October 1, 2014

I am pleased to present the New York City Department of Environmental Protection’s (DEP) Hazardous Materials Management Annual Report for 2014. You will find data from fiscal year 2014 as required by Local Laws 26 and 92, also known as the “Community Right-to-Know Laws,” as well as information about DEP’s comprehensive Right-to-Know Program. Community Right-to-Know Laws require certain facilities to report information about hazardous substances they store, use, and process. Having a database of this information protects community members, facility workers, emergency response personnel, and the environment in the event of an accidental or other release of hazardous substances.

In the past year, DEP performed more than 8,500 inspections of facilities that store hazardous substances to ensure compliance under the Right-to-Know Law. In the 2013 Reporting Year, more than 1,890 filers took advantage of DEP’s online payment system.

To learn more about DEP’s Right-to-Know Program, please visit our website at nyc.gov/dep, or contact the Right-to-Know Program by email at deptier2@dep.nyc.gov, by phone at 718-595-4659 or write to us at:

Right-to-Know Program
New York City Department of Environmental Protection
59-17 Junction Boulevard
Flushing, New York, 11373-5108.

We all need to work together to keep our communities safe. So if you see or hear about materials that could be hazardous, please contact 311.

Thank you.

Sincerely,
Emily Lloyd,
Commissioner
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<th>Section</th>
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<td>Administrative Information</td>
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In 1987, the New York City Hazardous Materials Emergency Response Law, or “Spill Bill,” was ratified by New York State. The law recognizes the need to protect human health and the environment against the accidental or threatened release of hazardous substances, and gives the New York City Department of Environmental Protection (DEP) the authority to respond to such releases.

Local Law 26 of 1988, the Community Right-to-Know (RTK) Law, requires the City to effectively regulate the storage, use, and handling of hazardous substances. As part of the law, DEP oversees the use and storage of hazardous substances that pose a threat to public health and environment in the city through its Right-to-Know Program.

The RTK Program manages the reporting and storage of hazardous substances by requiring businesses and facilities to annually file a report detailing the quantity, location, and chemical nature of every hazardous substance stored within their facilities throughout the five boroughs. The program also grants DEP the authority to enforce action by issuing Commissioner’s Orders and Notices of Violation to help ensure safety and stability in regulation of hazardous substance and compliance under the Spill Bill and RTK Law. The reported information gathered from facilities is tallied and stored in the Citywide Facility Inventory Database that is readily made available to city, state, and federal agencies during emergency responses.

The goal of the Right-to-Know Program and the Citywide Facility Inventory Database is to enhance preparedness and to minimize the number of hazardous substance release that often put emergency responders and the public at risk. These hazardous substances or materials are also referred to as HazMat.

DEP’s Bureau of Police and Security’s Division of Emergency Response and Technical Assessment (DERTA) is the group within DEP authorized to implement and enforce the Right-to-Know Law. DERTA is a specially trained emergency response unit that responds to hazardous releases. The HazMat responders comprise chemists and engineers who possess the formal education, technical and tactical expertise to effectively operate and carry out emergency responses collectively enforcing the Spill Bill and the Right-to-Know Law.

All the information for DERTA’s HazMat responses is archived in an agency-wide response database. The database consists of detailed information regarding the location of an incident, the incident description, the types of chemicals involved and the emergency response action taken for remediation.

Growth of the Citywide Facility Inventory Database

On or before March 1 of each year, facilities that store hazardous substances are required under the Right-to-Know Law to file their inventory through DEP’s Right-to-Know Program. Facility Inventory Forms are submitted to provide detailed quantitative information for substances stored during each reporting year. DEP collects the reported information and archives it in the Citywide Facility Inventory Database (CFID). The CFID currently contains 10,819 reporting facilities within New York City.

DERTA uses its online filing system, Tier II Filing System, to simplify the filing process for facilities reporting under the Right-to-Know Program.

The online system allows the facility to simply enter their inventories and quantities, and the computer processes all calculations and fees to ensure a proper submission. This keeps entries accurate, allows for greater efficiencies, and manages the tracking of data.

As a result, the data in the CFID will be more accurate and up to date helping emergency responders from various city agencies to perform their functions more effectively.

Over the years, more facilities have opted to file electronically. During the 2013 filing year, 80% of facilities filed using our online Tier II filing system. DEP’s improved system allows facilities to submit their payment online using an electronic check or credit card making it more convenient for facility operators. The system also makes it easier for facilities to obtain account information on demand.

The information contained within the CFID is often used by the New York City Police Department, the Fire Department of New York and the New York City Office of Emergency Management. Information is also provided to elected officials, the public, and the city’s Local Emergency Planning Committee to further increase safety awareness.

The CFID data is collected under both the New York City Community Right-to-Know Law (RTK) and Title III of the Superfund Amendments and Reauthorization Act (SARA). During reporting year 2014, there were 2,317 new facilities entered into the database, while 48 became exempt from filing and 291 went out of business.
There are many facilities that may be required to comply with the RTK Law; however they may not be aware of the fact. DERTA targets new facilities by searching for specific trades using phone directories or lists of facilities compiled by specific Standard Industrial Classification codes that may be procured from information groups. Oftentimes, citizen complaints to 311 may lead DERTA to businesses that are required to file but have not done so. In those cases, an inspection of the facility is performed and the business is given a specified time to file under the RTK law. New facilities are also identified by performing “survey” inspections; these are inspections performed on businesses that are not in the CFID, but are adjacent to or on the same block as the routine facility inspections.

The comprehensive information collected by the Right-To-Know Program consists of:

- Facility Inventory Forms
- Material Safety Data Sheet for each reportable chemical
- Risk Management Plans (RMPs), if required
- Site Plans indicating storage location
- Notice of accidental spills and releases
- Extremely Hazardous Substance/Regulated Toxic Substance Reports
- Name(s) of emergency coordinators at extremely hazardous substance facilities

### Number of Facilities in CFID Reporting Hazardous Substances by Community Board

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<th>Queens</th>
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**Total Number of Facilities in CFID: 10,819**
Facilities in CFID Reporting 10,000 Pounds or More of a Hazardous Substance

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Total For City: 1,376
With a total of 10,819 facilities reporting annually, the Right-to-Know program grants DEP the jurisdiction to enforce the Right-to-Know Law by conducting facility inspections on a routinely scheduled basis throughout the city. The inspections often involve a full site inventory analysis that also includes an assessment in the proper storage and segregation of hazardous substances by class. Class is usually related to chemical compatibility and hazardous characteristics like corrosivity, flammability, and toxicity. Scheduled inspections performed by DERTA personnel confirm the quantities of hazardous substances reported by the facility in the Citywide Facility Inventory Database (CFID). Any discrepancies are updated by DERTA in an inspection report.

DERTA continues to enhance their in-house inspection reporting system that enables DERTA inspectors to remotely submit their RTK inspection data directly from the field. The system is called the DERTA Inspection Reporting System. The DERTA Inspection Reporting System integrates the CFID data, which consists of the Tier II Filing data and Geographic Information Systems mapping data, with the inspection data generated by DERTA inspectors. The key approach in the design of the system is its functionality as a web-based reporting system that allows DERTA inspectors the ability to readily access information directly from the CFID when performing an inspection or responding to an emergency.

The DERTA Inspections Reporting System continues to grow on the technology front. Offline functionality enables inspectors to get inspection data, such as facility location and stored chemicals. Inspectors are also able to save inspection data even when there is no active connection to the CFID database. Data assurance tools built into the system track every field change to enhance auditing.

New mapping tools enable facilities to be located either by GeoSupport X, Y coordinates or by latitude and longitude. An easily readable Bing Maps facility view on the inspection systems web page enables inspectors to get a bird's eye view of the facilities they will inspect.

In the event of a response, a new inspection can be initiated and performed on the spot. The inspection system is ready to send data to the DEEP program, currently hosted at DOITT and to the Mayor's Office so that the information is available to other city agencies.

During an emergency response, DERTA also conducts immediate, unscheduled, RTK inspections of facilities responsible for hazardous substance releases, involving odors or spills. These inspections may result in the finding of hazardous substances that have been unreported by the facility. Such findings require the facilities to file their stored substances under the RTK Law, and allow DERTA to take action by issuing a Commissioner's Order and Notice of Violation if a facility fails to comply with the order.
Facilities Inspected for Fiscal Year 2010-2014

In Fiscal Year 2014, DERTA completed 8,502 facility inspections and identified 2,317 new facilities that were added to the CFID. DERTA issued 449 Notices of Violation to facilities for noncompliance with reporting requirements.

The two tables indicate the number of DERTA inspections performed and completed as organized by Community Boards by each borough in Fiscal Year 2014.

Number of Inspections Completed in FY2014

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<td><strong>1,575</strong></td>
<td><strong>2,163</strong></td>
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Total for CFID: 7,302
Total DERTA Inspections: 8,502 including 1,200 inspections for Con Ed Transformers
Notices of Violations Issued

The Right-to-Know Program is authorized to issue Notices of Violation to facilities for failure to submit completed Facility Inventory Forms, improper labeling of hazardous substance containers, failure to submit Material Safety Data Sheets and failure to submit a Risk Management Plan. The majority of violations this year were issued for failure to submit a Facility Inventory Form. A breakdown of violations issued for Fiscal Year 2010-2014 is shown below:

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<td><strong>Total Violations for Fiscal Year:</strong></td>
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<td><strong>859</strong></td>
<td><strong>672</strong></td>
<td><strong>597</strong></td>
<td><strong>449</strong></td>
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According to Local Law 92 of 1993, any facility that stores Extremely Hazardous Substances (EHS) or regulated toxic substances, listed under this law, in quantities exceeding federally determined thresholds are required to file a Risk Management Plan (RMP). According to the federal law, facilities must submit a new RMP at least once every five years. Currently, the RTK Program has registered 329 active RMP facilities operating within the five boroughs. Since the enactment of this law, many facilities have significantly reduced their inventories of EHS to levels below reportable thresholds resulting in reduced risks to facility workers, emergency response personnel and the community. For the 2013 reporting year, 12 new RMPs have been received, 42 facilities have reported updates to their plans, and 143 affidavits have been received indicating that no change has been made to their facility’s RMP.

Once a RMP has been filed, the facilities must submit either an affidavit stating there have been no changes in the facility or its surroundings from the previous calendar year, or they must provide an update of the previously accepted RMP by March 1 of each year that reflects the changes of the previous year. A breakdown of these facilities by borough and Community Boards is shown below:

<table>
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<th>Community Board</th>
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<th>Manhattan</th>
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<td>18</td>
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<td>31</td>
<td>59</td>
<td>148</td>
<td>73</td>
<td>18</td>
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Total Numbers of Facilities Submitting Risk Management Plans: 329
Emergency Response Activities

DERTA's HazMat Emergency Response originated in DEP’s Bureau of Science and Technology in the 1970s. The team consists of specially trained responders, known as HazMat Specialists.

DERTA’s HazMat Specialists, who possess an exceptionally high level of training in emergency response, are on call 24/7 to respond to reported incidents and perform chemical analyses at response sites. Under the Citywide Incident Management System, HazMat emergency responders arrive at a potentially dangerous site to perform chemical identification of hazardous substance. To ensure maximum safety and security, the response team determines zones of delineation and develops strategies on proper containment, mitigation, and decontamination procedures.

Determining an effective mitigation strategy of the site relies heavily on on-site wet chemistry analysis and a sampling of the unknown chemical (in air, water or soil.) This ensures an accurate chemical identification and determines whether or not the hazardous substance can be safely transported off the contaminated site without causing injury or harm to emergency response personnel, the community, and the environment. The chemical identification process also determines the proper containment protocol required for transport and disposal under strict accordance with the United States Department of Transportation Federal Regulations and Guidelines.

DERTA’s HazMat team utilizes the latest advanced equipment and analytical instruments, specifically designed for field use, to identify dangerous agents and hazardous unknown chemicals. The low-level detection equipment allows the team to conduct high-tech environmental monitoring for special events throughout the city, working alongside federal, state and local law enforcement agencies to immediately assess any potential chemical hazard if and when it develops. DERTA also conducts air plume dispersion modeling to perform risk assessments.

DERTA’s responsibility to the city ensures that any accidental release or threatened release of a hazardous substance be contained, controlled and remediated without endangering the community and the environment.
Enforcement Action

Title 24, Chapter 6 of the New York City Administrative Code, also known as the New York City Hazardous Substances Emergency Response Law (L.L. 42/87) or “Spill Bill,” was enacted to authorize DEP to respond to emergencies or threatened releases of hazardous substances into the environment.

In the event of a hazardous chemical release, the bill authorizes the Commissioner of DEP to issue an order to the accountable party. The order stipulates a series of remedial instructions involving mitigation to be performed immediately by licensed contractors within a timely manner, as estimated by DERTA and agreed to by the responsible party. Failure or a refusal to comply with the Commissioner’s Order results in the issuance of a Notice of Violation by DERTA. A failure to notify DEP of a hazardous substance release also incurs the issuance of a Notice of Violation.

The regulation of hazardous substances under the Right-to-Know Law is archived in DERTA’s Citywide Facility Inventory Database (CFID) under the Right-to-Know Program. The vast enriched database lists the quantities in pounds, categorizes the storage classes, and outlines the potential dangers of hazardous substances stored within facilities. The information submitted by the facilities is recorded on a document referred to as the Facility Inventory Form. Facilities are required by law to either submit their Facility Inventory Form by hard copy or electronically online by no later than March 1 of every year.

During Fiscal Year 2014, DERTA issued 29 Commissioner’s Orders. Of which, 11 Notices of Violation (NOV) were served for failure to comply; one NOV was issued for failure to notify; and one NOV was issued for failure to make MSDS available at the facility.

Public Safety and Cost Reduction Mitigation Initiative

Mitigation and Removal

As a progressive measure in the mitigation and removal of hazardous waste throughout the five boroughs, DERTA recently formulated and developed its own tactical plan in dealing with removal of abandoned hazardous substances off-site as a cost cutting strategic alternative, if and when a responsible party is unidentifiable or unknown.

With nearly 3,200 response incidents per year and counting, 376 (11.8%) of these incidents involve abandoned chemicals. Under routine circumstances, these substances are removed and transported by certified environmental contractors. The process, which incurs thousands of dollars in cost, and distance are calculated by the vendor to set a price to be agreed upon by DERTA with specific terms set forth to ensure a safe and secure pickup.
In certain cases however, where the quantity and volume of the abandoned substance meets the threshold standards within the plan, DERTA puts their hazardous waste management skills to use by performing the removal and transportation of the abandoned hazardous substance. The substance is overpacked by DERTA and safely transported to a secure location where it can be stored and bid out in a relatively safe and timely manner. This, in turn, avoids the lingering effects of pickups during off-hour late nights, weekends, and holidays, which are exorbitant contributing factors in determination of price quotes. The plan also considerably reduces the dependency of overnight (third part) security personnel and, most importantly, expedites the removal of hazardous substances from the streets to preserve a fixture of public health and safety.

In a typical abandoned chemical response scenario, there are three contributing factors that determine whether or not the hazardous substance removal will be undertaken by an environmental contractor. Prior to this, a preliminary stage involves the sampling, characterization, and identification of the abandoned material on-site through a combination of instrumentation readings and wet chemistry analyses by DERTA responders. If the material is deemed to be a petroleum-based product, the New York State Department of Environmental Conservation is notified for the removal. If the material is deemed to exhibit non-hazardous properties, the Department of Sanitation is notified for the removal. If the material is deemed to exhibit hazardous properties and characteristics, the removal, mitigation, and transport of the material will be the sole responsibility of DERTA, provided that it does not exceed the allowable storage quantities. Once the material is contained and secure, DERTA determines the strategies involved in its removal. With the cost reduction mitigation initiative as an option, DERTA continues to raise the bar in efficiency and maximizes the safety and health of New York City.
Hazardous Materials Responses by Incident Type

DERTA responded to 3,165 incidents of hazardous material releases in Fiscal Year 2014. Of these incidents, 40.2% were responses to reports of chemical odors; 21% were petroleum spills; 11.8% were abandoned chemicals; 11% were responses to chemical spills and 9.9% were responses to special investigations.

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<th>JUL '13</th>
<th>AUG '13</th>
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<td>33</td>
<td>24</td>
<td>30</td>
<td>27</td>
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<th>MAR '14</th>
<th>APR '14</th>
<th>May '14</th>
<th>JUN '14</th>
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<td>27</td>
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<td>5</td>
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<td>665</td>
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<td>0</td>
<td>5</td>
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<td>233</td>
<td>296</td>
<td>306</td>
<td>302</td>
<td>3,165</td>
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</table>
In accordance with §313 of Title III of the federal Superfund Amendments and Reauthorization Act (SARA), companies and facilities within New York City must file their Toxic Release Inventory (TRI) data with the New York State Department of Environmental Conservation. The most current TRI data available is for fiscal year 2012.

The United States Environmental Protection Agency (EPA) receives information on chemical emission reports submitted by facilities under the federal SARA Title III law. SARA Title III requires the reporting of annual releases of toxic chemicals to the air, water and land. Section 313 of that law mandates annual release reporting for more than 650 chemicals. These reports are due to the New York State Department of Environmental Conservation no later than July 1st of each year and cover activities for the previous calendar year.

TRI data presented in this section refer to 29 New York City facilities that have reported their releases to EPA, and only address air emissions that account for the majority of releases.

Facilities meeting the following criteria are required to submit TRI data:

- North American Industry Classification System code ranges from sections 31 through 33. The NAICS code ranges refer to facilities in the manufacturing and industrial sections. Starting in 1998, power-generating facilities were also required to report
- Ten or more full-time employees
- Manufacture or process 25,000 pounds per year or otherwise use 10,000 pounds of a listed toxic chemical during the calendar year.

The top five toxic chemicals released in New York City by descending order are ammonia, sulfuric acid, chlorodifluoromethane, tetrachloroethylene (perc) and n-hexane. These substances represent more than 95% of the total reported releases by weight. Ammonia alone represents 58% of the total reported released.

These releases were mostly from facilities in the following industrial sectors: electric services (90.2% of the total releases), petroleum bulk stations and terminals (5.4%), other fabricated wire product manufacturing (3.3%), other chemical and allied products (0.7%), other warehousing and storage (0.2%).

Releases from facilities in the electric services industry accounted for all the ammonia and sulfuric acid emissions. Electric services and other chemical and allied products accounted for all of the chlorodifluoromethane releases. Other fabricated wire product manufacturing
accounted for all tetrachloroethylene releases. Electric services, petroleum bulk stations and terminals, and other warehousing and storage accounted for all the n-hexane releases.

In analyzing the TRI release data in air, it is important to understand that the data does not represent the total value of toxic air emissions from the 27 reporting facilities alone in New York City. Under the minimum criteria required for reporting, there are many other types of facilities in the city that do not meet the requirements under SARA Title III, §313, but when their emissions are cumulatively added, they are a significant source and contributing factor in toxic air emissions. For example, dry cleaners, an industry that is not factored into the TRI data as an industry whole, represents a significant source for toxic air emissions. There are currently 806 dry-cleaning facilities operating in the CFID that utilize a hazardous substance commonly referred to as perc (chemical name tetrachloroethylene or perchloroethylene); although perc is not a chemical listed in the EHS list, it is still considered to be a probable carcinogen. Due to the relatively small operational size of a typical dry cleaning facility (less than 10 employees,) the toxic emissions generated by perc by each dry cleaning facility tends to fall way below the threshold for TRI data reporting. As a result, dry cleaners are generally exempt from filing TRI data, and PERC, therefore, is generally unaccounted for in the release figures.

The list on page 16-17 shows the release figures in air, in pounds per year, for all TRI substances by Community Boards.

### Year 2012 Toxic Release Inventory Data In New York City By Community Board

Based on Year 2012 Section 313 data submitted to the State Emergency Response Commission

<table>
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<tr>
<th>CB</th>
<th>CHEMICAL NAME</th>
<th>RELEASE TO AIR (Pounds Per Year)</th>
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<tr>
<td>B01</td>
<td>1,2,4-TRIMETHYLBENZENE (1 detail record)</td>
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<td>POLYCYCLIC AROMATIC COMPOUNDS (2 detail records)</td>
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<td><strong>Summary for Community Board</strong> B01 (6 detail records)</td>
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<tr>
<td>B03</td>
<td>BENZOYL PEROXIDE (1 detail record)</td>
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<td><strong>Summary for Community Board</strong> B03 (1 detail record)</td>
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<tr>
<td>B09</td>
<td>1,2,4-TRIMETHYLBENZENE (1 detail record)</td>
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<td><strong>Summary for Community Board</strong> B09 (1 detail record)</td>
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<td><strong>Total for BRONX (8 detail records)</strong></td>
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<td>POLYCYCLIC AROMATIC COMPOUNDS (1 detail record)</td>
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<td><strong>Summary for Community Board</strong> K05 (7 detail records)</td>
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### Year 2012 Toxic Release Inventory Data (Continued)

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<th>CHEMICAL NAME</th>
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<td>POLYCYCLIC AROMATIC COMPOUNDS (2 detail records)</td>
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<td>Summary for Community Board Q13 (2 detail records)</td>
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Total: $2,600,502,798.00
The New York City Department of Environmental Protection would like to thank the members of the Hazardous Substance Advisory Board for their critical evaluation and suggestions on implementing the New York City Community Right-to-Know Law.

DEP also would like to thank the following:

• All emergency response personnel for their continued efforts to protect the environment and the health and safety of New York City.

• Agency coordinators who have provided information on emergency response included in this report: the Division of Environmental Response and Technical Assessment, the New York City Police Department, the New York City Fire Department, the New York City Department of Health & Mental Hygiene, the New York City Department of Sanitation, the New York City Office of Emergency Management, and the New York State Emergency Response Commission.

• New York City-based facilities in compliance with the Right-To-Know law for the reporting and submission of their chemical inventory data, which allows DEP to compile the Citywide Facility Inventory Database.

• All concerned individuals who report unsafe acts, storage or releases that involve the spread of hazardous substances into our environment.