

# STATE OF NEW YORK

147

2023-2024 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sens. GIANARIS, HOYLMAN, JACKSON, KAVANAGH, LIU, MANNION  
-- read twice and ordered printed, and when printed to be committed 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

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

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1 transmit a copy of the results of all such testing and any lead remedi-  
2 ation plans to the commissioner of parks, recreation and historic pres-  
3 ervation in a format to be determined by such commissioner.

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

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

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