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I N A S S E M B L Y

May 20, 2010

Introduced by M. of A. SPANO, ENGLEBRIGHT, MAISEL, FIELDS, M. MILLER,
MILLMAN, HOOPER, SCARBOROUGH -- Multi-Sponsored by -- M. of A. CRESPO,
GOTTFRIED, HIKIND, MAYERSOHN, McENENY, PHEFFER, SCHIMEL, THIELE --
read once and referred to the Committee on Local Governments

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. PERSONS
16 THAT DO NOT STORE OR USE HAZARDOUS MATERIALS MUST RESPOND TO THE NOTICE
17 BY STATING NO SUCH MATERIALS ARE STORED OR USED. Upon receipt thereof,
18 in counties which have an office of county fire coordinator, the fire
19 department, fire corporation or fire company, shall forward a copy of
20 said report to the office of the county fire coordinator.
21 3-A. EVERY CITY AND TOWN SHALL ANNUALLY PROVIDE NOTICE IN WRITING TO
22 ALL PERSONS ENGAGED IN COMMERCE WITHIN ITS JURISDICTION OF THE NOTIFICA-
23 TION AND REPORTING REQUIREMENTS, RELATING TO HAZARDOUS MATERIALS, OF
24 THIS SECTION. SUCH NOTICE MAY BE INCLUDED IN TAX BILLS OR OTHER OFFICIAL
25 COMMUNICATIONS.

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

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1 5. An exemption from the provisions of subdivision three of this
2 section may be granted by the chief of the fire department, fire corpo-
3 ration, or fire company where, in cooperation with or at the invitation
4 of the person, he OR SHE chooses to make or causes his OR HER represen-
5 tative to make an inspection of the person's place of business. At the
6 time of such inspection the person is required to inform the chief or
7 his OR HER representative of any hazardous materials which are subject
8 to the provisions of this section. IF ANY PERSON GRANTED AN EXEMPTION
9 PURSUANT TO THIS SUBDIVISION CHANGES THE HAZARDOUS MATERIALS USED OR
10 STORED AT SUCH PLACE OF BUSINESS, SUCH PERSON SHALL IMMEDIATELY NOTIFY
11 THE CHIEF OF THE FIRE DEPARTMENT, FIRE CORPORATION OR FIRE COMPANY OF
12 SUCH CHANGE INCLUDING THE IDENTITY OF THE HAZARDOUS MATERIALS AND THE
13 AMOUNTS THEREOF USED OR STORED. Failure to inform shall constitute a
14 violation as set forth in subdivision eight of this section.

15 6. Exemptions from the provisions of subdivision three of this section
16 may also be granted by said chief as follows: (a) a general exemption if
17 the firefighting capability of the person is sufficient to defend
18 against an emergency involving such hazardous material; (b) an
19 exemption, based upon the need [for confidentiality, from the reporting
20 of specific hazardous materials] TO PROTECT CONFIDENTIAL BUSINESS INFOR-
21 MATION, FROM PUBLICLY DISCLOSING THE HAZARDOUS MATERIALS USED OR STORED
22 AT A PLACE OF BUSINESS. Requests for exemptions shall be in writing and
23 shall be filed annually with said chief. Such exemptions shall be filed
24 with said chief and in counties which have an office of county fire
25 coordinator, a copy of said exemption shall be forwarded by said chief
26 to the office of county fire coordinator on a date to be determined by
27 the state fire administrator in the manner prescribed by the state fire
28 administrator. Exemptions shall be in writing and shall expire one year
29 from the date granted. An exemption may be revoked if the conditions
30 provided in paragraph (a) or (b) of this subdivision no longer exist.

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