

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2013**

No. 143

Introduced by Council Members Van Bramer, Chin, Ferreras, James, Koo, Lander, Mendez, Palma, Rose, Mark-Viverito and Ulrich.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to improving hazardous materials storage pursuant to the New York city community right-to-know law.

Be it enacted by the Council as follows:

Section 1. Paragraphs 6 and 7 of subdivision a of section 24-705 of the administrative code of the city of New York, as added by local law number 26 for the year 1988, are amended to read as follows:

(6) an estimate, in ranges of the maximum amount and average daily amount, of the number of days located at the facility, and the specific location of each hazardous substance present at the facility at any time during the preceding calendar year, and, for each such specific location, the applicable special flood hazard area zone, as established by section G102.2 of appendix G of the New York city building code, if any, and the applicable New York city office of emergency management coastal storm and hurricane evacuation zone, if any;

(7) a brief description of the manner of storage of each hazardous substance present at the facility, a certification that such storage is in compliance with department rules promulgated pursuant to this chapter and all other applicable federal, state, and local laws, rules, and

regulations, and a description of how such storage takes into account potential flooding and other extreme weather events; and

§ 2. Section 24-713 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

(d) Any person who violates any rule promulgated pursuant to subdivision b of section 24-716 of this chapter shall be subject to a civil penalty, returnable before the environmental control board, in an amount not to exceed ten thousand dollars. Each notice of violation shall contain an order of the commissioner directing such person, within thirty days from the date of the order, to correct the condition constituting the violation and to file with the department electronically, or in such other manner as the department shall authorize, a certification that the condition has been corrected. In any proceeding before the board, no civil penalty shall be imposed for a violation pursuant to this subdivision if such person complies with the commissioner's order to correct and to certify correction of the violation within thirty days.

§ 3. Section 24-716 of the administrative code of the city of New York, as added by local law number 26 for the year 1988, is amended to read as follows:

§24-716 Regulations. (a) The commissioner shall have the power to promulgate such rules and regulations as may be necessary to carry out the purposes of this chapter.

(b) On or before January first, two thousand fifteen, the commissioner shall, in consultation with the emergency response agencies, promulgate rules for the proper siting and storage of hazardous substances, taking into consideration all safety issues, including, but not limited to, spillage, fire, flooding, storm surge, earthquake, power outages, and high winds. Such rules may regulate hazardous substances individually or in groups, and may require that

additional or alternative precautions be taken in advance of an anticipated extreme weather event.

§ 4. Subdivision c of section 24-718 of the administrative code of the city of New York, as added by local law number 92 for the year 1993, is amended to read as follows:

(c) [On or before July first, nineteen hundred ninety-four, the] The commissioner, in consultation with the emergency response agencies, shall by rule establish the contents of a risk management plan, which shall be designed to prevent the accidental release and to minimize the consequences of any such release of any extremely hazardous or regulated toxic substance. Such plan shall take into account extreme weather events, including potential flooding that may occur due to the location of a facility within a special flood hazard area, as established by section G102.2 of appendix G of the New York city building code, or within a New York city office of emergency management coastal storm and hurricane evacuation zone. The plan shall include but need not be limited to: (1) a site plan; (2) a safety review of design for new and existing equipment and processes; (3) an emergency response program, [including] which shall consider flooding and other extreme weather events and shall include an emergency response plan, emergency response training, and emergency response exercises; (4) standard operating procedures; (5) a preventive maintenance program for equipment; (6) a training program for equipment operators, including duration and type of training, and retraining; (7) accident investigation procedures; and (8) a risk assessment program, including a hazard analysis, [and] a consideration of the use of alternate equipment and alternate substances, and the risk of an accidental release caused by an extreme weather event.

§ 5. This local law shall take effect ninety days after enactment, except that the commissioner of environmental protection shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

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