

# Legislation at a Glance

## *Proposal 7: Safeguard Toxic Materials Stored in Flood Zones*

### **Implemented**

Local Law 143 of 2013

### **Summary**

Under the Community Right to Know Law, NYC requires the operators of facilities where hazardous materials are stored to provide information about the materials, the storage methods, and the associated emergency management plans to the Department of Environmental Protection. This new legislation amends the Right to Know Law to ensure that floods and other extreme weather events are considered in these storage methods and emergency management plans.

In addition, the legislation requires the NYC Department of Environmental Protection (DEP) to establish hazardous substance storage rules that take into consideration safety issues such as floods and power outages.

### **New Requirements or Changes**

**Effective: March 30, 2014**

*NYC Administrative Code, Section 24-705:*

Operators of facilities where hazardous materials are stored are required to provide, in addition to the information previously required,

- 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; and
- A certification that the storage is in compliance with all applicable regulations, and a description of how such storage takes into account potential flooding and other extreme weather events.

*NYC Administrative Code, Section 24-713:*

In cases of violation, the DEP will provide the violator with 30 days to correct the condition. The DEP is authorized to administer a penalty of up to \$10,000 per uncorrected violation, if not completed within 30 days.

*NYC Administrative Code, Section 24-716:*

The DEP is directed to promulgate rules for the proper siting and storage of hazardous substances, taking into consideration all safety issues, including spillage, fire, flooding, storm surge, earthquake, power outages, and high winds. Such rules may require that additional or alternative precautions be taken in advance of an anticipated extreme weather event. These rules must be in place by January 1, 2015.

*NYC Administrative Code, Section 24-718:*

The DEP must revise the administrative rule that establishes the standard contents of a risk management plan in order to include flooding and extreme weather events.

**Enforcement**

The DEP will enforce these requirements as part of its normal operations.

**Implementation Notes**

There are no known issues with fulfilling the requirements of this legislation.