

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive urging the adoption of the attached “Act establishing enhanced testing for lead in potable water systems at Westchester County Parks.” This Act may be referred to as the “Lead-Free Parks Act.”

Your Committee is aware that studies have shown that there is no safe level of lead exposure, and that children are especially vulnerable to facing life-long damage from exposure to lead. Even low levels of lead in children can cause neurological damage, impaired hearing, slowed growth, and anemia. This demonstrates the need to establish appropriate testing in Westchester County Parks.

Your Committee is informed that this Act would establish a process for monitoring and remediating drinking-water quality in the County’s public parks, to ensure that drinking water remains potable. The monitoring and testing—and, if actionable lead levels are found, the warning, remediation, abatement, or discontinuance of the drinking-water supply as appropriate—will be carried out by the County Department of Parks, Recreation and Conservation, in conjunction with the County Department of Health and the County Department of Labs and Research as appropriate. Under this Act, and consistent with State requirements for potable water, the lead concentration in County Parks drinking water cannot exceed 0.015 milligrams per liter of water, given children’s particular sensitivity to any amount of lead exposure. If the concentration of lead is greater than 0.015 milligrams per liter, then the water will need to be treated to bring the lead concentration down, or that particular drinking-water source must be discontinued indefinitely.

Your Committee has been informed that Environmental Advocates NY, a nonprofit

corporation dedicated to protecting the air, land, water and health of all New Yorkers, has reviewed this proposed Act and endorses its passage. Your Committee acknowledges that this legislation is patterned after proposed New York State legislation (S.147A, A.5524 of 2023-2024),¹ which was also endorsed for passage by Environmental Advocates NY. *See* attached memo.

Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Based on the foregoing, your Committee recommends the passage of this Act.

SCM—07/10/23

¹ On March 22, 2023, the bill passed the Senate and was delivered to the Assembly where it was referred to committee. Prior versions of the bill have been introduced over the last several legislative sessions, but the bill has never passed in both the Senate and the Assembly. During the 2021-2022 legislative session, the bill passed the Senate (S.1256B) but did not advance out of committee in the Assembly (A.4551B).

Dated: September 19, 2023
White Plains, New York

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COMMITTEES ON

Public Works & Transportation

Parks & Recreation

Health

Dated: September 19, 2023

White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

**PUBLIC WORKS &
TRANSPORTATION COMMITTEE**

**HEALTH
COMMITTEE**

**PARKS, RECREATION &
CONSERVATION COMMITTEE**

Sydney D. Brandon

An Act establishing
enhanced testing for lead in
potable water systems at
Westchester County Parks.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. This Act institutes a process for monitoring and remediating drinking-water quality in the County's public parks, to ensure that drinking water remains potable. Studies have shown that no amount of lead exposure is safe for children. If ingested by a child, lead may have harmful effects on that child's growth, behavior, and ability to learn; lead may also cause anemia, kidney damage, and hearing loss. This demonstrates the need for appropriate lead testing in the County's parks.

§ 2. Definitions.

1. "County Parks lead action level" means the concentration of lead greater than 0.015 milligrams per liter, which, when met or exceeded, triggers the need for abatement, treatment, remedial action, or the discontinuance of providing potable drinking water at that particular source.
2. "First-draw tap sample" means, for the purposes of lead analysis, a one-liter sample of water collected from a cold water tap after the water has stood in the plumbing system for at least six hours and is collected without flushing the tap.
3. "Potable water" means water which meets the drinking water quality requirements established in Part 5 of the New York State Sanitary Code.

§ 3. Testing Potable Water Systems for Lead.

1. In each park under the jurisdiction of the County, the County Department of Parks, Recreation and Conservation (the "Parks Department") shall conduct first-draw tap sample

testing of systems intended for persons' consumption of potable water, in order to monitor for lead contamination consistent with the County Parks lead action level.

2. The sample shall be collected by an agent or employee of the Parks Department.
3. Once the sample is drawn, the Parks Department shall deliver the sample to the County Department of Labs and Research for testing.
4. The County Department of Labs and Research shall transmit the results of the relevant water sample testing to both the Parks Department and the County Department of Health ("Health Department").
5. As soon as practicable after receipt of the results from the Department of Labs and Research, the Health Department shall analyze the results of the water sample test and shall notify the Parks Department whether the amount of lead in the water exceeds the County Parks lead action level.
6. Such periodic first-draw tap sample testing shall occur at least once every three years.

§ 4. Finding of Lead Contamination.

1. A finding of lead contamination shall be made when water tested consistent with Section 3 of this Act meets or exceeds the County Parks lead action level.
2. Upon a finding of lead contamination:
 - a. Consistent with Section 3(5) of this Act, the Commissioner of the Health Department, or the Commissioner's designee, shall immediately transmit a copy of the results and analysis of all such testing to the Parks Department.
 - b. Once the Parks Department receives notice of the lead contamination, the Parks Department shall conspicuously post warnings to park visitors regarding the contamination at the subject County Park.

- c. The Parks Department and the Health Department shall post relevant warnings and test results on their respective public websites.
- d. Within one-hundred-twenty days after being notified of the lead contamination, or as soon as practicable thereafter, the Commissioner of the Parks Department, in consultation with the Health Department, shall draft a plan to abate, treat, or remediate such contamination, or to discontinue the provision of potable drinking water at that particular source, and submit to the Health Department for review and approval.

§ 5. Promulgation of Rules and Regulations.

The Commissioner of the Health Department, or the Commissioner's designee, in consultation with the Parks Department Commissioner, may promulgate rules and regulations regarding the testing of potable water subject to the provisions of this Act. If such rules and regulations are promulgated, all water testing and plans for abatement, treatment, remediation, or drinking-water discontinuance undertaken pursuant to this Act must conform to the promulgated rules and regulations.

§ 6. This Act shall take effect 180 days after enactment, except that the Commissioner of Parks, in cooperation with Health Department and the Department of Labs and Research, may develop a plan for testing County parks in accordance with Section 3 of this Act that involves completing the first round of testing in County Parks over a period of one year from the effective date of this Act.