



Frequently Asked Questions: Amendment to Chapter 8-04(f) Summertime Hyperhalogenation

The New York City (NYC) Department of Health and Mental Hygiene has amended rules concerning cooling towers in Chapter 8 of Title 24 of the Rules of the City of New York (Chapter 8). The amended rule requires that building owners perform a summertime hyperhalogenation of their cooling tower system(s). This is a one-time yearly dosing of higher-than-normal levels of chlorine- or bromine-based biocide between July 1 and August 31 aimed at preventing the growth of *Legionella* bacteria.

General

What is the summertime hyperhalogenation requirement and why is it required?

The summertime hyperhalogenation is an additional preventive maintenance requirement aimed at reducing the risk of *Legionella* growth in cooling tower systems during the summer months, when *Legionella* and other bacteria can multiply very quickly.

Is cleaning the cooling tower system still required?

Yes. As required by Section 8-03(d), the cooling tower system must be cleaned whenever routine monitoring indicates a need for cleaning, but no less than twice a year, as described in the maintenance program and plan. You can perform the cleaning at the same time as summertime hyperhalogenation, but simultaneous cleaning and hyperhalogenation is **not** required.

When must the procedure be conducted? What is the post-hyperhalogenation sampling requirement?

Owners of buildings with cooling tower systems must perform summertime hyperhalogenation each year between July 1 and August 31. A post-hyperhalogenation *Legionella* sample must be collected between three and 45 days after completing the procedure; samples may be collected after August 31 if owners comply with the sampling timeframe. This *Legionella* sample can be used to satisfy the 90-day *Legionella* requirement of Section 8-05(f)(3). The qualified person must submit the *Legionella* culture test date in the NYC Registration Portal within five days of collection, as required by Local Law 76 of 2019 .

If I start up my cooling tower after July 1 and I perform my required startup cleaning and disinfection, do I still need to perform summertime hyperhalogenation?

If your cooling tower will operate at any time between July 1 and August 31, you **must** meet the summertime hyperhalogenation requirement. You can meet this requirement by making sure that your startup cleaning and disinfection procedures are consistent with those described in Section 8-04(f).

A 90-day *Legionella* sample result received between July 1 and August 31 requires that I disinfect as a corrective action. Can the disinfection satisfy the requirement for summertime hyperhalogenation?

Yes, disinfection performed as part of a corrective action will meet the summertime hyperhalogenation requirement if you follow the disinfection procedures described in Section 8-04(f). In this case, a *Legionella* sample must be collected between three and seven days after the summertime hyperhalogenation to meet the requirements of Table 8-1.

Who can perform the summertime hyperhalogenation biocide application?

The biocide application must be performed by a person commonly referred to as a 7G certified pesticide applicator. The applicator must be a commercial pesticide applicator or a certified pesticide technician (meeting the requirements of Article 33 of the New York State Environmental Conservation Law and 6 NYCRR Part 325), or a pesticide apprentice under the supervision of a certified applicator. Building personnel who meet these requirements may perform the procedure.

Can the biocide application be performed remotely?

You can apply the biocide remotely through an automated feed system if the procedure is supervised by a 7G certified pesticide applicator. Application protocols must be documented on the declaration form (see **Reporting and Recordkeeping** section).

Who can perform the water quality monitoring for pH and halogen residual?

A responsible person, as defined in Section 8-02, must perform the water quality monitoring during the summertime hyperhalogenation. The responsible person can be a 7G pesticide applicator or a qualified person, although not required.

Reporting and Recordkeeping

Do I need to report that I have completed summertime hyperhalogenation to NYC Health Department?

Yes, you must report that you have completed summertime hyperhalogenation by submitting a declaration form to the [NYC Cooling Tower Registration Portal](#) within 30 days of performing the procedure.

What is a declaration form?

The declaration form attests, under penalty of perjury, that you have completed the summertime hyperhalogenation. The declaration form is available [here](#).

Who can fill out the declaration?

The building owner needs to work with the 7G certified pesticide applicator, qualified person, responsible person, water treatment company and/or the environmental consultant who performed the work to complete the declaration form.

What records do I need to keep related to the summertime hyperhalogenation?

As part of the cooling tower system’s operational records, you must keep the declaration form and any related field logs. These records must be kept on-site for at least three years and made available to NYC Health Department if requested.

I am responsible for multiple cooling tower systems. Is there an option to upload the declaration forms all together?

Currently, a declaration form must be uploaded for each cooling tower system. NYC Health Department is working on options to streamline the reporting process.

For more information, visit nyc.gov/health and search for **cooling towers**.

If you have questions, please contact the Office of Building Water Systems Oversight at CTCompliance@health.nyc.gov.