



**DEPARTMENT OF HEALTH AND MENTAL HYGIENE
COMMISSIONER OF HEALTH AND MENTAL HYGIENE**

**NOTICE OF ADOPTION OF AMENDMENTS TO TITLE 24 OF
THE RULES OF THE CITY OF NEW YORK**

A notice of public hearing and opportunity to comment on proposed amendments to Title 24 of the Rules of the City of New York to create a new Chapter 31 (Water Tank Inspections) was published in the City Record on January 23, 2015 and a public hearing was held on February 24, 2015. No written comments were received and 1 individual testified in support of the proposed amendments. On its own initiative and for purposes of clarity, the Department has changed the title of the adopted Chapter 31 and internal references therein from “Water Tank Inspections” to “Drinking Water Tank Inspections,” and made other clarifications to these rules.

Statement of Basis and Purpose

Background

The Administrative Code requires that any owner of a building that has a water tank as part of its drinking water delivery system must have the drinking water tank inspected at least once a year. The inspection must comply with all applicable laws and regulations, including provisions of the Health Code. The results from these inspections must be recorded in a manner set out by the Department’s Commissioner and maintained for at least five years.

Water for thousands of New York City buildings is kept in drinking water storage tanks. The Health Code sets out requirements for maintaining the purity and sanitary condition of the City’s drinkable water supply. The Health Code requires that these drinking water tanks be inspected annually and that the person in control of a building serviced by a drinking water storage tank keep copies of the inspection records and make them available to the Department upon request.

Building owners with drinking water tanks must report annually to the Department after the tanks have been inspected that the inspection has occurred. Annual reporting promotes building owner compliance with the inspection requirement and facilitates the Department’s ability to monitor compliance. The Department will make data from the reports publically available. These rules specify how the recording and reporting of the drinking water tank inspection must be communicated to the Department.

New Chapter 31 will:

- Allow for both electronic and paper-based reporting of annual drinking water tank inspection results through either an interactive online form or a printable form available on the Department’s website.
- Set the deadline for annual drinking water tank inspection result submissions to be no later than January 15 of the following calendar year for which the inspection is due.
- Make drinking water tank inspection documents filed with the Department available to the public.

Statutory Authority

The Department of Health and Mental Hygiene is authorized to amend Title 24 of the Rules of the City of New York by sections 556 and 1043 of the New York City Charter, section 17-194 of the Administrative Code of the City of New York, and section 141.07 of the New York City Health Code. Section 556 of the Charter provides the Department jurisdiction to regulate all matters affecting health in the City of New York, and specifically to supervise and regulate the purity and public health aspects of the water supplied in the City. Section 1043 of the Charter gives the Department rulemaking powers. Subdivision (b) of section 17-194 of the Administrative Code authorizes rulemaking by the Commissioner of the Department

with regard to annual drinking water tank inspection recording. Subdivision (b) of section 141.07 of the Health Code requires the Department to collect reports of such inspections in accordance with its Rules. The rule is as follows:

Underlined matter is new; [deleted material is in brackets].

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this Department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Title 24 of the Rules of the City of New York is amended by adding a new Chapter 31 (Drinking Water Tank Inspections), to read as follows:

CHAPTER 31
DRINKING WATER TANK INSPECTIONS

§31-01 Authority.

§31-02 Reporting.

§31-01 Authority.

As required by §17-194 of the Administrative Code and §141.07 of Article 141 of the Health Code, this Chapter establishes rules for the manner and timeframe that building owners or their agents must report the results of their annual drinking water tank inspections to the Department. All definitions and terms used in this Chapter must have the same meaning as specified in §17-194 of the Administrative Code, or if not defined therein, as specified in Article 141 of the Health Code.

§31-02 Reporting.

(a) A building owner with one or more drinking water tanks used to store potable water must, by January 15 of each year, report to the Department the results of the annual inspections conducted for each such drinking water tank during the previous calendar year. Inspection outcomes must be filed either through an online, interactive electronic submission system on the DOHMH website, or by submitting either a Drinking Water Storage Tank Inspection Reporting form, or a Multiple Drinking Water Storage Tanks Inspection Reporting form, as provided in subdivision (b) of this section.

(b) (1) The Department will make an online, interactive electronic submission system, as well as a Drinking Water Storage Tank Inspection Reporting form and a Multiple Drinking Water Storage Tanks Inspection Reporting form, available on its website. Both forms will also be available on request by calling 311.

(2) Inspection results submitted on a Drinking Water Storage Tank Inspection Reporting form and a Multiple Drinking Water Storage Tanks Inspection Reporting form must conform to the following:

(A) Inspection results for a building containing only one drinking water tank must be submitted using the Drinking Water Storage Tank Inspection Reporting form. Inspection results for a building containing two (2) or more drinking water tanks must be submitted using the Multiple Drinking Water Storage Tanks Inspection Reporting form.

(B) Such reporting forms must be completed using either a digitally or mechanically typed font.

(C) Building premises information submitted on such reporting forms must be in conformance with the New York City Department of Buildings (DOB) Building Information System (BIS). The required Building Identification Number (BIN) and standardized building address can be obtained by using the DOB BIS website (www.nyc.gov/bis). Paper reporting forms that do not contain such required standardized building information will not be accepted as valid documentation of an annual inspection.

(D) The appropriate form must be delivered or mailed to the Department’s Office of Public Health Engineering at:

NYC Department of Health and Mental Hygiene
Office of Public Health Engineering
Drinking Water Storage Tank Inspection Reporting Program
42-09 28th Street, 14th Floor
Long Island City, NY 11101-4132

(E) Any paper reporting form deemed incomplete, erroneous or otherwise unacceptable will be returned to the sender and will not be considered as documentation of the required annual inspections.

(c) All inspection results filed with the Department pursuant to this section will be publicly available.