Staff: Committee on Housing & Buildings

Austen Brandford, Counsel

Genan Zilkha, Counsel

Jose Conde, Senior Legislative Policy Analyst

Sarah Gastelum, Principal Financial Analyst



**THE COUNCIL**

**Committee Report of the Infrastructure Division**

Jeffrey Baker, Legislative Director

**Committee on Housing and Buildings**

Hon. Robert E. Cornegy, Jr., Chair

**March 25, 2019**

**Proposed Int. No. 1149-B:** By Council Members Kallos, Yeger and Gibson

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to documentation, submission and public availability of cooling tower inspections and certifications

**Administrative Code**: Amends subdivisions f and h of 17-194.1; and amends section 28-317.5

**Int. No. 1158:** By Council Members Levine, Kallos, Yeger, Diaz, Koo and Gibson

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to holding information sessions and posting information online to provide guidance to building owners regarding maintenance and inspections of cooling towers

**Administrative Code**: Amends subdivision k of 17-194.1

**Introduction**

On March 25, 2019, the Committee on Housing and Buildings, chaired by Council Member Robert E. Cornegy, Jr., will hold a hearing on two bills: Proposed Int. No. 1149-B and Int. No. 1158. These bills were originally heard on October 23, 2018. More information about these bills is available with the materials for that hearing, which can be found at <https://on.nyc.gov/2TnQMgy>.

**Proposed Int. No. 1149-B**

The regular testing and inspection of cooling towers for potential health threats or maintenance deficiencies, as required under Local Law 77 of 2015, can help prevent future outbreaks of Legionnaires' disease, or other illnesses.[[1]](#footnote-1) Thus, it is important to ensure compliance with these existing inspection and testing requirements.

Proposed Int. No. 1149-B would require the New York City Department of Health and Mental Hygiene (DOHMH) to send owners and operators of cooling towers an electronic reminder prior to the filing deadline for annual certifications with a link to where these certifications can be submitted. This bill would also require cooling tower inspectors to report to DOHMH in real time when certain inspections occur. Finally, this bill would require building owners to make cooling tower inspection results available to the public.

This bill would take effect 180 days after becoming law.

**Int. No. 1158**

In response to a Legionnaires' disease outbreak in 2015, the City Council enacted Local Law 77 of 2015, which mandated registration and inspection of cooling towers. In order to facilitate the goals of that law, it is important for building owners to have information and guidance regarding proper maintenance and inspections of cooling towers. Int. No. 1158 would require the DOHMH, in consultation with the Department of Buildings, to hold information sessions at least twice annually for building owners to educate them regarding the requirements for maintenance, cleaning, and inspections of cooling towers, and to post the information online.

This bill would take effect 90 days after it becomes law.

[THIS PAGE INTENTIONALLY LEFT BLANK]

Proposed Int. No. 1149-B

By Council Members Kallos, Yeger and Gibson

A LOCAL LAW

TA LOCAL LAW

To amend the administrative code of the city of New York, in relation to documentation, submission and public availability of cooling tower inspections and certifications

..Body

Be it enacted by the Council as follows:

Section 1. Subdivision f of section 17-194.1 of the administrative code of the city of New York, as added by local law number 77 for the year 2015, is amended to read as follows:

f. Inspections, cleaning and disinfection. All inspections, cleaning and disinfection required by this section shall be performed by or under the supervision of a qualified person. For any inspection that includes tests conducted pursuant to paragraph 2 of subdivision e of this section, such qualified person shall, within five days of such inspection, report to the department the date on which such inspection occurred, and the department shall make that date available on a city website. The owner shall ensure that such report is submitted to the department by the qualified person within five days of the inspection. When the department inspects a property pursuant to paragraph 1 of subdivision i of this section, it shall check the accuracy of the dates reported pursuant to this subdivision against the dates of inspection in the records of the property owner.

§ 2. Subdivision h of section 17-194.1 of the administrative code of the city of New York, as added by local law number 77 for the year 2015, is amended to read as follows:

h. Recordkeeping. 1. An owner shall keep and maintain records of all inspections and tests performed pursuant to this section for at least three years. An owner shall maintain a copy of the maintenance program and plan required by subdivision c of this section on the premises where a cooling tower is located. Such records and plan shall be made available to the department immediately upon request.

2. An owner shall make available the results of each inspection conducted pursuant to subdivision e of this section to any member of the public within five business days of a request, or within five business days of the receipt of such results by such owner, whichever is later.

§ 3. Section 28-317.5 of the administrative code of the city of New York, as added by local law number 77 for the year 2015, is amended to read as follows:

§ 28-317.5 Annual certification. The owner or operator of a cooling tower shall file [a] an annual certification [each year] that such cooling tower was inspected, tested, cleaned and disinfected in compliance with section 17-194.1 of the administrative code and the rules of the department of health and mental hygiene, and that a maintenance program and plan has been developed and implemented as required by such section. Such certification shall be submitted by November 1, 2016 and by November 1 of each year thereafter, or [as] by a date otherwise specified in the rules of the department. The department of health and mental hygiene shall send an electronic reminder to each owner or operator of a cooling tower at least 30 days before such certification submission deadline. Such electronic reminder shall include a link to the website where such certification may be submitted.

§ 4. This local law takes effect 180 days after it becomes law, except that the department of health and mental hygiene shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

SIL/GZ

LS 7698

3/20/19 5:51pm

Int. No. 1158

By Council Members Levine, Kallos, Yeger, Diaz, Koo and Gibson

..Title

A Local Law to amend the administrative code of the city of New York, in relation to holding information sessions and posting information online to provide guidance to building owners regarding maintenance and inspections of cooling towers

..Body

Be it enacted by the Council as follows:

Section 1. Section 17-194.1 of the administrative code of the city of New York is amended by adding a new heading to read as follows:

§ 17-194.1 Cooling towers; maintenance and inspection.

§ 2. Section 17-194.1 of the administrative code of the city of New York is amended by adding a new subdivision k to read as follows:

k. Guidance for building owners. The department, in consultation with the department of buildings, shall hold information sessions, at least twice annually, for interested building owners, regarding the requirements for maintaining, cleaning, and inspecting cooling towers in accordance with this section. The information provided in such information sessions shall also be posted on the website of the department in simple and understandable terms.

§ 3. This local law takes effect 90 days after it becomes law.

SIL

LS 7638

10/09/18

1. *See* Cooling Towers, Center for Disease Control, <https://www.cdc.gov/healthywater/other/industrial/cooling_towers.html>. [↑](#footnote-ref-1)