STATE OF NEW YORK

8472

2025-2026 Regular Sessions

IN SENATE

August 6, 2025

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the administrative code of the city of New York, in relation to requiring biannual certification of cooling towers

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

Section 1. Section 28-317.5 of the administrative code of the city of New York, as amended by section 3 of part A of local law number 126 of the city of New York for the year 2021, is amended to read as follows:

§ 28-317.5 [~~Annual~~] **Biannual** certification. The owner or operator of a cooling tower shall file [~~an annual~~] **a biannual** certification that such cooling tower was inspected, tested, cleaned and disinfected in compliance with section 17-194.1 of [~~the administrative code~~] **this chapter** and the rules of the department of health and mental hygiene, and that a maintenance program and plan has been developed and implemented as required by such section. Such **biannual** certification shall be submitted [~~by November first~~] **in January and July** of each year, or by [~~a date~~] **dates** otherwise specified in the rules of the department. [~~Consecutive annual certifications shall be submitted at least 90 days apart.~~] The department of health and mental hygiene shall send an electronic reminder to each owner or operator of a cooling tower at least 30 days before [~~such~~] **each** certification submission deadline. Such electronic reminder shall include a link to the website where such [~~certification~~] **certifications** may be submitted.

§ 2. Subdivision e, paragraph 1 of subdivision h, subparagraph (i) of paragraph 2 of subdivision i and the opening paragraph of subdivision l of section 17-194.1 of the administrative code of the city of New York, subdivision e and subparagraph (i) of paragraph 2 of subdivision i as added by local law number 77 of the city of New York for the year 2015, paragraph 1 of subdivision h as amended by local law number 76 of the city of New York for the year 2019, and the opening paragraph of subdi-

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

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vision l as added by local law number 78 of the city of New York for the year 2019, are amended to read as follows:

e. Minimum requirements for inspections and testing. At a minimum, cooling towers, other than cooling towers whose use has been permanently discontinued and for which a notice of such discontinuation has been sent to the department of buildings, shall be inspected and tested at least as frequently as every [~~three months~~] week during periods of the year such cooling towers are in use.

1. Each inspection shall include an evaluation of the cooling tower and associated equipment for the presence of organic material, biofilm, algae and other visible contaminants.

2. (a) Each inspection shall include a test for the presence of microbes in the water of the cooling tower. The department shall by rule establish (i) the targets and acceptable methods of microbial testing and laboratory analysis, (ii) the levels of microbes in cooling towers that are indicative of a maintenance deficiency requiring mitigation, including but not limited to maintenance to prevent potential health risks, and (iii) the levels of microbes in cooling towers that present a serious health threat and require immediate action and reporting.

[~~(a)~~] (b) Where the results of any such test indicate levels of microbes that are indicative of a maintenance deficiency requiring mitigation, including but not limited to maintenance to prevent potential health risks, the owner of the building that has such cooling tower shall, within [~~48~~] 24 hours after such owner knows or reasonably should know of such results, clean and disinfect the cooling tower in accordance with the rules of the department.

[~~(b)~~] (c) Where the results of any such test indicate levels of microbes that present a serious health threat, the owner of the building that has such cooling tower shall, within [~~24~~] 12 hours after such owner knows or reasonably should know of such results, (i) notify the department and (ii) clean and disinfect the cooling tower, including an additional application of biocide, in accordance with the rules of the department.

1. An owner shall keep and maintain records of all inspections and tests performed pursuant to this section for at least [~~three~~] ten years. An owner shall maintain a copy of the maintenance program and plan required by subdivision c of this section on the premises where a cooling tower is located. Such records and plan shall be made available to the department immediately upon request.

(i) Any owner of a building who violates any provision of this section or any of the rules promulgated thereunder shall be liable for a civil penalty of not more than [~~$2,000~~] $2,500 for a first violation, and not more than [~~$5,000~~] $7,000 for a second or subsequent violation, except that such owner shall be liable for a penalty of not more than [~~$10,000~~] $12,500 for any violation that is accompanied by or results in a fatality or serious injury.

The commissioner, in consultation with the department of buildings, shall submit a report to the mayor and the speaker of the city council on or before May 15 each year [~~until May 15, 2025~~], reporting on the following information for the prior year:

§ 3. This act shall take effect immediately.