

4573

2013-2014 Regular Sessions

I N   S E N A T E

April 11, 2013

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Introduced by Sen. STEWART-COUSINS -- read twice and ordered printed,  
and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to requiring  
businesses to notify the local firefighting agency of the presence of  
hazardous materials

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1.     Subdivisions 3, 5 and 6 of section 209-u of the general  
2     municipal law, subdivision 3 as amended by chapter 23 of the laws of  
3     1991, and subdivisions 5 and 6 as amended by chapter 594 of the laws of  
4     1986, are amended and a new subdivision 3-a is added to read as follows:  
5     3. Every person engaged in commerce in this state, excepting those  
6     operating as a farm, as defined by subdivision one of section six  
7     hundred seventy-one of the labor law who, based upon the experience of  
8     the business in the use of hazardous materials during the previous year,  
9     may have possession of hazardous materials at a permanent place of busi-  
10    ness, a construction site or a temporary storage depot, shall report the  
11    presence of such hazardous materials to the chief of the appropriate  
12    fire department, fire corporation, or fire company having responsibility  
13    for fire protection of each location at which any such hazardous materi-  
14    al may be found. EACH SUCH PERSON SHALL PROVIDE THE IDENTIFICATION AND  
15    QUANTITY OF EACH HAZARDOUS MATERIAL USED OR STORED AT EACH SITE WHICH IS  
16    NOT WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE. SUCH  
17    PERSONS THAT DO NOT STORE OR USE HAZARDOUS MATERIALS MUST RESPOND TO THE  
18    NOTICE BY STATING NO SUCH MATERIALS ARE STORED OR USED. Upon receipt  
19    thereof, in counties which have an office of county fire coordinator,  
20    the fire department, fire corporation or fire company, shall forward a  
21    copy of said report to the office of the county fire coordinator.  
22    3-A. EVERY CITY AND TOWN, EXCEPT A CITY HAVING A POPULATION OF ONE  
23    MILLION OR MORE, SHALL ANNUALLY PROVIDE NOTICE IN WRITING TO ALL PERSONS  
24    ENGAGED IN COMMERCE WITHIN ITS JURISDICTION OF THE NOTIFICATION AND

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 REPORTING REQUIREMENTS, RELATING TO HAZARDOUS MATERIALS, OF THIS  
2 SECTION. SUCH NOTICE MAY BE INCLUDED IN TAX BILLS OR OTHER OFFICIAL  
3 COMMUNICATIONS.

4 5. An exemption from the provisions of subdivision three of this  
5 section may be granted by the chief of the fire department, fire corpo-  
6 ration, or fire company where, in cooperation with or at the invitation  
7 of the person, he OR SHE chooses to make or causes his OR HER represen-  
8 tative to make an inspection of the person's place of business. At the  
9 time of such inspection the person is required to inform the chief or  
10 his OR HER representative of any hazardous materials which are subject  
11 to the provisions of this section. IF ANY PERSON GRANTED AN EXEMPTION  
12 PURSUANT TO THIS SUBDIVISION CHANGES THE HAZARDOUS MATERIALS USED OR  
13 STORED AT SUCH PLACE OF BUSINESS WHICH IS NOT WITHIN A CITY HAVING A  
14 POPULATION OF ONE MILLION OR MORE, SUCH PERSON SHALL IMMEDIATELY NOTIFY  
15 THE CHIEF OF THE FIRE DEPARTMENT, FIRE CORPORATION OR FIRE COMPANY OF  
16 SUCH CHANGE INCLUDING THE IDENTITY OF THE HAZARDOUS MATERIALS AND THE  
17 AMOUNTS THEREOF USED OR STORED. Failure to inform shall constitute a  
18 violation as set forth in subdivision eight of this section.

19 6. Exemptions from the provisions of subdivision three of this section  
20 may also be granted by said chief [as follows: (a) a general exemption]  
21 if the PERSON DEMONSTRATES firefighting capability [of the person is]  
22 sufficient to defend against an emergency involving such hazardous mate-  
23 rial[; (b) an exemption, based upon the need for confidentiality, from  
24 the reporting of specific hazardous materials]. REQUESTS FOR EXEMPTION  
25 FROM PUBLIC DISCLOSURE OF THE HAZARDOUS MATERIALS USED OR STORED AT THE  
26 PLACE OF BUSINESS SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLE SIX OF  
27 THE PUBLIC OFFICERS LAW. Requests for exemptions shall be in writing and  
28 shall be filed annually with said chief. Such exemptions shall be filed  
29 with said chief and in counties which have an office of county fire  
30 coordinator, a copy of said exemption shall be forwarded by said chief  
31 to the office of county fire coordinator on a date to be determined by  
32 the state fire administrator in the manner prescribed by the state fire  
33 administrator. Exemptions shall be in writing and shall expire one year  
34 from the date granted. An exemption may be revoked if the conditions  
35 provided in [paragraph (a) or (b) of] this subdivision no longer exist.

36 S 2. This act shall take effect on the thirtieth day after it shall  
37 have become a law.