



Legislation Text

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Int. No. 885

By Council Members Holden, Brannan, Gutiérrez and Ariola (by request of the Queens Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to remediating lead water hazards in schools and facilities providing day care services

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 9 of title 17 of the administrative code of the city of New York, as amended by local law number 28 for the year 2020, is amended to add a new section 17-925 as follows:

§ 17-925 Remediation of lead in water used for drinking or cooking at covered facilities.

a. All water supplied for drinking or cooking purposes in a covered facility shall have lead levels below a water lead action level established by rule of the department.

b. The operator of a covered facility or the owner of the premises where such facility is located shall:

1. Except as provided in subdivision c of this section, at least once in each year, cause a sample of water from each fixture in such facility that supplies water for drinking or cooking purposes to be analyzed for lead by a laboratory certified to perform such analysis by the United States environmental protection agency, or a state agency of appropriate jurisdiction, and provide, in a form and manner established by the department, a copy of the results of such analysis to the parent or guardian of each child that attends such facility and to the department; 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, 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 the 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 the department, provided that if electing to comply with this paragraph, such owner or operator shall at least once in each year, in a time and manner established by the department, provide the department with a certification describing the manner of such compliance and provide a copy of such certification to the parents or guardian of each child that attends such facility.

c. 1. For a covered facility located in a building erected before June 19, 1988, the operator of such facility, or the owner of such building, may only elect to comply with paragraph 1 of subdivision b of this section for such facility if the department has authorized such election for such facility based upon submission of an application, in a form and manner established by the department, showing 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 in 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, or is otherwise approved to perform such tests by the department, the department of buildings or another agency designated by the mayor, (iv) such application includes a copy of the results of such tests certified by such person and (v) a copy of such application was provided to the parent or guardian of each child attending such facility.

2. The department may reduce the frequency of sampling for a covered facility under paragraph 1 of subdivision b of this section from once in each year to once in every three years upon submission of an application, in a form established by such department, 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 federal, state or local 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 covered facility has a lead level at or above the water lead action level established under subdivision a of this section, the operator of such facility or the owner of the premises where such facility is located shall:

1. Notify the department and the parent or guardian of each child that attends such facility in a time and manner established by the department; and

2. Comply with paragraph 1 of subdivision b of this section, except that an operator of such covered facility, or an owner of the premises where such a facility is located, who installs a water filtration or treatment system pursuant to such paragraph need not thereafter replace such system in accordance with such paragraph if such operator or owner submits to the department, in a time and manner established by the department, 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 section 17-912 of the code, 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 provided to a parent or guardian of each child attending such facility.

e. Conditions prohibited by this section shall be remediated in the manner set forth under subdivision d of section 17-922.

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene must take such actions as are necessary for implementation of this local law, including the

promulgation of rules, before such effective date.

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