

STATE OF NEW YORK

147--A

Cal. No. 184

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sens. GIANARIS, HOYLMAN-SIGAL, JACKSON, KAVANAGH, LIU, MANNION -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 Assembly, 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

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

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1 visitors the form and content of such warnings to be promulgated by the
2 commissioner, as well as posting such warnings and test results on the
3 park's website; (d) notwithstanding any provision of law to the contra-
4 ry, abate such contamination within ninety days; and (e) immediately
5 transmit a copy of the results of all such testing, including laboratory
6 reports, and any lead remediation plans to the commissioner of parks,
7 recreation and historic preservation in a format to be determined by
8 such commissioner.

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

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

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