

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE
BOARD OF HEALTH**

**NOTICE OF ADOPTION
OF AMENDMENTS TO ARTICLE 141 OF THE
NEW YORK CITY HEALTH CODE**

In compliance with §1043(b) of the New York City Charter (the “Charter”) and pursuant to the authority granted to the Board of Health by §558 of the Charter, a notice of public hearing to amend Article 141 of the New York City Health Code (the “Health Code”) was published in the City Record on December 21, 2011 and a public hearing was held on January 25, 2012. No written comments were received and 1 individual testified in support of the proposal. The Department has not made any changes to the proposal. At its March 13, 2012 meeting, the Board of Health adopted the following resolution.

Statutory Authority

This amendment to the New York City Health Code (“Health Code”) is promulgated pursuant to Sections 556, 558 and 1043 of the New York City Charter (“Charter”).

- Section 556 of the Charter provides the Department of Health and Mental Hygiene (“Department”) with jurisdiction to regulate all matters affecting health in the City of New York.
 - Section 556(a)(1) states that the Department shall enforce all provisions of law relative to the necessary health supervision of the purity and wholesomeness of the water supply and the sources thereof;
 - Section 556(a)(3) says the Department shall exercise its functions, powers and duties in the area extending over the city, and over the waters adjacent thereto, and,
 - Section 556(c)(7) says that the Department shall supervise and regulate the public health aspects of the water supply and sewage disposal and water pollution.
- Section 558(b) and (c) of the Charter empower the Board of Health (“Board”) to amend the Health Code and to include in the Health Code all matters to which the Department’s authority extends.
- Section 1043 of the Charter grants the Department rulemaking powers.

Statement of Basis and Purpose

The purpose of the amendment is to clarify requirements for the maintenance of drinking water tanks and the performance of annual inspections by building owners.

Article 141 of the Health Code concerns the maintenance of the purity and sanitary condition of the City's potable water supply. Thousands of New York City buildings keep their water supply in water storage tanks. Section 141.07 ("Building Drinking Water Storage Tanks") requires that an owner, agent or whoever is in control of a building with one or more water tanks used to store potable drinking water must inspect the tanks each year and maintain inspection records for the Department's review upon request.

This amendment seeks to ensure that inspections of water tanks are conducted in a manner sufficient to adequately determine the condition and integrity of the water tank – namely, is the water tank actually functional and appropriate for use. At the same time, the amendment seeks to allow greater flexibility in exercising professional judgment regarding how the inspection should be conducted, in order to cover a broad range of tank configurations and varying site conditions.

The resolution is as follows:

Matter in [brackets] is deleted.

Matter underlined is new.

RESOLVED, that subdivision (b) of Section 141.07 of Article 141 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on June 30, 2009, is amended to clarify water tank inspection requirements for building owners, to be printed together with explanatory notes to read as follows:

ARTICLE 141 WATER SUPPLY SAFETY STANDARDS

§141.07 Building Drinking Water Storage Tanks

(b) **Inspection Requirements.** The owner, agent or other person in control of a building shall have the water tank inspected at least once annually. The inspection shall include the examination of the general condition and integrity of the tank, including but not limited to the condition of overflow pipes, access ladders, air vents, roof access hatches and screens. The [interior and exterior of the] water tank [and its sealed edges and seams] shall be inspected for evidence of pitting, scaling, blistering or chalking, rusting, corrosion and leakage. Inspection of sanitary conditions, including the presence of sediment, biological growth, floatable debris and insects in the tank and rodent or bird activity on and around the tank, shall be performed. The inspection shall include sampling of the water in the water tank to verify the bacteriological

quality of the water supply in compliance with Subpart 5-1 of the State Sanitary Code. Sample results shall be reported by a State certified laboratory equipped to analyze drinking water, in accordance with the latest edition of the Standard Methods for the Examination of Water and Wastewater, published jointly by the APHA, the AWWA and the WEF.

Notes: On March 13, 2012, the Board of Health amended subdivision (b) of §141.07 of Article 141 of the Health Code to clarify maintenance and inspection requirements for drinking water tanks by building owners.