

2826

2011-2012 Regular Sessions

I N S E N A T E

February 2, 2011

Introduced by Sens. STEWART-COUSINS, STAVISKY -- 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 ASSEMBLY, 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

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

LBD00767-01-1

1 ENGAGED IN COMMERCE WITHIN ITS JURISDICTION OF THE NOTIFICATION AND
2 REPORTING REQUIREMENTS, RELATING TO HAZARDOUS MATERIALS, OF THIS
3 SECTION. SUCH NOTICE MAY BE INCLUDED IN TAX BILLS OR OTHER OFFICIAL
4 COMMUNICATIONS.

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

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

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