Sea Grant
LAW CENTER

PFAS-related Law and Regulatory Provisions

New York

Laws

- NY Envtl. Conserv. § 27-3313 - Labeling and design requirements (Carpet Collection Program)
- NY Envtl. Conserv. § 37-0121 - Prohibition against the use of perfluoroalkyl and polyfluoroalkyl substances in apparel and outdoor apparel for severe wet conditions
- NY Envtl. Conserv. § 37-0203 - Definitions (Hazardous Packaging)
- NY Envtl. Conserv. § 37-0209 - Prohibition on the use of perfluoroalkyl and polyfluoroalkyl substances in food packaging
- NY Gen. Bus. § 391-u -Restrictions on the sale and use of firefighting equipment containing PFAS chemicals
- NY Gen. Mun. § 204-g - Restrictions on the use of firefighting foam containing PFAS chemicals
- NY Pub. Health § 1112 - Emerging Contaminant Monitoring

Regulations

- N.Y. Comp. Codes R. & Regs. tit.10. § 5-1.51 -Maximum contaminant levels, maximum residual disinfectant levels and treatment technique requirements
- N.Y. Comp. Codes R. & Regs. tit.10. § 5-1.52 - Drinking Water Tables- *not included due to length*
- N.Y. Comp. Codes R. & Regs. tit. 6, Part 597 - Hazardous Substances Identification, Release Prohibition, and Release Reporting - *not included due to length*

McKinney's Consolidated Laws of New York Annotated
Environmental Conservation Law (Refs & Annos)
Chapter 43-B. Of the Consolidated Laws (Refs & Annos)
Article 27. Collection, Treatment and Disposal of Refuse and Other Solid Waste (Refs & Annos)
Title 33. Carpet Collection Program

McKinney's ECL § 27-3313

§ 27-3313. Labeling and design requirements

Effective: December 28, 2024
Currentness

1. On and after one year after the plan is approved by the department pursuant to section 27-3309 of this title, carpet sold or offered for sale in the state shall be accompanied by the following identifying information:

(a) Name of the producer and contact information; and

(b) Carpet material, composition, and type of construction.

2. On and after December thirty-first, two thousand twenty-six, no carpet sold or offered for sale in the state shall contain or be treated with PFAS substances for any purpose.

Credits
(Added L.2022, c. 795, § 1, eff. Dec. 28, 2024. Amended L.2023, c. 82, § 7, eff. Dec. 28, 2024.)

McKinney's E. C. L. § 27-3313, NY ENVIR CONSER § 27-3313
Current through L.2024, chapters 1 to 427. Some statute sections may be more current, see credits for details.

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McKinney's Consolidated Laws of New York Annotated
Environmental Conservation Law (Refs & Annos)
Chapter 43-B. Of the Consolidated Laws (Refs & Annos)
Article 37. Substances Hazardous or Acutely Hazardous to Public Health, Safety or the Environment (Refs & Annos)
Title 1. Substances Hazardous to the Environment (Refs & Annos)

McKinney's ECL § 37-0121

§ 37-0121. Prohibition against the use of perfluoroalkyl and polyfluoroalkyl substances in apparel and outdoor apparel for severe wet conditions

Effective: December 31, 2023
Currentness

1. After January first, two thousand twenty-five, no person shall sell or offer for sale in this state any new, not previously used, apparel containing perfluoroalkyl and polyfluoroalkyl substances as intentionally added chemicals.

2. In addition to the provisions of subdivision one of this section, one year after the department's adoption of the regulations required by this subdivision, but no later than January first, two thousand twenty-seven, no person shall sell or offer for sale in this state any new, not previously used, apparel containing perfluoroalkyl and polyfluoroalkyl substances at or above a level that the department shall establish in regulation.

3. On or after January first, two thousand twenty-eight, no person shall sell or offer for sale in this state any new, not previously used, outdoor apparel for severe wet conditions containing perfluoroalkyl and polyfluoroalkyl substances: (a) at or above a level that the department shall establish in regulation, or (b) as intentionally added chemicals.

4. For the purposes of this section, the following terms shall have the following meanings:

(a) “Intentionally added chemical” means a chemical in a product that serves an intended function or technical effect in the product or product component, including the PFAS within intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product or product component.

(b) “Apparel” means clothing items intended for regular wear or formal occasions including, but not limited to, undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, vests, dancewear, suits, saris, scarves, tops, leggings, leisurewear, formal wear, outdoor apparel, onesies, bibs, and diapers. “Apparel” shall not include:

(i) professional uniforms that are worn to protect the wearer from health or environmental hazards, including personal protective equipment; or

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(ii) outdoor apparel for severe wet conditions.

(c) “Outdoor apparel” means clothing items intended primarily for outdoor activities, including but not limited to, hiking, camping, skiing, climbing, bicycling, and fishing.

(d) “Outdoor apparel for severe wet conditions” means outdoor apparel that are extreme and extended use products designed for outdoor sports experts for applications that provide protection against extended exposure to extreme rain conditions or against extended immersion in water or wet conditions, such as from snow, in order to protect the health and safety of the user and that are not marketed for general consumer use.

(e) “Manufacturer” means a person, firm, association, partnership, or corporation:

(i) that produces or whose brand name is affixed to apparel or outdoor apparel for severe wet conditions; or

(ii) in the case of apparel or outdoor apparel for severe wet conditions that was imported into the United States, “manufacturer” means the importer or first domestic distributor of the apparel or outdoor apparel for severe wet conditions if no person who is a manufacturer within the meaning of subparagraph (i) of this paragraph has a presence in the United States.

5. No person that sells or offers for sale any apparel or outdoor apparel for severe wet conditions shall be held in violation of this section if they can show that they relied in good faith on the written assurance of the manufacturer that such apparel or outdoor apparel for severe wet conditions meets the requirements of this section. Such written assurance shall take the form of a certificate of compliance stating that such apparel or outdoor apparel for severe wet conditions is in compliance with the requirements of this section. The certificate of compliance shall be signed by an authorized official of the manufacturer.

6. In addition to any other applicable penalties, it shall be a violation of this section to provide a certificate of compliance as contemplated by subdivision five of this section when the applicable apparel or outdoor apparel for severe wet conditions does not satisfy the limitations on the presence of perfluoroalkyl and polyfluoroalkyl substances set forth in subdivisions one, two and three of this section.

Credits
(Added L.2022, c. 820, § 2, eff. Dec. 31, 2023. Amended L.2023, c. 111, § 1, eff. Dec. 31, 2023.)

McKinney's E. C. L. § 37-0121, NY ENVIR CONSER § 37-0121
Current through L.2024, chapters 1 to 427. Some statute sections may be more current, see credits for details.

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McKinney's Consolidated Laws of New York Annotated
Environmental Conservation Law (Refs & Annos)
Chapter 43-B. Of the Consolidated Laws (Refs & Annos)
Article 37. Substances Hazardous or Acutely Hazardous to Public Health, Safety or the Environment (Refs & Annos)
Title II. Hazardous Packaging (Refs & Annos)

McKinney's ECL § 37-0203

§ 37-0203. Definitions

Effective: December 31, 2022
Currentness

For the purposes of this title, the term:

1. “Distributor” shall mean any person, firm, association, partnership or corporation, who or which imports or causes to be imported into the state, any container, whether filled or unfilled, used to package products.

2. “Manufacturer” shall mean a person, firm, association, partnership or corporation, who or which makes containers to be used to package products.

3. “Package” means a container providing a means of marketing, protecting or handling a product and shall include a unit package, an intermediate package and a shipping container. “Package” shall also mean and include, but not be limited to, such unsealed receptacles as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags and tubs.

4. “Packaging component” means any individual assembled part of a package such as, but not limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks and labels.

5. “Food packaging” means a package or packaging component that is intended for direct food contact and is comprised, in substantial part, of paper, paperboard, or other materials originally derived from plant fibers.

6. “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS substances” shall mean, for the purposes of food packaging, a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

Credits
(Added L.1990, c. 286, § 2. Amended L.2020, c. 307, § 1, eff. Dec. 31, 2022.)

McKinney's E. C. L. § 37-0203, NY ENVIR CONSER § 37-0203

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§ 37-0203. Definitions, NY ENVIR CONSER § 37-0203

Current through L.2024, chapters 1 to 427. Some statute sections may be more current, see credits for details.

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McKinney's Consolidated Laws of New York Annotated
Environmental Conservation Law (Refs & Annos)
Chapter 43-B. Of the Consolidated Laws (Refs & Annos)
Article 37. Substances Hazardous or Acutely Hazardous to Public Health, Safety or the Environment (Refs & Annos)
Title II. Hazardous Packaging (Refs & Annos)

McKinney's ECL § 37-0209

§ 37-0209. Prohibition on the use of perfluoroalkyl and polyfluoroalkyl substances in food packaging

Effective: December 31, 2022
Currentness

1. No person shall distribute, sell or offer for sale in this state food packaging containing perfluoroalkyl and polyfluoroalkyl (PFAS) substances as intentionally added chemicals.

2. For purposes of this section, “intentionally added chemical” shall have the same meaning as subdivision eleven of section 37-0901 of this article.

Credits
(Added L.2020, c. 307, § 3, eff. Dec. 31, 2022.)

McKinney's E. C. L. § 37-0209, NY ENVIR CONSER § 37-0209
Current through L.2024, chapters 1 to 427. Some statute sections may be more current, see credits for details.

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McKinney's Consolidated Laws of New York Annotated
General Business Law (Refs & Annos)
Chapter 20. Of the Consolidated Laws
Article 26. Miscellaneous (Refs & Annos)

McKinney's General Business Law § 391-u

§ 391-u. Restrictions on the sale and use of firefighting equipment containing PFAS chemicals

Effective: March 22, 2020
Currentness

<[As added by L.2020, c. 88, § 1. See, also, § 391-u as added by another act.]>

1. As used in this section, unless the context clearly requires otherwise:

(a) “Class B firefighting foam” means foams designed to prevent or extinguish ignitable liquid fires.

(b) “Ignitable liquid fire” means any fire involving a flammable or combustible liquid where blanketing and smothering for vapor suppression is needed to extinguish the fire.

(c) “Firefighting personal protective equipment” means any clothing designed, intended, or marketed to be worn by firefighting personnel in the performance of their duties, designed with the intent for the use in firefighting and rescue activities, including jackets, pants, shoes, gloves, helmets, and respiratory equipment.

(d) “Local governments” includes any county, city, town, village, fire district, fire company as defined in section two hundred four-a of the general municipal law, regional fire protection authority, or other special purpose district that provides firefighting services.

(e) “Manufacturer” includes any person, firm, association, partnership, corporation, organization, joint venture, importer or domestic distributor of firefighting agents or firefighting equipment.

(f) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS chemicals” means, for the purposes of firefighting agents and firefighting equipment, a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(g) “Person” means any individual, partnership, association, public or private corporation, limited liability company or any other type of legal or commercial entity, including their members, managers, partners, directors, or officers.

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2. No person or state agency shall discharge or otherwise use for training purposes class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS chemicals).

3. (a) Commencing two years after the effective date of this section, no manufacturer of class B firefighting foam may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state class B firefighting foam to which PFAS chemicals have been intentionally added except as provided in paragraph (b) of this subdivision.

(b) The restrictions in paragraph (a) of this subdivision shall not apply to the manufacture, sale, or distribution of class B firefighting foam:

(1) For use in suppressing or preventing an ignitable liquid fire where the office of fire prevention and control, in consultation with the department of environmental conservation and the department of health, through promulgation of a rule, exempts a use of class B firefighting foam on the basis that an alternative firefighting agent to which PFAS chemicals have not been intentionally added and that is effective in suppressing or preventing an ignitable liquid fire is not available. If the office of fire prevention and control exempts a use of class B firefighting foam from the restrictions in paragraph (a) of this subdivision, it shall re-evaluate available alternative firefighting agents at least every two years as long as the exemption remains in place, and repeal such exemption upon a finding that an alternative firefighting agent to which PFAS chemicals have not been intentionally added is available that is effective in suppressing or preventing an ignitable liquid fire.

(2) Where the inclusion of PFAS chemicals are required by federal law or regulations. In the event that applicable federal laws or regulations change after the effective date of this section to allow the use of effective alternative firefighting agents that do not contain PFAS chemicals, the office of fire prevention and control may adopt rules that restrict PFAS chemicals for the manufacture, sale, and distribution of firefighting foam for uses that are addressed by the federal law or regulation.

4. (a) A manufacturer of class B firefighting foam restricted under subdivision three of this section shall notify, in writing, persons that sell the manufacturer's products in this state about the provisions of this section no less than one year prior to the implementation date of the restrictions set forth in subdivision three of this section.

(b) A manufacturer that produces, sells, or distributes a class B firefighting foam prohibited under subdivision three of this section shall recall the product, which includes collection, transport, treatment, storage and safe disposal, after the implementation date of the restrictions set forth in subdivision three of this section and reimburse the retailer or any other purchaser for the product.

5. (a) A manufacturer or other person that sells firefighting personal protective equipment to any person, local government, or state agency must provide written notice to the purchaser at the time of sale if the firefighting personal protective equipment contains PFAS chemicals. The written notice must include a statement that the firefighting personal protective equipment contains PFAS chemicals and the reason PFAS chemicals are added to the equipment.

(b) The manufacturer or person selling firefighting personal protective equipment and the purchaser of the equipment must retain the notice on file for at least three years from the date of the transaction.

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6. The office of fire prevention and control may issue guidance to state agencies, fire protection districts and local governments in avoiding the purchase or use of class B firefighting foams to which PFAS chemicals have been intentionally added and to give priority and preference to the purchase of firefighting personal protective equipment that does not contain PFAS chemicals.

7. Any manufacturer or person in violation of the provisions of this section shall be subject to a civil penalty not to exceed five thousand dollars for each violation in the case of a first offense. Manufacturers or persons that are repeat violators of the provisions of this section shall be subject to a civil penalty not to exceed ten thousand dollars for each repeat offense. Penalties collected under this section shall be deposited in the hazardous waste remedial fund created by section ninety-seven-b of the state finance law.

Credits
(Added L.2020, c. 88, § 1, eff. March 22, 2020.)

McKinney's General Business Law § 391-u, NY GEN BUS § 391-u
Current through L.2024, chapters 1 to 427. Some statute sections may be more current, see credits for details.

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McKinney's Consolidated Laws of New York Annotated
General Municipal Law (Refs & Annos)
Chapter 24. Of the Consolidated Laws
Article 10. Firefighters and Police Officers (Refs & Annos)

McKinney's General Municipal Law § 204-g

§ 204-g. Restrictions on the use of firefighting foam containing PFAS chemicals

Effective: March 22, 2020
Currentness

1. As used in this section:

(a) “Class B firefighting foam” means foams designed to extinguish ignitable liquid fires.

(b) “Ignitable liquid fire” shall have the same meaning as defined in paragraph (b) of subdivision one of section three hundred ninety-one-u of the general business law.

(c) “Local governments” includes any county, city, town, village, fire district, fire company as defined in section two hundred four-a of this article, regional fire protection authority, or other special purpose district that provides firefighting services.

(d) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS chemicals” shall have the same meaning as defined in paragraph (f) of subdivision one of section three hundred ninety-one-u of the general business law.

2. No local government shall discharge or otherwise use for training purposes class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS chemicals).

Credits
(Added L.2020, c. 88, § 2, eff. March 22, 2020.)

McKinney's General Municipal Law § 204-g, NY GEN MUN § 204-g
Current through L.2024, chapters 1 to 427. Some statute sections may be more current, see credits for details.

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McKinney's Public Health Law § 1112

§ 1112. Emerging contaminant monitoring

Effective: December 22, 2021
Currentness

1. Industry and modern technology have created thousands of new chemicals that would not otherwise exist in nature. Although some of these chemicals have proven benefits, the effect of many such chemicals on human health is unknown or not fully understood. Furthermore, with the advance of science and technology, public health scientists and experts are able to identify naturally occurring contaminants that pose previously unknown hazards to human health. Where these chemicals or contaminants, collectively referred to as "emerging contaminants," enter drinking water supplies, they can present unknown but potentially serious risks to public health. New Yorkers served by public water supplies have the right to know when potentially hazardous substances contaminate their drinking water and the department must be equipped to monitor and protect the public from these emerging contaminants.

2. a. "Emerging contaminants" shall mean any physical, chemical, microbiological or radiological substance listed as an emerging contaminant pursuant to subdivision three of this section.

b. "Notification level" means the concentration level of an emerging contaminant in drinking water that the commissioner has determined, based on available scientific information, warrants public notification and may require actions, which may include enhanced monitoring and activities to reduce exposure, pursuant to this section.

c. "Covered public water system" shall mean: (i) a public water system that serves at least five service connections used by year-round residents or regularly serves at least twenty-five year-round residents; or (ii) a public water system that regularly serves at least twenty-five of the same people, four hours or more per day, for four or more days per week, for twenty-six or more weeks per year.

3. a. The commissioner shall promulgate regulations to identify and list substances as emerging contaminants that meet the following criteria:

(i) are not subject to any other substance-specific drinking water regulation of the department that establishes a maximum contaminant level, maximum residual disinfectant level, or action level;

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(ii) are known or anticipated to occur in public water systems; and

(iii) because of their quantity, concentration, or physical, chemical or infectious characteristics, may cause physical injury or illness, or otherwise pose a potential hazard to human health when present in drinking water.

b. In determining what substances shall be listed as emerging contaminants the commissioner shall, at a minimum, consider:

(i) unregulated contaminants monitored pursuant to the federal Safe Drinking Water Act (42 U.S.C. § 300g-1) as amended from time to time;

(ii) substances that require regulation or monitoring when present in drinking water in other jurisdictions outside the state of New York;

(iii) pesticide chemicals for which the United States environmental protection agency has set human health benchmarks for drinking water;

(iv) substances found at sites in remedial programs located inside and outside the state of New York, including but not limited to inactive hazardous waste sites; and

(v) recommendations from the drinking water quality council established pursuant to section eleven hundred thirteen of this title.

c. The commissioner shall, at a minimum, include the following chemicals identified as emerging contaminants in the first list of emerging contaminants: perfluorononanoic acid (PFNA); perfluorohexanesulfonic acid (PFHxS); perfluoroheptanoic acid (PFHpA); perfluorobutanesulfonic acid (PFBS); hexafluoropropylene oxide dimer acid (HFPO-DA); Perfluorodecanoic acid (PFDA); Perfluorododecanoic acid (PFDoA); Perfluorohexanoic acid (PFHxA); Perfluoroundecanoic acid (PFUnA); 11-chloroeicosafluoro-3-oxaundecane-1-sulfonic acid (11Cl-PF3OUdS); 9-chlorohexadecafluoro-3-oxanonane-1-sulfonic acid (9Cl-PF3ONS); 4,8-dioxa-3H-perfluorononanoic acid (ADONA); Nonafluoro-3,6-dioxaheptanoic acid (NFDHA); Perfluorobutanoic acid (PFBA); 1H, 1H, 2H, 2HPerfluorodecane sulfonic acid (8:2FTS); Perfluoro(2-ethoxyethane)sulfonic acid (PFEESA); Perfluoroheptanesulfonic acid (PFHpS); 1H,1H, 2H, 2H-Perfluorohexane sulfonic acid (4:2FTS); Perfluoro-3-methoxypropanoic acid (PFMPA); Perfluoro-4-methoxybutanoic acid (PFMBA); 1H,1H, 2H, 2H-Perfluorooctane sulfonic acid (6:2FTS); Perfluoropentanoic acid (PFPeA); Perfluoropentanesulfonic acid (PFPeS).

d. The commissioner shall make regulations to list the following additional substances as emerging contaminants; provided however the commissioner may, upon review and recommendation by the drinking water quality council pursuant to section eleven hundred thirteen of this title determine not to include such chemicals as emerging contaminants by January first, two thousand twenty-four: 1,2,3-trichloropropane; chloromethane (methylchloride); 1,1-dichloroethane; bromomethane (methyl bromide); chlorodifluoromethene (HCFC-22); vanadium; molybdenum; cobalt; strontium; chromium-6; N-ethyl perfluorooctanesulfonamidoacetic acid (NEtFOSAA); N-methyl perfluorooctanesulfonamidoacetic acid (NMeFOSAA); Perfluorotetradecanoic acid (PFTA); Perfluorotridecanoic acid (PFTrDA). Provided, however, the commissioner may, upon

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review and recommendation by the drinking water quality council, determine not to include such chemicals as emerging contaminants: testosterone; and 4-androstene-3,17-dione.

e. The commissioner shall by regulation remove any substance from the list of emerging contaminants upon adopting a maximum contaminant level for such substance.

4. Every covered public water system shall test drinking water for the presence of emerging contaminants at least once every three years pursuant to a schedule determined by the department through regulation.

5. Every test conducted in accordance with this section shall be conducted by a laboratory certified by the department pursuant to section five hundred two of this chapter. Laboratories shall submit such results electronically to the department, to any other health department with jurisdiction over the covered public water system, and to the covered public water system, in the manner prescribed pursuant to section five hundred two of this chapter.

6. The commissioner shall promulgate regulations establishing notification levels for any emerging contaminant listed pursuant to subdivision three of this section. Any notification level established pursuant to this subdivision shall be equal to or lower than any federal lifetime health advisory level established pursuant to the federal Safe Drinking Water Act (42 U.S.C. § 300g-1). If no federal lifetime health advisory level has been established, the commissioner shall establish notification levels based upon the available scientific information, and may take into consideration recommendations of the drinking water quality council established pursuant to section eleven hundred thirteen of this title. Such notification levels shall be made easily accessible to the public through a link that is posted on the department's website and updated regularly.

7. Notwithstanding subdivision three of this section, the commissioner may, by declaration, add any physical, chemical, microbiological or radiological substance to the list of emerging contaminants established pursuant to subdivision three of this section, establish a notification level, and require testing for such substance, if the commissioner determines that: (i) such substance poses or has the potential to pose a significant hazard to human health when present in drinking water; (ii) such substance was recently detected in a public water system and has the potential to be present in other public water systems; and (iii) it appears to be prejudicial to the interests of the people to delay action by preparing and filing regulations. The commissioner shall, however, promulgate regulations adding such new emerging contaminant or establishing such notification level within one year of such declaration. Such declaration shall clearly state where and the date by which such testing must occur. After the commissioner promulgates regulations adding such emerging contaminant, such regulations shall supersede the declaration issued pursuant to this subdivision. Until such notification levels are posted on the department's website pursuant to subdivision six of this section, the commissioner shall post the notification levels established by declaration on such website so that they are easily accessible through a link to the public.

8. Whenever one or more emerging contaminants is confirmed to be present in drinking water at concentrations at or above a notification level established pursuant to this section:

a. the covered public water system shall notify the department within twenty-four hours;

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b. the covered public water system shall notify all owners of real property served by the covered public water system in a time and manner to be prescribed by the department, provided that in no event shall notification occur more than ninety days after the presence of an emerging contaminant at concentrations at or above a notification level established pursuant to this section is confirmed;

c. the commissioner may directly notify such owners of real property if it is determined that the public's interest would be best served by such notification, or if the commissioner determines that the covered public water system is not acting, or cannot act in a timely manner;

d. the commissioner may require that the covered public water system take such actions as may be appropriate to reduce exposure to emerging contaminants. If the commissioner determines that the concentration of the emerging contaminant constitutes an actual or potential threat to public health, based on the best available scientific information, the commissioner shall consult with the commissioner of the department of environmental conservation regarding any further action that may be appropriate, including but not limited to actions pursuant to title twelve of article twenty-seven of the environmental conservation law.

9. The commissioner shall work in consultation with the commissioner of the department of environmental conservation to develop educational materials, and may take into consideration recommendations of the drinking water quality council established pursuant to section eleven hundred thirteen of this title. Such educational materials shall be made available through a link on the department's website that is easily accessible to the covered public water system and the general public, relating to methodologies for reducing exposure to emerging contaminants and potential actions that may be taken to mitigate or remediate emerging contaminants. Such link shall also include information relating to notification levels established by declaration pursuant to subdivision seven of this section and by regulation pursuant to subdivision six of this section. The commissioner shall coordinate with the United States Environmental Protection Agency to ensure that the information available on the EPA's Drinking Water Watch website is available to public water systems and that information available on the EPA's Safe Drinking Water Information System is available to the public through an easily accessible link on the department's website. The website and such links shall allow, to the extent practicable, the public to easily access information including but not limited to, basic water system information, including system identification number, name and type, department contacts, public notices, violations and enforcement actions taken by the state and federal government. The website and such links shall be monitored and updated regularly by the department. The commissioner shall also provide the covered public water system with information relating to potential funding sources provided by the state and federal government for mitigation or remedial activities, and to reduce the exposure to emerging contaminants.

10. Any owner of real property, including any owner's agent, to whom a covered public water system has provided notification of the exceedance of a notification level established pursuant to subdivision six of this section, shall take all reasonable and necessary steps to provide, within ten days, any tenants with copies of the notification provided by the covered public water system.

11. The commissioner may promulgate regulations pursuant to which the department may provide financial assistance for compliance with the testing requirements of this section, to any covered public water system upon a showing that the costs associated with testing drinking water in compliance with this section would impose a financial hardship. Such regulations shall, when prioritizing public water systems for eligibility for financial assistance, incorporate provisions that give preference to public water systems serving less than ten thousand individuals.

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12. The commissioner shall periodically review substances that have been identified as emerging contaminants pursuant to this section and determine if the department should establish a maximum contaminant level for the substance. Such review shall occur, at a minimum, once every three years.

13. The commissioner shall make draft regulations containing the first list of emerging contaminants within one hundred eighty days of the effective date of this subdivision and shall make regulations implementing this subdivision within ninety days thereafter.

14. The commissioner shall make regulations updating the list of emerging contaminants and their associated notification levels to reflect the latest available scientific information at least once every three years. The commissioner shall add new emerging contaminants under subdivision three of this section at least once every three years.

Credits

(Added L.2017, c. 57, pt. M, § 1, eff. April 20, 2017. Amended L.2018, c. 314, § 1, eff. Oct. 2, 2018; L.2021, c. 716, § 1, eff. Dec. 22, 2021; L.2022, c. 69, § 1, eff. Dec. 22, 2021.)

McKinney's Public Health Law § 1112, NY PUB HEALTH § 1112
Current through L.2024, chapters 1 to 427. Some statute sections may be more current, see credits for details.

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Compilation of Codes, Rules and Regulations of the State of New York
Title 10. Department of Health
Chapter I. State Sanitary Code
Part 5. Drinking Water Supplies (Refs & Annos)
Subpart 5-1. Public Water Systems (Refs & Annos)
Public Water Systems; Maximum Contaminant Levels; Monitoring Requirements; Notifications Required.

10 NYCRR 5-1.51

Section 5-1.51. Maximum contaminant levels, maximum residual disinfectant levels and treatment technique requirements

Currentness

(a) The maximum contaminant levels, maximum residual disinfectant levels and treatment technique requirements are listed in section 5-1.52 tables 1 through 7 of this Subpart. In the case where an MCL, MRDL or treatment technique requirement is exceeded, notwithstanding anything to the contrary contained in section 5-1.12 of this Subpart, the supplier of water will take the necessary steps to comply with this section, to ensure the protection of the public health, including the undertaking of remedial feasibility studies and the installation of a suitable treatment process. Compliance with the MCLs, MRDLs and treatment technique requirements shall be determined by the procedures contained in section 5-1.52 tables 1 through 7 of this Subpart.

(b) The minimum monitoring requirements for each contaminant are listed in section 5-1.52 tables 8A through 12 and 15A of this Subpart, except for public water systems with fewer than 15 service connections and which serve fewer than 25 persons, where monitoring will be at State discretion. For this section, State discretion shall mean requiring monitoring when the State has reason to believe an MCL, MRDL or treatment technique requirement has been violated, the potential exists for an MCL, MRDL or treatment technique violation or a contaminant may present a risk to public health.

(c) Each system shall develop and implement a monitoring plan that includes all monitoring requirements specified in this Subpart. The system shall maintain the plan and make it available for inspection by the State and the general public. After review, the State may require changes in any plan elements. Failure to monitor in accordance with the monitoring plan is a monitoring violation. Systems may only use data collected in accordance with the monitoring plan to qualify for reduced monitoring. The monitoring plan shall include at least the following elements, as applicable:

(1) specific locations and schedules for collecting samples for all applicable parameters listed in section 5-1.42, section 5-1.43, Tables 8A-12, 15 and 15A of section 5-1.52, section 5-1.61, and section 5-1.81 of this Subpart;

(2) how the system will calculate compliance with MCLs, MRDLs, and treatment techniques;

(3) if the system is a consecutive system, or it is providing water to a consecutive system, and has been approved for modified monitoring under the provisions of section 5-1.76 of this Subpart, the sampling plan must reflect the entire distribution system for any analytes approved for modified monitoring;

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(4) consecutive ground water systems must define and implement a protocol for notifying the system from which they receive water of any total coliform positive samples so the source can be tested for fecal contamination, unless the wholesale groundwater system provides four-log virus treatment at peak flow before or at the first customer as confirmed through process compliance monitoring.

(5) Disinfection Byproduct Monitoring.

(i) The following requirements of this subdivision apply to community and nontransient noncommunity water systems that use or deliver water that has been treated with a primary or residual disinfectant other than ultraviolet light, provided they serve 15 or more service connections or serve 25 or more persons:

(*a*) if a new community or nontransient noncommunity water system begins operation, or an existing community or nontransient noncommunity water system begins using a disinfectant other than ultraviolet light, the system shall consult with the State to identify compliance monitoring locations for disinfection byproducts to include in the system's monitoring plan, consistent with the requirements in 40 CFR 141.601 and 141.602, and for new systems that need an Initial Distribution System Evaluation (IDSE), consistent with 40 CFR 141.605; and

(*b*) if a community or nontransient noncommunity water system adds or removes compliance monitoring locations, the system shall identify additional locations by alternating selection of locations representing high TTHM levels and high HAA5 levels until the required number of compliance monitoring locations have been identified, as specified in section 5-1.52 Table 9A of this Subpart. Systems shall also provide the rationale for identifying the locations as having high levels of TTHM or HAA5.

(ii) Systems shall revise monitoring plans to reflect changes in treatment, distribution system operations and layout (including new service areas), other factors that may affect TTHM or HAA5 formation or upon consultation with the State.

(*a*) If a system changes monitoring locations, it shall replace existing compliance monitoring locations with the lowest LRAA with new locations that reflect the current distribution system locations with expected high TTHM or HAA5 levels.

(*b*) The State may require modifications in the monitoring plan.

(*c*) Surface water or GWUDI systems serving more than 3,300 people shall submit a copy of their modified monitoring plan to the State prior to the date they are required to comply with the revised monitoring plan.

(iii) A system is in violation of the monitoring requirements for each quarter that a monitoring result would be used in calculating a LRAA if the system fails to monitor.

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(6) Copies of monitoring plans developed pursuant to this subdivision shall be kept for the same period of time as the records of analyses of samples collected under the plan are required to be kept under this subpart.

(d) The notification requirements for each contaminant are listed in section 5-1.52 table 13 of this Subpart.

(e) The CT values for inactivation of Giardia lamblia cysts by free chlorine at various pH and temperature levels are listed in section 5-1.52 Tables 14A through 14F of this Subpart. The CT values for inactivation of Giardia lamblia cysts by chlorine dioxide and ozone at various temperature levels are listed in section 5-1.52 Table 14G of this Subpart. The CT values for inactivation of Giardia lamblia cysts by chloramines at various temperature levels are listed in section 5-1.52 Table 14H of this Subpart. The CT values for inactivation of Cryptosporidium by chlorine dioxide at various temperature levels are listed in section 5-1.52 Table 14I of this Subpart. The CT values for inactivation of Cryptosporidium by ozone at various temperature levels are listed in section 5-1.52 Table 14J of this Subpart. The UV doses for Cryptosporidium, Giardia lamblia, and virus inactivation credit are listed in section 5-1.52 Table 14K of this Subpart.

(f) The alternative disinfection monitoring frequency requirements using grab samples instead of continuous chlorine concentration monitoring is listed in section 5-1.52 table 15 of this Subpart.

(g) Monitoring and reporting frequencies for specific contaminants may be established at State discretion whenever the State believes that a potential exists for an MCL or MRDL violation or a contaminant may present a risk to public health.

(h) Notwithstanding anything to the contrary in subdivision (a) of this section, the commissioner may recommend values lower than the MCL's if sufficient valid information based on commonly accepted scientific standards and principles demonstrates an increased public health concern. Within one year from the date of such recommendation, the State shall hold a public hearing regarding the justification for the lower value, and whether a new MCL is warranted.

(i) Notwithstanding anything to the contrary in section 5-1.52 table 3 of this Subpart, the commissioner may in specific cases except specific organic chemicals from the MCL's for general organic chemicals if the supplier of water can demonstrate that sufficient valid scientific information exists to show that the organic chemical does not pose an unreasonable risk to human health, the organic chemical is present at a level and under circumstances not indicative of contamination, and the cost of compliance is unreasonable in light of the risk to human health.

(j) Notwithstanding anything to the contrary in section 5-1.52 table 3 of this Subpart, the commissioner may, based on receipt and review of a justification submitted by the supplier of water, allow a higher MCL for a period of up to 60 days following application of a paint or lining to a potable water structure, if he determines that an unreasonable risk to human health does not exist.

(k) Notwithstanding anything to the contrary in section 5-1.52 table 3A of this Subpart, systems may increase residual disinfectant levels of chlorine or chloramines (but not chlorine dioxide) in the distribution system to a level and for a time

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necessary to protect public health, to address specific microbiological contamination problems caused by circumstances such as, but not limited to, distribution line breaks, storm run-off events, source water contamination events, or cross-connection events.

(l) A system that is installing granular activated carbon (GAC) or membrane technology to comply with the trihalomethane and haloacetic acid MCLs listed in section 5-1.52 table 3 of this Subpart may apply to the State for an extension of up to 24 months past the compliance dates for those MCLs. Systems must comply with any interim measures and schedules of compliance set by the State.

(m) Each public water system must certify annually in writing to the State that when Acrylamide and Epichlorohydrin are used in drinking water systems, the combination (or product) of dose and monomer level does not exceed the levels specified as follows:

Acrylamide = 0.05% dosed at 1 ppm (or equivalent)

Epichlorohydrin = 0.01% dosed at 20 ppm (or equivalent)

Certification can rely on manufacturers or third parties, as approved by the State.

(n) For microbiological analysis, a standard sample size of 100 milliliters shall be used.

(o) Disinfection Byproduct Monitoring. The requirements of this subdivision apply to community and nontransient noncommunity water systems that use a primary or residual disinfectant other than ultraviolet light, or deliver water that has been treated with a primary or residual disinfectant other than ultraviolet light in accordance with monitoring requirements in Table 9A of section 5-1.52 of this Subpart.

(1) Systems required to conduct quarterly monitoring shall calculate compliance at the end of each quarter or earlier if the LRAA calculated based on fewer than four quarters of data would cause the MCL to be exceeded regardless of the monitoring results of subsequent quarters in accordance with Table 3 of section 5-1.52 of this Subpart.

(2) Systems required to conduct monitoring at a frequency that is less than quarterly shall monitor in the calendar month identified in the monitoring plan developed under subdivision (c) of this section. Compliance calculations shall be made beginning with the first compliance sample taken after the compliance date.

(p) A system implementing corrective actions to comply with the MCL for Perfluorooctanesulfonic acid (PFOS), Perfluorooctanoic acid (PFOA), and 1,4-dioxane listed in section 5-1.52 table 3 of this subpart may request that the State defer actions for determining MCL violations prescribed in section 5-1.52 table 3 of this subpart for up to 24 months past the effective date of the PFOS, PFOA or 1,4-dioxane MCL. The system shall make such requests in writing within 90 days of the effective date of such MCL. Requests shall document that a deferral period is necessary for a system to implement corrective actions to achieve compliance with the MCL for PFOS, PFOA or 1,4-dioxane and include a timeline with specific milestones for State review and approval. A public notice shall be distributed within 30 days of receiving notification from the State that a deferral has been granted. Systems operating with a deferral approved by the State shall comply with any interim monitoring, public notification or other conditions required by the State, including but not limited to a timeline for implementation of a corrective action plan. Deferrals granted under this subdivision may be renewed, upon request, for up to an additional twelve months if

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the system establishes to the satisfaction of the State that it is taking all practical steps to meet the corrective action plan on which the initial deferral was conditioned. Failure to meet any deferral conditions shall constitute a violation of this section and may result in immediate deferral revocation. Notice of revocation of a deferral shall will be issued in writing by the State.

Credits

Sec. filed April 4, 1977; amd. filed June 24, 1981; repealed, new filed April 6, 1987; amds. filed: Nov. 7, 1988; Dec. 29, 1989; March 19, 1991 as emergency measure, expired 90 days after filing; June 18, 1991; Feb. 19, 1992; Dec. 15, 1992; April 30, 1998; May 10, 2004 eff. May 26, 2004; amd. filed Oct. 21, 2011 eff. Nov. 9, 2011; amd. filed Jan. 2, 2018 eff. Jan. 17, 2018; amd. filed Aug. 13, 2020 eff. Aug. 26, 2020; amd. filed Jan. 4, 2022 eff. Jan. 19, 2022 (Register dated Jan. 19, 2022).

Current with amendments included in the New York State Register, Volume XLVII, Issue 24, dated June 18, 2025. Some sections may be more current, see credits for details.

N.Y. Comp. Codes R. & Regs. tit. 10, § 5-1.51, 10 NY ADC 5-1.51

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