

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2001**

No. 41

Introduced by Council Members Michels, Freed and Boyland (by request of the Mayor); also Council Members Leffler, Rivera, Marshall, Robles, Sabini and Fiala

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the New York City hazardous substances emergency response law.

Be it enacted by the Council as follows:

Section 1. Subdivision (e) of section 24-603 of the administrative code of the city of New York, as added by local law number 42 for the year 1987, is amended to read as follows:

e. "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, *or the abandonment of a container or containers containing hazardous substance or substances.*

§ 2. Subdivision (b) of section 24-609 of the administrative code of the city of New York, as added by local law number 42 for the year 1987, is amended to read as follows:

b. The commissioner may promulgate regulations requiring any responsible person who knows or has reason to know of any release of a listed hazardous substance to immediately notify the commissioner. Such regulations shall establish the minimum quantity of any listed hazardous substance the release of which shall be reported to the commissioner and shall set forth the form and manner of any notification required. A knowing failure to comply with such notification requirement shall be punishable by a fine of not more than (ten) *twenty-five* thousand dollars, to be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board.

§ 3. The heading of section 24-610 of the administrative code of the city of New York, as added by local law number 42 for the year 1987, is amended to read as follows:

§ 24-610. Orders to responsible persons; civil *and criminal* penalties *and imprisonment.*

§ 4. Subdivision (c) of section 24-610 of the administrative code of the city of New York, as added by local law number 42 for the year 1987 is amended to read as follows:

c. Any responsible person who without sufficient cause, willfully violates, or fails or refuses to comply with, any order of the commissioner issued pursuant to section 24-608 may be liable: (1) for a civil penalty of not more than [five] *ten* thousand dollars for each

day in which such violation occurs or such failure or refusal to comply continues; and (2) for an additional civil penalty in an amount at least equal to, and not more than three times, the amount of any costs incurred by the city as a result of such person's willful violation, or failure or refusal to comply. 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.

§ 5. Section 24-610 of the administrative code of the city of New York is amended by adding a new subdivision (d) to read as follows:

d. In addition to the penalties set forth in subdivision c of this section and subdivision b of section 24-609, any person who knowingly violates or fails to comply with any order, rule or regulation issued by the commissioner pursuant to this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not less than twenty-five thousand dollars, or by imprisonment not to exceed one year, or both, for each violation.

§ 6. This local law shall take effect sixty days after it shall have become a law.

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

I hereby certify that the foregoing is a true copy of a local law of the City of New York, passed by the Council on June 28, 2001, and approved by the Mayor on July 12, 2001.

RAYMOND C. TEATUM, First Deputy and Acting City Clerk.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 41 of 2001, Council Int. No. 692) contains the correct text and:

Received the following vote at the meeting of the New York City Council on June 28, 2001: 44 for, 0 against, 0 not voting.

Was signed by the Mayor on July 12, 2001.

Was returned to the City Clerk on July 12, 2001.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel