STATE OF NEW YORK

4869

2023-2024 Regular Sessions

IN ASSEMBLY

February 24, 2023

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

AN ACT to amend the public health law, in relation to enacting the lead pipe right to know act

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

Section 1. Short title. This act shall be known and may be cited as the "lead pipe right to know act".

§ 2. The public health law is amended by adding a new section 1114-b to read as follows:

§ 1114-b. Service line inventories and mapping. 1. Definitions. For the purposes of this section:

(a) "Service line" means any piping, tubing, and fittings connecting a water main to a building that serves a customer of a covered public water system. "Service line" includes the portion of the service line between the water main and the curb box, and the portion of the service line between the curb box and the building.

(b) "Gooseneck, pigtail, or connector" means a short section of piping, typically not exceeding two feet, which can be bent and used for connections between rigid portions of a service line.

(c) "Galvanized service line" means iron or steel piping that has been dipped in zinc to prevent corrosion and rusting.

(d) "Covered public water system" means (i) a public water system that serves at least five service connections used by year-round residents or regularly serves at least twenty-five year-round residents; or (ii) a public water system that regularly serves at least twenty-five of the same people, four hours or more per day, for four or more days per week, for twenty-six or more weeks per year.

2. Each covered public water system shall, by reviewing their written records, develop a service line inventory to identify the material composition of all service lines connected to its distribution system.

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

LBD08102-01-3

Service line inventories shall be developed in accordance with the provisions of this section.

3. Each service line connected to a covered public water system's distribution system shall be listed in service line inventories and classified as one of the categories set forth in paragraphs (a) through (f) of this subdivision. Where the portion of the service line between the water main and the curb box is of a different material than the portion of the service line between the curb box and the building, service line inventories shall list and classify each portion of the service line separately.

(a) "Lead" where the service line is made of lead. Service lines with goosenecks, pigtails, or connectors made of lead shall be classified as lead, regardless of the material of the service line to which goosenecks, pigtails, or connectors made of lead are attached. Covered public water systems may divide service lines classified as lead into two subcategories with one for service lines made of lead and the other for service lines with only goosenecks, pigtails, or connectors made of lead.

(b) "Galvanized" where the service line is a galvanized service line, regardless of the material of the service line that a galvanized service line is or was downstream of. Covered public water systems may divide service lines classified as galvanized into two subcategories with one for galvanized service lines that are or were downstream of a service line classified as lead and the other for galvanized service lines that are not or were not downstream of a service line classified as lead.

(c) "Copper" where the service line is made of copper.

(d) "Plastic" where the service line is made of plastic.

(e) "Other material" where a service line is made of a material other than lead, galvanized, copper, or plastic.

(f) "Unknown" where the service line material is not known to be lead, galvanized, copper, plastic, or other material, such as where there is no documented evidence supporting material classification.

4. Each service line inventory shall also include:

(a) the street address of each service line; and

(b) the total number of service lines classified as lead, galvanized, copper, plastic, other material, or unknown connected to the covered public water system's distribution system.

5. No later than ninety days after the effective date of this section, each covered public water system shall electronically submit to the department an initial service line inventory. The department may prescribe data management means and methods for inventory submissions by public water systems for uniformity purposes.

6. Covered public water systems whose inventories contain any service lines classified as lead, galvanized, or unknown shall electronically submit updated service line inventories to the department at least annually. Updated service line inventories shall reflect information gathered during any service line replacements or service line material inspections that may have been conducted. Updated service line inventories shall additionally include:

(a) for each service line classified as one of the classifications in paragraphs (a) through (e) of subdivision three of this section, supporting information detailing the reasons why each such service line was given the classification;

(b) for each service line classified as unknown, a description detailing the steps being taken to determine the material composition of the service line;

(c) the total number of service lines classified as lead, galvanized, or unknown that were replaced over the course of the previous year; and

(d) the total number of service lines classified as unknown that were determined to be lead, galvanized, copper, plastic, or other material over the course of the previous year.

7. Each covered public water system shall make its most recent service line inventory available to the public on its website if it or its affiliated local government entity maintains and operates a website.

8. No later than thirty days after receiving initial and updated service line inventories, the department shall make such inventories available to the public on the department's website.

9. No later than one hundred eighty days after the effective date of this section, the department shall make the information from each service line inventory available to the public on the department's website in the form of an interactive map or maps. Such interactive map or maps shall include, for each service line:

(a) Material classification;

(b) Street address; and

(c) The basis for the service line classification in paragraphs (a) through (e) of subdivision three of this section.

10. The department's interactive map or maps shall be searchable by address, and color-coded where applicable to designate material classification. The department's interactive map or maps shall be updated at least annually, in conjunction with the submission of updated service line inventories by covered public water systems.

11. The department shall adopt such rules and regulations as it deems necessary and proper to implement the provisions of this section.

§ 3. This act shall take effect immediately.