY, NEW YORK 12235
www.agriculture.ny.gov
<http://nysandyhelp.ny.gov/fuel-ny>

Bureau of Weights & Measures
518-457-3452 (P)
518-457-2552 (F)

Andrew M. Cuomo
Governor

Petroleum Quality Program
518-457-3146 (P)
518-457-2552 (F)

Darrel Aubertine
Commissioner

IMPORTANT NOTICE

«AddressBlock»
or Current Station

Subject: Emergency Generators at Gas Stations (NYS Law Article 16, Section 192-h)

Dear Station Owner/Manager:

On March 29, 2013, Governor Andrew M. Cuomo signed a new law protecting New York State's fuel supply chain by ensuring back-up power capacity at strategically located gas stations in order to better prepare the state for future emergencies and natural disasters. This is part of the State's strategy to ensure that in the event of a general power outage or a declared energy or fuel supply emergency, there will be an adequate supply of fuel.

Under the new law, many gas stations in Nassau, Suffolk, Westchester and Rockland Counties and New York City will be required to be wired with an appropriate transfer switch for an emergency generator and to have a plan in place to quickly deploy and install a generator in certain emergencies, or the stations can install a permanently affixed generator. Gas stations have significant time to make these improvements, and the State will provide grants to cover all or a portion of the costs.

The gas station at the address shown above has been identified as meeting the criteria of the new law and is required to be wired with an appropriate transfer switch for an emergency generator.

What stations are required to have back-up power capacity, and by when?

1. Highway Exits and Evacuation Routes

Each station in the downstate region (Nassau, Suffolk, Westchester and Rockland Counties and New York City) that is located within ½ mile of an exit on a controlled access highway or from a designated evacuation route must be wired for back-up power. You can visit <http://nysandyhelp.ny.gov/fuel-ny> to see a map of required routes.

In the event of power loss and declaration of an energy or fuel supply emergency, these stations must have a generator deployed and installed within 24 hours.

Due Date: April 1, 2014

2. Additional Chain Stations

30% of stations (not including those within the ½ mile limit as described above) that are part of a “Chain of Retail Outlets” that operate 10 or more stations in a single downstate region are also obligated to comply.

For Example: If you own a chain of 15 retail stations in a single downstate region (e.g. Long Island) and 5 of those were within the ½ mile limit you would have to wire those 5 plus 3 others for a total of 8.

In the event of power loss and declaration of an energy or fuel supply emergency, these stations must have a generator deployed and installed within 48 hours.

Due Date: August 1, 2015, or 12 months after becoming part of such chain (whichever is later)

3. New and Reconstructed Gas Stations

Each station in the downstate region for which a building permit is issued after April 1, 2014, for new construction or for substantial demolition or reconstruction must comply.

What kind of back-up power capacity is required?

Stations have two options:

1. **Install a transfer switch and have a plan in place to deploy and install a generator in a declared emergency.** Stations that choose this option are required to notify the State within 10 days of installation how they will comply with the deployment/installation requirement (use form WM-100 which is enclosed with this mailing and is also available online at <http://nysandyhelp.ny.gov/fuel-ny>). There are two ways to meet this requirement:
 - I. Station owners within ½ mile of highway exits and evacuation routes may participate in a program established with the New York State Energy Research and Development Authority (NYSERDA). Participants will only be charged the actual cost of generator rental, deployment and installation, if required. Station owners who choose this option will not be penalized if a

generator is not provided (if you choose one of the other options you may be subject to penalties if you do not have a generator in place during a declared emergency).

Or

- II. Station owners may enter into a contract with a private generator supplier, or provide other documentation demonstrating the station owner's ability to deploy a generator, which could include the generator deployment and installation plan of a chain of retail outlets.

Note: If your station already has a transfer switch installed you must still complete a form WM-100 in order to provide information about it and document your deployment plan.

2. **Permanently install a back-up generator** of sufficient capacity to provide power to operate all dispensers and dispensing equipment, life safety systems, environmental monitoring systems, payment-acceptance equipment, and other systems necessary to ensure that the station can continue safe fuel sales and operations during an electricity outage. This generator must be permanently affixed onsite. Document this option by completing form WM-100.

What funding is available to cover the costs of this back-up power requirement?

The State will provide grants to help offset an eligible owner's cost of wiring retail gasoline stations to accept emergency generators:

1. If your station is located within ½ mile of an exit on a controlled access highway or from a designated evacuation route, grants will be provided up to \$10,000 to wire with an appropriate transfer switch.
2. If your station is located within ½ mile of an exit on a controlled access highway or from a designated evacuation route, grants will be provided up to \$13,000 to wire with an appropriate transfer switch and permanently install an emergency generator.
3. If your station is not within the ½ mile limit but must be pre-wired due to being part of a chain, grants will be provided for up to \$10,000 to wire with an appropriate transfer switch and/or permanently install an emergency generator.

Do not start work until you receive a signed agreement from the State. Grant payments cannot be made for work performed before receiving this authorization.

For additional information, please visit: <http://nysandyhelp.ny.gov/fuel-ny>

What else do gas station owners need to know or do?

- Stations that sell less than 75,000 gallons of motor fuel on average per month are exempt from these requirements. Please complete and submit form WM-101, included in this mailing. Due date: August 1, 2013.

- Stations that believe they have been improperly identified based on location can also complete and submit form WM-101 to seek to be removed from the requirement. Due date: August 1, 2013.
- A transfer switch must be capable of accepting an emergency generator that, at a minimum, is of sufficient capacity to provide power to operate all dispensers and dispensing equipment, life safety systems, environmental monitoring systems, payment-acceptance equipment, and other systems necessary to ensure that such outlets can continue safe fuel sales operations during an electricity outage.
- Installation of appropriate wiring and transfer switches must be performed by a licensed electrical contractor.
- The electrician that installs the transfer switch is required to sign an attestation (bottom of form WM-100) that the transfer switch was properly installed in accordance with the manufacturer's specifications and all applicable provisions of the NYS Uniform Fire Prevention and Building Codes or any applicable local building codes or standard. This document must be kept on file at the retail outlet.
- It is highly recommended that a tag specifying the installation date, number of phases and generator size required for running the station, as determined by the installer, be attached near the transfer switch.
- Local municipalities in the downstate region cannot enact additional requirements on gas stations relating to back-up power for emergency preparedness.

Important Links:

- New York Recovery Resources Center: <http://nysandyhelp.ny.gov/fuel-ny>
- New York State Department of Agriculture and Markets: www.agriculture.ny.gov
- New York State Energy Research and Development Authority: www.nyserda.ny.gov
- New York State Office of Emergency Management: www.dhSES.ny.gov/oem

WM-100 (5/13) 	New York State Department of Agriculture and Markets Bureau of Weights & Measures 10B Airline Drive, Albany, NY 12235 518-457-3146 (P) 518-457-2552 (F) www.agriculture.ny.gov http://nysandyhelp.ny.gov/fuel-ny Emergency Back-Up Power at Gas Stations Please complete this form if your gas station is required to be wired with a transfer switch as per NYS Law Article 16, section 192-h	Page 1 of 1 
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Contact Information

Station Name		Federal Taxpayer ID No.	Date
Station Street Address		City	Zip Code
Phone Number	E-Mail Address		
Owner of Station		Is this station one of ten or more "Chain of Retail Outlets"?	Circle one YES NO

"Chain of Retail Outlets" means a network of subsidiaries or affiliates, under direct or indirect common control, that operate ten or more retail outlets located in single downstate region; provided, however that this term does not include any franchisor of the brand or motor fuel being sold at such outlet, except if such franchisor owns such outlet.

Meeting Back-Up Power Requirements

No.	Description	[X]
1	I have installed a transfer switch.	
2	I have installed a permanently affixed generator.	

Plan for Deployment of Emergency Generator

No.	Description	Documentation Required	[X]
1	Plan on entering an agreement with NYSERDA once details are available.	Required documentation will be specified at a later date.	
2	Have purchased an emergency generator of appropriate capacity and have it permanently affixed onsite.	Attach copy of receipt showing rated capacity.	
3	Have entered a contract with an emergency generator supplier other than NYSERDA.	Attach copy of contract or provide other documentation, which could include a chain's generator deployment and installation plan.	

Name of station owner/representative	Signature
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Transfer Switch Installation Information

(Note: if all the following information is available on the receipt/invoice, attach and skip this section)

Installer Business Name		Date of Installation	
Installer Street Address		City	Zip Code
Phone Number	E-Mail Address (optional)		
Transfer Switch Mfr.	Transfer Switch Model	No of Phases	Amperage
Electrician License Number		Electrician License Expiration Date	
Electrician Name Printed		Electrician Signature (see note below)	

By signing above, the electrician attests that the transfer switch has been properly installed in accordance with the manufacturer's specifications and all applicable provisions of the NYS Uniform Fire Prevention and Building Codes or any applicable local building codes or standard.

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Emergency Generators at Gas Stations – Request for Exemption

Please complete this form if you believe your gas station has been incorrectly identified as meeting the requirements of NYS Law Article 16, section 192-h

Contact Information

Station Name		Federal Taxpayer ID No.	Date
Station Street Address		City	Zip Code
Phone Number	E-Mail Address		
Owner of Station	Is this station one of ten or more "Chain of Retail Outlets"?	Circle one YES NO	

I am Requesting an Exemption for the Following Reason(s)

No.	Reason	[X]
1	This station sells less than 75,000 gallons of motor fuel per month on average.	
2	This station is outside the ½ mile limit of an exit from a controlled access highway or from a designated evacuation route.	

If you are requesting Exemption #1 above, with your permission the State can use sales tax records to verify that you qualify for the exemption. Please fill in the blank below to give your permission; if you choose not to, the Department will contact your station for additional information in order to verify that you qualify for the exemption:

I consent to the exchange of any of _____'s tax information necessary to verify compliance with the Agriculture and Markets law between the NYS Tax Department of Taxation and Finance and the NYS Department of Agriculture and Markets and any other necessary entities, including information otherwise entitled to secrecy under the Tax Law.

For all gas stations requesting Exemption #1 or Exemption #2:

I am the authorized representative of _____ and have the legal authority to sign this

certificate on behalf of _____. I certify that the information on this form is correct. I understand that this identification information is required by the Department of Agriculture and Markets to verify compliance with Article 16, section 192-h of the New York Agriculture and Markets law.

Name of station owner/representative	Signature
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For Office Use Only

Exemption Researched by	Date	Final Determination (attach pertinent documentation)	Approved by
		APPROVED NOT APPROVED	
		APPROVED NOT APPROVED	
		APPROVED NOT APPROVED	

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