CITY OF NEW YORK

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF POLICE AND SECURITY
DIVISION OF EMERGENCY RESPONSE & TECHNICAL ASSESSMENT
COMMUNITY RIGHT-TO-KNOW PROGRAM

New York City Community Right-To-Know Laws and Regulations

City of New York
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NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION
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LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1988

No. 26

By Council Members Leffler and Messinger (by request of the Comptrollers also Council Members Eisland, Foster, Harrison, Katzman. Maloney, Michele, Pinkest, Malian i. Greitzer, Lisa, Dryfoos, Alter, Wooten. Robles, Friedlander, Spigner and Povman.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the reporting of certain information in regard to the storage of chemicals and other hazardous substances.

Be it enacted by the Council as follows:

Section one. Legislative Findings. The Council finds that the storage, processing, handling and use of certain hazardous substances may pose a significant risk to human health and the environment in the event of an accidental or threatened release of such substance. Recent tragedies around the world relating to the accidental release of certain hazardous substances clearly indicate the need to have in place an effective plan for dealing with such emergencies.

The Council has determined that there is a need to protect the environment, health and safety of community members, emergency response personnel, the general public and private and public property against exposure to hazardous substances as a result of fire, spill or accidental release, whether actual or threatened, and to assist emergency response personnel in the mitigation of such fire, spill or accidental release from industrial, commercial or public facilities which handle these substances. Certain information, such as chemical names, amounts stored, characteristics of the substances, methods of safe treatment and potential health effects, should be provided to the department of environmental protection. This information is needed to facilitate planning for the prevention and control of fires, accidents and spills; to enable government inspectors to ensure compliance with other local environmental and public safety laws; and to permit public and private agencies to conduct diagnoses, screenings and health studies on behalf of community residents. Such information will be made available to the emergency response personnel of city agencies, other relevant government agencies, medical care providers, regulatory agencies, community boards and other interested persons.

§2. The opening paragraph of section fourteen hundred three of the New York City charter, as amended by local law number forty-two for the year nineteen hundred eighty-seven, is amended to read as follows:

Except as otherwise provided by law, the commissioner shall have charge and control of and be responsible for all those functions and operations of the city relating to the provision of a pure, wholesome and adequate supply of water, the disposal of sewage and the prevention of air, water and noise pollution, and shall be authorized to respond to emergencies caused by releases or threatened releases of hazardous substances and to collect and manage information concerning the amount. location and nature of hazardous substances. The powers and duties of the commissioner shall include, without limitation, the following:

§3. Section fourteen hundred three of such charter is amended by adding a new subdivision i to read as follows:

i. Community right-to-know. The commissioner shall have the power to collect. compile and manage information concerning the amount, location and nature of hazardous substance present in the city. This information shall be made available to city personnel responsible for responding to emergencies involving hazardous substances and the public.

§ 4. Subparagraphs (g) and (h) of paragraph one of subdivision c of section fourteen hundred four of such charter. subparagraph (g) as amended and subparagraph (h) as added by local law number forty-two for the year nineteen hundred eighty-seven are amended to read as follows:

(g) the construction, alteration, maintenance, use, occupancy, safety, sanitary condition, mechanical equipment and inspection of buildings or structures in the city which are within the jurisdiction of the department of buildings and which the commissioner of buildings shall designate by rule or regulation; [and]

(h) the response to emergencies caused by releases or threatened releases of hazardous sub*stances [.] : and*

§ 5. Paragraph one of subdivision c of section fourteen hundred four of such Charter is amended by adding a new subparagraph (i) to read as follows:

(i) the reporting of information relating to the amount, location and nature of hazardous substances and the labeling of hazardous substances.

§ 6. Title twenty-four of the Administrative Code of the city of New York is hereby amended by adding a new chapter seven, to read as follows:

Chapter 7

Community Right-to-Know Law

§ 24-701 Short Title. This chapter shall be known and may be cited as the "New York city community right-to-know law."

§ 24-702 Definitions. For the purpose of this chapter the following terms shall mean:

(a) "chemical name": the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry or the Chemical Abstracts Service (CAS) rules of nomenclature.

(b) "citywide facility inventory database": a compendium of information filed by responsible parties with the department in accordance with this chapter regarding the location of hazardous substances.

(c) "commissioner": the commissioner of the department of environmental protection.

(d) "department": the department of environmental protection.

(e) "disposal": the placing of any hazardous substance into any land or water so that such hazardous substances or any constituent thereof may be released into the environment.

(f) "emergency response agencies": the departments of fire, police, environmental protection, health, transportation and sanitation, and the division of emergency medical services of the health and hospitals corporation.

(g) "emergency response personnel": any member of the departments of fire, police, environmental protection, health, transportation and sanitation, the division of emergency services of health and hospitals corporation and any other government agency participating in response measures undertaken in connection with a fire, or a spill, or release or threatened release of a hazardous substance into the environment. For purposes of this chapter, the term "response measures" shall include actions taken by a city agency within the meaning of subdivision (f) of section 24-603.

(h) "extremely hazardous substance": a substance on a list of extremely hazardous substances promulgated pursuant to 42 U.S.C. section 11002(a).

(i) "facility": all buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned, leased or operated by the same person, or by any person which controls, or is controlled by or under common control with, such person, including any building, structure, installation or area involved in the processing, storage, handling, treatment, placement, disposal or use of any hazardous substance.

(j) "facility inventory form": a standard written form, developed by the department for completion by a responsible party at each privately or publicly owned facility in the city of New York.

(k) "hazardous substance": any chemical which is a physical hazard or a health hazard and which is listed on the hazardous substance list or special health hazard list. For purposes of this chapter, the term "hazardous substance" shall not include the following: (1) any food, food additive, color additive, drug, or cosmetic regulated by the federal food and drug administration; (2) any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use; (3) any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public; (4) any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate consumer; (5) any hazardous waste as such term is defined by the solid waste disposal act, as amended by the resource conservation and recovery act of nineteen hundred seventy-six, as amended (42 U.S.C. section 6901, et seq.); (6) tobacco or tobacco products; (7) wood or wood products; (8) articles, which for purposes of this subdivision shall mean manufactured items which (i) are formed to a specific shape or design during manufacture; (ii) which have an end use function or functions dependent in whole or in part upon their shape or design during end use; and (iii) which do not release, or otherwise result in exposure to, a hazardous substance, under normal conditions of use; (9) food, drugs, cosmetics, or alcoholic beverages in a retail establishment which are packaged for sale to consumers; (10) foods, drugs, or cosmetics intended for personal consumption by employees while in the

workplace; (11) any consumer product or hazardous substance, as those terms are defined in the consumer product safety act (15 U.S.C. section 2051, et seq.) and federal hazardous substances act (15 U.S.C. section 1261, et seq.) respectively, where the employer can demonstrate it is used in the workplace in the same manner as normal consumer use, and which use results in a duration and frequency of exposure which is not greater than exposures experienced by consumers; or (12) any drug, as that term is defined in the federal food, drug, and cosmetic act (21 U.S.C. section 301, et seq.), when it is in solid, final form for direct administration to a patient.

(1) "hazardous substance list": a list of hazardous substances which the commissioner shall by regulation establish in accordance with section 24-703 of this chapter. The commissioner shall at the minimum include on the original list, those hazardous substances contained on the following existing list of dangerous substances: the New Jersey Right to Know, Hazardous Substance List developed pursuant to the Worker and Community Right to Know Act (New Jersey Administrative Code, stat. 34:5A-1 et seq.) as in effect in December of nineteen hundred eighty-seven.

(m) "health hazard": a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principals that acute or chronic health effects may occur in exposed persons. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.

(n) "material safety data sheet" (MSDS): written or printed material concerning a hazardous substance which is identical in form and content to the data sheet described at 29 C.F.R. part 1910.1200 and required under subdivision (a) of section three hundred eleven of the emergency planning and community right-to-know act of nineteen hundred eighty-six (42 U.S.C. section 11001, et seq.). ,

(o) "mixture": a combination of two or more substances not involving a chemical reaction.

(p) "person": any individual, trust, firm, partnership, corporation, joint stock company, association, joint venture or government entity.

(q) "physical hazard": a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

(r) "regulated toxic substance": a substance on a list of regulated toxic substances promulgated pursuant to 42 U.S.C. section 7412(r).

(s) "responsible party": an owner, operator, manager, or corporate officer of the person who owns, leases or operates a facility, provided that if such facility is leased, the responsible party shall be the lessee of the facility or his or her represenative.

(t) "risk management plan": a plan filed by a responsible party with the commissioner pursuant to section 24-718 of this chapter.

(u) "special health hazard list": a list of hazardous substances that the commissioner may develop through regulation which would consist of substances that have been proven to be carcinogenic, mutagenic or teratogenic, as established by at least one study conducted in accordance with established scientific principles, and thereby pose a special hazard to health and safety.

(v) "treatment": any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous substance so as to neutralize such substance or so as to render such substance nonhazardous, safe to transport, amendable to recovery, amendable to storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of a hazardous substance so as to render it nonhazardous.

§24-703 Hazardous substance list. The commissioner by regulation shall develop a list of hazardous substances, complying with the requirements of section 24-702(j) of this chapter, within six months from enactment of this section provided that if the commissioner determines that any substance on the required base list, as established by section 24-702(j) of this chapter, should not be placed on the final promulgated list, then the commissioner shall submit a written statement to the council indicating the reason why an amendment is necessary, at least sixty days before the date the list is to take effect. The council may within thirty days following receipt of the commissioner's statement requesting an amendment either: (i) approve or disapprove such amendment or (ii) determine that an additional ten days is needed to study such amendment by the adoption of an appropriate resolution. Upon approval by the council, such amendment shall take effect immediately. If the council disapproves such amendment, the commissioner shall not be precluded from resubmitting such amendment to the council at a later date. If the council does not approve or disapprove such amendment within such thirty day period, such amendment shall take effect on the thirty-first day after submission to the council unless the council had determined by resolution that an additional ten days is needed to study such amendment, in which case, the amendment shall take effect on the forty-first day after such submission to the council unless the council has approved or disapproved such amendment prior to such forty-first day. Except for the substances contained on the special health hazard list developed pursuant to the requirements of section 24-704 of this chapter, any substance contained on the hazardous substance list shall be reported to the commissioner, if such hazardous substance has been present at a facility in an amount which exceeds five hundred pounds. For the reporting period ending on March first, nineteen hundred eighty-nine, any mixture present in a facility in an amount which exceeds five hundred pounds, shall be reported if it contains in a concentration of one percent or more any hazardous substance listed on the New Jersey Special Health Hazards List, a subcategory of the New Jersey Right-to-Know Hazardous Substance List (New Jersey Administrative Code, stat. 34: 5A-1 et seq.) as in effect in December, nineteen hundred eighty-seven. For the reporting period ending March first, nineteen hundred ninety, any mixture present in a facility shall be reported in an amount which exceeds five hundred pounds if it contains in a concentration of one tenth of one percent or more of any such hazardous substance. For the reporting period ending on March first, nineteen hundred ninety-one, the commissioner shall by regulation establish a threshold reporting quantity for each hazardous substance and hazardous substances in mixture that are included on the New Jersey Special Health Hazards List shall be reported in the same concentration as required in the previous year. If the commissioner fails to set a specific threshold reporting quantity by March first, nineteen hundred ninety-one, then each of the hazardous substances without a specific threshold reporting quantity shall be reported to the commissioner if ten or more pounds are present at a facility.

§ **24-704 Special health hazard list.** (a) The commissioner may develop by regulation a special health hazard list to consist of substances otherwise included on the hazardous substances list but which, because of their proven carcinogenicity, mutagenicity, or teratogenicity, pose a special hazard to health and safety. For those substances contained on this list, any amount stored or existing at a facility shall be reported to the commissioner.
(b) The commissioner shall be authorized to include within the regulations specific requirements for the special health hazards list, in addition to those established in section 24-705 of this chapter, for the reporting, handling and labeling of these substances, as he or she deems necessary.

§ **24-705 Facility inventory form.** (a) The commissioner by regulation shall develop a facility inventory form within six months of enactment of this chapter. This form shall, at a minimum require the following information:
(1) the name and business address of the owner and operator of the facility, and if the facility is owned or operated by a legal entity, the name and business address of an appropriate executive officer;
(2) the name and address of the facility;
(3) the telephone number of the facility and its owner or operator;
(4) the names, titles, and daytime and nighttime telephone numbers of at least two persons designated as emergency contacts for the facility;
(5) the chemical name or the common name of each hazardous substance present at the facility as provided on the material safety data sheet and the CAS identification number for each hazardous substance;
(6) an estimate, in ranges of the maximum amount and average daily amount, of the number of days located at the facility, and the specific location of each hazardous substance present at the facility at any time during the preceding calendar year;
(7) a brief description of the manner of storage of each hazardous substance present at the facility; and
(8) an indication of whether the responsible party elects to withhold location information of a specific hazardous substance from disclosure to the public pursuant to subdivision (b) of this section.
(b) A person submitting information for a facility pursuant to this chapter may request the commissioner to withhold from disclosure to the public the location of any specific hazardous substance required to be reported on a facility inventory form.

§24-706 Facility inventory reporting. (a) A responsible party of a facility shall file a completed facility inventory form for such facility with the department for each substance on the hazardous substance list or the special health hazard list present within a facility that has been present in the preceding calendar year in a quantity which exceeds the threshold reporting quantity established under section 24-703 of this chapter, on or before March first of each year, beginning in nineteen hundred eighty-nine. A responsible party of a facility shall also be required to file with the department a facility inventory update, on a form approved by the department through regulation, if a previously unreported hazardous substance is added at a

facility or if an already reported quantity of a hazardous substance increases by twenty-five percent or more, within thirty days of the occurrence of such event.
(b) A responsible party of a facility shall also be required to file a completed material safety data sheet for each hazardous substance at the facility with the department and with the fire department on or before March first of each year, beginning in nineteen hundred eighty-nine.
(c) A responsible party shall make copies of all information filed with the department pursuant to this section available at the facility to emergency response personnel undertaking response measures at such facility.
(d) On or before December thirty-first, nineteen hundred ninety-three, the commissioner shall by rule establish a schedule of fees that shall be paid upon the filing of the facility inventory form required by this chapter. Such fees shall be based on the amount of hazardous substances present, the number of different hazardous substances present and the type of hazardous substances present, including the presence or absence of substances classified as extremely hazardous in rules and regulations promulgated by The United States environmental protection agency pursuant to 42 U.S.C. section-11001,
et seq.

§ **24-707 Compilation of Citywide Facility Inventory Data.** (a) The commissioner, on or before July first, nineteen hundred eighty-eight, shall develop and publish in the City Record plans for a comprehensive notification program for all facilities as described in this chapter.
(b) The commissioner shall produce a citywide facility inventory database, on or before September first, nineteen hundred eighty-nine.
(c) The commissioner shall maintain and update, the citywide facility inventory database, and shall, on an annual basis produce the data from such database in printed form.
(d) For those substances which have been exempt from reporting pursuant to section 24-708(c), the commissioner shall acquire from the fire department, data regarding the issuance of permits or licenses for the manufacture, storage or transporting of fossil fuels, petroleum products, and combustible or flammable substances so that these locations can be included in the citywide facility inventory database.

§ **24-708 Exemptions.** The following persons, facilities and hazardous substances shall be exempt from the requirements of section 24-706 and 24-711: (a) facilities where the only hazardous substances, except for those substances on the special health hazard list pursuant to section 24-704, were present during the preceding calendar year in mixtures in which the total content of the hazardous substance was of one percent or less by weight or volume per container unless such hazardous substance was present at the facility in an aggregate amount of five hundred pounds or more; (b) owners or tenants of residential buildings that contain no commercial or manufacturing enterprise; or (c) fossil fuels, petroleum products, and combustible or flammable chemicals or materials, the manufacture, transportation, or storage of which is subject to the jurisdiction of the fire department pursuant to title twenty-seven of the code.

§ **24-709 Trade Secrets.** (a) Any person required under section 24-706 to submit information to the department may withhold from such submittal the specific chemical identity of a hazardous substance, including the chemical name and other specific identification, if such

information has been withheld as a trade secret pursuant to section three hundred twenty-two of the emergency planning and community right-to-know act of nineteen hundred eighty-six (42 U.S.C. section 11001, et seq.), article forty-eight of the public health law or article twenty-eight of the labor law. No person shall be entitled to withhold such trade secret information from such submittal unless such person demonstrates to the satisfaction of the commissioner that such information has been so determined to be a trade secret and that such person has taken reasonable measures to protect the confidentiality of such information and intends to continue to take such measures. The commissioner may grant a temporary extension of not more than thirty days from the reporting requirements of section 24-706 for the purpose of allowing such person to make such demonstration.

(b) With respect to any information not withheld as a trade secret in the manner described by subdivision (a) of this section, the commissioner may withhold from disclosure, pursuant to article six of the public officers law, (i) specific chemical identities, including chemical names and other specific information, which are trade secrets which if disclosed would cause substantial injury to the competitive position of a commercial enterprise or (ii) methods or processes described in plans filed pursuant to section 24-718 of this chapter entitled to protection as trade secrets. The commissioner shall promulgate by rule a procedure for implementing the provisions of this subdivision. The subdivision shall not be construed to affect, limit or modify in any manner the reporting requirements of section 24-706.

(c) 1. Notwithstanding any other provision of this section, in a response to an emergency caused by the presence or release of a hazardous substance, the commissioner shall make trade secret information about such hazardous substance available, upon request, to emergency response personnel responding to such an emergency.

2. Notwithstanding any other provision of this section, for the purpose of medical diagnosis or treatment of an individual exposed to a hazardous substance, where the commissioner has withheld any information from disclosure pursuant to subdivision (b) of this section, the person submitting such information to the department shall upon request disclose such information to medical personnel, including doctors and nurses, treating such an individual.

(d) Except as is necessary for the internal administration of the department or as is otherwise provided by subdivision (c) of this section, or by federal, state or local law, no person shall disclose to any other person any information, record or portions thereof received by the department pursuant to this chapter and determined by the commissioner to be a trade secret pursuant to subdivision (b) of this section. Each person having access to such information or records, including persons receiving such information or records pursuant to subdivision (c) of this section, shall, in a written confidentiality agreement with the person submitting such information to the department, agree that he or she will not use the information, record or portion thereof for any purpose other than internal administration of the department, response to an emergency caused by the presence or release of a hazardous substance, or medical diagnosis or treatment. In the case of a medical-emergency, a written confidentiality agreement is not required as a precondition of disclosure pursuant to subdivision (c) of this section, but shall be entered into by the person receiving the information as soon as circumstances permit.

(e) Nothing in this section shall be constructed to affect, limit or modify in any manner the disclosure of any information to a health professional to the extent such disclosure is required or authorized pursuant to section three hundred twenty-three of the emergency planning and

community right-to-know act of nineteen hundred eighty-six (42 U.S.C. section 11001, et seq.).

§24-710 Access to hazardous substance information. (a) The commissioner shall upon request make available to emergency response personnel the information filed pursuant to section 24-706, the data compiled pursuant to section 24-707, and the risk management plan filed pursuant to section 24-718.
(b) The commissioner shall make available to the public, in such form and manner as may be prescribed by regulation, the information filed pursuant to section 24-706 and the data compiled pursuant to section 24-707, during normal working hours, at the location or locations designated by the commissioner. Within thirty days after the annual completion of the compilation of citywide facility inventory data pursuant to section 24-707 of this chapter, the commissioner shall publish a notice in the City Record that such information shall be available for inspection by the public at the location or locations specified in the notice.
(c) Any person may submit a written request to the commissioner for any information filed with the department pursuant to section 24-706 of this chapter with respect to a specific facility. The commissioner shall make the requested information available to the person making the request within ten business days after the receipt of the request.

§ **24-711 Labeling requirements.** Within thirty days after a facility inventory form is first required to be filed for a facility, all hazardous substances present at such facility shall be clearly marked with a label showing the chemical name and CAS identification number of the hazardous substance. The information set forth on the label shall be in accordance with a recognized hazardous substances labeling system, accepted by the commissioner. In the case of a substance protected under the "trade secrets" provision contained in section 24-709 of this chapter, the label should bear the specific code assigned by the commissioner for such substance.

§ **24-712 Inspections of a facility.** (a) The department, upon providing prior notice, shall have the authority to inspect any facility during normal business hours. However, whenever there is a reason to believe that a facility is in violation of the requirements of this chapter, the department shall be authorized to inspect the facility without prior notice. Any reasonable party who refuses to allow an authorized employee or representative of the department to conduct an inspection of the facility after appropriate credentials are presented shall be in violation of this chapter and shall be subject to the penalties provided in subdivision c of section 24-713 of this chapter.
(b) Within twenty business days of receipt of a written complaint in such form as may be prescribed by the commissioner, alleging a violation of any of the provisions of this chapter, the department shall investigate such complaint and shall inform the complainant of the results of such investigation.

§ **24-713 Violations.** (a) Any person who knowingly or recklessly makes any, false statement, representation or certification on a facility inventory form, risk management plan, or any other document filed with the department, or on any label required, pursuant to this chapter, shall,

upon conviction, be subject to a fine of not more than one thousand dollars, or imprisonment of up to one year, or both.
(b) Any person who violates the requirements of sections 24-706,24-711 or 24-718 of this chapter shall be liable for a civil penalty, as follows: (1) for a first violation, in an amount of not less than two hundred fifty nor more than two thousand five hundred dollars; (2) for a second violation, in an amount of not less than one thousand seven hundred nor more than five thousand dollars; and (3) for each subsequent violation, in an amount of not less than three thousand seven hundred fifty nor more than ten thousand dollars. For purposes of this section, the second and any subsequent violation shall only occur after notice of the first violation has been properly served and an opportunity to cure said violation has been provided to the violator, provided that such opportunity to cure shall not exceed thirty days. Such penalties may be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board. In determining the civil penalty, the hearing officer or judge shall consider any evidence presented by the defendant showing a good faith effort to comply with relevant requirements of this chapter, the nature and seriousness of defendant's violation of the chapter, previous violations, if any, of this chapter and any other evidence found to be relevant.
(c) Any person who without justification refuses to allow an inspection of a facility pursuant to section 24-712 of this chapter shall be subject to a civil penalty, returnable before the environmental control board or in civil court in the name of the commissioner, in an amount not to exceed ten thousand dollars.

§ **24-714 Private right of action.** (a) Except as provided in subdivision (c) of this section, any person may commence an action in a court of competent jurisdiction on his or her own behalf against a responsible party of a facility for failure to file any information required to be filed with the department or fire department pursuant to section 24-706 of this chapter. Such action shall be brought in the county in which the alleged violation occurred or where the complainant resides. The court may impose the civil penalty provided for violation of this chapter.
(b) No action maybe commenced under subdivision (a) of this section prior to sixty days after the plaintiff has given notice of the alleged violation to the commissioner and the alleged violator. Notice required under this subdivision shall be given in such manner as may be prescribed by the commissioner.
(c) No action may be commenced under subdivision (a) if the commissioner has commenced and is diligently pursuing an administrative or civil action concerning the facility which would be the subject of such action to enforce the reporting requirements of this chapter or to impose any civil penalty for violation of such reporting requirements.
(d) The court, in issuing any final order in any section brought pursuant to this section, may award costs of litigation, including reasonable attorney's and expert witness fees, to the prevailing party whenever the court determines such an award is appropriate.
(e) In any action brought pursuant to this section, the commissioner, may intervene as a matter of right.

§ **24-715 Annual report.** (a) The commissioner shall annually review the facility inventory forms and material safety data sheets filed with the department pursuant to this chapter and

citywide facility inventory data. Upon making this annual review, the commissioner shall forward a report to the mayor and council no later than October first of each year, beginning in nineteen hundred eighty-nine. Such annual report shall at a minimum, provide the following information: the number of facilities for which facility inventory forms have been filed pursuant to this chapter; number of complaints received; number of civilian complaints filed; number of inspections performed pursuant to this chapter; the number of civil actions and administrative proceedings commenced under this chapter and the dispositions thereof; the number of incidents in which the department participated in response measures undertaken in connection with hazardous substances; the number of releases of hazardous substance reported to, or otherwise documented by the department; the number of emergency response personnel in each city agency which performs functions in connection with emergencies involving hazardous substances; and the average response time and cost of each member of the city's emergency response personnel. (b) By March first, nineteen hundred ninety the commissioner shall report to the Council the status of the development of the threshold reporting quantities for hazardous substances that will become effective on March first, nineteen hundred ninety-one.

§ **24-716 Regulations.** The commissioner shall have the power to promulgate such rules and regulations as may be necessary to carry out the purposes of this chapter.

§ **24-717 Hazardous Substance Advisory Board.** (a) There is hereby created a "hazardous substance advisory board" hereinafter referred to as the board. Such board shall consist of seven members who shall be appointed within ninety days from the enactment of this chapter.
(b) The board shall consist of the commissioner, who shall serve as the board's chairman, plus four members to be appointed by the mayor and four to be appointed by the council. Each member shall hold office for a three year term or until such time as the board shall cease to exist or until such member shall resign or is removed from office for good cause shown. Each member appointed shall have a working knowledge of emergency response procedures or in managing hazardous substances.
(c) Any vacancy on the board shall be filled by appointment pursuant to subdivision b of this section.
(d) The members of the board shall serve without compensation for their services as board members except that each shall be allowed reimbursement for the necessary and actual expenses which such member shall incur in the performance of his or her duties under this section.
(e) The board shall be authorized and responsible to: (1) serve as a working forum for the exchange of views, concerns, ideas, information and recommendations relating to the management of hazardous substances and the planning of emergency response measures; (2) review existing hazardous substances emergency response training programs; (3) review existing requirements for handling extremely hazardous substances emergency response situations as established under the emergency planning and community right-to-know act of nineteen hundred eighty-six; (4) review the annual summary of incident reports as required pursuant to section 24-715 of this chapter; and (5) assist the commissioner in the development, review and revision of the hazardous substance list and corresponding threshold levels where appropriate.

(f) The board shall meet at least four times per year at least once every quarter, keep a record of its deliberations and determine its own rules of procedure.

§ **24-718 Risk Management Plan.** (a) On or before March first of each year beginning in nineteen hundred ninety-five, a responsible party of a facility where an extremely hazardous substance or a regulated toxic substance is present in an amount that equals or exceeds the threshold planning quantities established by the United States environmental protection agency in regulations promulgated pursuant to applicable law, shall file with the commissioner a risk management plan in accordance with the provisions of this section. Where a substance is classified as both an extremely hazardous substance and a regulated toxic substance and different threshold planning quantities have been established, the lower threshold planning quantity shall apply in determining whether such substance is present at a facility in an amount that equals or exceeds the threshold planning quantities.

(b) Review of risk management plans. (1) Within thirty days after receipt of a risk management plan, the commissioner shall determine whether such plan is complete. If the commissioner determines that the plan is incomplete, then he or she shall notify the responsible party that the plan is incomplete and identify in what respect the plan is incomplete. Within fifteen days after such notification, the responsible party shall file a revised plan consistent with the commissioner's notification. Within fifteen days after receipt of such revised plan, the commissioner shall determine whether the revised plan is complete.

(2) Within ninety days after the commissioner's determination that the responsible party has filed a complete plan, the commissioner shall approve or make modifications to such plan and shall notify the responsible party filing such plan in writing of his or her approval or modifications. The commissioner shall, within a reasonable period of time prior to approving or making modifications to such plan, submit such plan to the commissioner of the fire department and the commissioner of the fire department may recommend modifications to such plan to the commissioner.

(3) If the commissioner makes modifications to the responsible party's risk management plan, the responsible party shall incorporate such modifications into its risk management plan, provided, however, that the responsible party may, within forty-five days after receipt of such modifications, submit alternative modifications to the commissioner or explain why the commissioner's modifications are not necessary. The commissioner shall within forty-five days review the alternative modifications or explanations and shall: (i) require the responsible party to incorporate, by a date certain not to exceed forty-five days, either the commissioner's modifications, the alternative modifications or a combination of such modifications into its risk management plan, (ii) approve the unmodified plan or (iii) disapprove the plan.

(4) The commissioner shall provide a copy of each approved risk management plan to the emergency response agencies and to other governmental entities that may request an approved plan.

(c) On or before July first, nineteen hundred and ninety-four, the commissioner, in consultation with the emergency response agencies, shall by rule establish the contents of a risk

management plan, which shall be designed to prevent the accidental release and to minimize the consequences of any such release of any extremely hazardous or regulated toxic substance. The plan shall include but need not be limited to: (1) a site plan; (2) a safety review of design for new and existing equipment and processes; (3) an emergency response program, including an emergency response plan, emergency response training, and emergency response exercises; (4) standard operating procedures; (5) a preventive maintenance program for equipment; (6) a training program for equipment operators, including duration and type of training, and retraining; (7) accident investigation procedures; and (8) a risk assessment program, including a hazard analysis and a consideration of the use of alternate equipment and alternate substances.

(d) Preparation of risk management plan. The risk management plan shall be prepared by one or more of the following persons: an industrial hygienist certified by the American Board of Industrial Hygienists, a professional engineer licensed pursuant to section 7206 of the New York state education law, a safety professional certified by the Board of Certified Safety Professionals, or other qualified person authorized by rule of the commissioner. a plan submitted pursuant to this section shall contain proof satisfactory to the commissioner of the qualifications of the person who prepared such plan.

(e) The risk management plan shall be made available to department personnel at the time of an inspection of a facility for which a plan is required pursuant to subdivision (a) of this section.

(f) On or before November first, nineteen hundred ninety-four, the commissioner, in consultation with emergency response agencies, shall make reasonable efforts to provide information to responsible parties regarding the requirements of this section and the rules promulgated hereunder.

LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1993

No. 54

Introduced by Council Members Berman. Leffler and Michels (by the request of the Mayor); also Council Member River((Passed under a Message of Necessity from the Mayor).

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the establishment of fees in connection with the filing of facility inventory forms.

Be it enacted by the Council as follows:

Section 1. Legislative findings. The Council finds that filing fees for facilities submitting facility inventory forms in the department of environmental protection are necessary to create revenue for funding of the department's "community right-to-know program".
That program established pursuant to local law number 26 for the year 1988, is currently supported by tax levy funds. Such fees, based upon the amount of hazardous substances present, number of different hazardous substances present and type of hazardous substances present, will defray the administrative costs of the department's rights-to-know program and will allow for restoration of the program's' critically needed inspectional staff.

§2. Section 24-706 of the administrative code of the city of New York is amended by adding a new subdivision (d) to read as follows:

(d) On or before December thirty-first, nineteen hundred ninety-three, the commissioner shall by rule establish a schedule of fees that shall be paid upon the filing of the facility inventory form required by this chapter. Such fees shall be based on the amount of hazardous substances present, the number of different hazardous substances present and the type of hazardous substances present, including the presence or absence of substances classified as extremely hazardous in rules and regulations promulgated by The United States environmental protection agency pursuant to 42 U.S.C. section 11001. et seq.

THE CITY OF NEW YORK, OFFIE OF THE CITY CLERK. s.s:

Proposed Int. No. 585-A

By Council Members Gennaro, Avella, Brewer, Comrie, Gerson, Koppell, Quinn, Sanders, Sears,Weprin, Yassky, Felder, Nelson, DeBlasio and Lopez

A Local Law to amend the administrative code of the city of New York, in relation to increasing the penalties for violations of the community right-to-know law.

Be it enacted by the Council as follows:

Section 1. Section 24-713 of the administrative code of the city of New York is amended to read as follows:

§ 24-713 Violations. (a) Any person who knowingly or recklessly makes any false statement, representation or certification on a facility inventory form, risk management plan, or any other document filed with the department, or on any label required, pursuant to this chapter, shall, upon conviction, be subject to a fine of not more than two thousand dollars, or imprisonment of up to one year, or both. In addition to its application to any other person, the penalty provided for in this subdivision shall be deemed a special fine for a corporation within the meaning of section 80.10 of the penal law of the state of New York.

(b) Any person who violates the requirements of sections 24-706, 24-711 or 24-718 of this chapter shall be liable for a civil penalty, as follows: (1) for a first violation, in an amount of not less than five hundred nor more than five thousand dollars; (2) for a second violation, in an amount of not less than three thousand five hundred nor more than ten thousand dollars; and (3) for each subsequent violation, in an amount of not less than seven thousand five hundred nor more than twenty thousand dollars. For purposes of this section, the second and any subsequent violation shall only occur after notice of the first violation has been properly served and an opportunity to cure said violation has been provided to the violator, provided that such opportunity to cure shall not exceed thirty days. For purposes of this section, a second or subsequent violation

shall occur where a person violates section 24-706 , 24-711 or 24-718 of this chapter within five years of having been found to have violated this chapter. Such penalties may be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board. In determining the civil penalty, the hearing officer or judge shall consider any evidence presented by the defendant showing a good faith effort to comply with relevant requirements of this chapter, the nature and seriousness of the defendant's violation of the chapter, whether the violation was voluntarily disclosed previous violations, if any, of this chapter and any other evidence found to be relevant.

(c) Any person who without justification refuses to allow an inspection of a facility pursuant to section 24-712 of this chapter shall be subject to a civil penalty, returnable before the environmental control board or in civil court in the name of the commissioner, in an amount not to exceed twenty thousand dollars

§ 2. This local law shall take effect sixty days after its enactment.

LS# 3313 DD

11/19/03 10:32 a.m.

CHAPTER 41

Community Rights-to-Know Rules

§41-01 Scope and Application.(a) The following rules apply to a responsible party involved in the processing, storage, handling, or use of hazardous substances, extremely hazardous substances, and regulated toxic substances as defined herein.

(b) A responsible party of a facility where a hazardous substance is present at or above the threshold reporting quantity for such substance shall file a facility inventory form with the Department in accordance with §41-05 of this chapter.

(c) A responsible party of a facility where an extremely hazardous substance or regulated toxic substance is present at or above the threshold planning quantity for such substance shall file a risk management plan with the Department in accordance with §§41-08 through 41-12 of this chapter.

§41-02 Purpose. The purpose of this chapter is to protect the public from the dangers associated with hazardous substances, extremely hazardous substances and regulated toxic substances by mitigating the harm posed by the release of such substances. This purpose is achieved by requiring that hazardous substances be reported to the Department and by requiring that risk management plans to be filed with the Department when extremely hazardous substances or regulated toxics at or above federal threshold planning quantities are present at a facility.

§41-03 Definitions.

Carcinogen. "Carcinogen" shall mean any substance which meets any of the following criteria: it has been evaluated by the International Agency for Research Against Cancer (IARC), and found to be a carcinogen or potential carcinogen; or it is listed as a carcinogen or potential carcinogen in the latest edition of the Annual Report on Carcinogens published by the National Toxicology Program; or it is cited or regulated as a carcinogen by any federal agency such as the Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), National Cancer Institute (NCI), National Institute for Environmental Health Services (NIEHS), National Institute for Occupational Safety and Health (NIOSH), Food and Drug Administration (FDA), Agency for Toxic Substances and Diseases Registry (ASTDR), or Center for Diseases Control (CDC).

Chemical name. "Chemical name" shall mean the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry or the Chemical Abstracts Services (CAS) rules of nomenclature.

Combustible. "Combustible" shall mean any liquid which has a flashpoint at or above 100 degrees F (37.8 degrees C) and below 300 degrees F (148 degrees C).

Commissioner. "Commissioner" shall mean the Commissioner of the New York City Department of Environmental Protection.

Compressed gas. "Compressed gas" shall mean a gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70 degrees F (21.1 degrees C); or a gas mixture of gases having, in a container, an absolute pressure exceeding 140 psi at 130 degrees F (or 54.4 degrees C) regardless of the pressure at 70 degrees (21.1 degrees C); or a liquid having a vapor pressure exceeding 40 psi at 100 degrees F (37.8 degrees C) as determined by ASTM D-323-72.

Corrosive. "Corrosive" shall mean any liquid or solid that causes visible destruction or irreversible alterations in human skin tissue at the site of the contact; or any aqueous solution with a pH less than or equal to 2, or greater than or equal to 12.5, as determined by a pH meter, or equivalent methods; or any liquid that corrodes steel (SAE 1020) at a rate greater than 5.35 mm (0.25 inch) per year at a test temperature of 130 degrees F (55 degrees C).

Covered process. "Covered process" shall mean any process in which there is an extremely hazardous substance or regulated toxic substance present in an amount at or above the threshold planning quantity for that substance.

Department. "Department" shall mean the New York City Department of Environmental Protection.

Emergency response personnel or responders. "Emergency response personnel" or "responders" shall mean any member of the departments of fire, police, environmental protection, health, transportation and sanitation, the division of emergency services of health and hospitals

corporation and any other government agency participating in response measures undertaken in connection with a fire, or a spill, or release or threatened release of a hazardous substance into the environment. The term "response measures" shall include actions taken by a city agency within the meaning of subdivision (f) of §24-603 of the New York City Administrative Code.

Equipment. "Equipment" shall mean equipment whose failure or improper operation could directly or indirectly result in a release of an extremely hazardous substance and/ or regulated toxic substance from a covered process.

Explosive. "Explosive" shall mean a substance that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

Extremely hazardous substance. "Extremely hazardous substance" shall mean a hazardous substance listed by the United States Environmental Protection Agency as an extremely hazardous substance pursuant to 42 U.S.C. section 11002(a) of the Emergency Planning and Community Right-to-Know Act, as contained in 40 CFR Part 355 Appendix A.

Facility. "Facility" shall mean all buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned, leased or operated by the same person, or by any person which controls, or is controlled by or under common control with, such person, including any building, structure, installation or area involved in the processing, storage, handling, treatment, placement, disposal or use of any hazardous substance.

Facility inventory form (FIF). "Facility inventory form (FIF)" shall mean a standard written form, developed by the Department for completion by a responsible party at each privately or publicly owned facility in the City of New York.

Flammable. "Flammable" shall mean any liquid having a flash point below 100 degrees F (37.8 degrees C).

Flash point. "Flash point" shall mean the minimum temperature at which a liquid gives off vapor in a test vessel of sufficient concentration to form an ignitable mixture with air near the surface of the liquid. Such temperature shall be determined: by a Pensky-Martens Closed Cup Tester using the test method specified in ASTM Standard D93-79 or D93-80; or by a Setaflash Closed Cup Tester using the test method specified in ASTM Standard D-327878; or by a Tag Closed Cup Tester using the test method specified in ASTM D-56-79.

Hazard analysis. "Hazard analysis" shall mean the step-by-step systematic analysis of covered processes and procedures for handling EHS's and regulated toxic substances to identify the potential mishaps which may occur and their consequences.

Hazardous substance. "Hazardous substance" shall mean any chemical which is a physical hazard or a health hazard and which is listed on the hazardous substance list. The term "hazardous substance" shall not include the following:

(1) any food, food additive, color additive, drug, or cosmetic regulated` by the Federal Food and Drug Administration;

(2) any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use;

(3) any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public;

(4) any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate consumer;

(5) any hazardous waste as such term is defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of nineteen hundred seventy-six, as amended (42 U.S.C. §6901, et seq.);

(6) tobacco or tobacco products;

(7) wood or wood products;

(8) articles, which for purposes of this definition shall mean manufactured items which

(i) are formed to a specific shape or design during manufacture;

(ii) which have an end use function or functions dependent in whole or in part upon their shape or design during end use; and

(iii) which do not release, or otherwise result in exposure to, a hazardous substance, under normal conditions of use;

(9) food, drugs, cosmetics, or alcoholic beverages in a retail establishment which are packaged for sale to consumers;

(10) foods, drugs, or cosmetics intended for personal consumption by employees while in the workplace;

(11) any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. §2051, et seq.) and Federal Hazardous Sub-stances Act (15 U.S.C. §1261, et seq.) respectively, where the employer can demonstrate it is used in the workplace in the same manner as normal consumer use, and which use results in a duration and frequency of exposure which is not greater than exposures experienced by consumers;

(12) any drug, as that term is defined in the Federal Food, Drug and Cosmetic Act (21 U.S.C. §301, et seq.), when it is solid, final form for direct administration to a patient.

Hazardous substance list. "Hazardous substance list" shall mean a list of hazardous substances established pursuant to §41-02 of these rules.

Health hazard. "Health hazard" shall mean a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed persons. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.

Heptatoxin. "Heptatoxin" shall mean a substance that causes liver damage.

Highly toxic agent. "Highly toxic agent" shall mean any substance which has any of the following properties: an LD50 (lethal dose) of less than 50 mg/kg (oral dose in rats); or an LD50 of less than 200 mg / kg (24-hour rabbit skin contact); or an LC50 (lethal concentration) of less than 200 ppm (one-hour inhalation in rats).

Ignitable. "Ignitable" shall mean any substance which has any of the following properties: it is a solid which is capable under standard temperature and pressure of causing fire through friction, absorption of moisture, or spontaneous chemical changes; and which, when ignited, burns so vigorously and persistently that it creates a hazard; or it is flammable compressed gas, as defined in 49 CFR 173.300, and as determined by the test methods described in that regulation; or it is an oxidizer as defined in 49 CFR 173.151.

Irritant. "Irritant" shall mean a substance which is not corrosive but which causes a reversible inflammatory effect on living tissue by chemical action at the site of contact. A substance is a skin irritant if, when tested on the skin of Albino rabbits by methods 16 CFR 1500.41 for four hours exposure or by other appropriate techniques, it results in an empirical score of five or more. A substance is an eye irritant if so determined under the procedure listed in 16 CFR 1500.42 or other appropriate techniques.

Material safety data sheet (MSDS). "Material safety data sheet (MSDS)" shall mean written or printed material concerning a hazardous substance which is identical in form and content to the data sheet described at 29 CRF part 1910.1200 and required under subdivision (a) of §311 of the Emergency Planning and Community Right-to-Know Act of nineteen hundred eighty-six (42 U.S.C. §11001, et seq.)

Mixture. "Mixture" shall mean a combination of two or more substances not involving a chemical reaction.

Mutagen. "Mutagen" shall mean a substance that causes mutations and meets the criteria established by any of the following agencies: the International Agency for Research Against

Cancer (IARC), or the National Toxicology Program (NTP), or the National Cancer Institute (NCI), or the National Institute for Environmental Health Sciences (NIEHS), or the National Institute for Occupational Heath and Safety (NIOSH), or the Environmental Protection Agency (EPA), or the Occupational Safety and Health Ad-ministration (OSHA), or the Food and Drug Administration (FDA), or the Agency for Toxic Substances and Diseases Registry (ASTDR), or the Center for Diseases Control CDC).

Nephrotoxin. "Nephrotoxin" shall mean a substance that causes kidney damage.

Neurotoxin. "Neurotoxin" shall mean a substance that produces toxic effects on the nervous system.

Off-site area. "Off-site area" shall mean the area beyond the property line of a facility or areas within the property line of a facility to which the public has unrestricted access.

One tenth of one percent substances list. "One tenth of one percent substances list" shall mean a list of hazardous substances compiled pursuant to §24-703 of the New York City Administrative Code set forth in Appendix B to these Regulations.

Organic peroxide. "Organic peroxide" shall mean any substance having the bivalent - 0-0- structure and which many be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

Oxidizer. "Oxidizer" shall mean a substance other than a blasting agent or explosive as defined in OSHA §1910.109(a) that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.

Physical hazard. "Physical hazard" shall mean a chemical for which there is scientifically valid evidence that it is combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

Process. "Process" shall mean any activity involving an extremely hazardous substance or a regulated toxic substance, including any use, storage, manufacturing, handling, or on-site movement of any such substance, or any combination of the foregoing activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located in such close proximity to each other at a facility that a fire, explosion, or other catastrophic accident or event could result in a release of an extremely hazardous substance or regulated toxic substance from all such vessels, shall be considered a single process.

Pyrophoric. "Pyrophoric" shall mean a substance that will ignite spontaneously in air at a temperature of 130 degrees F (54.4 degrees C) or below.

Radioactive substance or device. "Radioactive substance or device" shall mean any substance, material or device emitting any particulate or electromagnetic radiations. For purposes of this

regulation the term "radioactive substance or device" shall include any substance or device that is the subject of reporting to any of the following agencies:

(1) New York City Health Department, Bureau of Radiation Control,

(2) New York State Department of Environmental Conservation, Division of Hazardous Substance Regulation, Bureau of Radiation,

(3) New York State Department of Labor, Radiological Health Unit, or

(4) U.S. Nuclear Regulatory Commission.

For purposes of this Regulation the term "radioactive substance or device" shall not include a substance, material or device:

(1) used as a fixed source for diagnostic or therapeutic purposes,

(2) any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. Section 2051, et seq.) and Federal Hazardous Substances Act (15 U.S.C. Section 1261, et seq.) respectively, where the facility operator can demonstrate it is used in the same manner as a normal consumer use, and which use results in a duration and frequency of exposure which is not greater than exposures experienced by consumers.

Reactive. "Reactive" shall mean any substance which has any of the following properties: it is normally unstable and readily undergoes violent change without detonating; or it reacts violently with water; or it forms potentially explosive mixtures with water; or it is a cyanide or sulfur bearing substance which, when exposed to pH conditions between 2 and 12.5, can generate gases, vapors or fumes in a quantity sufficient to present a danger for human health or the environment; or it is capable of detonation or explosive decomposition or reaction at standard temperature and pressure; or it is a forbidden explosive as defined in 49 CFR 173.88.

Regulated toxic substance. "Regulated toxic substance" shall mean any substance listed by the United States Environmental Protection Agency as a regulated toxic substance pursuant to 42 U.S.C. Section 7412(r) of the Clean Air Act, as contained in 40 CFR Part 68.

Release. "Release" shall mean an unplanned release of an EHS and/ or regulated toxic substance from a covered process.

Reproductive toxin. "Reproductive toxin shall mean substances which affect the re-productive capabilities including chromosomal damage (mutations), effects on fetuses (teratogenesis) and other adverse effects on reproductive functions.

Responsible party. "Responsible party" shall mean an owner, operator, manager, or corporate officer of the person who owns, leases or operates a facility, provided that if such facility is leased, the responsible party shall be the lessee of the facility or his or her representative.

Risk management plan. "Risk management plan" shall mean a plan for a facility where an EHS and / or regulated toxic substance is present at or above the TPQ for such substance, prepared in accordance with this chapter and filed with the Department by a responsible party of such facility.

Sanitized. "Sanitized" shall mean a version of a document from which information claimed as trade secret or confidential has been omitted or withheld.

Sensitizer. "Sensitizer" shall mean any substance that causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure to the substance.

Significant accidental release. "Significant accidental release" shall mean any accidental release of an EHS and/or regulated toxic substance from a covered process that has caused or has the potential to cause adverse effects to human health or the environment in an off-site area or to cause the public to shelter-in-place or be evacuated to avoid such consequences.

Special health hazard. "Special health hazard" shall mean any carcinogen, mutagen, teratogen, radioactive substance or device, or other reproductive hazards as such terms are defined in this section. Substances presenting a special health hazard shall be reported when present at any amount required pursuant to §24-704(a) of the Administrative Code.

Special physical hazard. "Special physical hazard" shall mean any water reactive, flammable, organic peroxide, oxidizer, pyrophoric, or ignitable as defined in this section.

Specific chemical identity. "Specific chemical identity" shall mean the chemical name, Chemical Abstracts Service (CAS) Registry Number, or any other information that reveals the precise chemical designation of the substance.

Storage vessel. "Storage vessel" shall mean any vessel that
contains or is designated to contain an EHS or regulated toxic substance.

Teratogen. "Teratogen' shall mean any substance which affects the development of
the fetus.

Threshold Planning Quantity (TPQ). "Threshold Planning Quantity" (TPQ) shall mean the amount of an EHS and/or regulated toxic substance above which a responsible party of a facility where such substance is present must submit a risk management plan to the Department.

(1) The TPQ's for EHS's are set forth in federal regulations contained in 40 CFR Part 355 Appendix A. The TPQ's for an EHS should be determined in accordance with the provisions of such Appendix.

(2) The TPQ's for regulated toxic substances are set forth in federal regulations contained in 40 CFR Part 68. The TPQ for a regulated toxic substance should be determined n accordance with the provisions of such part.

(3) Where a substance is classified as both an EHS and a regulated toxic substance and different TPQ's have been established, the lower TPQ shall apply.

Threshold reporting quantities. "Threshold reporting quantities" shall mean the amount of a substance above which this substance must be reported when it is present in pure form or in a mixture.

Toxic agent. "Toxic agent" shall mean any substance which has any of the following properties: an LD50 between 50 mg/kg and 500 mg/kg (oral dose in rats); or an LD50 between 200 mg/kg and 1000 mg/kg (24-hour rabbit skin contact); or an LC50 (lethal concentration) between 200 ppm and 2000 ppm (one-hour inhalation in rats).

Trade secret. "Trade secret" shall mean any confidential formula, pattern, process, device, information or compilation of information that is used in a submitter's business, and that gives the submitter an opportunity to obtain an advantage over competitors who do not know or use it.

Unstable substance. "Unstable substance" shall mean any substance which in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense or become half-reactive under conditions of shock, pressure, or high temperature.

Unusual physical hazard. "Unusual physical hazard" shall mean any explosive or un-table substance as such terms are defined in this section.

Worst-case release. "Worst-case release" shall mean the instantaneous release of the entire quantity of an EHS and/or regulated toxic substance from a covered process.

§41-04 Hazardous Substance List. (a) The following Hazardous Substance List is established pursuant to and in compliance with §§24-702(j) and 24-703 of the New York City Administrative Code.

(b) Substances on the following list (including mixtures containing such substances) call be reported pursuant to §§24-703 and 24-706 of the New York City Administrative ode, except that a substance need not be reported if:

(1) it is not a hazardous substance as defined in §41-03, or

(2) it is a fossil fuel, petroleum product or combustible or flammable chemical or material, the manufacture, transportation, or storage of which is subject to the jurisdiction of the Fire Department pursuant to Title 27 of the New York City Administrative Code.

(c) The New York City Community Right-to-Know Hazardous Substance List, the list of synonyms, and One Percent (%) Substances List, as published in the City Record on November 7, 1988 and December 15,1988 are repealed. They are replaced by the following New York City Community Right-to-Know Hazardous Substance List.

Table follows on page 6578.1

(d) Specific threshold reporting quantities were assigned for the hazard categories. Each category has the inherent property of presenting a level of concern when a given substance from that category is present in a quantity greater than a specific amount. That quantity is defined as the threshold reporting quantity ("at any amount") is established pursuant to the requirements of the Administrative Code, §24-704(a). The current threshold reporting quantity of 500 pounds was kept for substances presenting health or physical hazard not otherwise specified. Other hazard categories include the following groups and their threshold reporting quantity indicated in brackets: unusual physical hazards [1 pound], special physical hazard [10 pounds], health hazards [100 pounds), physical hazards [500 pounds].

(e) Calculation of quantity present in a mixture:

(1) If a container or storage vessel holds a mixture or solution of a hazardous substance, then the concentration of hazardous substance, in weight percent, shall be multiplied by the mass (in pounds) in the vessel to determine to actual quantity of hazardous substance therein.

(2) If the specific concentration in weight percent is unknown and cannot be obtained from the manufacturer, the owner or operator shall assume that the hazardous substance is present at a maximum concentration provided by the manufacturer.

(3) If the maximum concentration is not available, the owner or operator shall assume that the concentration is proportional to the number of ingredients listed on the Material Safety Data Sheet.

(f) Framework for the development of Threshold Reporting Quantities.

Pursuant to §24-703 of the Administrative Code, DEP has established Threshold Re-porting for all substances appearing on the Hazardous Substance List by using the following hazard categories:

(Continued on next page)

SARA	NEW YORK CITY COMMUNITY RIGHT-TO-KNOW LAW

RQ	TRQ	313	TRQ	CAS	Common Chemical Name
					Substances are listed in alphabetical order. A CAS number may appear on the list more than once, because a common name, chemical name and synonym may be provided. Certain chemical names are very long, and may occupy more than one line; the second and following lines are indented
				CAS	"Chemical Abstracts Service" member, assigned for proposes of identification. If two substances have the same CAS number, the names are synonyms. The list contains entries without a CAS called "generic," these listings refer to a group of substances rather than to a single specific substance. A substance should be reported by the generic name only if a specific chemical common name and CAS number cannot be located.
			TRQ		TRQ means "Threshold Reporting Quantity " An amount entered in this column reads in pounds and indicates the substance requires reporting and labeling under the City law. TRQ's can be interpreted as indications of hazard, the lower a substance's TRQ, the greater its potential hazard.
		313			A star (*) in this column means the substance is reportable under §313 SARA Title III
	TPQ*				TPQ means "Threshold Planning Quantity." An amount entered in this column reads in pounds and indicates the substance is an Extremely Hazardous Substance (EHS), and may requires reporting under sections 302,304 & 312 of SARA Title III. A TPQ with a slash (/) indicates a "split" TPQ. The number to the left of the slash is the substance's TPQ only if the substance is present in the form of a fine powder (particle size less than 100 microns), molten or in solution or reacts with water (NFPA rating 2,3 or 4). The TPQ is 10,000 lb if the substance is present in other forms.
RQ*					RQ means "Reportable Quantity." An amount entered in this column indicates the substance may be reportable under §304 of SARA Title III. Amount is in pounds, a "K" represents 1,000 pounds. An asterisk following the Reporting Quantity (i.e. 5000*) will indicate that reporting of releases is <u>not</u> required if the diameter of the pieces of the solid metal released is equal to or exceeds 100 micrometers (0.004 inches).

Note: The following substances are included in the CERCLA hazardous substance list and have RQ 's of one pound: Fine mineral fibers, Polycylic Organic Matter, Radio nuclides (including radon); See Clean Air Act Amendments of November 1990.

*Be advised that under Federal guidelines values in the TPQ and RQ columns may be subject to changes during a reporting period. Facilities are responsible for updating their inventories accordingly.

SECTION 313 EPCRA
LIST OF NEWLY ADDED CHEMICALS

Chemical Name	CAS No.
Abamectin [Avermectin Bi]	71751-41-2
Acephate (Acetylphosphoroamidothioic acid 0,S-dimethyl ester)	30560-19-1
Acifluorfen, sodium salt [5- (2-Chloro-4-(trifluoromethyl) phenoxy)-2-nitro-benzoic acid, sodium salt)	62476-59-9
Alachlor	15972-60-8
Aldicarb	116-06-3
d-trans-Allethrin [d-traps-Chrysanthemic acid of d-allethrone]	28057-48-9
Allylamine	107-11-9
Aluminum phosphide	20859-73-8
Ametryn (NEthyl-N^1-(1-methylethyl)-6-(methylthio)-1,3,5,-triazine-2,4-diamine)	834-12-8
Amitraz	33089-61-1
Anilazine [4,6-dichloro-N-(2-chlorophenyl) 1,3,5-triazin-2-amine]	101-05-3
Atrazine(6-Chloro-N-ethyl-N'-(1-methylethyl)-1,3,5,-triazine-2,4-diamine)	1912-24-9
Bendiocarb [2,2-Dimethyl-1,3-benzodioxol-4-1 methylcarbamate]	22781-23-3
Benfluralin (N-Butyl -N-ethyl-2,6-dinitro-4-(trifluoromethyl) benzenamime)	1861-40-1
Benomyl	17804-35-2
Bifenthrin	82657-04-3
Bis(tributylin) oxide	56-35-9
Boron trichloride	10294-34-5
Boron trifluoride	7634-07-2
Bromacil (5-Bromo-6-methyl-3-(1-methylpropyl)-2,4 (1H,3H)-pyrimidinedione)	314-40-9
Bromacil, lithium salt [2,4 (1H, 3H) -Pyrimidinedione, 5-bromo-6-methyl-3-(1-methylpropyl), lithium salt]	53404-19-6
Bromine	7726-95-6
1-Bromo-l-(bromomethyl)-1,3-propanedicarbonitrile	35691-65-7
2-Bromo-2-nitropropane-1,3-diol(Bronopol)	52-51-7
Bromoxynil (3,5-Dibromo-4-hydroxybenzonitrile)	1689-84-5
Bromoxynil octanoate (Octanoic acid, 2,6-dibromo-4-cyanophenyl ester)	1689-99-2
Brucine	357-57-3

Chemical Name	CAS No.
C.I. Acid Red 114	6459-94-5
C.I. Direct Blue 218	28407-37-6
Carbofuran	1563-66-2
Carboxin (5,6-Dihydro-2 methyl-N-phenyl-l,4-oxathiin-3-carboxamide)	5234-68-4
Chinomethionat [6-Methyl-1, 3-dithiolo[4,5-b]quinoxalin-2-one]	2439-01-2
Chlorendic acid	115-28-6
Chlorimuron ethyl ⌈Ethyl-2-⌈⌈⌈(4-chloro-6 methoxyprimidin-2-yl)-carbonyl]-amino]sulfonyl] benzoate]	90982-32-4
1-(3-Chloroallyl)-3,5,7-triaza-l-azoniaadamantane Chloride	4080-31-3
p-Chloroaniline	106-47-8
3-Chloro-2-methyl-l-propene	563-47-3
p-Chloraphenyl isocyanate	104-12-1
Chloropicrin	76-06-2
3-Chloropropionitrile	542-76-7
p-Chloro-o-toluidine	95-69-2
2-Chloro-1,1,1-trifluoroethane (HCFC-133a)	75-88-7
Chlorotrifluoromethane (CFC-13)	75-72-9
3-Chloro-1, 1, 1-trif luoropropane (HCFC-253fb)	460-35-5
Chlorpyrifos methyl[O,O-dimethyl-O-(3,5,6-trichloro-2-pyridyl)phosphorothioate	5598-13-0
Chlorsulfuron [2-chloro-N- [(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino] carbonyl] benzenesulfonamide]	64902-72-3
Crotonaldehyde	4170-30-3
Cyanazine	21725-46-2
Cycloate	1134-23-2
Cyclohexanol	108-93-0
Cyfluthrin [3-(2,2-Dichloroethenyl) -2,2-dimethylcyclo-propanecarboxylic acid, cyano(4-fluoro-3-phenoxyphenyl) methyl ester]	68359-37-5
Cyhalothrin [3-(2-Chloro-3,3,3-trifluoro-1-propenyl) -2,2-dimethylcyclopropanecarboxylic acid cyano (3 -phenoxyphenyl) methyl ester]	68085-85-8
Dazomet (Tetrahydro-3,5-dimethyl-2H-1,3,5-thiadiazine-2-thione)	533-74-4
Dazomet, sodium salt [2H-1,3,5-Thiadiazine-2-thione, tetrahydro-3,5-dimethyl-, ion (1-),sodium]	53404-60-7
2,4,-DB	94-82-6
2,4-D butoxyethyl ester	1929-73-3
2,4-D butyl ester	94-80-4
2,4-D chlorocrotyl ester	2971-38-2

Chemical Name	CAS No.
Desmedipham	13684-56-5
2,4-D 2-ethylhexyl ester	1928-43-4
2,4-D 2-ethyl-4-methylpentyl ester	53404-37-8
Diazinon	333-41-5
2,2-Dibromo-3-nitrilopropionamide	10222-01-2
Dicamba (3,6-Dichloro-2-methoxybenzoic acid)	1918-00-9
Dichloran [2,6-Dichloro-4-nitroanilinel	99-30-9
3,3'-Dichlorobenzidine dihydrochloride	612-83-9
3,3'-Dichlorobenzidine sulfate	64969-34-2
trans-l,4-Dichloro-2-butene	110-57-6
1,2-Dichloro-1,1-difluoroethane (HCFC-132b)	1649-08-7
Dichiorofluoromethane (HCFC-21)	75-43-4
Dichloropentafluoropropane	127564-92-5
1,1-Dichloro-1,2,2,3,3-pentafluoropropane (HCFC-255cc)	13474-88-9
1,1-Dichloro-1,2,3,3,3-pentafluoropropane (HCFC-225eb)	111512-56-2
1,2-Dichloro-1,1,2,3,3-pentafluoropropane (HCFC-225bb)	422-44-6
1,2-Dichloro-1,1,3,3,3-pentafluoropropane (HCFC-255da)	431-86-7
1,3-Dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)	507-55-1
1,3-Dichloro-1,1,2,3,3-pentafluoropropane (HCFC-255ea)	136013-79-1
2,2-Dichloro-1,1,1,3,3-pentafluoropropane (HCFC-255aa.)	128903-21-9
2,3-Dichloro-1,1,1,2,3-pentafluoropropane (HCFC-225ba)	422-48-0
3,3-Dichloro-1,1,1,2,2-pentafluoropropane (HCFC-255ca)	422-56-0
Dichlorophene [2,2'-Methylenebis(4-chlorophenol)]	97-23-4
trans-l,3-Dichloropropene	10061-02-6
Dichofop methyl [2 - [4 - (2 , 4 -Di chlorophenoxy)phenoxyl] propanoic acid, methyl ester]	51338-27-3
Dicyclopentadiene	77-73-6
Diethatvl ethvl	38727-55-8
Diflubenzuron	35367-38-5
Diglycidyl resorcinol ether	101-90-6
Dimethipin [2,3,-Dihydro-5,6-dimethyl-1,4-dithiin 1,1,4,4-tetraoxide]	55290-64-7
Dimethoate	60-51-5
3,3'-Dimethoxybenzidine dihydrochloride (o-Dianisidine dihydrochloride)	20325-40-0
3,3'-Dimethoxybenzidine hydrochloride (o-Dianisidine hydrochloride)	111984-09-9
Dimethylamine	124-40-3
Dimethylamine dicamba	2300-66-5
3,3'-Dimethylbenzidine dihydrochloride (o-Tolidine dihydrochloride)	612-82-8
3,3'-Dimethylbenzidine dihydrofluoride (o-Tolidine dihydrofluoride)	41766-75-0
Dimethyl chlorothiophosphate	2524-03-0
Dimethyldichlorosilane	75-78-5

Chemical Name	CAS No.
N,N-Dimethylformamide	68-12-2
2,6-Dimethylphenol	576-26-1
Dinitrobutyl phenol (Dinoseb)	88-85-7
Dinocap	39300-45-3
Diphenamid	957-51-7
Diphenylamine	122-39-4
Dipotassium endothall [7-Oxabicyclo(2.2.1)heptane-2,3 Dicarboxylic acid, dipotassium salt]	2164-07-0
Dipropyl isocinchomeronate	136-45-8
Disodium cyanodithiomidocarbonate	138-93-2
2,4-D isopropyl ester	94-11-1
2,4-Dithiobiuret	541-53-7
Diuron	330-54-1
Dodine [Dodecylguanidine monoacetate]	2439-10-3
2,4-DP	120-36-5
2,4-D propylene glycol butyl ether ester	1320-18-9
2,4-D sodium salt	2702-72-9
Ethoprop [Phosphorodithioic acid O-ehtyl S,S-dipropyl ester]	13194-48-4
Ethyl dipropylthiocarbamate [EPTC]	759-94-4
Famphur	52-85-7
Fenmrimol [.alpha.-(2-Chiorophenyl)-.alpha. -4-chlorophenyl)-5-pyrimidinemethanol]	60168-88-9
Fenbutatin oxide (hexakis(2-methyl-2 phenyl-propyl)distannoxane)	13356-08-6
Fenoxaprop ethyl [2- (4- ((6-Chloro-2 benzoxazolylen)oxy)phenoxy)propanoic acid, ethyl ester]	66441-23-4
Fenoxycarb [2-(4-Phenoxyphenoxy) ethyl]carbamic acid ethyl ester]	72490-01-8
Fenpropathrin [2,2,3,3-Tetramethylcyclopropane carboxylic acid cyano(3-phenoxy-phenyl) mehtyl ester]	39515-41-8
Fenthion[0,O-Dimethyl O-[3-methyl 4-(methylthio)phenyl]ester, phosphorothioic acid]	55-38-9
Fenvalerate	51630-58-1
Ferbam [Tris(dimethylcarbamodithioato-S, St)iron]	14484-64-1
Fluazifop-butyl [2- [4- [[5- (Trifluoromethyl) -2 pyridinyl]oxy]-phenoxy]propanoic acid,	69806-50-4
Fluorine	7782-41-4
Fluorouracil (5-Fluorouracil)	51-21-8

Chemical Name	CAS No.
Fluvalinate [N-[2-Chloro-4-(trifluoromethyl) phenyl] -DL-val-ine (+) –cyan-(3-phenoxyphenyl) methyl ester]	69409-94-5
Flopet	133-07-3
Fomesafen [5- (2-Chloro-4- (trifluoromethyl) phenoxy)-N-methylsulfonyl)-2-nitorbenzamide]	72178-02-0
alpha-Hexachlorocyclohexane	319-84-6
n-Hexane	110-54-3
Hexazinone	51235-04-2
Hydramethylnon[Tetrahydro-5,5-dimethyl-2(1H)-pyrimidinone [3- [4- (trifluoromethyl)phenyl] -1- [2- [4- (trifluoromethyl)phenyl) ethenyl] -2-propenylidene]hydrazone]	67485-29-4
Imazalil [1- [2- (2, 4-Dichlorophenyl) -2- (2-propenyloxy)ethyl)-lH-imidazole]	35554-44-0
3-Iodo-2-propynyl butylcarbamate	55406-53-6
Iron pentacarbonyl	13463-40-6
Isodrin	465-73-6
Isofenphos [2-[Ethoxyl[(1-methylethyl)amino] phosphinothioyl]oxy]benzoic acid 1-methylethyl ester]	25311-71-1
Lactofen [5-(2-Chloro-4-(trifluoromethyl) phenoxy)-2-nitro- 2-ethoxy-i-methyl-2-oxoethyl ester]	77501-63-4
Linuron	330-55-2
Lithium carbonate	554-13-2
Malathion	121-75-5
Mecoprop	93-65-2
2-Mercaptobenzothiazole	149-30-4
Merphos	150-50-5
Metham sodium (Sodium methyldithiocarbamate)	137-42-8
Methazole [2-(3,4-Dichlorophenyl)-4-methyl-1,2,4-oxadiazolidine-3,5-dione]	20354-26-1
Methiocarb	2032-65-7
Methoxone (4-CChloro-2-methylphenoxy)acetic acid (MCPA))	94-74-6
Methoxone-sodium salt (4-chloro-2-methylphenoxy _ acetate sodium salt)	3653-48-3
Methyl isothiocyanate[Isothiocyanatomethane)	556-61-6
2-Methyllactonitrile	75-86-5
N-Methylolacrylamide	924-42-5
Methyl parathion	298-00-0
N-Methyl-2-pyrrolidone	872-50-4
Methyltrichlorosilane	75-79-6
Metiram	9006-42-2
Metribuzin	21087-64-9
Mevinphos 7786-34-7 Molinate (1H-Azepine-l-carbothioic acid, hexahydro-S-ethyl ester)	2212-67-1

Chemical Name	CAS No.
Monuron	150-68-5
Myclobutanil [.alpha.-Butyl-.alpha.-(4-chiorophenyl)-1H-1,2,4-triazole-i-propanenitrile]	88671-89-0
Nabam	142-59-6
Naled	300-76-5
Nitrapyrin (2-Chloro-6-(trichloromethyl)pyridine)	1929-82-4
p-Nitroaniline	100-01-6
Norflurazon [4-Chloro-5- (methy1amino) -2- [3-(trifluoromethyl)phenyl]-3(2H)-pyridazinone]	27314-13-2
Orvzalin [4-(Dipropylamino)-3,5-dinitrobenzene-sulfonamide]	19044-88-3
Oxydemeton methyl [S - (2 - (ethyl sul f inyl) ethyl) 0,0-dimethyl ester phosphorothioic acid]	301-12-2
Oxydiazon [3-(2,4-Dichloro-5-(1-methylethoxy)phenyl]-5(1,1-dimethylethyl) -1, 3,4-oxadiazol-2 (3H) -one]	19666-30-9
Oxyfluorfen	42874-03-3
Ozone	10028-15-6
Paraquat dichloride	1910-42-5
Pebulate [Butylethylcarbamothioic acid S-propyl ester]	1114-71-2
Pendimethalin [N-(1-Ethylpropyl)-3,4-dimethvl-2,6-dinitrobenzenamine]	40487-42-1
Pentobarbital sodium	57-33-0
Perchloromethyl mercaptan	594-42-3
Permethrin [3-(2,2-Dichloroethenyl)-2,2-dimethylcyclopropanecarboxylic acid, (3-phenoxyphenyl)methyl ester]	52645-53-1
Phenanthrene	85-01-8
Phenothrin [2,2-Dimethyl-3-(2-methyl-i-propenyl) cyclopropanecarboxylic acid (3-phenoxyphenyl) methyl ester]	26002-80-2
1,2-Phenylenediamine	95-54-5
1,3-Phenylenediamine	108-45-2
1,2-Phenylenediamine dihydrochloride	615-28-0
1,4-Phenylenediamine dihydrochloride	624-18-0
Phenytoin	57-41-0
Phosphine	7803-51-2
Picloram	1918-02-1
Piperonyl butoxide	51-03-6
Pirimiphos methyl [O-(2-(Diethylamino)-6-methyl-4-pyrimidinyl) 0,O-dimethyl phosphorothioate]	29232-93-7
Potassium bromate	7758-01-2
Potassium dimethyldithiocarbamate	128-03-0

Chemical Name	CAS No.
Potassium N-methyldithiocarbamate	137-41-7
Profenofos [o- (4-Bromo-2-chlorophenyl) - O-ethyl-S-propyl phosphorothioate]	41198-08-7
Prometryn [N,N'-Bis(1-methylethyl)-6-methylthio- 1,3,5-triazine-2,4-diamine]	7287-19-6
Propachlor [2- Chloro-N- (1-methylethyl)-N- phenylacetamide]	1918-16-7
Propanil [N-(3,4-Dichlorophenyl) propanamide]	709-98-8
Propargite	2312-35-8
Propargyl alcohol	107-19-7
Propetamphos [3-[[(Ethylamino)methoxy- phosphinothioyl]oxyl]-2-butenoic acid, 1-methylethyl ester]	31218-83-4
Propiconazole [1-[2-(2,4-Dichlorophenyl)-4- propyl-1,3-dioxolan-2-yl]-methyl-lH-1,2,4,-triazole]	60207-90-1
Quizalofop-ethyl [2- [4- [(6-Chloro-2- quinoxalinyl)oxy]phenoxy]propanoic acid ethyl ester]	76578-14-8
Resmethrin [[5-(Phenylmethyl)-3-furanyl] methyl 2,,2-dimethyl-3-(2-methyl-i-propenyl) cyclopropanecarboxylate]]	10453-86-8
Sethoxydim [2 - [1- (Ethoxyimino) butyl]- 5-[2-(ethylthio propyl]-3-hydroxy-2-cyclohexen-l-one]	74051-80-2
Simazine	122-34-9
Sodium azide	26628-22-8
Sodium dicamba [3,6-Dichloro-2-methoxybenzoic acid, sodium salt]	1982-69-0
Sodium dimethvldithiocarbamate	128-04-1
Sodium fluoroacetate	62-74-8
Sodium Nitrite	7632-00-0
Sodium Pentachlorophenate	131-52-2
Sodium o-phenylphenoxide	132-27-4
Sulfuryl fluoride [Vikane]	2699-79-8
Sulprofos [O-Ethyl O- [4- (methylthio)phenyl] phosphorodithioic acid S-propyl ester]	35400-43-2
Tebuthiuron [N- [5-(1,1-Dimethylethyl)- 1,3,4-thiadiazol-2-yl)-N,N'-dimethylurea]	34014-18-1
Temephos	3383-96-8
Terbacil [5-Chloro-3-(1,1-dimethylethyl)-6- methyl-2,4(1H,3H)-pyrimidinedione]	5902-51-2
1,1,1,2-Tetrachloro-2-fluoroethane(HCFC-121a)	354-11-0
1,1,2,2-Tetrachloro-l-fluoroethane (HCFC-121)	354-14-3
Tetracycline hydrochloride	64-75-5
Tetramethrin [2,2-Dimethyl-3-(2-methyl-l-propenyl) cyclopropanecarboxylic acid (1,3,4,5,6,7-hexahydro- 1,3-dioxo-2H-isoindol-2-yl)methyl ester]	7696-12-0

Chemical Name	CAS No
Thiabendazole [2-(4,-Thiazoayl)-1H-benzimidazole]	148-79-8
Thiobencarb [Carbamic acid, diethylthio-,s-(p-chlorobenzyl)]	28249-77-6
Thiodicarb	59669-26-0
Thiophanate ethyl [[1,2-Phenylenebis (iminocarbonothioyl)]biscarbamic acid diethyl ester]	23564-06-9
Thiophanate-methyl	23564-05-8
Thiosemicarbazide	79-19-6
Triadimefon [1- (4 -Chlorophenoxy) – 3,3 - dimethyl-l-(1H-1,2,4-triazol-1-yl)-2-butanone]	43121-43-3
Triallate	2303-17-5
Tribenuron methyl [2-(((((4-Methoxy-6-methyl-1,3,5-triazin-2-yl)-methylamino)carbonyl) amino) sulfonyl) -,methyl ester]	101200-48-0
Tributyltin fluoride	1983-10-4
Tributyltin methacrylate	2155-70-6
S, S, S-Tributyltrithiophosphate (DEF)	7R-48-8
Trichlorcacetyl chloride	76-02-8
1,2,3-Trichloropropane	96-18-4
Trichlopyr, triethylammonium salt	57213-69-1
Triethylamine	121-44-8
Triforine CN,N' - [1, 4-Piperazinediyl bis (,2, 2, 2-trichloroethylidene)] bisformamide]	26644-46-2
Trimethylchlorosilane	75-77-4
2,3,5-Trimethylphenyl methylcarbamate	2655-15-4
Triphenyltin chloride	639-58-7
Triphenyltin hydroxide	76-87-9
Vinclozolin '[3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl -2,4-oxazolidinedione]	50471-44-8

RISK MANAGEMENT PLAN

For Facilities Handling Extremely Hazardous Substances
And/or Regulated Toxic Substances

RISK MANAGEMENT PLAN REQUIREMENTS

New York City's Community Right-to-Know Law was recently strengthened by Local Law 92 established in 1993 which requires facilities where extremely hazardous substances or regulated toxic substances are present at or above federally determined levels (Threshold Planning Quantity), to prepare and submit a Risk Management Plan to the Department of Environmental Protection on or before March first of every year. In situations where a substance is listed on both the extremely hazardous substance list and the regulated toxic substance list, the lower of the threshold planning quantities (TPQ) shall apply. Lists of the regulated toxic substances and the extremely hazardous substances are provided on pages 119 to 120 and pages 121 to 130 respectively.

The purpose of the plan is to protect the surrounding communities, workers and emergency response personnel from the dangers associated with hazardous substances, extremely hazardous substances and regulated toxic substances by mitigating the harm posed by release of such substances.

There are three major elements that must be included in your Risk Management Plan (RMP): a Risk Assessment Program, a Risk Reduction Program and an Emergency Response Program. Please refer to the actual legal document for the exact requirements and the definitions of technical terms when completing your RMP. You can use the order form included in the appendix to get a copy of the RMP regulation package.

If you filed a RMP which was approved by DEP, you only need to submit an update of the plan. The update of the plan shall include the following:

(1) a description of any change in a facility's process(es) or changes in the surrounding community that require that a facility amend its RMP to remain in compliance with this rule.

(2) amendments to a facility's RMP.

(3) if a facility has not amended its RMP, it shall submit to DEP a notarized letter to show that no changes occurred at a facility or in the community surrounding a facility, which required that the facility amend its RMP to remain in compliance with this rule.

Any business that fails to file a required RMP may be subject to penalties of up to $10,000. Businesses that submit RMPs which contain misrepresentations or false statements or certifications are also subject to penalties.

LIST OF REGULATED TOXIC SUBSTANCES AND THRESHOLD QUANTITIES
(Alphabetical Order)

CAS #	CHEMICAL NAME	THRESHOLD QUANTITY (lbs)	ENS TPQ	BASIS . For LISTING
107028	ACROLEIN [2-PROPENAL]	5,000	500	b
107131	ACRYLONITRILE [2-PROPENENITRILE]	20,000	10,000	b
814686	ACRYLYL CHLORIDE [2-PROPENOYL CHLORIDE]	5,000	10	b
107186	ALLYL ALCOHOL [2-PROPEN-1-OL]	15,000	1,000	b
107119	ALLYLAMINE [2-PROPEN-1-AMINE]	10,000	500	b
7664417	AMMONIA (Anhydrous)	10,000	500	a,b
7664417	AMMONIA (Conc 20% or greater)	20,000		a,b
7784341	ARSENOUS TRICHLORIDE	15,000	500	b
7784421	ARSINE	1,000	100	b
10294345	BORON TRICHLORIDE [BORANE, TRICHLORO-]	5,000	500	b
7637072	BORON TRIFLUORIDE (BORANE, TRIFLUORO-]	5,000	500	b
353424	BORON TRIFLUORIDE compound with METHYL ETHER (1:1) [BORON, TRIFLUORO[OXYBIS[METHANE]]-, T-4-	15,000	1,000	b
7726956	BROMINE	10,000	500	a,b
75150	CARBON DISULFIDE	20,000	10,000	b
7782505	CHLORINE	2,500	100	a,b
10049044	CHLORINE DIOXIDE [CHLORINE OXIDE (C102)]	1,000		c
67663	CHLOROFORM [METHANE, TRICHLORO-]	20,000	10,000	b
542881	CHLOROMETHYL ETHER [METHANE, OXYBIS[CHLORO-13	1,000	100	b
107302	CHLOROMETHYL METHYL ETHER [METHANE, CHLOROMETHOXY-]	5,000	100	b
123739	CROTONALDEHYDE, (E)- [2-BUTENAL,(E)-l	20,000	1,000	b
4170303	CROTONALDEHYDE (2-BUTENAL]	20,000	1,000	b
506774	CYANOGEN CHLORIDE	10,000		c
108918	CYCLOHEXYLAMINE [CYCLOHEXANAMINE]	15,000	10,000	b
19287457	DIBORANE	2,500	100	b
75785	DIMETHYLDICHLOROSILANE [SILANE, DICHLORODIMETHYL-]	5,000	500	b
57147	1,1-DIMETHYLHYDRAZINE [HYDRAZINE, 1,1-DIMETHYL-]	15,000	1,000	b
106898	EPICHLOROHYDRIN [OXIRANE, (CHLOROMETHYL)-]	20,000	1,000	b
107153	ETHYLENEDIAMINE [1,2-ETHANEDIAMINE]	20,000	10,000	b
151564	ETHYLENEIMINE [AZIRIDINE]	10,000	500	b
75218	ETHYLENE OXIDE [OXIRANE]	10,000	1,000	a,b
7782414	FLUORINE	1,000	500	b
50000	FORMALDEHYDE (solution)	15,000	500	b
110009	FURAN	5,000	500	b
302012	HYDRAZINE	15,000	1,000	b
7647010	HYDROCHLORIC ACID (conc 30% or greater)	15,000		d
74908	HYDROCYANIC ACID	2,500	100	a,b
7647010	HYDROGEN CHLORIDE (anhydrous) [HYDROCHLORIC ACID]	5,000		a
7664393	HYDROGEN FLUORIDE/HYDROFLUORIC ACID (cons 50% or greater) [HYDROFLUORIC ACID]	1,000	100	a,b
7783075	HYDROGEN SELENIDE	500	10	b
7783064	HYDROGEN SULFIDE	10,000	500	a,b
13463406	IRON, PENTACARBONYL- [IRON CARBONYL (Fe(CO)5), (TB-5-11)-]	2,500	100	b
78820	ISOBUTYRONITRILE [PROPANENITRILE, 2-METHYL-]	20,000	1,000	b
108236	ISOPROPYL CHLOROFORMATE [CARBONOCHLORIDIC ACID, 1-METHYLETHYL ESTER]	15,000	1,000	b
126987	METHACRYLONITRILE [2-PROPENENITRILE, 2-METHYL-]	10,000	500	b
74873	METHYL CHLORIDE [METHANE, CHLORO-]	10,000		a
79221	METHYL CHLOROFORMATE [CARBONOCHLORIDIC ACID, METHYLESTER]	5,000	500	b
60344	METHYL HYDRAZINE [HYDRAZINE, METHYL-]	15,000	500	b
624839	METHYL ISOCYANATE [METHANE, ISOCYANATO-]	10,000	500	a,b
74931	METHYL MERCAPTAN [METHANETHIOL]	10,000	500	b
556649	METHYL THIOCYANATE [THIOCYANIC ACID, METHYL ESTER]	20,000	10,000	b
75796	METHYLTRICHLOROSILANE [SILANE, TRICHLOROMETHYL-]	5,000	500	b
13463393	NICKEL CARBONYL	1,000	1	b
7697372	NITRIC ACID (cons 80% or greater)	15,000	1,000	b
10102439	NITRIC OXIDE [NITROGEN OXIDE (NO)]	10,000	100	b
8014957	OLEUM (FUMING SULFURIC ACID) [Sulfuric acid, Mixture with sulfur trioxide]*	10,000		e
79210	PERACETIC ACID [ETHANEPEROXOIC ACID]	10,000	500	b
594423	PERCHLOROMETHYLMERCAPTAN [METHANESULFENYL CHLORIDE, TRICHLORO-]	10,000	500	b
75445	PHOSGENE [CARBONIC DICHLORIDE]	500	10	a,b
7803512	PHOSPHINE	5,000	500	b
10025873	PHOSPHORUS OXYCHLORIDE [PHOSPHORYL CHLORIDE]	5,000	500	b

CAS $	CHEMICAL NAME	THRESHOLD QUANTITY (ibs)	ENS TPQ	BASIS For LISTING
7719122	PHOSPHORUS TRICHLORIDE [PHOSPHOROUS TRICHLORIDE]	15,000	1,000	b
110894	PIPERIDINE	15,000	1,000	b
107120	PROPIONITRILE [PROPANENITRILE]	10,000	500	b
109615	PROPYLCHLOROFORMATE [CARBONOCHLORIDIC ACID, PROPYLESTER]	15,000	500	b
75558	PROPYLENEIMINE [AZIRIDINE, 2-METHYL-]	10,000	10,000	b
75569	PROPYLENE OXIDE [OXIRANE, METHYL-]	10,000	10,000	b
7446095	SULFUR DIOXIDE (ANHYDROUS)	**5,000**	500	a,b
7783600	SULFUR TETRACLUORIDE [SULFUR FLUORIDE (SF4),(T-4)-]	2,500	100	b
7446119	SULFUR TRIOXIDE	10,000	100	a,b
75741	TETRAMETHYLLEAD [PLUMBANE, TETRAMETHYL-)	10,000	100	b
509148	TETRANITROMETHANE [METHANE, TETRANITRO-]	10,000	500	b
7550450	TITANIUM TETRACHLORIDE [TITANIUM CHLORIDE (TiC14) (T-4)-]	2,500	100	b
584849	TOLUENE-2,4-DIISOCYANATE [BENZENE, 2,4-DIISOCYANATO-1-METHYL-]*	10,000	500	a
91087	TOLUENE-2,6-DIISOCYANATE [BENZENE, 1,3-DIISOCYANATO-2-METHYL-I*	10,000	100	a
26471625	TOLUENE DIISOCYANATE (unspecified isomer) [BENZENE, 1,3-DIISOCYANATOMETHYL-1*	10,000		a
75774	TRIMETHYLCHLOROSILANE [SILANE, CHLOROTRIMETHYL-]	10,000	1,000	b
108054	VINYL ACETATE MONOMER [ACETIC ACID ETHENYL ESTER]	15,000	1,000	b

* The mixture exemption in section 68.115(b)(1) does not apply to the substance.

Note: Basis for Listing:

. a mandated for listing by Congress.
• b on EHS list, vapor pressure 10 mmHg or greater.
• c Toxic gas.
d Toxicity of hydrogen chloride, potential to release hydrogen chloride, and history of accidents.
e Toxicity of sulfur trioxide and sulfuric acid, potential to release sulfur trioxide, and history of accidents.

LIST OF EXTREMELY HAZARDOUS SUBSTANCES (EHS) and THRESHOLD PLANNING QUANTITIES (TPQ)

(Alphabetical Order)

CAS $	COMMON or CHEMICAL NAME	TPQ*
79118	ACETIC ACID, CHLORO-	100/
108054	ACETIC ACID ETHENYL ESTER	lk
144490	ACETIC ACID, FLUORO-	10/
62748	ACETIC ACID, FLUORO-, SODIUM SALT	10/
1600277	ACETIC ACID, MERCURY(2+) SALT	500/
75865	ACETONE CYANOHYDRIN	1K
1752303	ACETONE THIOSEMICARBAZIDE	1K/
107164	ACETONITRILE, HYDROXY-	1K
76028	ACETYL CHLORIDE, TRICHLORO-	500
107028	ACROLEIN	500
79061	ACRYLAMIDE	1K/
107131	ACRYLONITRILE	10K
814686	ACRYLYL CHLORIDE	100
111693	ADIPONITRILE	1K
116063	ALDICARB	100/
309002	ALDRIN	500/
107186	ALLYL ALCOHOL	1K
107119	ALLYL AMINE	500
20859738	ALUMINUM PHOSPHIDE	500
54626	AMINOPTERIN	500/
504245	4-AMINOPYRIDINE	500/
78535	AMITON	500
3734972	AMITON OXALATE	100/
7664417	AMMONIA	500
300629	AMPHETAMINE	1K
62533	ANILINE	1K
88051	ANILINE, 2,4,6-TRIMETHYL-	500
7783702	ANTIMONY FLUORIDE	500
7783702	ANTIMONY PENTAFLUORIDE	500
1397940	ANTIMYCIN A	1K/
86884	ANTU	500/
7784465	ARSENENOUS ACID, SODIUM SALT	500/
7778441	ARSENIC ACID, CALCIUM SALT	500/
10124502	ARSENIC ACID, POTASSIUM SALT	500/
7631892	ARSENIC ACID, SODIUM SALT	1K/
1327533	ARSENIC OXIDE	100/
1303282	ARSENIC OXIDE	100/
1303282	ARSENIC PENTOXIDE	100/
7784341	ARSENIC TRICHLORIDE	500
1327533	ARSENIC TRIOXIDE	100/
1327533	ARSENOUS OXIDE	100/
7784341	ARSENOUS TRICHLORIDE	S00
7784421	ARSINE	100
124652	ARSINIC ACID, DIMETHYL-, SODIUM SALT	100/
696286	ARSONOUS DICHLORIDE, PHENYL-	500
504245	AVITROL	500/
2642719	AZINPHOS-ETHYL	100/
86500	AZINPHOS-METHYL	10/
151564	AZIRIDINE	500/
75558	AZIRIDINE METHYL	10K
50077	AZIRINO (2',3':3,4) PYRROLO (1,2-A) INDOLE-4,7-DIONE, 6-AMINO-8-a (((AMINOCARBONYL)OXY)METHYL)-1,1A,2,8,BA,8B-HEXAHYDRO-B-A METHOXY-5-METHYL-, (las-(la alpha, 8 beta, 8a alpha, 8b alpha))-	500/
98873	BENZAL CHLORIDE	500
62533	BENZENAMINE	1K
98168	BENZENAMINE, 3-(TRIFLUOROMETHYL)-	500
140294	BENZENEACETONITRILE	500
98055	BENZENEARSONIC ACID	10/
100447	BENZENE, CHLOROMETHYL	500
100141	BENZENE, 1-(CHLOROMETHYL)-4-NITRO-	500/
102363	BENZENE, 1,2-DICHLORO-4-ISOCYANATO-	500/
98873	BENZENE, DICHLORO METHYL-	500
91087	BENZENE, 1,3-DIISOCYANATO-2-METHYL-	100

* An amount entered in this column reads in pounds. A TPQ with a (/) indicates a "split" TPQ. The number to the left of the slash is the substance's TPQ only if the substance is present in the form of a fine powder (particle size less than 100 microns), molten or in solution, or reacts with water (NFPA rating= 2, 3 or 4). The TPQ is 10,000lbs if the substance is present in other forms.

LIST OF EXTREMELY HAZARDOUS SUBSTANCES (EHS) and THRESHOLD PLANNING QUANTITIES (TPQ)

(Alphabetical Order)

CAS #	COMMON or CHEMICAL NAME	TPQ*
584849	BENZENE, 2,4-DIISOCYANATO-1-METHYL-	500
123319	1,4-BeNZENEDIOL	500/
98953	BENZENE, NITRO-	10K
108985	BENZENETHIOL	500
98077	BENZENE, TRICHLOROMETHYL-	100
98873	**BENZILIDEN** CHLORIDE	500
3615212	BENZIMIDAZOLE, 4,5-DICHLORO-2-(TRIFLUOROMETHYL)	500/
1563662	7-BENZOFURANOL, 2,3-DIHYDRO-2,2-DIMETHYL-, METHYLCARBAMATE	10/
98077	BENZOIC TRICHLORIDES	100
81812	2H-1-BENZOPYRAN-2-ONE, 4-HYDROXY-3-(3-OXO-1-PHENYLBUTYL)-	500/
98077	BENZOTRICHLORIDE	100
100447	BENZYL CHLORIDE	500
140294	BENZYL CYANIDE	500
58899	gamma-BHC	1K/
15271417	BICYCLO(2.2.1.)HEPTANE-2-CARBONITRILE, 5-CHLORO-6- (((METHYLAMINO) CARBONYL)OXY)IMINO)-, (12-(1-alpha, 2 beta, 4-alpha,5alpha,6E))-	500/
1464535	2,2'-BIOXIRANE	500
1910425	4,4'-BIPYRIDINIUM, 1,1'-DIMETHYL-, DICHLORIDE	10/
111444	**BIS** (2-CHLOROETHYL) ETHER	10K
542881	**BIS** (2-CHLOROMETHYL) ETHER	100
534076	BIB(CHLOROMETHYL)KETONE	10/
4044659	**BITOSCANATE**	500/
10294345	BORANE, TRICHLORO-	500
7637072	**BORANE,** TRIFLUORO-	500
10294345	BORON TRICHLORIDE	500
7637072	BORON TRIFLUORIDE	500
353424	BORON TRIFLUORIDE compound with METHYL ETHER (1:1)	1K
353424	BORON TRIFLUORIDE DIMETHYL ETHERATE	1K
353424	BORON, TRIFLUORO OXYBIS METHANE -, (T-4)-	1K
28772567	BROMADIOLONE	100/
7726956	BROMINE	500
7726956	BROMINE, and solutions	500
74839	BROMOMETHANE	**1K**
106967	3-BROMOPROPYNE	10
123739	2-BUTENAL	1K
7786347	2-BUTENOIC ACID, 3- (DIMETHOXYPHOSPHINYL)OXY -, METHYL ESTER	500
78944	3-BUTEN-2-ONE	10
1306190	CADMIUM OXIDE	100/
2223930	CADMIUM STEARATE	1K/
7778441	CALCIUM ARSENATE	500/
8001352	CAMPHECHLOR	500/
56257	CANTRARIDIN	100/
51832	CARBACHOL CHLORIDE	500/
26419738	CARBAMIC ACID, METHYL-, 0 (((2,4-DIMETHYL-1,3-DITHIOLAN-2-YL) METHYLENE) **AMINO)**	100/
1563662	**CARBOFURAN**	10/
75150	CARBON DISULFIDE	10K
75445	CARBONIC DICHLORIDE	10
79221	CARBONOCHLORIDIC ACID, METHYL ESTER	500
108236	CARBONOCHLORIDIC ACID, 1-METHYLETHYL ESTER	1K
109615	CARBONOCHLORIDIC ACID, PROPYL ESTER	500
786196	CARBOPHENOTHION	500
535897	**CASTRIX**	100/
57749	CHLORDANE	1K
470906	CHLORFENVINPHOS	500
7782505	**CHLORINE**	100
24934916	CHLORMEPHOS	500
999815	CHLORMEQUAT CHLORIDE	100/
79118	CHLOROACETIC ACID	100/
107073	CHLOROETHANOL	500
627112	**CHLOROETHYL** CHLOROFORMATE	1K
67663	**CHLOROFORM**	10K
542881	CHLOROMETHYL ETHER	100
107302	CHLOROMETHYL METHYL ETHER	100
3691358	CHLOROPHACINONE	100/
542767	3-CHLOROPROPIONITRILE	1K
1982474	CHLOROXURON	500/
21923239	CHLORTHIOPHOS	500
10025737	CHRONIC CHLORIDE	1/
10210681	COBALT CARBONYL	10/

LIST OF EXTREMELY HAZARDOUS SUBSTANCES (EHS) and THRESHOLD PLANNING QUANTITIES (TPQ)

(Alphabetical Order)

CAS M	COMMON or CHEMICAL NAME	TPQ•
10210681	COBALT, DI-mu-CARBONYLHEXACARBONYLDI-,	10/
62207765	COBALT, ((2,2'-(1,2-ETHANEDIYLBIS (NITRILOMETHYLIDYNE))BIS(6-FLUORO PHENALOTO))(2-)-N,N',O,O')-	100/
124878	000CULUS	500/
64868	COLCHICINE	10/
12002038	COPPER ACETOARSENITE	500/
12002038	COPPER, BIS(ACETO)HEXAMETA-ARSENITOTETRA-	500/
129066	000MADIN SODIUM	100/
56724	COUMAPHOS	100/
5836293	COUMATETRALYL	500/
95487	o-CRESOL	1K/
95487	o-CRESYLIC ACID	1K/
535897	CRIMIDINE	100/
123739	CROTONALDEHYDE	1K
4170303	CROTONALDEHYDE, inhibited	1K
12002038	CUPRIC ACETOARSENITE	500/
506683	CYANOGEN BROMIDE	500/
506785	CYANOGEN IODIDE	1K/
2636262	CYANOPHOS	1K
675149	CYANURIC FLUORIDE	100
58899	CYCLOHEXANE, 1,2,3,4,5,6-HEXACHLORO-, (lalpha, 2alpha, 3beta, 4alpha, 5 alpha, 6b	1K/
4098719	CYCLOHEXANE, 5-ISOCYANATO-1-(ISOCYANATOMETHYL)-1,3,3-TRIMETHYL-	100
66819	CYCLOHEXIMIDE	100/
108918	CYCLOHEXYLAMINE	10K
77474	1,3-CYCLOPENTADIENE, 1,2,3,4,5,5-HEXACHLORO-	100
17702419	DECABORANE	500/
732116	DECEMTHION	10/
8065483	DEMETON	500
919868	DEMETON-S-METHYL	500
10311849	DIALIFOR	100/
10311849	DIALIFOS	100/
19287457	DIBORANE	100
4835114	N, N'-DIBUTYL HEXAMETHYLENEDIAMINE	500
110576	traps-1,4-DICHLOROBUTENE	500
75785	DICHLORODIMETHYL SILANE	500
111444	DICHLOROETHYL ETHER	10K
542881	DICHLOROMETHYL ETHER	100
149746	DICHLOROMETHYLPHENYL SILANE	1K
102363	1,2-DICHLORO-4-PHENYL ISOCYANATE	500/
27137855	DICHLOROPHENYL TRICHLOROSILANE	500
534076	DICHLOROPROPANONE	10/
62737	DICHLORVOS	1K
141662	DICROTOPHOS	100
1464535	1,2,3,4-DIEPOXYBUTANE	500
1642542	DIETHYLCARBAMAZINE CITRATE	100/
814493	DIETHYL CHLOROPHOSPHATE	500
71636	DIGITOXIN	100/
2238075	DIGLYCIDYL ETHER	1K
20830755	DIGOXIN	10/
115264	DIMEFOX	500
309002	1,4:5,8-DIMETHANONAPHTHALENE, 1,2,3,4,10,10-HEXACHLORO-1,4,4A,5,8,8A-HEXAHYDRO-, (1 alpha,4 alpha,4A beta,5 alpha,8 alpha,BA beta)-	500/
72208	2,7:3,6-DIMETHANONAPHTH 2,3-B OXIRENE, 3,4,5,6,9,9-HEXACHLORO _____	500/
60515	DIMETHOATE	500/
2524030	DIMETHYL CHLOROTHIOPHOSPHATE	500
75785	DIMETHYLDICHLOROSILANE	500
57147	1,1-DIMETHYLHYDRAZINE	1K
99989	DIMETHYL-p-PHENYLENEDIAMINE	10/
2524030	DIMETHYL PHOSPHOROCHLORIDOTHIOATE	500
77781	DIMETHYL SULFATE	500
2524030	DIMETHYL THIOPHOSPHORYL CHLORIDE	500
644644	DIMETILAN	500/
534521	4,6-DINITRO-o-CRESOL	10/
88857	DINOSEB	100/
1420071	DINOTERB	500/

LIST OF EXTREMELY HAZARDOUS SUBSTANCES (EHS) and THRESHOLD PLANNING QUANTITIES (TPQ)

(Alphabetical Order)

CAS #	COMMON or CHEMICAL NAME	TPQ*
78342	DIOXATHION	500
82666	DIPHACINONE	10/
152169	DIPHOSPHORAMIDE, OCTAMETHYL-	100
107493	DIPHOSPHORIC ACID, TETRAETHYL ESTER	100
298044	DISULFOTON	500
514538	DITHIAZANINE IODIDE	500/
541537	DITHIOBIURET	100/
316427	EMETINE, DIHYDROCHLORIDE	1/
115297	ENDOSULFAN	10/
2778043	ENDOTHION	500/
72208	ENDRIN	500/
106898	EPICHLOROHYDRIN	1K
2104645	EPN	100/
50146	ERGOCALCIFEROL	1K/
379793	ERGOTAMINE TARTRATE	500/
51752	ETHANAMINE, 2-CHLORO-N-(2-CHLOROETHYL)-N-METHYL-	10
107153	1,2-ETHANEDIAMINE	10K
538078	ETHYLBIS(2-CHLOROETHYL)AMINE	500
107073	ETHYLENEDIAMINE	10K
371620	ETHYLENE FLUOROHYDRIN	10
151564	ETHTLENETMINE	500
75218	ETHYLENE OXIDE	1K
542905	ETHYL THIOCYANATE	10K
115219	ETHYLTRICHLOROSILANE	500
22224926	FENAMIPHOS	10/
122145	FENITROTHION	500
115902	FENSULFOTHION	500
4301502	FLUENETIL	100/
7782414	FLUORINE	500
640197	FLUOROACETAMIDE	100/
144490	FLUOROACETIC ACID	10/
359068	FLUOROACETYL CHLORIDE	10
51218	FLUOROURACIL	500/
51218	5-FLUOROURACIL	500/
944229	FONOFOS	500
50000	FORMALDEHYDE	500
107164	FORMALDEHYDE CYANOHYDRIN	1K
23422539	FORMETANATE HYDROCHLORIDE	500/
23422539	FORMETANATE	500/
2540821	FORMOTHION	100
17702577	FORMPARANATE	100/
21548323	FOSTHIETAN	500
3878191	FUBERIDAZOLE	100/
110009	FURAN	500
13450903	GALLIUM TRICHLORIDE	500/
66819	GLUTARIMIDE, 3- (2-(3,5-DIMETHYL-2-OXOCYCLOHEXYL)-2-HYDROXYETHYL)-HYDROXYETHYL)-	100/
107164	GLYCOLONITRILE	1K
86500	GUTHION	10/
58899	gamma-HEXACHLOROCYCLOHEXANE	1K/
77474	HEXACHLOROCYCLOPENTADIENE	100
4835114	HEXAMETHYLENEDIAMINE, N, N'-DIBUTYL-	500
111693	HEXANEDINITRILE	1K
302012	HYDRAZINE	1K
57147	HYDRAZINE, 1,1-DIMETHYL-	1K
60344	HYDRAZINE, METHYL-	500
74908	HYDROCYANIC ACID	100
7664393	HYDROFLUORIC ACID	100
7647010	HYDROGEN CHLORIDE (gas only)	500

LIST OF EXTREMELY HAZARDOUS SUBSTANCES (EHS) and THRESHOLD PLANNING QUANTITIES (TPQ)

(Alphabetical Order)

CAS	COMMON or CHEMICAL NAME	TPQ*
7664393	HYDROGEN FLUORIDE	100
7722841	HYDROGEN PEROXIDE concentration greater than 52%	1K
7783075	HYDROGEN SELENIDE	10
7783064	HYDROGEN SULFIDE	500
123319	HYDROQUINONE	500/
3691358	1,3-INDANDIONE,2-((p-CHLOROPHENYL)PHENYLACETYL)-	100/
82666	1H-INDENE-1,3(2H)-DIONE, 2-(DIPHENYLACETYL)-	10/
13463406	IRON CARBONYL	100
13463406	IRON PENTACARBONYL	100
297789	ISOBENZAN	100/
78820	ISOBUTYRONITRILE	1K
102363	ISOCYANIC ACID, 3,4-DICHLOROPHENYL ESTER	500/
465736	ISODRIN	100/
55914	ISOFLUORPHATE	100
4098719	ISOPHORONE DIISOCYANATE	100
108236	ISOPROPYL CHLOROFORMATE	1K
119380	ISOPROPYLMETHYLPYRAZOLYL DIMETHYLCARBAMATE	500
78977	LACTONITRILE	1K
21609905	LEPTOPHOS	500/
541253	LEWISITE	10
58899	LINDANE	1K/
7580678	LITHIUM HYDRIDE	100
109773	MALONONITRILE	500/
12108133	MANGANESE, TRICARBONYL (1,2,3,4,5-eta)-1-METHYL-2,4-CYCIOPENTADIEN-1-	100
12108133	MANGANESE, TRICARBONYL METHYLCYCLOPENTADIENYL	100
51752	MBCHLORETHAMINE	10
950107	MEPHOSFOLAN	500
2032657	MERCAPTODIMETHUR	500/
1600277	MERCURIC ACETATE	500/
7487947	MERCURIC CHLORIDE	500/
21908532	MERCURIC OXIDE	500/
62384	MERCURY, (ACETATO-O)PHENYL-	500/
7487947	MERCURY CHLORIDE	500/
502396	MERCURY, (3-CYANOGUANIDINO)-METHYL	500/
10476956	METHACROLEIN DIACETATE	1K
760930	METHACRYLIC ANHYDRIDE	500
126987	METHACRYLONITRILE	500
920467	METHACRYLOYL CHLORIDE	100
30674807	METHACRYLOYLOXYETHYL ISOCYANATE	100
10265926	MBTHAMIDOPHOS	100/
62759	METHANAMINE, N-METHYL-N-NITROSO-	1K
74839	METHANE, BROMO-	1K
107302	METHANE, CHLOROMETHOXY-	100
624839	METHANE, ISOCYANATO-	500
556616	METHANE, ISOTHIOCYANATO	500
542881	METHANE, OXYBIS(CHLORO-)	100
594423	METHANESULFENYL CHLORIDE, TRICHLORO-	500
558258	METHANESULFONYL FLUORIDE	1K
509148	METHANE, TETRANITRO-	500
74931	METHANBTHIOL	500
67663	METHANE, TRICHLORO	l0K
115297	6,9-METHANO-2,4,3-BENZODIOXATHIEPIN, 6,7,8,9,10,10-HEXACHLORO-1, 5,5A,6,9,9A-HEXAHYDRO-, 3-	10K 500/
950378	MPTHIDATHION	500/
2032657	METHIOCARB	500/
16752775	METHOMYL	500/
151382	METHOXYRTHYLMERCURIC ACETATE	500/
126987	METHYLACRYLONITRILE	500
74839	METHYL BROMIDE	1K
80637	METHYL-2-CHLOROACRYLATE	500
79221	METHYL CHLOROCARSONATE	500
79221	METHYL CHLOROFORMATE	500
12108133	METHYLCYCLOPENTADIENYL MANGANESE TRICARBONYL	100
60344	METHYL HYDRAZINE	500
624839	METHYL ISOCYANATE	500
556616	METHYL ISOTHIOCYANATE	500
74931	METHYL MERCAPTAN	500
502396	METHYL MERCURY DICYANDIAMIDE	500/
298000	METHYL PARATHION	100/

LIST OF EXTREMELY HAZARDOUS SUBSTANCES (EHS) and THRESHOLD PLANNING QUANTITIES (TPQ)

(Alphabetical Order)

CAS #	COMMON or CHEMICAL NAME	TPQ*
3735237	METHYL PHENKAPTON	500
676971	METHYL PHOSPHONIC DICHLORIDE	100
919868	METHYL-S-DEMETON	500
556649	METHYL THIOCYANATE	10K
75796	METHYL TRICHLOROSILANE	500
78944	METHYL VINYL KETONE	10
1129415	METOLCARB	100/
7786347	MEVINPHOS	500
315184	MEXACARBATE	500/
50077	MITOMYCIN C	500/
6923224	MONOCROTOPHOS	10/
2763964	MUSCIMOL	500/
505602	MUSTARD GAS	500
86884	alpha-NAPHTHYL THIOUREA	500/
13463393	NICKEL CARBONYL	1
54115	NICOTINE	100
65305	NICOTINE SULFATE	100/
7697372	NITRIC ACID	1K
10102439	NITRIC OXIDE	100
98953	NITROBENZENE	10K
1122607	NITROCYCLOHEXANE	500
10102440	NITROGEN DIOXIDE	100
51752	NITROGEN MUSTARD	10
10102439	NITROGEN OXIDE	100
10102440	NITROGEN OXIDE	100
62759	N-NITROSODIMETHYLAMINE	1K
62759	NITROSODIMETHYLAMINE	1K
991424	NORBORMIDE	100/
152169	OCTAMETHYL DIPHOSPHORAMIDE	100
PMN82147	ORGANORHODIUM COMPLEX*	10/
630604	OUABAIN	100/
23135220	OXAMYL	100/
78717	OXETANE, 3,3-BIS(CHLOROMETHYL)-	500
57578	2-OXETANONE	500
75218	OXIRANE	1K
106898	OXIRANE, CHLOROMETHYL-	1K
75569	OXIRANE, METHYL-	10K
2238075	OXIRANE, 2,2'-OXYBIS(METHYLENE) BIS-	1K
2497076	OXYDISULFOTON	500
10028156	OZONE	100
1910425	PARAQUAT	10/
2074502	PARAQUAT METHOSULFATE	10/
56382	PARATHION	100
298000	PARATHION-METHYL	100/
12002038	PARIS GREEN	500/
19624227	PENTABORANE	500
2570265	PENTADECYLAMINE	100/
79210	PERACETIC ACID	500
594423	PERCHLOROMETHYL MERCAPTAN	500
79210	PEROXYACETIC ACID	500
58366	PHENARSAZINE OXIDE	500/
108952	PHENOL	500/
2032657	PHENOL, 3,5-DIMETHYL-4-(METHYLTHIO)-, METHYLCARBAMATE	500/
315184	PHENOL, 4-(DIMETHYLAMINO)-3,5-DIMETHYL-, METHYLCARBAMATE (ESTER)	500/
95487	PHENOL, 2-METHYL-	1K/
534521	PHENOL, 2-METHYL-4,6-DINITRO-	10/
64006	PHENOL, 3-(1-METHYLETHYL)-, METHYLCARBAMATE	500/
4418660	PHENOL, 2,2'-THIOBIS(4-CHLORO-6-METHYL-)	100/
58366	PHENOXARSINE, 10,10'OXYDI-	500/
140294	PHENYLACETONITRILE	500
696286	PHENYLDICHLOROARSINE	500
59881	PHENYLHYDRAZINE HYDROCHLORIDE	1K/
108985	PHENYLMERCAPTAN	500
62384	PHENYLMERCURIC ACETATE	500/
2097190	PHENYLSILATRANE	100/
103855	PHENYLTHIOUREA	100/
98135	PHENYL TRICHLOROSILANE	500
298022	PHORATE	10
4104147	PHOSACETIM	100/

LIST OF EXTREMELY HAZARDOUS SUBSTANCES (EHS) and THRESHOLD PLANNING QUANTITIES (TPQ)

(Alphabetical Order)

CAS #	COMMON or CHEMICAL NAME	TPQ*
7786347	PHOSDRIN	500
947024	PHOSPOLAN	100/
75445	PHOSGENE	10
732116	PHOSMET	10/
13171216	PHOSPHAMIDON	100
7803512	PHOSPHINE	500
944229	PHOSPHONODITHIOIC ACID, ETHYL-, 0-ETHYL S-PHENYL ESTER	500
2703131	PHOSPHONOTHIOIC ACID, METHYL-, 0-ETHYL 0-(4-METHYLTHIO) PHENYL ESTER	500
2665307	PHOSPHONOTHIOIC ACID, METHYL-, 0-(4-NITROPHENYL) O-PHENYL ESTER	500
50782699	PHOSPHONOTHIOIC ACID, METHYL S-(2-(BIS(METHYLETHYL)AMINO)ETHYL) 0-ETHYL ESTER	100
2104645	PHOSPHONOTHIOIC ACID, PHENYL-, O-ETHYL 0-(4-NITROPHENYL) ESTER	100/
22224926	PHOSPHORAMIDIC ACID, (1-METHYLETHYL)-, ETHYL 3-METHYL-4	10/
10265926	PHOSPHORAMIDOTHIOIC ACID, 0, S-DIMETHYL ESTER	100
10026138	PROSPHORANE, PENTACHLORO-	500
470906	PHOSPHORIC ACID, 2-CHLORO-1-(2,4-DICHLOROPHENYL) ETHENYL DIETHYLESTER	500
13171216	*PHOSPHORIC* ACID, 2-CHLORO-3-(DIETHYLAMINO)-1-METHYL-3-OXO-I˙PRO	100
62737	PHOSPHORIC ACID, 2,2-DICHLOROETHENYL DIMETHYL ESTER	10/
141662	PHOSPHORIC ACID, 3-(DIMETHYLAMINO)-1-METHYL-3-OXO-1-PROPENYL DIMETHYL ESTER, (E)-	100
6923224	PHOSPHORIC ACID, DIMETHYL 1-METHYL-3-(METHYLAMINO)-3-OXO-I-PROPENYL Ester, (E)-	10/
3254635	PHOSPHORIC ACID, DIMETHYL 4-(METHYLTHIO)PHENYL ESTER	500
1314563	PHOSPHORIC ANHYDRIDE	10
2524030	PHOSPHOROCHLORIDOTHIOIC ACID, 0,0-DIMETHYL ESTER	500
298044	PROSPHORODITHIOIC ACID, O,O-DIETHYL S- 2-(ETHYLTHIO)ETHYL ESTER	500
298022	PHOSPHORODITHIOIC ACID, 0,0-DIETHYL S- (ETHYLTHIO)METHYL ESTER	10
86500	PHOSPHORODITHIOIC ACID, O,O-DIMETHYL S- (4-OXO-1,2,3-BENZO TRIAZIN-3(4H) -YL)METHYL ESTER	10/
60515	PHOSPHORODITHIOIC ACID, O,0-DIMETHY, S-(2-(METHYLAMINO)-2-OXOETHYL)ESTER	500/
732116	PHOSPHORODITHIOIC ACID, S-((1,3-DIHYDRO-1,3-DIOXO-24-ISOINDOL-2-YL) METHYL) 0,0-DIMETHYL ESTER	10/
950378	PHOSPHORODITHIOIC ACID, S-((5-METHOXY-2-OXO-1,3,4-THIAZOL-3(2H)-YL) METHYL) O,O-DIMETHYL ESTER	500
78342	PHOSPHORODITHIOIC ACID, S,S'-1,4-DIOXANE-2,3-DIYL 0,0,0',0'-TETRAETHYL ESTER	500
563122	PHOSPHORODITHIOIC ACID, S,S'-METHYLENE 0,0,0',0'-TETRAETHYL ESTER	1K
56724	PHOSPHOROTHIOIC ACID, 0-(3-CHLORO-4-METHYL-2-OXO-2H-1-BENZOPYRAN -7-YL) O,O-DIETHYL ESTER	100/
23505411	PHOSPHOROTHIOIC ACID, O,0-DIETHYL 0-(2-(DIETHYLAMINO)-6-METHYL-4-PYRIMIDINYL) ESTER	1K
8065483	PHOSPHOROTHIOIC ACID, O,O-DIETHYL 0- 2-(ETHYLTHIO)ETHYL ESTER, mixture with 0,0-DIETHYL S- 2-(ETHYLTHIO)ETHYL PHOSPHOROTHIOATE	500
115902	PHOSPHOROTHIOIC ACID, 0,0-DIETHYL 0- 4-METHYLSULFINYL)PHENYL ESTER	500
56382	PHOSPHOROTHIOIC ACID, O,O-DIETHYL 0-(4-NITROPHENYL) ESTER	100
297972	PHOSPHOROTHIOIC ACID, O,O-DIETHYL, O-PYRAZINYL ESTER	500
298000	PHOSPHOROTHIOIC ACID, O,0-DIMETHYL 0-(4-NITROPHENYL) ESTER	100/
919868	PHOSPHOROTHIOIC ACID, S- (2(ETHYLTHIO)ETHYL) O,0-DIMETHYL ESTER	500
2587908	PHOSPHOROTHIOTIC ACID, 0,0-DIMETHYL-S-(2-METHYLTHIO)ETHYL ESTER	500
1314563	PHOSPHOROUS PENTOXIDE	10
7719122	PHOSPHOROUS TRICHLORIDE	1K
7723140	PHOSPHORUS	100
7723140	PHOSPHORUS, AMORPHOUS, RED	100
1314563	PHOSPHORUS OXIDE	10
10025873	PHOSPHORUS OXYCHLORIDE	500
10026138	PHOSPHORUS PENTACHLORIDE	500
1314563	PHOSPHORUS PENTOXIDE	10
7723140	PHOSPHORUS (RED)	100
7719122	PHOSPHORUS TRICHLORIDE	1K
7723140	PHOSPHORUS (WHITE)	100
7723140	PHOSPHORUS (YELLOW)	100
10025873	PHOSPHORYL CHLORIDE	500

CAS= This chemical was identified from a Premanufacture Review Notice (PMN) submitted to EPA. *The* submitter *has* claimed certain information on the submission to be confidential, including specific chemical identity.

LIST OF EXTREMELY HAZARDOUS SUBSTANCES (EHS) and THRESHOLD PLANNING QUANTITIES (TPQ)

(Alphabetical Order)

CAS #	COMMON or CHEMICAL NAME	TPQ*
57476	PHYSOSTIGMINE	100/
57647	PHYSOSTIGMINE, SALICYLATE (1:1)	100/
124878	PICROTOXIN	500/
110894	PIPERIDINE	1K
23505411	PIRIMPHOS-ETHYL	1K
78002	PLUMBANE, TETRAETHYL-	100
75741	PLUMBANE, TETRAMETHYL-	100
10124502	POTASSIUM ARSENITE	500/
151508	POTASSIUM CYANIDE	100
506616	POTASSIUM SILVER CYANIDE	500
2631370	PROMECARB	500/
116063	PROPANAL, 2-METHYL-2-(METHYLTHIO)-, 0-((METHYLAMINO)CARBONYL)- OXIME	100/
109773	PROPANEDINITRILE	500/
107120	PROPANENITRILE	500
75865	PROPANENITRILE, 2-HYDROXY-2-METHYL-	1K
78820	PROPANENITRILE, 2-METHYL-	1K
534076	2-PROPANONE, 1,3-DICHLORO-	10/
106967	PROPARGYL BROMIDE	10
107028	2-PROPENAL	500
79061	2-PROPENAMIDE	1K%
107119	2-PROPEN-1-AMINE	500
107131	2-PROPENENITRILE	10K
126987	2-PROPENENITRILE, 2-METHYL-	500
107186	2-PROPEN-1-OL	1K
57578	beta-PROPIOLACTONE	500
107120	PROPIONITRILE	500
542767	PROPIONITRILE, 3-CHLORO-	1K
70699	PROPIOPHENONE, 4-AMINO-	100/
109615	PROPYLCHLOROFORMATE	500
75558	PROPYLENEIMINE	10K
75569	PROPYLENE OXIDE	10K
106967	PROPYNE, 3-BROMO-	10
2275185	PROTHOATE	100/
129000	PYRENE	1K/
504245	PYRIDINE, 4-AMINO	500/
54115	PYRIDINE, 3-(1-METHYL-2-PYRROLIDINYL)-, (S)-	100
65305	PYRIDINE, 3-(1-METHYL-2-PYRROLIDINYL)-, (S)-, SULFATE	100/
140761	PYRIDINE, 2-METHYL-5-VINYL-	500
1124330	PYRIDINE, 4-NITRO-, 1-OXIDE	500/
535897	PYRIMIDINE, 2-CHLORO-4-(DIMETHYLAMINO)-6-METHYL-	100/
51218	2,4(1H,3H)-PYRIMIDINEDIONE, 5-FLUORO-	500/
53558251	PYRIMINIL	100/
3691358	ROZOL	100/
14167181	SALCOMINE	500/
107448	SARIN	10
13410010	SELENIC ACID, DISODIUM SALT	100/
7791233	SELENINYL CHLORIDE	500
7783008	SELENIOUS ACID	1K/
10102188	SELENIOUS ACID, DISODIUM SALT	100/
7791233	SELENIUM OXYCHLORIDE	500
7783008	SELENOUS ACID	1K/
563417	SEMICARBAZIDE HYDROCHLORIDE	1K/
3037727	SILANE, (4-AMINOBUTYL)DIETHOXYMETHYL-	1K
75774	SILANE, CHLOROTRIMETHYL-	1K
149746	SILANE, DICHLOROMETHYLPH-ENYL	1K
27137855	SILANE, TRICHLORO(DICHLOROPHENYL)	500
115219	SILANE, TRICHLOROETHYL-	500
75796	SILANE, TRICHLOROMETHYL-	500
98135	SILANE, TRICHLOROPHENYL-	500
7631892	SODIUM ARSENATE	1K/
7784465	SODIUM ARSENITE	500/
26628228	SODIUM AZIDE	500
124652	SODIUM CACODYLATE	100/
143339	SODIUM CYANIDE	100
62748	SODIUM FLUOROACETATE	10/
13410010	SODIUM SELENATE	100/
10102188	SODIUM SELENITE	100/
10102202	SODIUM TELLURITE	500/
900958	STANNANE, ACETOXYTRIPHENYL-	500/

LIST OF EXTREMELY HAZARDOUS SUBSTANCES (EHS) and THRESHOLD PLANNING QUANTITIES (TPQ)

(Alphabetical Order)

CAS #	COMMON or CHEMICAL NAME	TPQ*
639587	STANNANE, CHLOROTRIPHENYL	500/
57249	STRYCHNIDIN-10-ONE	100/
57249	STRYCHNINE	100/
60413	STRYCHNINE, SULFATE	100/
3689245	SULFOTEPP	500
3569571	SULFOXIDE, 3-CHLOROPROPYL OCTYL	500
7446095	SULFUR DIOXIDE	500
7783600	SULFUR TETRAFLUORIDE	100
7664939	SULFURIC ACID	1K
77781	SULFURIC ACID, DIMETHYL ESTER	500
10031591	SULFURIC ACID, THALLIUM SALT	100/
7783600	SULFUR TETRAFLUORIDE	100
7446119	SULFUR TRIOXIDE	100
77816	TABUN	10
13494809	TELLURIUM	500/
7783804	TELLURIUM FLUORIDE	100
7783804	TELLURIUM HEXAFLUORIDE	100
107493	TEPP	100
13071799	TERBUFOS	100
3689245	TETRAETHYL DITHIOPYRO-PHOSPHATE	500
78002	TETRAETHYL LEAD	100
107493	TETRAETHYL PYROPHOSPHATE	100
597648	TETRAETHYLTIN	100
75741	TETRAMETHYL LEAD	100
509148	TETRANITROMETHANE	500
10031591	THALLIUM SULFATE	100/
6533739	THALLOUS CARBONATE	100/
7791120	THALLOUS CHLORIDE	100/
2757188	THALLOUS MALONATE	100/
7446186	THALLOUS SULFATE	100/
10031591	THALLOUS SULFATE	100/
4418660	2,2'-THIOBIS(4-CHLORO-6-METHYL) PHENOL	100/
2231574	THIOCARBAZIDE	1K/
3689245	THIODIPHOSPHORIC ACID, O-TETRAETHYL ESTER	500
39196184	THIOFANOX	100/
297972	THIONAZIN	500
108985	THIOPHENOL	500
79196	THIOSEMICARBAZIDE	100/
5344821	THIOUREA, (2-CHLOROPHENYL)-	100/
614788	THIOUREA, (2-METHYLPHENYL)-	500/
86884	THIOUREA, 1-NAPHTHALENYL-	500/
7550450	TITANIUM CHLORIDE	100
7550450	TITANIUM TETRACHLORIDE	100
584849	TOLUENE-2,4-DIISOCYANATE	500
91087	TOLUENE-2,6-DIISOCYANATE	100
8001352	TOXAPHENE	500/
1031476	TRIAMIPHOS	500/
24017478	TRIAZOFOS	500
76028	TRICHLOROACETYL CHLORIDE	500
1558254	TRICHLORO(CHLOROMETHYL)SILANE	100
27137855	TRICHLORO(DICHLOROPHENYL)SILANE	500
115219	TRICHLOROETHYLSILANE	500
594423	TRICHLORO METHANE SULFENYL CHLORIDE	500
327980	TRICHLORONATE	500
98135	TRICHLOROPHENYLSILANE	500
998301	TRIETHOXYSILANE	500
98168	3-TRIFLUOROMETHYL ANILINE	500
88051	2,4,6-TRIMETHYL ANILINE	500
75774	TRIMETHYLCHLOROSILANE	1K
824113	TRIMETHYLOLPROPANE PHOSPHITE	100/
1066451	TRIMETHYLTIN CHLORIDE	500/
639587	TRIPHENYLTIN CHLORIDE	500/
555771	TRIS(2-CHLOROETHYL)AMINE	100
51218	URACIL, 5-FLUORO	500/
2001958	VALINOMYCIN	1K/
1314621	VANADIUM OXIDE	100/
1314621	VANADIUM PENTOXIDE	100/
108054	VINYL ACETATE	1K
108054	VINYL ACETATE MONOMER	1K

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LIST OF EXTREMELY HAZARDOUS SUBSTANCES (EHS) and

THRESHOLD PLANNING QUANTITIES (TPQ)

(Alphabetical Order)

CAS $	COMMON or CHEMICAL NAME	TPQ•
81812	WARFARIN	500/
129066	WARFARIN SODIUM	100/
28347139	XYLYLENE DICHLORIDE	100/
58270089	ZINC,DICHLORO(4,4-DIMETHYL-5-((((METHYLAMINO)CARBONYL)OXY)IMINO) PENTANENITRILE)	100/
1314847	ZINC PHOSPHIDE	500
297972	ZINOPHOS	500

Threshold Reporting Quantities (in pounds)	Hazard Category
0	Special Health Hazards • carcinogen • teratogen • mutagen • other reproductive hazards • radioactive
1	Unusual Physical Hazards • explosive • unstable
10	Special Physical Hazards • water reactive • highly flammable • organic peroxide • oxidizer • pyrophoric • ignitable
100	Health Hazards • corrosive • irritants • sensitizers • hepatoxins • neurotoxins • nephrotoxins • toxic/highly toxic • hemotopoietic antagonists
500	Physical Hazards • combustible • reactive • non-flammable compressed or liquefied gases
500	Health or physical hazard not otherwise specified

§41-05 Facility Inventory Reporting. (a) A responsible party of a facility shall file a Facility Inventory Form (FIF) for such facility which shall include:

(1) Each hazardous substance required to be reported pursuant to §41-04 of these regulations which has been present within such facility at any time during the preceding calendar year in an amount which exceeds the Threshold Reporting Quantity published with the Hazardous Substance List; and

(2) Each mixture required to be reported pursuant to §41-04 of these rules which contains a hazardous substance in an amount that exceeds the Threshold Reporting Quantity, and such mixture has been present within such facility at any time during the preceding calendar year in an amount which exceeds five hundred pounds.

(3) A responsible party shall provide the following information for mixtures: names of the mixtures or brand names, followed by hazardous ingredients and their Chemical Abstract Service numbers.

(4) If a reportable substance is known to a responsible party by a name listed in §(f)(2) of these rules as a synonym for a substance on the Hazardous Substance List, it may be reported by its synonym.

(b) A responsible party of a facility shall complete and submit an FIF, and an MSDS for each hazardous substance including hazardous substances contained in mixtures reported on the FIF, on or before March 1 of every year beginning March 1 of every year to:

New York City Department of Environmental Protection
Bureau of Environmental Compliance
Right-to-Know Officer
59-17 Junction Boulevard
Flushing, New York 11373

or any other address designated by the Commissioner, and published in the City Record.

(c) A responsible party of a facility shall file a facility inventory update if a previously unreported hazardous substance is added at a facility or if an already reported quantity of a hazardous substance increases by twenty-five percent or more, within thirty days of the occurrence of such event.

(1) The FIF shall be used for such updates; "UPDATE" should be written in as the Reporting Period.

(2) The update should include only those hazardous substances subject to the update reporting requirements.

(d) These filing requirements shall not apply to:

(1) Facilities where the only hazardous substances present during the preceding calendar year were in mixtures in which the total content of the hazardous substance was less than the Threshold Reporting Quantity per container unless such hazardous substance was present at *the* facility in an aggregate amount equal to or greater than the Threshold Reporting Quantity; and

(2) Owners or tenants of residential buildings that contain no commercial or manufacturing enterprise.

(e) Penalties. (1) Any person who knowingly or recklessly makes any false statement, representation or certification on the FIF, FIF UPDATE, MSDS, or any other document filed with the Department of Environmental Protection pursuant to the New York City Community Right-to-Know Law or these regulations, shall be subject to a fine of not more than one thousand dollars, or imprisonmentt of up to one year, or both.

(2) Any person who violates these filing requirements shall be liable for a civil penalty, as follows:

(i) for a first violation, in an amount of up to one hundred dollars;

(ii) for a second violation, in an amount of up to two thousand five hundred dollars;

(iii) and for each subsequent violation, in an amount of up to five thousand dollars.

(f) Fees. Upon filing a FIF a responsible party shall submit a fee to the Department. The fee shall be determined by three factors: the total number of hazardous substances (which includes extremely hazardous substances) reported on the most recent FIF; the highest single quantity of a hazardous substance (which includes extremely hazardous substances) reported on the most recent FIF; and whether an extremely hazardous substance has been reported on the most recent FIF. When an extremely hazardous substance has been reported, this will result in a higher fee which shall be based on 125% of the amount calculated using Table 1, and may be calculated by using a multiplier of 1.25 as illustrated in paragraph (4) below. The fee shall be calculated in the following manner:

(1) Identify on the horizontal axis on Table 1 the column corresponding to the total number of hazardous substances (which includes extremely hazardous substances) reported on the most recent FIF;

(2) Identify on the vertical axis on Table 1 the row corresponding to the range in pounds of the highest quantity of any single hazardous substance (which includes extremely hazardous substances) reported on the most recent FIF;

(3) If no extremely hazardous substances are reported on the most recent FIF, the fee shall be the dollar amount appearing at the intersection of the column and row identified in paragraphs (1) and (2) above. Example: if there are three hazardous substances present at a facility, none of which is extremely hazardous, and the greatest reportable quantity of any single substance is fifteen million pounds, then the amount owed would be *$*350.00, which is the amount listed at the intersection of the horizontal colonna for (1-3) substances and the vertical column which lists the reporting range for substances between 10,000,000 and 49,999,999 pounds;

(4) If an extremely hazardous substance was reported on the most recent FIF, the fee shall be 125% of the dollar amount appearing at the intersection of the column and row identified in paragraphs (1) and (2) and may be calculated by multiplying that figure by 1:25. *Example:* if any of the substances in th*e* above noted example is an extremely hazardous substance, then to determine the fee multiply *$*350.00 by 1.25. The fee for this example would therefore be $437.50.

§41-06 Trade Secrets.

TABLE 1

(The dollar amounts listed below are in actual dollars.)

(Fee is based upon the greatest reported amounts of any single substance.)

RIGHT-TO-KNOW PROGRAM-FEE SCHEDULE

Reporting Ranges in lbs.	TOTAL NUMBER OF HAZARDOUS SUBSTANCES (which includes extremely hazardous substances)															
	1-3	4-7	8-10	11-13	14-17	18-20	21-23	24-27	28-30	31-50	51-100	101-150	151-200	201-250	251 300	300+
0-99	200	225	250	275	300	325	350	375	400	450	500	550	600	700	800	950
100-999	225	250	275	300	325	350	375	400	425	475	525	575	625	725	825	975
1,000-9,999	250	275	300	325	350	375	400	425	450	500	550	600	650	750	850	1000
10,000-99,999	275	300	325	350	375	400	425	450	475	525	575	625	675	775	875	1025
100,000 999,999	300	325	350	375	400	425	450	475	500	550	600	650	700	800	900	1050
1,000,000 9,999,999	325	350	375	400	425	450	475	500	525	575	625	675	725	825	925	1075
10,000,000 49,999,999	350	375	400	425	450	475	500	525	550	600	650	700	750	850	950	1100
50,000,000 99,999,999	375	400	425	450	475	500	525	550	575	625	675	725	775	875	975	1125
100,000,000 499,999,999	400	425	450	475	500	525	550	575	600	650	700	750	800	900	1000	1150
500,000,000 999,999,999	425	450	475	500	525	550	575	600	625	675	725	775	825	925	1025	1175
BILLION HIGHER	450	475	500	525	550	575	600	625	650	700	750	800	850	950	1050	1200

(a) A responsible party withholding the specific chemical identity of a hazardous substance pursuant to subdivision (b) of this section, or requesting non-disclosure of the specific chemical identity of a hazardous substance pursuant to subdivision (c) of this section, shall file a sanitized version of an MSDS for such hazardous substance.

(b) *Procedure for withholding information based on a federal or state claim. (1)* A responsible party may withhold from the FIF, FIF UPDATE and/or risk management plan the specific chemical identity of a hazardous substance, including the chemical name and other specific identification, and the method or process in which an extremely hazardous substance or regulated toxic substance is used, if a trade secret claim has been filed pursuant to §322 of the Federal Emergency Planning and Community Right-to-Know Act of 1986 or such information has been registered as a trade secret pursuant to Article 48 of the New York State Public Health Law or Article 28 of the New York State Labor Law. The responsible party shall submit a notarized statement attesting to the facts of the claim or registration,

including the date, place and recipient of the claim or registration, and that the chemical identity, or the method or process in which an extremely hazardous substance or regulated toxic substance is used, continues to be treated as confidential by the governmental authorities with whom such claim or registration has been filed. The responsible party shall also affirm that the claim or registration complied with the requirements for such a submission, that reasonable measures have been taken to safeguard the confidentiality of the chemical identity, method or process claimed or registered as a trade secret, and such measures will continue in the future.

(2) The responsible party shall indicate in the manner provided on the FIF, FIF UPDATE and/or risk management plan that information has been withheld because of a trade secret claim or registration.

(c) Procedure for requesting non-disclosure based on DEP determination of trade secret status.

(1) The responsible party requesting DEP determination of trade secret status shall not withhold from the FIF, FIF UPDATE and/or risk management plan any of the information for which trade secret status is sought. Such responsible party shall submit “Trade Secret Substantiation" at the time of the FIF, FIF UPDATE and/or risk management plan filing, containing answers to the questions listed in paragraph (2) of this subdivision (c). Information included in this Substantiation or in supplemental information provided at the request of DEP shall. be treated as confidential, and therefore shall not be disclosed by DEP, regardless of the ultimate disposition of the specific hazardous substance trade secret claim, provided that the responsible party certifies that such information, if disclosed, would cause substantial injury to the competitive position of the subject enterprise.

(2) The responsible party shall substantiate claims of trade secrecy by providing a specific answer including, where applicable, specific facts, to each of the following questions.

(i) Describe the specific measures you have taken to safeguard the confidentiality of the chemical identity, method or process claimed as trade secret, and indicate whether these measures will continue in the future.

(ii) Have you disclosed the information claimed as trade secret to any other person (other than a member of a local emergency planning committee, officer or employee of the United States or a State or local government, or your employee) who is not bound by a confidentiality agreement to refrain from disclosing this trade secret information to others?

(iii) List any municipal, State, and Federal government entities to which you have disclosed the specific chemical identity, method or process. For each, indicate whether you asserted a confidentiality claim for the chemical identity, method or process and whether the government entity granted or denied that claim.

(iv) In order to show the validity of a trade secrecy claim, you must identify your specific use of the chemical, method or process claimed as trade secret and explain why it is a secret of interest to competitors.

(A) Describe the specific use of the chemical claimed as trade secret, identifying the product or process in *which* it is used. (If you use the chemical other than as a component of a product or in a manufacturing process, identify the activity where the chemical is used.)

(B) Has your company or facility identity been linked to the specific chemical identity, method or process claimed as trade secret in a patent, or in publications or other information sources available to the public or your competitors (of which you are aware)? If so, explain why this knowledge does not eliminate the justification for trade secrecy.

(C) If this use of the chemical, method or process claimed as trade secret is unknown outside your company, explain how your competitors could deduce this use from disclosure of the chemical identity, method or process together with other information on the FIF, FIF UPDATE and/or risk management plan.

(D) Explain why your use of the chemical, method or process claimed as trade secret would be valuable information to your competitors.

(v) Indicate the nature of the harm to your competitive position that would likely result from disclosure of the specific chemical identity, method or process and indicate why such harm would be substantial.

(vi) (A) To what extent is the chemical, method or process claimed as trade secret available to the public or your competitors in products, articles, or environmental releases?

(B) Describe the factors which influence the cost of determining the identity of the chemical claimed as trade secret by chemical analysis of the product, article, or waste which contains the chemical (e.g., whether the chemical is in pure form or is mixed with other substances).

(3) The responsible party shall include and sign the following certification at the end of the Substantiation: "I certify under penalty of law that I have personally examined the information submitted in this and all attached documents. Based on my inquiry of those individuals responsible for obtaining the information, I certify that the submitted information is true, accurate, and complete. I acknowledge that I may be asked by DEP to provide further detailed factual substantiation relating to this claim of trade secrecy, and certify to the best of my knowledge and belief that such information is available. I understand that knowingly or recklessly making any false statement, representation or certification could subject me to a penalty of $1000, or imprisonment of up to one year, or both".

(4) A responsible party may request an extension only for submission of Trade Secret Substantiation by including in the FIF and/or risk management plan filing a notarized statement that such filing is otherwise complete, and that the additional time is needed to fully comply with the substantiation requirements of this section. An extension of 15 business days commencing from the applicable FIF and/or risk management plan filing deadline shall be granted upon receipt by DEP of such notarized statement.

(5) (i) DEP may request supplemental information from the responsible party in support of its trade secret claim. DEP may specify the kind of information to be submitted, or the responsible party may submit any additional detailed information which further supports the truth of the information previously supplied to DEP in its initial substantiation under this section. Any request for supplemental information must be submitted to DEP.

(ii) Any substantial information submitted by a responsible party shall include a certification pursuant to paragraph (3) of subdivision (c) of this section, and where applicable, a certification pursuant to

paragraph (1) of subdivision (c) of this section.

(6) If a trade secret claim is submitted after DEP has received the information to which such claim relates, DEP may make efforts that are administratively practicable to process the late claim with the previously submitted information.

(7) No information claimed as a trade secret shall be disclosed by DEP prior to an affirmative determination by DEP as to the validity of the claim.

(8) (i) The responsible party shall be notified in writing of DEP's determination as to the validity of the claim.
(ii) Within 7 business days of the receipt of written notice denying the claim, the responsible party may file a written appeal with the Commissioner.

(iii) The appeal shall be determined within 20 business days of the receipt of the appeal. Written notice of the Commissioner's determination shall include a statement of the reasons for the determination.

(iv) A proceeding to review an adverse determination may be commenced pursuant to Article 78 of the Civil Practice Law and Rules.

(9) Pursuant to §24-709(c) of the New York City Community Right-toKnow Law, the Commissioner shall disclose trade secret information in the emergency circumstances specified in paragraph 1 of that section, and the responsible party shall disclose trade secret information for medical diagnosis and treatment purposes specified in paragraph 2 of that section.

§41-07 Labeling Requirements. (a) A responsible party shall ensure that each container of hazardous substance(s) at the facility is labeled, tagged or marked with the following information:

(1) Chemical name or other name used in the Hazardous Substance List; and

(2) Chemical Abstracts Service Registry number.

(b) A responsible party shall ensure that labels or other forms of warning are legible, in English, and prominently displayed on the container, ¯or readily available in the work area throughout each work shift. Employers having employees who speak other languages may add the information in other languages as long as the information is also presented in English.

(c) A responsible party may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials in lieu of affixing labels to individual stationary process containers, as long as the alternative method identifies the containers to which it is applicable and conveys the information required by subdivision (a) of this section. The written materials shall be readily accessible to the employees in their work area throughout each work shift.

(d) A responsible party is not required to label portable containers into which hazardous chemicals are transferred from labeled containers if the portable container will only be used by the employee who performs the transfer. The employee shall not abandon control of any unlabeled portable container in which any hazardous chemical remains.

(e) A responsible party need not affix new labels to comply with this section if existing labels already convey the required information.

§41-08 Risk Management Plan Filing. (a) On or before March first of each year beginning in nineteen hundred ninety-five a responsible party of a facility where an EHS or regulated toxic substance is present at or above the TPQ for that substance shall file with the Department a risk management plan. The plan shall be submitted to:

New York City
Department of Environmental Protection
Division of Emergency Response & Technical Assessment
Right-to-Know Program
59-17 Junction Boulevard
Flushing, New York 11373-5107

(b) A responsible party that has previously filed a risk management plan which has been approved by the Department may, in lieu of submitting an entire risk management plan, file an update of the plan with the Department. The update of the plan shall include, but not be limited to, the following:

(1) a description of any change in a facility's process(es) or changes in the surrounding community that require that a facility amend its risk management plan to remain in compliance with this rule.

(2) amendments to a facility's risk management plan.

(3) if a responsible party has not amended its risk management plan, a responsible party shall submit to the Department a signed affidavit attesting that no changes occurred at a facility or in the community surrounding a facility, which required that the facility amend its risk management plan to remain in compliance with this rule.

(c) A responsible party that is required to prepare a risk management plan as a result of amendments to the United States Environmental Protection Agency's rules regarding EHS's or regulated toxic substances, which are made after the effective date of this rule, shall file a risk management plan with the Department on March 1 of the year that provides a responsible party a minimum of one year to prepare a risk management plan.

(d) If any section of this rule does not apply to a particular facility, a responsible party shall submit a brief explanation as to why that section is not applicable in lieu of complying with such section.

(e) The risk management plan shall be prepared by one or more of the following persons provided that a professional engineer shall be responsible for any portion of a plan which involves the practice of the profession of engineering as defined in Education Law §7206.

(1) an industrial hygienist certified by the American Board of Industrial Hygienists;
(2) a professional engineer licensed pursuant to §7206 of the New York State Education Law;
(3) a safety professional certified by the Board of Certified Safety Professionals;
(4) an individual possessing a baccalaureate or graduate degree, issued upon completion of a course of study from an accredited college or university, with a major in one of the following areas; chemistry, chemical engineering, environmental and/or occupational health science, industrial hygiene, safety

engineering; and three years of full time experience in the identification, evaluation and control of environmental and safety hazards for protection against exposure to harmful substances and/or hazardous conditions.

(f) Proof of the credentials of the individual which prepared the risk management plan shall be submitted when the risk management plan is filed with the Department.

§41-09 Risk Management Plan Review. (a) Within thirty days after receipt of a risk management plan, the Commissioner shall determine whether such plan is complete. If the Commissioner determines that the plan is incomplete, then he or she shall notify the responsible party that the plan is incomplete and identify the respects in which the plan is incomplete. Within fifteen days after such notification, the responsible party shall file a revised plan consistent with the Commissioner's notification. Within fifteen days after receipt of such revised plan, the Commissioner shall determine whether the revised plan is complete.

(b) Within ninety days after the Commissioner's determination that the responsible party has filed a complete plan, the Commissioner shall approve or make modifications to the plan and shall notify the responsible party filing such plan in writing of his or her approval or modifications.

(c) If the Commissioner makes modifications to the responsible party's risk management plan, the responsible party shall incorporate such modifications into its risk management plan, provided, however that the responsible party may, within forty-five days after receipt of such modifications, submit alternative modifications to the Commissioner or explain *why* the Commissioner's modifications are not necessary. The Commissioner shall within forty-five days review the alternative modifications or explanation and shall: (i) require the responsible party to incorporate, by a date certain not to exceed forty-five days, either the Commissioner's modifications, the alternative modifications or a combination of such modifications into its risk management plan, (ii) approve the unmodified plan or (iii) disapprove the plan

§41-10, Risk Assessment Program. (a) The risk management plan shall include a risk assessment program.

(b) The risk assessment program shall include the following components:
(1) Identification of the maximum amount of an EHS and/or regulated toxic substance that would be released to an of site area during a worst case release. To determine a worst-case release scenario, a responsible party shall examine each covered process and assume that all mitigation systems fail to minimize the consequences of the release.
(2) Evaluation of the possibility and effects of a significant accidental release. A responsible party shall examine each covered process and identify the circumstances that may cause a significant accidental release, (e.g., pump failure, failure of controls, or operator error), evaluate the likelihood that such a release could occur, and perform a qualitative evaluation of the effects that a significant accidental release will have on public health and the environment.
(3) Submission of a form, prescribed by the Department, that lists each EHS and/or regulated toxic substance at or above its TPQ present at a facility, the amount of each substance, and the physical storage conditions for each substance.

(4) A hazard analysis of all equipment and covered processes, which shall include but not be limited to:

(i) the identification of all significant accidental release(s) that occurred over the last five years; and

(ii) identification of all engineering and administrative controls applicable to the hazards of a covered process, including the application of detection methods that provide early warning of release.

§41-11 Risk Reduction Program. (a) The risk management plan shall include a risk reduction program.

(b) The risk reduction program shall include the following components:
(1) Consideration of the use of alternative substances and equipment to eliminate or reduce the use of EHS's or regulated toxic substances in a covered process(es). A facility that eliminates or reduces the use of EHS's or regulated toxic substances below the TPQ for such substances by implementing alternatives will not be required to comply with §§41-08 through 41-12 of this chapter.

(i) A responsible party shall make the following considerations with respect to the use of alternative substances and equipment;
(A) an assessment of the uses for EHS's and regulated toxic substances in a covered process(es);
(B) an examination of alternative substances and equipment to reduce or eliminate the use of EHS's and/or regulated toxic substances in a covered process(es);

(C) a timetable for implementing alternatives that are technically and economically feasible.
(ii) mechanisms to facilitate the use of alternative substances and equipment shall include but not be limited to the following:
(A) modification or redesign of production processes and/or products;

(B) changes in materials usage, handling and storage practices,
including improved inventory control, preventive maintenance and spill and leak prevention;

(C) use of closed-loop reclamation, reuse or recycling processes; (D) use of other on-site recycling techniques.
(iii) To verify compliance with this section, a responsible party shall submit a summary report demonstrating the consideration of the use of alternative substances and equipment.

(iv) A facility that has filed an approved toxic chemical reduction plan with the New York State Department of Environmental Conservation (NYSDEC) in accordance with 6 NYCRR Part 378 for EHS's or regulated toxic substances shall be exempt from complying with this section. To qualify for this exemption, a responsible party shall submit certification of NYSDEC approval of the facility's toxic chemical reduction plan.

(2) A pre-start-up safety review of the design of new or modified equipment and/or covered processes prior to operating such equipment and/or processes at a facility. A pre-start-up review is not required for the replacement of equipment or covered processes, if such replacements have the same design specifications as the existing equipment or covered processes. A pre-start-up review shall include the following:

(i) an evaluation of the construction of equipment to determine that the equipment meets manufacturer's design specifications;

(ii) an evaluation to determine if safety procedures, operation and maintenance procedures, and emergency procedures for equipment and covered processes, are in place and are adequate. A responsible party shall replace any procedures that are determined to be inadequate.

(iii) a review to ensure that for all new equipment and covered processes all recommendations made as a result of the hazard analysis required by §41-10(b)(4) of this chapter have been implemented.

(3) Written standard operating procedures that provide clear instructions for the safe operation of all equipment and covered processes, which shall include the following:

(i) the initial start-up procedures for each operating phase;

(ii) the normal operating procedures for each operating phase;

(iii) procedures for the normal shutdown of each operating phase;
(iv) emergency shutdown procedures including the condition under which emergency shutdown will be required, and the assignment of shutdown responsibility to qualified operators;

(v) procedures for start-up following a turnaround or after an emergency shutdown;

(vi) procedures for emergency operation-during each operating phase;
(vii) the consequences of deviating from the standard operating procedures;
(viii) a list of steps required to restore normal operation following deviation from the standard operating procedures;
(ix) the precautions necessary to prevent exposure to EHS and regulated toxic substances including engineering controls and the use of personal protective equipment;(x) the control measures that will be taken if an individual experiences physical contact or airborne exposure to an EHS or regulated toxic substance;(xi) a list of any special or unique hazards;

(xii) the availability of standard operating procedures to employees who work with or maintain a process;

(xiii) regular review of standard operating procedures to ensure that they conform with this section;

(xiv) development and implementation of safe work practices such as lock out/tag out devices, confined space entry, opening of equipment or piping, and controls over the entrance into a facility by maintenance workers, contractors, laboratory workers, and other support personnel;
(xv) description of type, location, and purpose of all safety relief devices, interlocks, alarms, detectors, controls, and activation points;

(xvi) development of a table of contents and record of change in standard operating procedures; and
(xvii) schedule of operator attendance at all times during the operation of a covered process, including off shifts, weekends, and turnarounds.
(4) A training program for operators of a covered process that ensures that personnel involved with EHS and/or regulated toxic substances understand the standard operating procedures developed in accordance with subdivision (b)(3) of this section. The training program shall include the following:

(i) instruction in emergency operation and emergency shutdown procedures;
(ii) informing employees of the safe work practices developed in accordance with subdivision (b)(3)(xiv) of this section; and

(iii) the owner must provide a formal written training program. The written program shall include descriptions, qualification procedures, reference materials, training methods; and trainer qualifications. The program shall include instructions for recordkeeping as well as procedures and a schedule for evaluating training effectiveness;
(iv) refresher training that must be conducted at least once every three years.

(5) A preventive maintenance program for equipment. A responsible party shall develop a list of equipment and controls the failure of which could result in a significant accidental release. The list shall include pressure vessels, storage tanks, piping systems including valves, relief and vent systems and devices, emergency shutdown systems, controls such as monitoring devices, sensors, alarms, and interlock devices and pumps.
(i) a maintenance schedule for equipment shall be developed based upon manufacturers' recommendations where applicable or the experience of facility operators.

(ii) a record of routine maintenance, inspection, testing, and equipment repairs shall be logged at the facility, and shall include the action taken, the date of the action, and who performed the action. Such records shall be kept on the premises for five years.

(6) Implementation of accident release investigation procedures for identifying the causes of releases including fires and explosions. Accident investigation procedures shall be initiated as promptly as possible, but not later than 48 hours following a significant accidental release. Such procedures shall include the following:

(i) a responsible party shall develop a list containing a history of significant accidental releases at a facility including a chronicle of significant accidental releases of *EHS's* and regulated toxic substances, the reporting history of significant accidental releases of *EHS's* and regulated toxic substances, and a record of the community response and interaction related to any significant accidental releases;
(ii) preparation of the accident investigation report which shall include:

(A) time and location of the accidental release;

(B) identity, amount, and duration of the release;

(C) equipment, materials, procedures, and personnel involved;

(D) determination as to whether the accidental release was caused by human error, a procedural inadequacy, or equipment failure;

(E) detailed description of the accident, including the number of evacuees, injuries, and fatalities, and the impact on the community;

(F) recommendations for preventing a recurrence, including retraining or reassignment of employees determined to be lacking in knowledge or operating procedures and safety practices; and

(G) signatures and position titles of the investigators.

(7) Safety audits shall be conducted at least once every three years in order to certify that a facility is in compliance with these rules.
(i) a report of the findings of the audit shall be developed and submitted to the Department as part of the risk management plan;
(ii) as part of the report, a responsible party shall record any response taken as a result of the findings of the audit.
(iii) the two most recent safety audit reports shall be retained at the facility.

(8) Management of change procedures that shall consist of written procedures which address the following considerations prior to any changes in a covered process.

(i) the impact of the proposed change on the likelihood of a significant accidental release;
(ii) the necessary modifications to standards operating procedures as a result of the proposed

change;

(iii) informing and training of employees that are involved in a process that will be affected by a proposed change prior to the start-up of the change; and

(iv) updating of any part of the risk management plan required by this regulation if a change is implemented.

§41-12 Emergency Response Program. (a) The risk management plan shall include an emergency responses program.

(b) The emergency response program shall contain the following components:

(1) A general site plan which shall consist of a general site map layout. A general site map example and list of map symbols is set forth in Appendix A of this rule. If it becomes necessary to use any other symbol on such map, the preparer shall include a reference of the symbol. Colors shall not be used on the site map. For sites with more than one building, a general layout on one page and separate map pages for floor or area shall be used. An 8 1/2 by 11" size map on grid paper shall be used only. The following elements shall be included as part of the general site map layout:

(i) outline of buildings and areas within the property including parking lots, internal roads, alleys, and streets adjacent to a facility;

(ii) designation of all adjacent property uses such as commercial or residential, and a list of the exact street address of all public institutions (e.g. hospitals, health care facilities, day care centers, schools, hospices, places of assembly), within one-half mile of the facility;

(iii) a layout of all storage areas for EHS's and regulated toxic substances, and turn-off valves for water, electricity, and gas;

(iv) directional orientation (north arrow);

(v) water supplies to include the nearest fire hydrants, size of mains and cross connects, pressure/gravity tanks, suctions from rivers or bodies of water:

(vi) all sewers, transformer vaults, high voltage lines, air conditioning intakes, tunnels, bridges, railroads, and subways within 200 feet of the facility.

(2) An individual site plan which shall consist of an individual facility/building map layout. A specific floor or area map is required for each building in accordance with the 8 1/2 x 11 map grid provided in Appendix B of this chapter. Colors shall not be used on the map grid. An individual facility/building map shall include the following elements:

(i) outline of building including the height, area, and type of construction areas;

(ii) fire rated corridors within the building, if known;

(iii) location of each building with respect to the street;

(iv) location of all areas where EHS's and regulated toxics substances are stored or used.

(3) A responsible party shall appoint an emergency response coordinator who shall be knowledgeable about EHS's and regulated toxic substances and shall be knowledgeable about all facility operations and the layout of a facility. The emergency response coordinator shall be on duty during normal working hours or when otherwise required by the Department. The emergency response coordinator shall have the following responsibilities:

(i) coordinate emergency response efforts with the emergency response agencies on a 24-hour basis. The emergency response coordinator shall maintain a list at a facility of the names, titles, and office and home telephone numbers of contacts in each emergency response agency;

(ii) review the emergency response plan with each facility employee, upon its completion and approval each year the plan is submitted to the department, upon the initial assignment of emergency response duties, and when the emergency response plan is changed in accordance with subdivision (b)(5)(xiii) of this section;

(iii) maintain a log of all reviews required by this section. These logs shall be available for inspection for three years;

(iv) critique the facilities response in follow-up to an accidental release of an EHS or regulated toxic substance within thirty days of such a release. Such critique shall be written and copies retained at the facility for three years;

(v) identify a deputy emergency response coordinator who shall perform the duties of the emergency response coordinator when he or she is . not present at the facility. The deputy emergency response coordinator must meet the qualification requirement set forth in subdivision (b)(3) of this section.

(4) An emergency response plan which shall include:

(i) a list of all employees' designated response duties in the emergency response plan, including a description of such duties.

(ii) a list of emergency response, personal protective, and mitigation equipment, and the location of such equipment at the facility. The list shall include portable monitoring equipment for detecting EHS's and regulated toxic substances. Such equipment shall be placed in a location that will reduce the likelihood of its damage, inoperability or inaccessibility, should an accidental release occur;

(iii) written procedures for the use of emergency response equipment and for the inspection, testing, and

maintenance of such equipment by facility personnel. The maintenance of such equipment shall be recorded in a log book. Such log books shall be kept on the premises for a three-year period and be readily available for inspection;

(iv) training of employees given response duties in the emergency response plan in emergency response procedures. Such training shall address the use of personal protective equipment and emergency response equipment.

(v) conduct a minimum of one drill per year to evaluate the effectiveness of the emergency response plan, and prepare a written assessment of the emergency response plan following each drill and when the emergency response plan is actually implemented. Such written assessments shall be kept on the premises *for* a three-year period and shall be readily available for inspection.

(vi) procedures for reporting fires and other emergencies to emergency response agencies, including back-up reporting procedures;

(vii) emergency evacuation procedures including;
(A) routes and protective actions for employees that are not given response duties in the emergency response plan;

(B) on site notification procedures to identify evacuation areas.

(C) maps of primary and alternate evacuation routes.

(D) designation of primary and alternate assembly areas.

(E) a list of all personnel and procedures to account for all personnel after emergency evacuation has been completed.

(F) procedures for determining a safe distance from the facility and, if needed, a primary and alternate place of refuge.

(G) site security and control.
(viii) installation of an audible employee alarm system that complies with 29 CFR §1910.165.

(ix) procedures for the administration of first aid and other emergency medical treatment necessary to treat human exposure to each EHS and regulated toxic substance located at the facility.

(x) procedures for medical surveillance of emergency responders at the facility if any exists.

(xi) decontamination procedures for employees.
(xii) a training program designated to train a sufficient number of persons to assist in a safe and orderly emergency evacuation of employees.

(xiii) the emergency response plan shall be updated annually and within thirty days of the following occurrences:

(A) When a reported quantity of an EHS or regulated toxic substance is increased by 25% or more.

(B) A previously unreported EHS or regulated toxic substance is added to a facility's inventory.

(C) A significant change is made to the operation of a facility, which increases the potential for a release of an EHS or regulated toxic substance.

(D) When the results of a emergency response drill, conducted in compliance with subdivision (b)(5)(v) of this section, demonstrates that, in the interest of facility safety or public safety, a change in the emergency response plan is warranted..

(xiv) the responsible. party shall maintain a copy of the emergency response plan at the facility at all times, and shall include the names and regular job titles, and business and home telephone numbers of persons, including those of the emergency response coordinator and deputy emergency response coordinator or departments who can be contacted for further information or explanation of duties under the plan, and all facility Material Safety Data Sheets (MSDS) required pursuant to law. The emergency response plan and the names and 24-hour telephone numbers of the suppliers of the facilities EHS and regulated toxic substances shall be kept m a Fire Department key box at a location designated by the Fire Department.

§41-13 [Compliance with OSHA]. To comply with any section of this chapter, a facility may submit any documents prepared to comply with the United States Occupational Safety and Health Administration's (OSHA) regulations regarding the Process Safety Management of highly hazardous chemicals as contained in 29 CFR 1910.119 et seq. which have been approved by OSHA.

§41-14 Penalties. (a) Any person who knowingly or recklessly makes any false statement, representation, or certification on a facility inventory form, risk management plan or any other document filed with the Department pursuant to this rule shall, upon conviction, be subject to a fine of not more than one thousand dollars, or imprisonment of up to one year, or both.
(b) Any person who fails to file a facility inventory form or risk management plan or who fails to amend a risk management plan, which has been submitted to the Department within the time prescribed by the Commissioner, or who violated the requirements of §24-711 of the New York City Administrative Code shall be liable for a civil penalty as follows:
(1) for a first violation, in an amount of not less than two hundred fifty;
nor more than two thousand five hundred dollars

(2) for a second violation, in an amount of not less than one thousand
seven hundred fifty nor more than five thousand dollars

(3) for each subsequent violation, in an amount of not less than three thousand seven hundred fifty nor more than ten thousand dollars.

(4) for the purposes of this section, the second and any subsequent violation shall only be issued after notice of the first violation has been properly served and an opportunity to cure, not to exceed thirty days, has been provided.

Chapter 41

Appendix A
New York City Right-to-Know Facility Inventory Form, Tier Two

Revised 12/90 *Important: Read all instructions before completing form* Reporting Period From January 1 to December 31, 19____ Page ______ of ______ pages

NEW YORK CITY Right-to-Know FACILITY INVENTORY FORM

TIER TWO

Facility Identification

Name ____________________

Street ____________________

City ____________ State ____ ZIP+4 ________

Telephone ( ) ____________ County ____________

SIC Code [ ][ ][ ][ ] Dun & Brad Number [ ][ ]-[ ][ ][ ]-[ ][ ][ ][ ]

FOR OFFICIAL USE ONLY ID # ______ Date Received ______

Owner/Operator

Name ____________ Phone ( ) ______

Mail Address ____________________

Emergency Contacts

Name ____________ Title ____________

Day Phone ( ) ______ 24-Hour Phone ( ) ______

Name ____________ Title ____________

Day Phone ( ) ______ 24-Hour Phone ( ) ______

Chemical Description	Physical and Health Hazards (check all that apply)	Inventory	Container / Pressure / Temperature	Storage Codes and Locations (Non-Confidential) — Storage Locations	OPTIONAL
CAS [ ][ ][ ][ ][ ][ ]-[ ][ ]-[ ] Trade Secret [ ] Name(s) of Chemical(s) ______ *Check all that apply:* [ ] Pure [ ] Mix [ ] Solid [ ] Liquid [ ] Gas [ ] EHS	[ ] Fire [ ] Sudden Release of Pressure [ ] Reactivity [ ] Immediate (acute) [ ] Delayed (chronic)	[ ][ ] Max. Amount (code) [ ][ ] Avg. Amount (code) [ ][ ][ ] No. of Days Present		______	[ ] Check box if information submitted is identical to last year
CAS [ ][ ][ ][ ][ ][ ]-[ ][ ]-[ ] Trade Secret [ ] Name(s) of Chemical(s) ______ *Check all that apply:* [ ] Pure [ ] Mix [ ] Solid [ ] Liquid [ ] Gas [ ] EHS	[ ] Fire [ ] Sudden Release of Pressure [ ] Reactivity [ ] Immediate (acute) [ ] Delayed (chronic)	[ ][ ] Max. Amount (code) [ ][ ] Avg. Amount (code) [ ][ ][ ] No. of Days Present		______	[ ] Check box if information submitted is identical to last year
CAS [ ][ ][ ][ ][ ][ ]-[ ][ ]-[ ] Trade Secret [ ] Name(s) of Chemical(s) ______ *Check all that apply:* [ ] Pure [ ] Mix [ ] Solid [ ] Liquid [ ] Gas [ ] EHS	[ ] Fire [ ] Sudden Release of Pressure [ ] Reactivity [ ] Immediate (acute) [ ] Delayed (chronic)	[ ][ ] Max. Amount (code) [ ][ ] Avg. Amount (code) [ ][ ][ ] No. of Days Present		______	[ ] Check box if information submitted is identical to last year

Certification *(Read and sign after completing all sections)* [ ] This facility is not required to report. OPTIONAL

I certify under penalty of law that I have personally examined and am familiar with the information submitted in pages one through ________, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

[ ] I have attached a

Revised 12/90 *Important: Read all instructions before completing form* **Reporting Period From January 1 to December 31, 19____** Page _____ of _____ pages

NEW YORK CITY Right-to-Know FACILITY INVENTORY FORM

TIER TWO

Facility Identification

Name _____

Street _____

City _____ State ____ ZIP+4 ____ - ____

Telephone ( ) _____ County _____

SIC Code ☐☐☐☐ Dun & Bradstreet Number ☐☐-☐☐☐-☐☐☐☐

FOR OFFICIAL USE ONLY ID # Date Received

Owner/Operator

Name _____ Phone ( ) _____

Mail Address _____

Emergency Contacts

Name _____ Title _____

Day Phone ( ) _____ 24-Hour Phone ( ) _____

Name _____ Title _____

Day Phone ( ) _____ 24-Hour Phone ( ) _____

Confidential Location Information Sheet

CAS / Trade Secret / Name(s) of Chemical(s)	Container	Pressure	Temperature	Storage Codes and Locations (Non-Confidential) Storage Locations	OPTIONAL
CAS ☐☐☐☐☐☐-☐☐-☐ Trade Secret ☐					☐ I have attached a site plan.
CAS ☐☐☐☐☐☐-☐☐-☐ Trade Secret ☐					☐ I have attached a site plan.
CAS ☐☐☐☐☐☐-☐☐-☐ Trade Secret ☐					☐ I have attached a site plan.

Certification *(Read and sign after completing all sections)*

I certify under penalty of law that I have personally examined and am familiar with the information submitted in pages one through _____, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Name and official title of owner/operator OR owner/operator's authorized representative _____ Signature _____ Date Signed _____

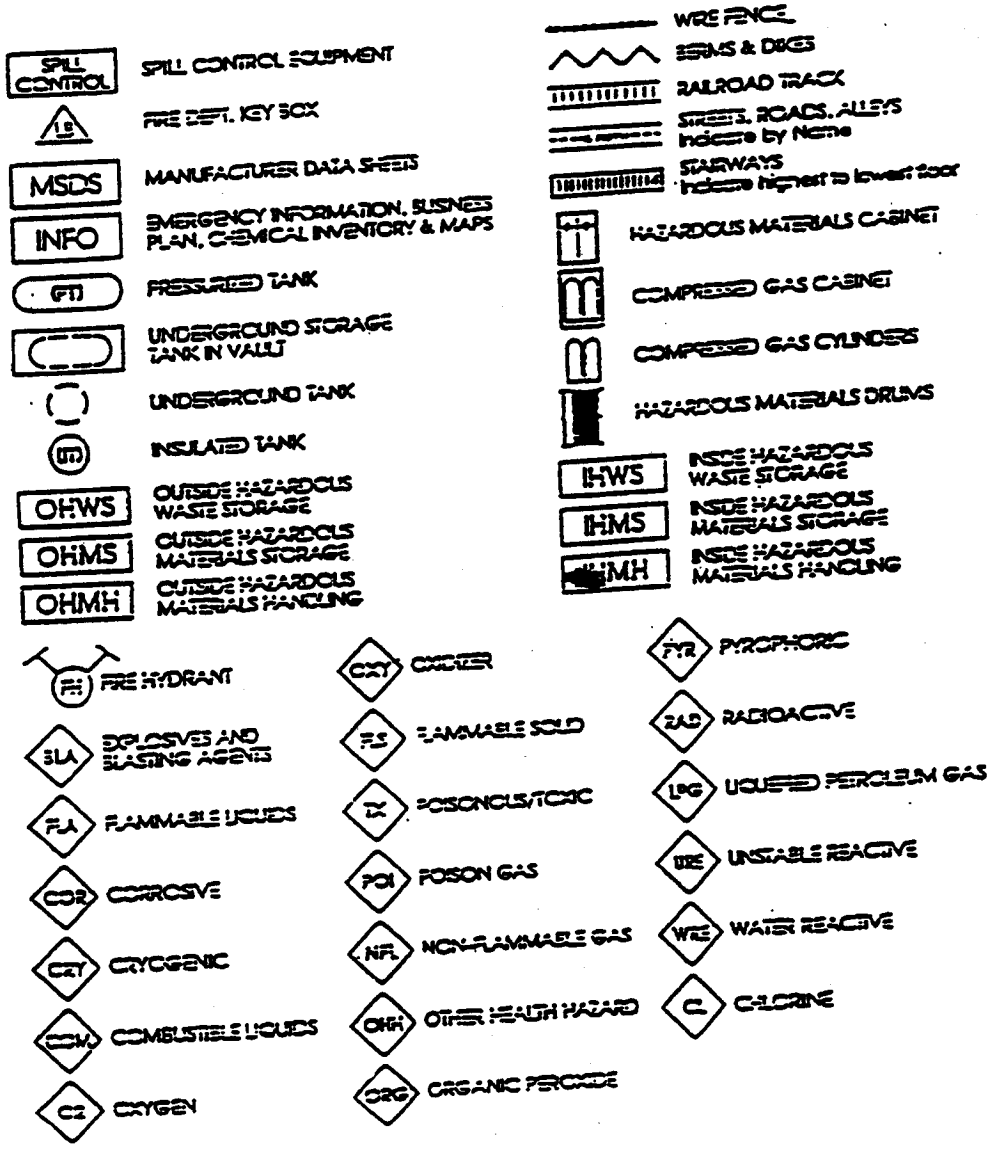
CHAPTER 41

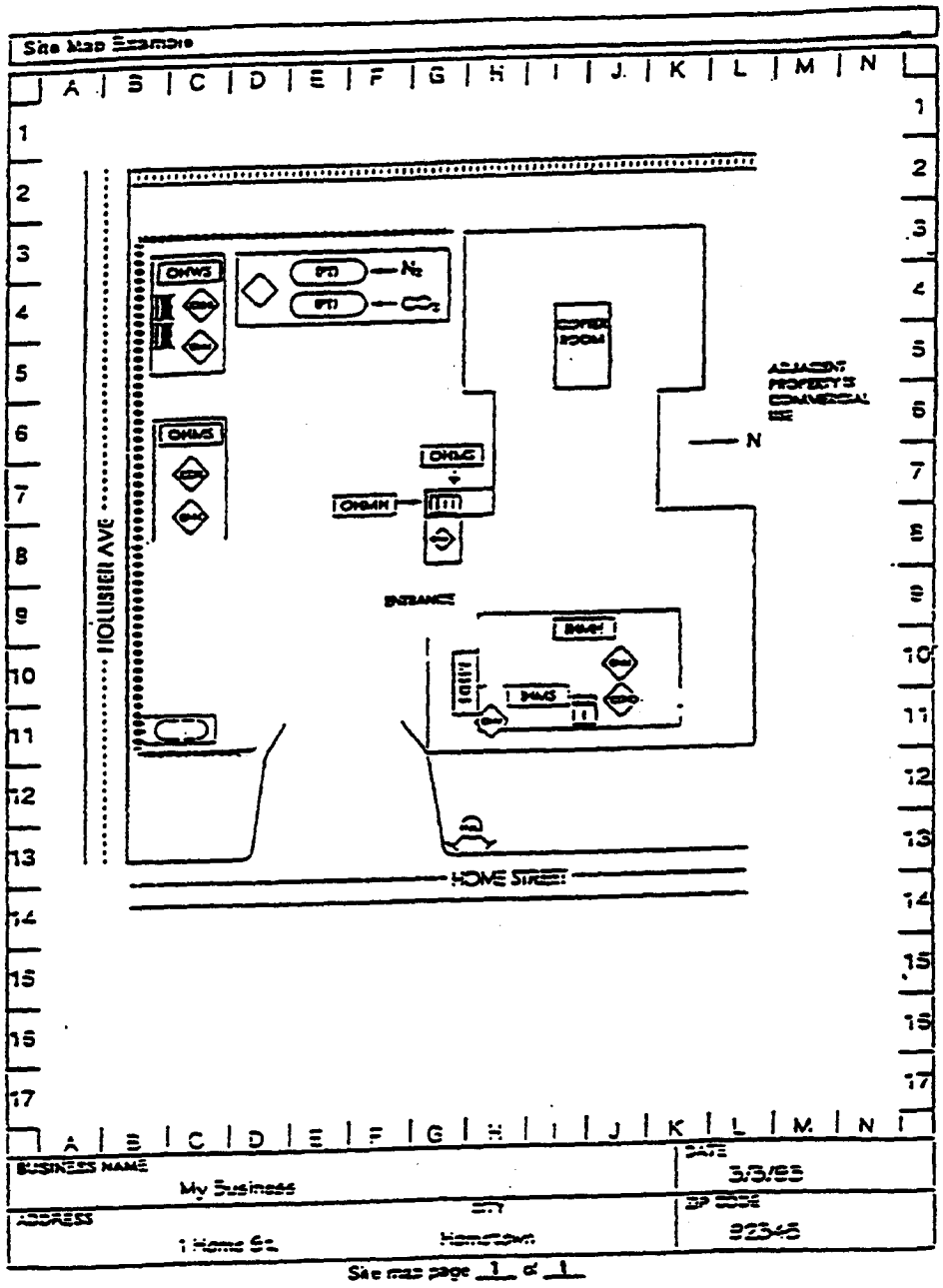
Appendix B

Emergency Response Plan

Please use the following symbols, if applicable, on all general site facility floor and area maps. If it becomes necessary to use any other symbols on any of the maps you submit, be certain to include a legend (with a definition of the meaning of the symbol) on the appropriate map, or on your site map's cover page. Please include the product name, quantity and appropriate hazard class identification diamond for each storage tank.

(Table and Example follows)


SPILL CONTROL
SPILL CONTROL EQUIPMENT
FIRE DEPT. KEY BOX
MSDS
MANUFACTURER DATA SHEETS
INFO
EMERGENCY INFORMATION, BUSINESS PLAN, CHEMICAL INVENTORY & MAPS
PRESSURIZED TANK
UNDERGROUND STORAGE TANK IN VAULT
UNDERGROUND TANK
INSULATED TANK
OHWS
OUTSIDE HAZARDOUS WASTE STORAGE
OHMS
OUTSIDE HAZARDOUS MATERIALS STORAGE
OHMH
OUTSIDE HAZARDOUS MATERIALS HANDLING
WIRE FENCE
BERMS & DIKES
RAILROAD TRACK
STREETS, ROADS, ALLEYS Indicate by Name
STAIRWAYS Indicate highest to lowest floor
HAZARDOUS MATERIALS CABINET
COMPRESSED GAS CABINET
COMPRESSED GAS CYLINDERS
HAZARDOUS MATERIALS DRUMS
IHWS
INSIDE HAZARDOUS WASTE STORAGE
IHMS
INSIDE HAZARDOUS MATERIALS STORAGE
IHMH
INSIDE HAZARDOUS MATERIALS HANDLING
FH
FIRE HYDRANT
EXPLOSIVES AND BLASTING AGENTS
FLAMMABLE LIQUIDS
COR
CORROSIVE
CRY
CRYOGENIC
COM
COMBUSTIBLE LIQUIDS
OX
OXYGEN
OXY
OXIDIZER
FLS
FLAMMABLE SOLID
TX
POISONOUS/TOXIC
POI
POISON GAS
NFL
NON-FLAMMABLE GAS
OTH
OTHER HEALTH HAZARD
ORG
ORGANIC PEROXIDE
PYR
PYROPHORIC
RAD
RADIOACTIVE
LPG
LIQUEFIED PETROLEUM GAS
UNSTABLE REACTIVE
WR
WATER REACTIVE
CL
CHLORINE


Site Map Example
A B C D E F G H I J K L M N
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17
HOLLISTER AVE
HOME STREET
ENTRANCE
N
BUSINESS NAME
My Business
DATE
3/3/93
ADDRESS
1 Home St.
ZIP CODE
92345
Site map page 1 of 1