

# STATE OF NEW YORK

5524

2023-2024 Regular Sessions

## IN ASSEMBLY

March 16, 2023

Introduced by M. of A. O'DONNELL -- read once and referred to the  
Committee on Health

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

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

1 Section 1. The public health law is amended by adding a new section  
2 1110-a to read as follows:

3 § 1110-a. Park potable water testing and standards. 1. The person,  
4 officer, board or commission having the management and control of the  
5 potable water supply of any state or local park shall conduct periodic  
6 first-drawn tap testing of potable water systems to monitor for lead  
7 contamination in each park under his or her jurisdiction as required by  
8 regulations promulgated pursuant to this section. The testing shall be  
9 conducted and the results analyzed by an entity or entities approved by  
10 the commissioner. Such periodic first-drawn tap testing shall occur at  
11 least once every three years.

12 2. Where a finding of lead contamination is made, the person, officer,  
13 board or commission having the management and control of the potable  
14 water supply of such park shall: (a) continue first-drawn tap water  
15 testing pursuant to regulations promulgated pursuant to this section;  
16 (b) provide park visitors with an adequate supply of safe, potable water  
17 for drinking as required by rules and regulations of the department  
18 until future tests indicate lead levels pursuant to regulations promul-  
19 gated pursuant to this section; (c) conspicuously post warnings to park  
20 visitors the form and content of such warnings to be promulgated by the  
21 commissioner, as well as posting such warnings and test results on the  
22 park's website; (d) notwithstanding any provision of law to the contra-  
23 ry, abate such contamination within ninety days; and (e) immediately  
24 transmit a copy of the results of all such testing, including laboratory  
25 reports, and any lead remediation plans to the commissioner of parks,

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

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1 recreation and historic preservation in a format to be determined by  
2 such commissioner.

3 3. The commissioner, in consultation with the commissioner of parks,  
4 recreation and historic preservation, shall promulgate regulations to  
5 carry out the provisions of this section, provided that such regulations  
6 shall include that lead action levels are exceeded if the concentration  
7 of lead is greater than 0.005 milligrams per liter.

8 4. The commissioner of parks, recreation and historic preservation  
9 shall make a copy of the results of all such testing and any lead reme-  
10 diation plans available to the public on the office of parks, recreation  
11 and historic preservation's website and any additional means as chosen  
12 by such commissioner. A copy of the results of all testing shall also be  
13 immediately transmitted to the department in a format to be determined  
14 by the commissioner. The commissioner of parks, recreation and historic  
15 preservation, in conjunction with the commissioner, shall publish a  
16 report biennially based on the findings from the tap water testing  
17 conducted according to the provisions of this section. Such report shall  
18 be sent to the commissioner, the governor, the temporary president of  
19 the senate, and the speaker of the assembly and shall be made available  
20 on the department's and office of parks, recreation and historic preser-  
21 vation's websites.

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