



Legislation Text

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Int. No. 892

By Council Members Levine, Van Bramer, Holden, Cumbo, Kallos, Lander, Vallone and Cornegy

A Local Law to amend the administrative code of the city of New York, in relation to testing for lead content in potable water sources in parks

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-156 to read as follows:

§ 18-156 Lead water testing. a. All water supplied for drinking or cooking purposes at a park, playground or other facility under the jurisdiction of the commissioner shall have lead levels below a water lead action level established by rule of the department of health and mental hygiene.

b. In each park, playground and other facility under the jurisdiction of the commissioner, the department, in conjunction with the department of environmental protection and the department of health and mental hygiene, shall:

1. Except as provided in subdivision c of this section, (i) at least once in each year cause a sample of water from each water fountain, faucet or other fixture that supplies water for drinking or cooking purposes to be analyzed for lead by a laboratory certified by the United States environmental protection agency, or a state agency of appropriate jurisdiction, to analyze water samples for lead, (ii) provide a copy of the results of such analysis to the department of health and mental hygiene and (iii) make a copy of the results of such analysis publicly available online; or

2. (i) Install, and thereafter maintain and replace in accordance with manufacturer specifications, water filtration or treatment systems that will reduce lead concentrations in water supplied for drinking or cooking

purposes at such facility and that have been certified by NSF International, or another certifying body designated by rule of the department of health and mental hygiene, to reduce lead concentrations in water in accordance with NSF/ANSI standard 53 or 58, as in effect on the effective date of the local law that added this section, or such other standard as such department may adopt by rule or (ii) otherwise provide occupants of such facility with an adequate supply of safe, water for drinking and cooking purposes in accordance with rules promulgated by such department.

c. 1. For a park, playground or facility for which the piping system providing water for drinking or cooking purposes was installed before June 19, 1988, the department may only elect to comply with paragraph 1 of subdivision b of this section for such facility if the department of health and mental hygiene has authorized such election for such facility based upon a showing by the department that (i) a person performed tests, using a lead test kit registered by the United States environmental protection agency pursuant to section 745.88 of title 40 of the code of federal regulations, of the pipes, pipe fittings, joints, valves, faucets and fixture fittings utilized to supply water for drinking or cooking purposes at such facility to determine the lead content thereof, (ii) such person determined that such tests yielded negative responses for lead, (iii) such person is a certified renovator, as such term is defined in section 745.83 of title 40 of the code of federal regulations, as in effect on the effective date of the local law that added this section and (iv) a copy of such application was made publicly available online.

2. The department of health and mental hygiene may reduce the frequency of sampling for a park, playground or other facility under paragraph 1 of subdivision b of this section from once in each year to once in every three years upon submission by the department of an application showing that for each of the immediately preceding three years, the results of sampling in accordance with such paragraph have indicated that lead levels in such samples were below the water lead action level established under subdivision a of this section.

d. If a test that is required by law or rule, or an order issued by a court or a federal, state or local agency

having appropriate jurisdiction, indicates that water supplied for drinking or cooking at a park, playground or other facility under the jurisdiction of the commissioner has a lead level at or above the water lead action level established under subdivision a of this section, the department shall:

1. Notify the department of health and mental hygiene; and
2. Comply with paragraph 1 of subdivision b of this section, except that a water filtration or treatment system installed pursuant to such paragraph need not thereafter be replaced in accordance with such paragraph if the department submits to the department of health and mental hygiene, a certification showing that (i) a sample of water was obtained from each fixture in such facility that supplies water for drinking or cooking purposes, (ii) each such sample was obtained after the installation of such system but did not include water that passed through such system, (iii) each such sample was analyzed for lead by a laboratory certified to perform such analysis by the United States environmental protection agency, or a state agency having appropriate jurisdiction, (iv) such analysis indicated that the lead level for each such sample is below the water lead action levels established under subdivision a of this section, provided that such certification shall include a copy of the results of such analysis as provided by such laboratory, and (v) a copy of such certification was made publicly available online.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of parks and recreation and the commissioner of health and mental hygiene may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

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