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NY-CRR

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 6. DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CHAPTER III. AIR RESOURCES
SUBCHAPTER A. PREVENTION AND CONTROL OF AIR CONTAMINATION AND AIR POLLUTION
PART 239. PORTABLE FUEL CONTAINER SPILLAGE CONTROL
SUBPART 239-4. EXEMPTIONS

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239-4.1 Exemptions.

(a) This Part does not apply to any portable fuel container or spout or both portable fuel container and spout manufactured in the State of New York for shipment, sale, and use outside of the State of New York.

(b) This Part does not apply to a manufacturer or distributor who sells, supplies, or offers for sale in the State of New York a portable fuel container, spout, or both portable fuel container and spout that does not comply with 40 CFR section 59.653 (see Table 1, section 200.9 of this Title), as long as the manufacturer or distributor can demonstrate that:

(1) the portable fuel container, spout, or both portable fuel container and spout is intended for shipment and use outside of the State of New York; and

(2) the manufacturer or distributor has taken reasonable prudent precautions to assure that the portable fuel container, spout, or both portable fuel container and spout is not distributed to the State of New York.

This subdivision does not apply to portable fuel containers, spouts, or both portable fuel containers and spouts that are sold, supplied, or offered for sale by any person to retail outlets in the State of New York.

(c) This Part does not apply to safety cans meeting the requirements of 29 CFR section 1926.155 (see Table 1, section 200.9 of this Title).

(d) This Part does not apply to portable fuel containers with a nominal capacity less than or equal to one quart.

(e) This Part does not apply to rapid refueling devices with nominal capacities greater than or equal to four gallons, provided such devices are designed for use in officially sanctioned off- highway motorcycle competitions or either create a leak-proof seal against a stock target fuel tank or are designed to operate in conjunction with a receiver permanently installed on the target fuel tank.

(f) This Part does not apply to portable fuel tanks manufactured specifically to deliver fuel through a hose attached between the portable fuel tank and the outboard engine for the purpose of operating the outboard engine.

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