STATE OF NEW YORK

3698--A

2019-2020 Regular Sessions

IN SENATE

February 12, 2019

Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to potable water testing at schools and state and local parks

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions 1 and 2 of section 1110 of the public health law, as added by chapter 296 of the laws of 2016, are amended to read as follows:

1. In addition to school districts already classified as a public water system under parts 141 and 142 of title 40 of the code of federal regulations, as such regulations may, from time to time, be amended, every school district and board of cooperative educational services shall conduct periodic first-drawn tap testing of potable water systems to monitor for lead contamination in each occupied school building under its jurisdiction as required by regulations promulgated pursuant to this section. The testing shall be conducted and the results analyzed by an entity or entities approved by the commissioner. **Such periodic first-drawn tap testing shall occur at least once every three years.**

2. Where a finding of lead contamination is made, the affected school district shall: (a) continue first-drawn tap water testing pursuant to regulations promulgated pursuant to this section; (b) provide school occupants with an adequate supply of safe, potable water for drinking as required by rules and regulations of the department until future tests indicate lead levels pursuant to regulations promulgated pursuant to this section; [~~and~~] (c) provide parents or persons in parental relation to a child attending said school with written notification of test results as well as posting such test results on the school district's

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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website; and (d) notwithstanding any provision of law to the contrary, abate such contamination within ninety days.

§ 2. The public health law is amended by adding a new section 1110-a to read as follows:

§ 1110-a. Park potable water testing and standards. 1. The person, officer, board or commission having the management and control of the potable water supply of any state or local park shall conduct periodic first-drawn tap testing of potable water systems to monitor for lead contamination in each park under his or her jurisdiction as required by regulations promulgated pursuant to this section. The testing shall be conducted and the results analyzed by an entity or entities approved by the commissioner. Such periodic first-drawn tap testing shall occur at least once every three years.

2. Where a finding of lead contamination is made, the person, officer, board or commission having the management and control of the potable water supply of such park shall: (a) continue first-drawn tap water testing pursuant to regulations promulgated pursuant to this section; (b) provide park visitors with an adequate supply of safe, potable water for drinking as required by rules and regulations of the department until future tests indicate lead levels pursuant to regulations promulgated pursuant to this section; (c) conspicuously post warnings to park visitors the form and content of such warnings to be promulgated by the commissioner, as well as posting such warnings and test results on the park's website; (d) notwithstanding any provision of law to the contrary, abate such contamination within ninety days; and (e) immediately transmit a copy of the results of all such testing and any lead remediation plans to the commissioner of parks, recreation and historic preservation in a format to be determined by such commissioner.

3. The commissioner, in consultation with the commissioner of parks, recreation and historic preservation, shall promulgate regulations to carry out the provisions of this section.

4. The commissioner of parks, recreation and historic preservation shall make a copy of the results of all such testing and any lead remediation plans available to the public on the office of parks, recreation and historic preservation's website and any additional means as chosen by such commissioner. A copy of the results of all testing shall also be immediately transmitted to the department in a format to be determined by the commissioner. The commissioner of parks, recreation and historic preservation, in conjunction with the commissioner, shall publish a report biennially based on the findings from the tap water testing conducted according to the provisions of this section. Such report shall be sent to the commissioner, the governor, the temporary president of the senate, and the speaker of the assembly and shall be made available on the department's and office of parks, recreation and historic preservation's websites.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.