S T A T E O F N E W Y O R K

11148--A

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. BARRON, CRESPO, GABRYSZAK, GIBSON, GOTTFRIED, HIKIND, MAYERSOHN, McENENY, PHEFFER, SCHIMEL, THIELE -- read once and referred to the Committee on Local Governments -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivisions 3, 5 and 6 of section 209-u of the general municipal law, subdivision 3 as amended by chapter 23 of the laws of 1991, and subdivisions 5 and 6 as amended by chapter 594 of the laws of 1986, are amended and a new subdivision 3-a is added to read as follows:

3. Every person engaged in commerce in this state, excepting those operating as a farm, as defined by subdivision one of section six hundred seventy-one of the labor law who, based upon the experience of the business in the use of hazardous materials during the previous year, may have possession of hazardous materials at a permanent place of business, a construction site or a temporary storage depot, shall report the presence of such hazardous materials to the chief of the appropriate fire department, fire corporation, or fire company having responsibility for fire protection of each location at which any such hazardous material may be found. EACH SUCH PERSON SHALL PROVIDE THE IDENTIFICATION AND QUANTITY OF EACH HAZARDOUS MATERIAL USED OR STORED AT EACH SITE WHICH IS NOT WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE. SUCH PERSONS THAT DO NOT STORE OR USE HAZARDOUS MATERIALS MUST RESPOND TO THE NOTICE BY STATING NO SUCH MATERIALS ARE STORED OR USED. Upon receipt thereof, in counties which have an office of county fire coordinator, the fire department, fire corporation or fire company, shall forward a copy of said report to the office of the county fire coordinator.

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

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3-A. EVERY CITY AND TOWN, EXCEPT A CITY HAVING A POPULATION OF ONE MILLION OR MORE, SHALL ANNUALLY PROVIDE NOTICE IN WRITING TO ALL PERSONS ENGAGED IN COMMERCE WITHIN ITS JURISDICTION OF THE NOTIFICATION AND REPORTING REQUIREMENTS, RELATING TO HAZARDOUS MATERIALS, OF THIS SECTION. SUCH NOTICE MAY BE INCLUDED IN TAX BILLS OR OTHER OFFICIAL COMMUNICATIONS.

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

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

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