



## NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE

### **Notice of Public Hearing and Opportunity to Comment** **on Proposed Amendments to Article 141 of the New York City Health Code**

**What are we proposing?** The New York City Department of Health and Mental Hygiene (“Department”) is proposing that the Board of Health amend two provisions of Article 141 of the New York City Health Code (“Health Code”). The proposed amendment to subdivision g of section 141.11 would require that permittees provide records of water sampling and analysis in a manner specified by the Department. The proposed amendment to subdivision (l) of section 141.11 would modify when a permittee is required to report on a drinking water treatment system to within 24 hours of when the treatment is commenced or the system is terminated, as well as within five business days of a request by the Department.

**When and where is the hearing?** The Department will hold a public hearing on the proposed rule. The public hearing will take place from 10 a. m. to 11 a. m. on May 6, 2025. The hearing will be conducted by video conference accessible via internet or telephone:

- **Internet.** To participate in the public hearing, enter to register at this Webex URL: <https://nycdohmh.webex.com/nycdohmh/j.php?MTID=m11e4ff6ae17baa3d7787106b31213b68>  
If prompted to provide an event number or password, please enter the following:  
Webinar number: **2330 855 8341**, Password: **4v8mT3JEX4U** (48868353 from phones)
- **Phone:** For access, dial: (408) 418-9388 or (646) 992-2010; then please enter the following Access code: **233 085 58341**

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

- **Website:** You can submit comments to the Department through the NYC Rules website 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  
Gotham Center, 42-09 28th Street, 14th Floor, CN 30  
Long Island City, NY 11101-4132
- **Fax.** You can fax written comments to the Department at 347-396-6087.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed amendments at the public hearing must sign up to speak. You can sign up before the hearing by calling Svetlana Burdeynik at 347-396-6078 or by emailing [resolutioncomments@health.nyc.gov](mailto:resolutioncomments@health.nyc.gov) before the hearing begins at May 6, 2025. While you will be given the opportunity during the hearing to indicate that you would like to comment, we prefer that you sign up in advance. You can speak for up to three minutes.

Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

**Is there a deadline to submit written comments?** Written comments must be received on or before 5:00 PM on May 6, 2025.

**What if I need assistance to participate in the hearing?** You must tell the Department’s Office of General Counsel if you need a reasonable accommodation of a disability at the hearing, including if you need a sign language interpreter. You can tell us by e-mail or by mail at the addresses given above. You may also tell us by telephone at 347-396-6078. Please give us advance notice to allow sufficient time to arrange the accommodation. Please tell us by April 22, 2025.

**Can I review the comments made regarding the proposed amendments?** You may review the online comments made on the proposed amendments at <https://rules.cityofnewyork.us/proposed-rules/>. All written comments and a summary of the oral comments received by the Department will be made available to the public within a reasonable time after the hearing by the Department’s Office of General Counsel.

**What authorizes the Department to make these amendments?** Sections 556, 558 and 1043 of the New York City Charter (“Charter”) authorize the Department to make these proposed amendments.

**Where can I find the Department’s rules and the Health Code?** The New York City Health Code is located in Title 24 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The Department must meet the requirements of Section 1043 of the Charter when amending the Health Code. This notice is made according to the requirements of Section 1043 of the Charter. These amendments were not included in the Department’s most recent regulatory agenda because they were not contemplated when the Department published the agenda.

### **Statement of Basis and Purpose of Proposed Rule**

#### *Chemical Treatment of Building Drinking Water*

The New York City Department of Health and Mental Hygiene (“Department”) is proposing amendments of Health Code Article 141 to clarify the timeframe for providing records for Department review for permittees that add chemicals to a building’s water supply. The proposed amendment of subdivision g of section 141.11 would require that permittees provide records of water sampling and analysis in a manner specified by the Department. Provision of data in the Department’s specified format would streamline data collection.

The proposed amendment of paragraph 1 of subdivision l of section 141.11 would make two changes. First, it would modify the requirement to provide the Department with records regarding a drinking water treatment system. In the current rule, reporting is required “within 24

hours after the installation and commencement of treatment or termination of a system.” The Department proposes instead requiring reporting within 24 hours of when the treatment is commenced or the system is terminated, as well as within five business days of a request by the Department. These changes are proposed because the Department does not need to be informed of system installation if treatment has not commenced, and to ensure that the Department can review records on other occasions to prevent or resolve water treatment issues. Second, the amendment to this paragraph would also include modifications to the information requested from permittees, in order to ensure that the Department has all of the necessary information regarding treatment.

The proposed rule also includes minor plain language changes.

### **Statutory Authority**

The authority for these rules is found in the New York City Charter §§ 556, 558 and 1043.

The proposed amendments are as follows:

Underlined language is new.

Language in [brackets] is to be deleted.

Ellipses (\*\*\*) indicate unamended text.

**RESOLVED**, that subdivision (g) of section 141.11 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, is amended to read as follows:

(g) *Sampling*. Prior to placing the system in operation, the permittee [shall]must confirm that the drinking water supply, after being chemically treated, complies with Subpart 5-1 of the State Sanitary Code. Once the system is operational, the permittee [shall]must take monthly samples of the treated water, to ensure compliance with applicable sections of Subpart 5-1 of the State Sanitary Code. A permittee [shall]must maintain or retain the services of 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. Records of water sampling and analysis [shall]must be maintained on file by the permittee for at least 5 (five) years and made available to the Department upon request within 5 (five) business days in a manner specified by the Department.

**RESOLVED**, that paragraph (1) of subdivision (l) of section 141.11 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, is amended to read as follows:

(1) *System [Installation] Commencement and/or Termination*. [Within] The permittee must maintain a record of every system installed and make those records available to the Department upon request within 5 (five) business days in a manner specified by the Department. Within 24

hours after the [installation and] commencement of treatment or termination of a system, the permittee [shall]must report to the Department [the following information:

(A) The owner, name, address, and description of the premises where the device is located;

(B) The date the device was installed and/or terminated and the approval date for the device;

(C) The chemicals to be used with the device; and,

(D) The name and address of the permittee] such commencement or termination in a manner specified by the Department. All reports to the Department must include the building location, building owner contact information, system location details, the date of installation, commencement, or termination, the chemicals or other substances used, the water treatment purpose, and any additional system and device details that the Department shall require. The requirements of this paragraph apply to any system installed by a third party and operated by the permittee.

**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:** Amendment of Rules Relating to Treatment of Drinking Water (Health Code Article 141)

**REFERENCE NUMBER:** 2025 RG 023

**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  
Senior Counsel

Date: March 11, 2025

**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: Amendment of Rules Relating to Treatment of Drinking Water (Health Code Article 141)**

**REFERENCE NUMBER: DOHMH-159**

**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 it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro  
Mayor's Office of Operations

March 11, 2025  
Date