NYC GREEN CODES
LEGISLATION AT A GLANCE

GCTF Proposal
Safeguard Toxic Materials Stored in Flood Zones

Implemented
Appendix G of the 2008 New York City Building Code
Local Law 143 of 2013

Summary

Until 2008, the New York City Department of Environmental Protection required facilities that store hazardous chemicals to file a risk management plan, but it did not require any special provisions for chemicals stored within the 100-year floodplain or subject to other risks.

In 2008, Appendix G of the NYC Building Code established floodproofing and elevation requirements for new buildings that are located within the 100-year floodplain and include storage of certain toxic chemicals.

In 2013, Local Law 143 required the DEP to develop rules for proper siting and storage of hazardous substances in existing buildings. The rules must be in place by January 1, 2015.

New Requirements or Changes

Appendix G Effective: July 1, 2008. These requirements do not apply retroactively; they are only triggered with new construction or alteration to existing buildings. Appendix G requires buildings that are located in flood-prone areas and designed to store large amounts of toxic substances to be elevated at least one or two feet (depending on the substance and the location) above the base flood elevation or dry floodproofed.

Local Law 143 Effective: March 30, 2014. These requirements will apply to all facilities where hazardous materials are stored, whether new or existing.

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, and the applicable New York City Office of Emergency Management coastal storm and hurricane evacuation zone; 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 corrected 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

Appendix G regulations are a standard part of the Building Code. The Department of Building will enforce them in the same manner as any other element of the codes.

The rules required to be established by Local Law 143 will be enforced by the Department of Environmental Protection.

Implementation

There are no known issues for the implementation of this rule.