State of New York

Executive Chamber

No. 59

EXECUTIVE ORDER

TEMPORARY SUSPENSION OF PROVISIONS RELATING TO LIMITATIONS ON MOTOR AND HOME HEATING FUEL

WHEREAS, on October 26, 2012, I issued Executive Order Number 47, declaring a disaster emergency in all 62 counties in the State of New York; and

WHEREAS, the loss of power and damage to infrastructure caused by the storm has cut off distribution lines associated with motor fuels and home heating oil, in turn resulting in motor fuel and home heating oil shortages in the counties of Bronx, Brooklyn, Kings, Nassau, New York, Richmond, Rockland, Suffolk and Westchester; and

WHEREAS, State law and regulations that (i) limit the amount of vapor pressure and impose vapor lock and distillation class restrictions on motor fuel and (ii) limit the sulfur content of heating oil are hindering supplies of motor fuel and home heating oil in the counties of Bronx, Brooklyn, Kings, Nassau, New York, Richmond, Rockland, Suffolk and Westchester;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend specific provisions of any statute, local law, ordinance, orders, rules or regulations, or parts thereof, of any agency during a State disaster emergency, if compliance with such provisions would prevent, hinder or delay action necessary to cope with the disaster, hereby temporarily suspend, for the period from the date of this Executive Order until further notice and within the territorial boundaries of Bronx, Brooklyn, Kings, Nassau, New York, Richmond, Rockland, Suffolk and Westchester Counties, the following laws and regulations:

Section 19-0325 of the Environmental Conservation Law and regulations promulgated thereunder relating to limits on the sulfur content of heating oil sold in New York; and

Title One of the New York Codes, Rules and Regulations Section 224.3, authorized pursuant to Sections 16, 18, 179(3)(a) of the Agriculture and Markets Law, relating to the vapor pressure, distillation class, and vapor lock protections set forth therein.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this third day of November in the year two thousand twelve.

BY THE GOVERNOR

Secretary to the Governor