



COMMENTS ON THE PROPOSED AMENDMENTS TO NYC COOLING TOWER

Tuesday, March, 2026

Regarding the proposed amendments to NYC Cooling Tower Regulations, we fully support measures that enhance oversight and improve public safety. At the same time, we respectfully raise a few concerns and hope the DOHMH will consider our specialized expertise in water treatment, consulting, and water safety when finalizing these updates.

1. Key Requirement Considerations

Annual certifications must be conducted by an independent third-party environmental consultant, (certifying vendor must not have any existing legal affiliation with the current water treatment vendor in care of the building).

Important Rule

The third-party certifying agency (independent environmental consultant) must not have any existing legal affiliation with the building's current water treatment vendor.

Reason

Similar to elevator annual inspections (NYC Administrative Code 28-304), those inspections must be performed by a third-party agency not the company that performs the maintenance.

Policy Logic

Third-Party Independent certifications prevent:

- self-certification bias
- falsified compliance
- underreported deficiencies



2. Key Requirement Considerations

Third-party independent inspections are required when Legionella levels reach Level 3 or higher. An independent environmental consultant would verify that the water treatment equipment is operational, confirm that the corrective action has taken place in accordance with the MPP, and collects a legionella sample; sampling will continue until Level 1 or below is achieved.

Important Rule

The third-party certifying agency (independent environmental consultant) must not have any existing legal affiliation with the building's current water treatment vendor.

Reason

When a cooling tower is identified as having an elevated Legionella risk (Level 3 or Level 4), Heightened Monitoring of that system should be implemented to safeguard public health. For example, the NYC DOHMH frequently requires a Heightened Monitoring Plan (HMP) when a cooling tower or building water system shows evidence of increased Legionella risk.

Policy Logic

Third-Party Independent Inspections:

- Elevated Legionella levels (Level 3 or Level 4) indicate a higher risk to public health.
- Independent inspections ensure that corrective actions are verified objectively, eliminating potential conflicts of interest from vendors reviewing their own work.
- This policy mirrors the Heightened Monitoring Plan (HMP) process typically requested by NYC DOHMH, which is designed to implement more rigorous oversight for systems posing elevated Legionella risk.
- Continuous sampling and verification until Level 1 or below ensures that the system has returned to a safe operating condition, maintaining compliance and protecting building occupants.



3. Key Requirement Considerations

For an elevated bacteriological sample/dip-slide (over 10,000), the management and maintenance team must initiate monitoring of disinfectant residual one time per day until water treatment achieves a target biocide residual between the range of 1-3 PPM for two consecutive days. If two (2) consecutive days are not achieved within 3 days, collect a Legionella sample and continue to adjust. *ORP data from a smart water treatment controller will meet the above noted requirement.*

Important Rule

For cooling tower water systems, the typical target free chlorine residual is guided by standard industry practices. While ASHRAE 188 does not specify a fixed ppm, most industry practice interprets a free chlorine residual range from 1-3 PPM as a typical operational target to prevent bacterial growth.

Reason/Policy Logic

Daily monitoring over two consecutive days provides sufficient time to respond to elevated bacterial counts and confirm that the system maintains a sustained disinfectant residual within the recommended range. Maintaining 1–3 ppm free chlorine helps ensure effective disinfection, reduces the risk of Legionella growth, and provides a clear, verifiable indicator of system safety consistent with standard industry practices.

Request for Clarification

Regarding Violation 24 RCNY §8-06(b)(2), which states that a sample must be collected prior to cooling tower start-up. This appears to conflict with Page 11, Section 25(b)(2), which requires sampling within 3–14 days after start-up. It also creates confusion with the current definition of “start-up,” which considers a system operational once water is present in the system.

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