



**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

**Notice of Public Hearing and Opportunity to Comment on  
Proposed Amendments to Title 24 of the Rules of the City of New York**

**What are we proposing?** The Department of Health and Mental Hygiene (“Department”) is proposing to add a new Chapter 31 (Water Tank Inspections) to Title 24 of the Rules of the City of New York. The new Water Tank Inspections chapter will provide rules for the manner and timeframe that building owners or their agents must report the results of their annual inspections of drinking water tanks. Recording and reporting of the results of annual water tank inspections are required by the Administrative Code of the City of New York (“Administrative Code”) and the New York City Health Code (“Health Code”), respectively.

**When and where is the hearing?** The Department will hold a public hearing on the proposed rule. The public hearing will take place at 10:00AM until 12:00PM on February 24, 2015. The hearing will be at

New York City Department of Health and Mental Hygiene  
Gotham Center, 42-09 28<sup>th</sup> Street, 14<sup>th</sup> Floor, Room 14-31  
Long Island City, NY 11101-4132

**How do I comment on the proposal?** Anyone can comment on the proposal by:

- **Website.** You can submit comments to the Department through the NYC rules Web site at <http://rules.cityofnewyork.us>
- **Email.** You can email written comments to [resolutioncomments@health.nyc.gov](mailto:resolutioncomments@health.nyc.gov)
- **Mail.** You can mail written comments to:  
New York City Department of Health and Mental Hygiene  
Office of General Counsel  
42-09 28<sup>th</sup> Street, 14<sup>th</sup> Floor, CN 31  
Long Island City, NY 11101-4132
- **Fax.** You can fax written comments to the New York City Department of Health and Mental Hygiene at 347-396-6087.
- **Speaking at the hearing.** Anyone who wants to comment on the proposal at the public hearing must sign up to speak. You can sign up before the hearing by calling Svetlana Burdeynik at 347-396-6078. You can also sign up in the hearing room before or during the hearing on February 24, 2015. You can speak for up to five minutes.

**Is there a deadline to submit written comments?** Written comments must be received on or before 5:00 p.m. on February 24, 2015.

**Do you need assistance to participate in the hearing?** You must tell us if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 347-396-6078. You must tell us by February 10, 2015.

**Can I review the comments made on the proposed amendments?** You can review the comments made online at <http://rules.cityofnewyork.us/> on the proposed amendments by going to the website at

<http://rules.cityofnewyork.us/>. All written comments and a summary of the oral comments received by DOHMH will be made available to the public within a reasonable period of time by the DOHMH Office of the General Counsel.

**What authorizes the Department to make this rule?** Section 556 of the New York City Charter authorizes the Department to regulate all matters affecting health in New York City, and specifically to supervise and regulate the purity and public health aspects of the water supplied in the City. Section 17-194 of the Administrative Code authorizes the Commissioner of the Department to make rules with regard to annual water tank inspection recording. Subdivision (b) of section 141.07 of the Health Code requires the Department to collect reports of such inspections.

**Where can I find the Department's rules?** The rules of the Department of Health and Mental Hygiene can be found in Title 24 of the Rules of the City of New York.

**What rules govern the rulemaking process?** This notice is made according to the requirements of City Charter §1043.

### **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 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 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 tanks be inspected annually and that the person in control of a building serviced by a water storage tank keep copies of the inspection records and make them available to the Department upon request.

Building owners with 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 proposed rules specify how the recording and reporting of the water tank inspection must be communicated to the Department.

#### ***Proposed Changes***

The following proposed rules will:

- Allow for both electronic and paper-based reporting of annual 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 water tank inspection result submissions to be no later than January 15 of the following calendar year for which the inspection is due.
- Provide that water tank inspection documents filed with the Department will be available to the public.

#### ***Statutory Authority***

The Department of Health and Mental Hygiene proposes to amend Title 24 of the Rules of the City of New York as it is authorized to do 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 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 proposed changes are as follows:

Underlined matter is new.

“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 (Water Tank Inspections) to read as follows:

## **CHAPTER 31** **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 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 water tank during the previous calendar year. Reports must be filed either electronically through an online interactive form maintained on the Department’s website for that purpose, or by submitting either a Drinking Water Storage Tank Inspection Reporting form or Multiple Drinking Water Storage Tanks Inspection Reporting form, as provided in subdivision (b) of this section.

(b) (1) The Department will make 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 for a building containing only one water tank must be submitted using the Drinking Water Storage Tank Inspection Reporting form. Inspection results for a building containing two (2) or more water tanks must be submitted using the Multiple Drinking Water Storage Tanks Inspection Reporting form.

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

(4) 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.

(5) 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 28<sup>th</sup> Street, 14<sup>th</sup> Floor  
Long Island City, NY 11101-4132

(6) 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.

(7) All reports filed with the Department pursuant to this section will be publicly available.

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**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Inspection of Water Tanks

**REFERENCE NUMBER:** 2014 RG 104

**RULEMAKING AGENCY:** Department of Health and Mental Hygiene

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: January 13, 2015

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE:** Inspection of Water Tanks

**REFERENCE NUMBER:** 2014 RF 104

**RULEMAKING AGENCY:** Department of Health and Mental Hygiene

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because a cure period would run counter to the proposed rule's goal of preventing risks to public safety.

Sabrina Fong  
Mayor's Office of Operations

1/16/2015  
Date