



February 15, 2024

Honorable James F. Gennaro, Chairman
Committee on Environmental Protection
New York City Council
78-40 164th Street
Hillcrest, NY 11366

Rohit Aggarwala
Commissioner

Kathryn Mallon
Chief Operating Officer

59-17 Junction Blvd.
Flushing, NY 11373

Tel. (718) 595-5696
Fax (718) 595-3525
Kmallon@dep.nyc.gov

RE: City Council Reporting Requirements Pursuant to Local Law 58 of 2019

Dear Chairman Gennaro,

This letter is submitted pursuant to the requirements of Local Law 58 of 2019 on backflow prevention device reporting.

To protect New York City's drinking water supply systems from contamination, the New York City Department of Environmental Protection (DEP) has a robust water quality monitoring program and regularly performs sampling throughout the City to comply with all relevant State and Federal standards. The Cross Connection Control Program, authorized under Part 5-1.31 of the New York State Sanitary Code, entitled Cross Connection Control, is one of the tools DEP employs to protect the City's water supply system by requiring specified businesses to install and maintain approved backflow prevention devices. Key components of this program include site inspection, plan review, and enforcement.

Chapter 20 of Title 15 of the Rules of City of New York, entitled Governing and Restricting the Use and Supply of Water, defines the degree of hazard of a facility as the potential to cause contamination of the public water supply. A facility may be rated hazardous, aesthetically objectionable, or non-hazardous. A hazardous facility is defined as a facility where substances may be present that endanger the health of other water consumers if introduced into the public water system. Examples of hazardous facilities include laboratories, sewage treatment plants, chemical plants, hospitals, and mortuaries. An aesthetically objectionable facility is defined as a facility with a condition that may be objectionable to other water consumers but would not adversely affect human health. Substances such as food-grade dyes, hot water, and stagnant water from fire lines (in which no chemical additives are used) may result in aesthetically objectionable conditions.

The intent of this letter is to provide the specific information required by §24-343.1.d of the Administrative Code of the City of New York, entitled Backflow Prevention Device Reporting (enacted by Local Law 58 of 2019). This section states;

“On or before February 15, 2020, and on or before every February 15 thereafter, the department [DEP] shall submit a report to the mayor and the speaker of the council setting forth the following information: the number of all facilities that the department estimates requires the installation of one or more backflow prevention devices, the number of such facilities that the department has determined to be hazardous facilities, the number of all facilities in which backflow prevention devices were installed in the preceding calendar year, the number of hazardous facilities in which backflow prevention devices were installed in the preceding calendar year, the number of annual backflow prevention device test reports filed with the department in the preceding calendar year, the number of violations issued in the preceding calendar year for failure to install a backflow prevention device, and the number of violations issued in the preceding calendar year for failure to file an annual backflow prevention device test report with the department.”

The following table summarizes DEP’s compliance per Local Law 58 of 2019 during the reporting period from January 1, 2023 through December 31, 2023.

Reporting Requirement	Count
The number of all facilities that the department estimates requires the installation of one or more backflow prevention devices	88,002
The number of such facilities that the department has determined to be hazardous facilities	51,439
The number of all facilities in which backflow prevention devices were installed in the preceding calendar year	1,794
The number of hazardous facilities in which backflow prevention devices were installed in the preceding calendar year	980
The number of annual backflow prevention device test reports filed with the department in the preceding calendar year	90,516
The number of violations issued in the preceding calendar year for failure to install a backflow prevention device	858
The number of violations issued in the preceding calendar year for failure to file an annual backflow prevention device test report with the department	6,953

I trust you find this information useful. If you have any questions or comments concerning the information provided in this annual report, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn Mallon".

Kathryn Mallon
Chief Operating
Officer

c: Honorable Adrienne E. Adams, Speaker, New York City Council
Patrick Palmer, New York State Department of Health
Katie Lynch, United States Environmental Protection Agency