

Statement of Terence O'Brien
Before the Health Committee of the City Council
1/8/09 Regarding Proposed Intro. No. 408-A

Good afternoon. My name is Terence O'Brien and I am the deputy Director of the Plumbing Foundation. The Plumbing Foundation City of New York, is a nonprofit association of licensed contracting firms, engineering associations, manufacturers and suppliers whose mission is to insure the public health through the enactment and enforcement of safe plumbing codes. In connection with that mission we regularly meet with legislative and regulatory bodies that pass laws and promulgate regulations which affect the plumbing industry

New York City's Health and Building Codes require that owners have licensed professionals perform annual inspections and cleaning of water tanks that provide drinking water. These requirements are designed to avoid public health disasters that have been responsible for hundreds of people becoming ill and numerous deaths nationally over the past 11 years. The issue before the Council today is how best to enforce this existing health law.

There are 17,000 water tanks in the City used to supply drinking water for occupants of buildings. The drinking water tanks are almost exclusively in buildings greater than five stories. Once a year, landlords of buildings with these water tanks are required to have the tanks inspected and cleaned by licensed master plumbing firms (Health Code Section 141.05) and that the cleaning be conducted by this licensed

plumber pursuant to the technical specifications of Section 606.5.4.5 of the Plumbing Code.

How does the City ensure that these required annual inspections/cleanings actually are performed? The only mechanism is a provision of the Health Code Section 141.03 that simply requires the landlord keep a copy of report on his premises. That's it; an "honor system." Does this "honor system" work? In 1998 the Department of Health undertook a pilot study of 1% (or 170) of the 17,000 buildings with water tanks to see if the landlords were in compliance. The Department of Health report found that the landlords in 35% of the buildings could not provide the inspection records ever after being called in advance by DOH personnel. Even more worrisome was the fact that the Department of Health reported that 3% of the sampled buildings were coli form positive.

Accordingly, in 1998, intro 142 was drafted to ensure that landlords comply with the annual inspection and cleaning requirement. That bill required that the landlords actually send the report to the City and the failure to file the annual inspection/cleaning report would make the owner of the building liable for a civil penalty. The bill stated- "If an owner, agent or other person in control of a building which has a water tank as part of its drinking supply system fails to file a written statement required under this subdivision on or before the thirty-first of December of each year, such owner shall be liable for a civil penalty.

Are we assured that landlords meet their legal obligation under the Health & Plumbing Code to have their drinking water tanks inspected and cleaned by qualified personnel? Intro 408-A is a good start to assuring compliance because it would move

away from the "honor system" and would require that the report be actually filed with the City. It does not, however, have any stated enforcement mechanism. In other words, what happens to landlords who fail to file? We suggest the Committee add the civil penalty requirement from the 1998 bill (Intro 142).

A modest civil penalty for failure to file a required report is not a new concept. It has been used for many years to ensure that landlords comply with the periodic reporting requirements for facades, boilers, elevators etc. The question before this Committee is whether it should require landlords comply with existing law by passing Intro. 408-A with an enforcement mechanism or continue with an "honor" system, a system that obviously isn't working.

The City needs to close the enforcement loophole before a lack of compliance and accountability with the Health Code turns tragic. We urge that the Council adopt the language of the 1998 intro bill 142 to the current bill 408-A and pass this much needed health and safety legislation.



Testimony
of
Christopher Boyd
Director, Office of Public Health Engineering
New York City Department of Health and Mental Hygiene

before the
New York City Council Committee on Health

regarding
Intro 408: Drinking Water Tank Inspections
January 8, 2009

250 Broadway
New York, NY

Good afternoon, Chairperson Rivera and members of the Committee on Health. My name is Christopher Boyd and I am Director of the Office of Public Health Engineering at the New York City Department of Health and Mental Hygiene (DOHMH). On behalf of the Department, thank you for the opportunity to testify regarding Intro 408, which would amend the administrative code of the City of New York in relation to the inspection of water tanks used for the purpose of storing and distributing drinking water.

DOHMH is responsible for ensuring New York City's municipal water supply is in full compliance with Federal, State and City standards and regulations. This oversight comprises point of use surveillance sampling throughout the City's water distribution system, performance of sanitary surveys and field inspections of water supply facilities, review and approval of the NYC Department of Environmental Protection's (DEP) deliverables relating to water supply and treatment, and investigation of water quality related complaints.

Our drinking water is delivered to the City every day through a system of tunnels and aqueducts, and is distributed throughout the five boroughs through 6,000 miles of pipes. The delivery system is mostly gravity fed due to a 1,000 ft elevation differential between the watershed in upstate New York and the distribution system in the city.

There is a minimum water pressure of 20-psi throughout the city water mains, which is enough to deliver uninterrupted service up to the sixth floor of most buildings. Where the water pressure in the system is insufficient to provide the minimum pressure and flow required in the building, supplemental pressure must be provided by the building owner. Generally, this is achieved through the installation of an elevated water tank either on the rooftop or within the building, and/or a water pressure booster system. Tanks can be constructed either from wood or metal, and the Department of Buildings is responsible for reviewing and approving their design, installation, alteration and repair. Our best estimate is that there are more than 12,500 water tanks in New York City.

Under Article 141.03 of the New York City Health Code, building owners are required to inspect water tanks annually and maintain inspection records on file for a minimum of five years. Records must be made available to the Health Department upon request but are not subject to inspection by those outside the Department. If the annual inspection reveals an unsanitary condition, the tank must be properly drained, cleaned, painted and disinfected in accordance with standard procedures outlined in the Health Code before returning it to service. Similar requirements are also included in the New York City Plumbing Code.

Water quality complaints called in to 311 are initially routed to DEP for handling. If upon investigation DEP determines the complaint is related to the building's internal plumbing it is rerouted to the Health Department for further review. If DOHMH finds unsatisfactory water quality conditions in a building which has a tank as part of its plumbing system, the condition of the tank is inspected and its inspection records are

reviewed to determine whether the tank could be the source of the water contamination. In the case where an unsanitary condition of a water tank is found, DOHMH issues a repair notice to the building owner requiring cleaning and repair of the water tank.

In the past year DOHMH received more than 200 indoor water quality complaints. Based on water quality samples taken only one building failed to meet the requirements of the State Sanitary Code.

Intro 408 would require any building owner that has a water tank as part of its drinking water supply system to have their tank inspected at least once annually, and submit the results to the Health Department within fourteen days of the inspection on a form prescribed by the Commissioner. DOHMH would be required to maintain these records for a period of five years from the date of inspection and make them available to the public for examination. The bill further requires the Health Department to conduct periodic unannounced water tank inspections to ensure compliance with the Health Code.

The provision of the legislation pertaining to annual inspections is consistent with the Health Code, however requiring DOHMH to develop a system for receiving, maintaining, and making available the more than 60,000 inspection reports that would be generated over a five year period creates a significant and costly administrative burden for the Department. Similarly, requiring DOHMH to proactively conduct unannounced inspections of water tanks would require hiring additional inspectors and administrative staff at a time when resources are extremely limited.

When not maintained properly drinking water tanks can indeed pose a public health risk. The Department supports the Council's efforts to make building owners more accountable by making the results of these inspections available to the public. The Department is in the process of revising the Health Code and will be asking the Board of Health to amend the Health Code to similarly make such records publicly available. However, the actual prevalence of public health threats associated with drinking water tanks and potential administrative costs to the Department associated with Intro 408 prevent us from supporting the legislation in its current form. We would be happy to meet and discuss our concerns regarding this legislation in more detail and consider alternative ways to achieve the Council's goal.

Thank you again for the opportunity to testify. I'd be happy to take any questions at this time.

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By Council Member Spigner; also Council Members Leffler and Michels

A LOCAL LAW

To amend the administrative code of the city of New York in relation to cleaning of water tanks that are used to provide drinking water.

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 26-125 of the administrative code of the city of New York is amended to read as follows:

(c) In addition to the penalties provided in subdivision a of this section, any owner who shall fail to file a report pursuant to the provisions of section 27-228.5, [or] 27-1000 or subdivision f of section 27-922 of the code shall be liable for a civil penalty of not less than twenty-five dollars nor more than one hundred dollars per day not to exceed one thousand dollars commencing with the date after which such report was required to be filed with the department and terminating on the date of the filing of such report with the department.

§2. Section 26-213 of the administrative code of the city of New York is hereby amended by adding a new subdivision d to read as follows:

d. The fee for each written statement filed pursuant to subdivision f of section 27-922 of this code shall be thirty dollars.

§3. Section 27-922 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

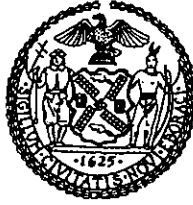
(f) Water tanks. (1) On or before the thirty-first day of December of each year, the owner, agent or other person in control of a building which has a water tank as part of its drinking water supply system shall file with the department a copy of all records

maintained in accordance with section 141.03 of the New York city health code which provide the results of the annual inspection performed in accordance with such section and with section 141.05 of the health code. In addition, a written statement of all work that is performed, including the draining and cleaning of house and suction tanks required under section P107.8 of reference standard RS16, shall be filed together with such records.

(2) If an owner, agent or other person in control of a building which has a water tank as part of its drinking water supply system fails to file a written statement required under this subdivision on or before the thirty-first of December of each year, such owner shall be liable for a civil penalty in accordance with section 26-125 of this code.

(3) Notwithstanding the provisions of paragraph two of this subdivision, an owner who files a report pursuant to the provisions of this subdivision after the date such report was required to be filed but who provides evidence in accordance with rules promulgated by the commissioner that the water tank was timely inspected and cleaned in accordance with the relevant sections of the health code and administrative code shall only be liable for a civil penalty of fifty dollars.

§4. This local law shall take effect immediately.



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N. Y. 10007

JAKE MENGES
DIRECTOR
CITY LEGISLATIVE AFFAIRS

- why happened to 35% of
owners who didn't
copy - were they
given violatas and
punished
- 58 buildings not tested water

April 14, 1998

Mr. Anthony Baronci, Esq.
Counsel to the Housing and Buildings Committee
New York City Council
75 Park Place
New York, NY 10007

Dear Anthony:

Enclosed please find the Department of Health's pilot study on rooftop water tanks requested at the Housing and Buildings Committee hearing on February 24.

Please note compliance with **water quality criteria** was 96.8%, while the 65% reflects compliance with the statute's reporting requirements.

Thank you.

All the best,

Elizabeth Shields
Legislative Representative

Encl.

ROOFTOP POTABLE WATER TANKS

Pilot Study

ABSTRACT

From June through mid-August 1996, DOH interns collected 248 drinking water samples [Table 1] from buildings with potable water rooftop tanks. The list of buildings was provided by the Department of Housing Preservation and Development (HPD) to the Mayor's Office of Operations, who in turn supplied the list to the Health Department. Personnel visually inspected the tanks for leaks and harborage conditions, determined pH and chlorine residual in water, reviewed buildings' maintenance records, and collected tap water samples for microbiological analysis at the New York City Department of Environmental Protection's laboratory. All samples were tested for microbiological quality [total coliform and heterotrophic plate count] of the drinking water. Eight [3.2%] out of 248 samples exceeded the NYSSC subpart 5-1 standard of < 1 coliform per 100 milliliter of water [Table 2]. However, resampling results of these eight samples were in conformance with NYSSC Subpart 5-1 regulations. Compliance with water quality criteria in NYSSC Subpart 5-1 regulations was 96.8 %. Sixty five percent of building owners/management are in compliance with record keeping requirements of section 141.03 of the New York City Health Code. Results are summarized in Table 3.

INTRODUCTION

A concern was raised regarding the quality of drinking water supplied by approximately 17,000 potable water roof tanks in New York City. Consequently, the Mayor's Office of Operations directed the New York City Department of Health to conduct a pilot study of a sampling of these tanks [170 (1%) out of approximately 17,000] and their respective buildings to determine if potential public health risks exist.

The DOH, Mayor's Office of Operations and the Department of Personnel [DOP] staff determined that the most cost effective means for completing the pilot study was through the use of college interns obtained through the DOH's Health Research Training Program [H RTP] and/or DOP's Public Service Corps [PSC].

assessed at the DEP laboratory.

- Water samples were brought to DOH's Bureau of Laboratories for pick up by DEP.
- Inspection and maintenance records on file in each building manager's office were reviewed, if available; otherwise, maintenance records for the tank were faxed to the Bureau of Public Health Engineering [BPHE].

Bacteriological Sampling Procedure

Collection of water samples for bacteriological examination was done according to standard procedure to prevent contamination. The procedure is found in Appendix D.

Resampling

Any time a coliform-positive drinking water sample result occurred, a resampling of that site was conducted. An additional sample was randomly collected from another apartment/floor in the building and from the original site where the positive result occurred.

RESULTS

The pH of water ranged from 6.3 to 8.5 [NYSSC Subpart 5-1 standard range is 6.5 to 8.5] with two samples at pH 8.5 [115 East 63rd Street and 225 East 79 Street in Manhattan] and one sample at pH 6.3 [626 Riverside Drive, Manhattan].

The chlorine residual concentration, as determined by a residual chlorine comparator, a field instrument, was above 0.2 parts per million [NYSSC Subpart 5-1 MCL] except at 31 locations [Table 3]. Low levels of chlorine residual may be due to limited usage of drinking water resulting in water stagnation in pipes and tanks, allowing chlorine to evaporate from water. Additionally, the use of galvanized [iron] pipes in buildings can decrease levels of chlorine residuals found in the water.

Fifteen (6.0%) rooftanks were found to have minor drips; six (2.4%) sites showed the presence of pigeons on the roofs of the buildings but no evidence of harborage in the tanks [Table 3].

Of the 248 water samples [Table 1] from buildings with rooftop tanks collected to assess the microbiological quality of drinking water, eight (3.2%) were coliform-positive [Table 2].

inspected and records checked during routine building inspections, thereby encouraging compliance with cleaning, maintenance and recordkeeping requirements currently required under the NYC Health Code.

- The Buildings Department should require proof of tank cleaning and maintenance from a licensed plumber or certified tank cleaner before renewing the permit for the rooftop tank.
- Housing Preservation and Development [HPD] should update/revise the list of buildings with rooftop water tanks. Almost 50% of the buildings on the HPD list had either no rooftop tanks, disconnected or wrong telephone numbers for the contact individuals and/or a change of owner/management.

ATTACHMENTS

Table 1	List of sampling locations	6 pages
Table 2	Positive Coliform results by location	1 page
Table 3	Summary of results by borough	1 page
Appendix A	New York City Health Code Section 141.03	1 page
Appendix B	Sample letter to building owners/management	1 page
Appendix C	Potable water rooftop tank inspection form	1 page
Appendix D	Bacteriological sampling procedure	1 page

TABLE 1

LIST OF SAMPLING LOCATIONS

NO.	LOCATION	BORO	SAMP DATE	PH	CO	RC	CO	PH	CO	PH	CO	PH
43	3725 Henry Hudson Pkwy	Bx	08/06/96	6.7	0.7	N	N	<1	<1	Wooden Silo	N	
44	3630 Henry Hudson Pkwy	Bx	08/06/96	6.5	0.7	N	N	<1	<1	Wooden Silo		
45	3611 Henry Hudson Pkwy	Bx	08/06/96	6.5	0.4	N	Y	<1	<1	Wooden Silo	Y	
46	3802 Waldo Ave.	Bx	08/06/96	6.8	0.2	N	Y	<1	<1	Wooden Silo	Y	
47	3755 Henry Hudson Pkwy	Bx	08/06/96	7	0.3	N	N	<1	<1	Wooden Silo		
48	3777 Independence Ave.	Bx	08/06/96	6.4	0.4	N	N	<1	<1	Wooden Silo		
49	975 Park Avenue	Mn	07/22/96	6.5	0.6	N	N	<1	<1	Wooden Silo		
50	365 W 20th St	Mn	07/22/96	6.9	0.2	N	N	<1	<1	Steel Cylinder		
51	60 E 96th St.	Mn	07/22/96	6.9	0.5	N	N	<1	<1	Wooden Silo	Y	
52	309 W 30th St	Mn	07/22/96	7.1	0.4	N	N	<1	3	Wooden Silo	Y	
53	60 First Avenue	Mn	07/15/96	6.8	0.7	Y	N	<1	<1	Wooden Silo	Y	
54	1160 Park Avenue	Mn	07/22/96	7	0.3	N	N	<1	<1	Wooden Silo	Y	
55	434 W 19th St.	Mn	07/22/96	6.7	0.1	N	N	<1	5	Wooden Silo	Y	
56	1125 Park Ave(101E 90St)	Mn	07/22/96	7	0.3	N	N	<1	1	Wooden Silo	Y	
57	121 W 17th St	Mn	07/22/96	6.7	0.3	N	N	<1	<1	Wooden Silo	Y	
58	139 W 19th St	Mn	07/22/96	6.7	0.1	N	N	<1	10	Wooden Silo	Y	
59	1080 Fifth Avenue	Mn	07/22/96	6.4	0.6	N	N	<1	<1	Wooden Silo	Y	
60	415 W 23rd St	Mn	07/22/96	6.9	0.3	N	N	<1	<1	Wooden Silo	Y	
61	347 W 55th St	Mn	07/16/96	6.6	0.4	N	N	<1	15	Wooden Silo	N	
62	3495 Broadway	Mn	07/16/96	6.5	0.6	N	N	<1	3	Wooden Silo		
63	610 W 115th St	Mn	07/16/96	6.8	0.6	N	N	<1	<1	Wooden Silo	Y	
64	251 W 19th St	Mn	06/04/96	6.8	0.5	N	N	<1	2	Wooden Silo	Y	
65	523 W 112th St	Mn	07/16/96	6.7	0.7	N	N	<1	20	Wooden Silo	Y	
66	361 W 36th St	Mn	07/16/96	6.6	0	N	N	<1	<1	Wooden Silo	Y	
67	142 W 26th St	Mn	07/16/96	7	0.2	Y	N	<1	110	Wooden Silo	Y	
68	70 W 30th St.(342.9th Av	Mn	07/16/96	6.8	0.3	N	N	<1	<1	Wooden Silo	Y	
69	330 W 45th St.	Mn	07/16/96	6.9	0.5	Y	Y	<1	<1	Wooden Silo	Y	
70	35 Claremont	Mn	07/17/96	6.8	0.3	N	N	<1	<1	Wooden Silo	Y	
71	408 W 57th St	Mn	07/16/96	6.5	0.1	N	N	<1	<1	Wooden Silo	Y	
72	433 W 34th St	Mn	07/18/96	7	0.3	N	N	1	<1	Steel Cylinder		
73	15 Claremont Ave	Mn	07/17/96	6.5	0.5	N	N	<1	1	Wooden Silo	Y	
74	445 Riverside Drive	Mn	07/17/96	6.7	0.5	Y	N	<1	<1	Wooden Silo	Y	
75	344 W 38th St	Mn	07/18/96	6.7	0.4	N	N	<1	10	Wooden Silo	N	
76	920 Park Avenue	Mn	07/18/96	6.8	0.4	Y	N	<1	<1	Wooden Silo	N	
77	12 E 88th St	Mn	07/18/96	6.7	0.4	N	N	<1	<1	Wooden Silo	Y	
78	1120 Park Ave. (67E90St)	Mn	07/18/96	6.6	0.3	N	N	<1	<1	Wooden Silo	Y	
79	1085 Park Avenue	Mn	07/18/96	6.7	0.3	N	N	<1	<1	Wooden Silo	Y	
80	113 E 13th St	Mn	07/15/96	6.4	0.4	---	---	<1	<1	No Rooftank		
81	125 E 74th St.	Mn	07/25/96	7.5	0	N	N	<1	<1	Wooden Silo	Y	
82	781 Fifth Ave	Mn	07/23/96	6.5	0	N	N	<1	<1	Steel Cylinder	Y	
83	160 W 71st St.	Mn	07/30/96	7.1	0.5	N	N	<1	<1	Wooden Silo	N	
84	140 W 69th St.	Mn	07/30/96	6.8	0.8	N	N	<1	<1	Wooden Silo		

TABLE 1

LIST OF SAMPLING LOCATIONS

NO.	LOCATION	BORO	DATE	PH	PH	PH	PH	PH	PH	PH	PH	PH	PH
127	226 E 12th St.	Mn	06/18/96	6.5	0.3	N	N	<1	<1	Wooden Silo			
128	1735 York Ave.	Mn	06/18/96	6.7	0.5	N	N	<1	<1	Wooden Silo	Y		
129	891 Park Ave.	Mn	06/18/96	6.8	0.2	N	N	<1	<1	Wooden Silo	N		
130	857 5th Ave.	Mn	06/19/96	6.5	0.8	N	N	<1	<1	Wooden Silo	N		
131	612 E 13th St	Mn	06/18/96	7	0.5	---	---	<1	<1	Wooden Silo	Y		
132	121 E 12th St.	Mn	06/18/96	6.9	0.6	N	N	<1	<1	Wooden Silo	Y		
133	147 W 15th St.	Mn	06/18/96	7.1	0.1	N	N	1	4	Wooden Silo	Y		
134	500 E 85th St.	Mn	06/18/96	7	0.3	N	N	<1	<1	Wooden Silo	N		
135	423 E 90th St.	Mn	06/19/96	6.6	0.6	N	N	<1	<1	Wooden Silo	Y		
136	1020 Park Ave.	Mn	06/20/96	6.5	0.5	N	N	<1	<1	Wooden Silo	Y		
137	309 W 57th St.	Mn	06/19/96	6.9	0.6	N	N	<1	<1	Wooden Silo	Y		
138	411 E 10th St.(170 Ave.C)	Mn	06/14/96	6.8	0.4	N	N	<1	<1	Wooden Silo	Y		
139	200 E 62nd St.	Mn	06/21/96	6.7	0.7	N	N	<1	<1	Wooden Silo	Y		
140	106 E 85th St.	Mn	06/21/96	6.7	0.5	N	N	<1	<1	Wooden Silo	Y		
141	560 W 42nd St.	Mn	06/21/96	6.8	0.1	N	N	<1	<1	Wooden Silo	Y		
142	1264 Lexington Ave	Mn	06/21/96	6.8	0.8	N	N	<1	<1	Wooden Silo			
143	410 Grand St.	Mn	06/21/96	6.9	0.6	N	N	<1	<1	Wooden Silo	Y		
144	215 E 73rd St.	Mn	06/21/96	6.5	0.2	N	N	<1	<1	Wooden Silo	Y		
145	232 E 12th St.	Mn	06/21/96	6.8	0.3	N	N	<1	<1	Wooden Silo	Y		
146	365 W 25th St.(280,9Av)	Mn	06/20/96	6.6	0.2	N	N	3	1	Wooden Silo	Y		
147	1623 3rd Ave.	Mn	06/20/96	6.6	0.7	N	N	<1	<1	Wooden Silo	Y		
148	315 8th Ave.	Mn	06/20/96	7	0.2	N	N	<1	2	Wooden Silo	Y		
149	21 E 82nd St.	Mn	06/20/96	6.6	0.5	N	N	<1	<1	Wooden Silo			
150	993 Fifth Ave.	Mn	06/20/96	6.6	0.5	N	N	<1	<1	Wooden Silo	Y		
151	181 Avenue C	Mn	06/14/96	7.1	0.5	N	N	<1	1	Wooden Silo	Y		
152	265 E 66th St.	Mn	06/13/96	7.2	0.7	N	N	<1	9	Wooden Silo	Y		
153	460 Grand St.	Mn	06/21/96	7	0.6	N	N	<1	<1	Wooden Silo	Y		
154	365 W 25th St.(280,9Av)	Mn	06/06/96	6.5	0.4	---	---	TNTC	112	No roof tank			
155	300 W 55th St.	Mn	06/06/96	6.4	0.6	N	N	<1	<1	Wooden Silo	N		
156	790 11th Ave	Mn	06/06/96	6.5	0.4	---	---	<1	<1	No roof tank			
157	527 W 47th St	Mn	06/06/96	6.7	0.3	---	---	<1	<1	No roof tank			
158	350 W 55th St	Mn	06/06/96	6.7	0.0	N	N	<1	<1	Wooden Silo	Y		
159	330 W 56th St	Mn	06/06/96	6.7	0.5	---	---	<1	<1	No roof tank			
160	365 W 25th St.(280,9Av)	Mn	06/06/96	6.7	0.4	N	N	TNTC	56	Wooden Silo	N		
161	347 W 39th St	Mn	06/11/96	6.4	0.1	N	N	<1	215	Wooden Silo			
162	135 W 23rd St	Mn	06/06/96	7.1	0.4	N	N	<1	<1	Wooden Silo	Y		
163	222 W 15th St	Mn	06/04/96	6.7	0.5	---	---	<1	20	Steel Cylinder			
164	457 W 57th St	Mn	06/04/96	6.7	0.55	Y	N	<1	5	Wooden Silo	Y		
165	201 W 16th St	Mn	06/04/96	7.1	0.2	N	N	<1	1	Wooden Silo	Y		
166	576 10th Ave	Mn	06/11/96	6.6	0.4	N	N	<1	15	Wooden Silo	Y		
167	227 W 17th St.	Mn	06/11/96	7	0.1	N	N	<1	14	Wooden Silo	Y		
168	154 W 18 th St	Mn	06/11/96	7.1	0.3	N	N	<1	1	Wooden Silo	Y		

TABLE 1

LIST OF SAMPLING LOCATIONS

NO.	LOC.	DIR.	DATE	PHOSPHORUS	NITROGEN	AMMONIA	AMMONIUM	PHOSPHATE	NITRATE	OTHER	REMARKS	STATUS
211	333 E 95 St.	Mn	06/26/96	6.9	0.1	N	N	<1	<1		Wooden Silo	Y
212	147 W 15th St	Mn	06/27/96	7.1	0.2	N	N	<1	<1		Wooden Silo	Y
213	747 10th Ave	Mn	06/04/96	6.8	0.1	---	---	<1	<1		Tank enclosed	
214	600 W 116th St	Mn	06/27/96	6.6	0.7	N	N	<1	<1		Wooden Silo	Y
215	345 W 145th St	Mn	06/27/96	6.5	0.4	N	N	<1	5		Wooden Silo	Y
216	501 W 113th St	Mn	07/02/96	6.7	0.5	N	N	<1	<1		Wooden Silo	Y
217	468 Riverside Drive	Mn	06/27/96	6.5	0.4	N	N	<1	<1		Wooden Silo	Y
218	90-60 Union Turnpike	Qn	07/11/96	7.1	0	N	N	<1	4		Wooden Silo	Y
219	104-40 Queens Blvd	Qn	07/08/96	7.3	0.7	N	N	<1	<1		Wooden Silo	Y
220	110-45 Queens Blvd	Qn	07/08/96	6.5	0.5	N	N	<1	<1		Wooden Silo	Y
221	98-05 63rd Road	Qn	07/29/96	6.6	0.8	N	N	<1	<1		Wooden Silo	Y
222	61-25 97th Street	Qn	07/11/96	7.6	0.5	N	N	2	<1		Wooden Silo	Y
223	102-30 66th Road	Qn	07/23/96	7	0.8	N	N	<1	3		Wooden Silo	Y
224	66-36 Yellowstone Blvd	Qn	07/11/96	7.1	0.5	N	N	<1	<1		Wooden Silo	N
225	104-60 Queens Blvd	Qn	07/08/96	7.1	0.7	N	Y	<1	<1		Wooden Silo	Y
226	61-15 97th St	Qn	07/11/96	7.2	0.5	N	N	<1	<1		Wooden Silo	Y
227	61-20 Grand Cntrl Pkwy	Qn	07/10/96	6.9	0.9	N	N	<1	15		Wooden Silo	Y
228	97-07 63rd Road	Qn	07/29/96	7	0.9	N	N	<1	<1		Wooden Silo	Y
229	61-45 98th St.	Qn	07/02/96	7.1	0.8	N	N	<1	<1		Wooden Silo	Y
230	73-37 Austin St.	Qn	07/10/96	6.9	0.4	N	N	<1	11		Wooden Silo	Y
231	104-20 Queens Blvd	Qn	07/08/96	7	0.8	N	N	<1	<1		Wooden Silo	Y
232	109-10 Queens Blvd	Qn	07/02/96	6.5	0.5	N	N	<1	<1		Wooden Silo	Y
233	110-11 Queens Blvd	Qn	07/08/96	6.8	0.1	N	N	<1	<1		Wooden Silo	Y
234	70-25 Yellowstone Blvd	Qn	07/08/96	7.2	0.6	N	N	<1	<1		Wooden Silo	Y
235	72-35 112th St.	Qn	07/05/96	7.3	0.4	N	N	<1	<1		Wooden Silo	N
236	69-10 108th St.	Qn	07/23/96	7.1	0.8	N	N	<1	<1		Wooden Silo	Y
237	61-25 97th St.	Qn	08/05/96	6.5	0.8	N	N	<1	<1		Wooden Silo	Y
238	61-25 97th St.	Qn	08/05/96	7.1	0.8	N	N	<1	<1		Wooden Silo	Y
239	69-45 108th St.	Qn	07/23/96	7	0.3	N	N	<1	<1		Wooden Silo	Y
240	108-48 70th Road	Qn	07/17/96	7.2	0.5	N	N	<1	2		Wooden Silo	Y
241	108-37 71st Avenue	Qn	07/17/96	6.6	0.3	N	N	<1	<1		Wooden Silo	Y
242	102-10 66th Road	Qn	07/23/96	7	0.8	N	N	<1	<1		Wooden Silo	Y
243	64-34 102nd St.	Qn	07/17/96	6.6	0.6	N	N	<1	<1		Wooden Silo	
244	98-05 67th Avenue	Qn	07/17/96	7.1	0.4	N	N	<1	<1		Wooden Silo	Y
245	110-50 71st Road	Qn	07/02/96	6.9	0.7	N	N	<1	1		Wooden Silo	Y
246	125 Beach 17th St.	Qn	07/05/96	7.3	0.6	N	N	<1	<1		Wooden Silo	
247	7-11 Seagirt Blvd	Qn	07/05/96	7.1	0.3	N	N	<1	<1		Wooden Silo	Y
248	61-25 98th St.	Qn	07/02/96	6.7	0.1	N	N	<1	<1		Wooden Silo	Y

TABLE 2

POSITIVE COLIFORM RESULTS BY LOCATION

No.	Location	Boro	Coliform Results		
			Initial	Followup	Followup
1	365 W 25th St.(280, 9Av)	Mn	Positive	Positive	Negative
2	365 W 25th St.(280, 9Av)	Mn	Positive	Negative	
3	1120 Park Ave.	Mn	Positive	Negative	
4	147 W 15th St	Mn	Positive	Negative	
5	12 E 88th St.	Mn	Positive	Negative	
6	433 W 34th St.	Mn	Positive	Negative	
7	61-25 97th St.	Qn	Positive	Negative	

APPENDIX A

§141.03

NEW YORK CITY HEALTH CODE

(e) Users of such water shall be notified, in writing, of the source of the water delivered, and the quantity delivered. Daily records shall be kept by the permittee indicating the name and address of each person to whom such water has been delivered, the quantity of each delivery, the source of supply, and the chlorine residual at the time of delivery. A copy of such record shall be sent daily to the Department of Health and the Department of Water Supply, Gas and Electricity.

Notes:

This section is new. It was added by resolution adopted on June 24, 1965.

§141.03 Water tanks; cleaning. (a) The owner, agent or other person in control of a building which has a water tank as part of its drinking water supply system shall comply with the provisions of this section.

(b) A water tank which is part of a drinking water supply system of a building shall be kept completely covered with a solid material except where there are vented screens. All openings into the tank, such as vent and overflow pipes, shall be adequately screened to keep out rodents and other pests and shall open downward to the air.

(c) The owner, agent or other person in charge of a building shall have the water tank inspected at least once a year and the results of the inspection shall be recorded on a suitable form. Such records shall be kept on file for at least five years and shall be made available to the Department but shall not be subject to inspection by others or to subpoena, and shall not be used in, or as the basis for prosecution. When the inspection reveals the existence of foreign matter or the necessity of removal of scum or other objectionable matter or surface encrustation, the owner, agent or other person in charge shall correct the condition by causing the tank to be emptied and cleaned. In addition, a water tank shall be cleaned whenever required by the Department to remove an insanitary condition.

(d) A water tank shall not be cleaned or painted with a material which will affect the taste or potability, impart an odor or add a toxic substance to the water when the tank is in use. A paint containing lead in any form or in any amount shall not be used on the inside of a water tank. When a tank is cleaned or painted, its water supply connections shall be disconnected or effectively plugged to prevent foreign matter from entering the distribution piping. During cleaning, sufficient fresh air shall be supplied to the tank to protect the health of the workmen.

(e) After a water tank has been cleaned or painted, it shall be cleaned and disinfected before it is put back into service, as follows:

(1) The inner surface shall be washed with a hypochlorite solution containing 100 or more ppm (parts per million) of available chlorine;



Urban Justice Center

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Tel: (646) 602-5600 • Fax: (212) 533-4598

FOR THE RECORD

Testimony of Harvey Epstein before the New York City Council on behalf of the Community Development Project of the Urban Justice Center

January 8, 2009

Thank you for allowing me the opportunity to address you today. My name is Harvey Epstein and I am the Project Director of the Community Development Project at the Urban Justice Center.

The Urban Justice Center serves New York City's most vulnerable residents through a combination of direct legal service, systemic advocacy, community education and political organizing. The Community Development Project (CDP) of the Urban Justice Center formed to provide legal, technical, research and policy assistance to grassroots community groups engaged in a wide range of community development efforts throughout New York City. Our work is informed by the belief that real and lasting change in low-income, urban neighborhoods is often rooted in the empowerment of grassroots, community institutions.

I am here today to urge you to support Council Member Garodnick's proposed legislation, Intro 408-A which is a straightforward bill that will protect tenants and homeowners by ensuring tenants and homeowners have safe, clean drinking water that is checked annually. Tenants suffer from numerous illnesses that are created by their living environment.

Our organizations are working to defend tenants whose owners are faced with numerous housing related problems. Safe drinking water is vitally important and something the government must safeguard. This legislation provides a way to assist the tenant to ensure the safety of their drinking water.

Organizations in opposition to this bill may argue that: 1. It is an additional burden on property owners; 2. New York City water is already being tested and does not need to be retested by the property owner; and 3. It will be costly to test the water.

However, those arguments are not supported by the facts and the overall benefit of this bill. First, the City does test the drinking water on a daily basis, however, that does not take in account the changes that may occur based on conditions of existing water tanks. There may be an environmental issue going on in an individual tank that can't be determined by the city testing. In addition, there is a cost to this; there is the time it takes to perform the test as well as the overall cost of the test. However, the costs are inconsequential in relation to the cost of the overall operation of maintaining a building in the City of New York. In addition, that cost must be balanced against the time long term health benefits for New York City residents. New York City requires landlords to test for numerous other environmental hazards to ensure the safety of the residents in the city. That has always been a priority of this council. You have ensured that our buildings are safe for its residents, why not take this simple step ensure the water is as well. This bill can help protect the health of thousands of New York City residents. That is the responsibility the government has and something I know the New York City council takes seriously.

Though the battles against environmental borne illness is a battle we are fighting on multiple fronts, at the City and State level, the City can do its part by guaranteeing that tenants and homeowners, have safe drinking water. **This bill would protect city residents, and we urge you to pass it into law.**



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Testimony of Josh Nachowitz Policy Director New York League of Conservation Voters

City Council Health Committee Int. 408-A

January 7, 2009

Good afternoon Chairman Rivera and members of the Health Committee. My name is Josh Nachowitz and I am the Policy Director for the New York League of Conservation Voters. I'm happy to be here today to testify in favor of Int. 408-A. Protecting the purity and safety of our drinking water is one of the most important goals of New York City's environmental community, and this legislation will create important safeguards for a vital resource that too many of us take for granted.

New Yorkers use 1.1 billion gallons of water a day. Access to clean drinking water is absolutely fundamental for life in the city. Environmental organizations have traditionally focused on efforts to protect the City's vast upstate watershed through land protection agreements. As a result of these efforts and the City's continuing vigilance, New Yorkers are treated to one of the cleanest big city water supplies in the United States.

The thousands of water towers that dot the skyline are also an important part of the vast infrastructure system that ensures all New Yorkers have access to quality drinking water. Unfortunately, these ubiquitous structures have the potential, if they are not cleaned and maintained properly, to cause the water stored in them to deteriorate and possibly become unsafe. Water left in uncleaned or poorly maintained water tanks can play host to algae and other potentially dangerous bacteria.

Cleaning and maintaining these vessels is a simple and relatively inexpensive activity that should be conducted on a regular basis. Int. 408 would significantly enhance the City's regulation of these important components of our water infrastructure. This legislation would provide for public access to the records of water tank inspections, thus allowing for far greater public oversight of the cleanliness of our drinking water.

NYLCV urges the Council to continue its long tradition of safeguarding New York City's drinking water by swiftly passing Int. 408-A.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 404 Res. No. _____

in favor in opposition

Date: 1/8/09

(PLEASE PRINT)

Name: Josh Nachowitz

Address: 30 B'way St

I represent: New York League of Conservation Voters

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 408-A Res. No. _____

in favor in opposition

Date: 1/8/09

(PLEASE PRINT)

Name: Harvey Epstein

Address: 123 Williams Street

I represent: Urban Justice Center - CDP

Address: 123 Williams Street

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/8/2009

(PLEASE PRINT)

Name: Chris Boyd

Address: Director, Office of Public Health Engineering

I represent: NYC DOHMH

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 408-A Res. No. _____

in favor in opposition

Date: 1/8/09

(PLEASE PRINT)

Name: TERENCE O'BRIEN

Address: _____

I represent: The Planning Commission

Address: 64 W. 28th St. New York, NY 10001

◆ Please complete this card and return to the Sergeant-at-Arms ◆