



Office of the City Clerk

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Legislation Text

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Committee on Health and Public Safety-
June 22, 2016 City Council Meeting

RESOLUTION

WHEREAS, the Safe Water Drinking Act, Title XIV of the Public Health Service Act, requires that the Environmental Protection Agency (EPA) promulgate and administer water regulations for contaminants, including lead, in public water supplies; and WHEREAS, Section 1413 of the Safe Water Drinking Act grant states primacy, or the authority of oversight and enforcement of the EPA's requirements, provided that the minimum standards and regulations set forth by the EPA are adopted and complied with as required by federal law; and

WHEREAS, the State of Illinois, the City of Chicago and its sister agencies are legally bound by the Safe Water Drinking Act and the EPA standards authorized within as the State of Illinois applied for and received primacy from the EPA, thus placing oversight, regulation and liability for any violation of EPA regulation on the State of Illinois; and

WHEREAS, EPA standards for drinking water mandate that maximum allowable levels of lead in drinking water are 15 parts per billion, and;

WHEREAS, to date, elevated levels of lead have presented in the water at fourteen Chicago Public Schools since testing began; and

WHEREAS, test results for hundreds more Chicago Public Schools have yet to be completed; and

WHEREAS, infants and young children "are particularly vulnerable to lead because the physical and behavioral effects of lead occur at lower exposure levels in children than in adults...dose[s] of lead that would have little effect on an adult can have a significant effect on a child..." and;

WHEREAS, the EPA further states that, "[i]n children, low levels of exposure have been linked to damage to the central and peripheral nervous system, learning disabilities, shorter stature, impaired hearing, and impaired formation and function of blood cells...[b]ehavior and learning problems...lower IQ and hyperactivity, slowed growth, anemia...[and]...ingestion of lead can cause seizures, coma and even death"; and

WHEREAS, reports indicate that lead testing in Chicago water sources has been manipulated over the past decade through various methods including: removal of aerators, "pre-flushing" water pipes and running water at a slowed rate (low pressure); and

WHEREAS, the EPA issued a formal memo on February 29, 2016 entitled, "Clarification of Recommended Tap Sampling Procedures for Purposes of the Lead and Copper Rule", which clarifies proper testing protocol under the Rule (40 C.F.R. Sections 141.80

to 141.91) as they relate to removal of aerators, pre-stagnation flushing, running water at low pressure. The memo reiterates protocol regarding removal/cleaning of aerators prior to testing. It states:

"...[the] EPA issued a memorandum on Management of Aerators during Collection of Tap Samples to Comply with the Lead and Copper Rule on October 20, 2006. This memorandum stated that EPA recommends that homeowners regularly clean their aerators to remove particulate matter as a general practice, but states that public water systems should not recommend the removal or cleaning of aerators prior to or during the collection of tap samples gathered for purposes of the Lead and Copper Rule. EPA continues to recommend this approach. The removal or cleaning of aerators during collection of tap samples could mask the added contribution of lead at the tap, which may potentially lead to the public water system not taking additional actions needed to reduce exposure to lead in drinking water..."(emphasis added); and

WHEREAS, with regards to pre-stagnation flushing, the above referenced memo clarifies that:

"...[S]ome sampling instructions provided...include recommendations to flush the tap for a specified period of time prior to starting the minimum 6-hour stagnation time required for samples collected under the Lead and Copper Rule. This practice is called pre-stagnation flushing. Pre stagnation flushing may potentially lower the lead levels as compared to when it is not practiced."

WHEREAS, with regards to running water at a slower rate, the above referenced memo clarifies that, "...a higher flow rate can result in greater release of particulate and colloidal lead and therefore is more conservative in terms of identifying lead concentrations."; and

WHEREAS, protocol published by CPS regarding lead testing at schools specifically directs that pre-stagnation flushing be implemented, stating, "...Do not collect samples in the morning after vacations, weekends, or holidays if possible. If samples must be taken during these periods, ensure that the system has been adequately flushed at least 8 hours prior to the sampling..."

WHEREAS, it is the legal and moral obligation of the City of Chicago and the State of Illinois to provide a safe and accessible public education to all students; and

WHEREAS, the Chicago Public Schools are funded by taxpayers, with 53.76% of the average taxpayer's dollars in 2014 being paid to the City of Chicago Board of Education;

NOW THEREFORE, BE IT RESOLVED that the Mayor and the members of City Council call for hearings before the Committee on Public Safety to determine:

whether the State of Illinois and City of Chicago is in violation of the Safe Water Drinking Act, the Clean Water Act and any other applicable federal or state laws;

whether the practices and procedures of CPS' Action Plan for lead testing were compliant with the standards set forth by the Environmental Protection Agency; and

the financial, legal and social consequences that the taxpayers of Chicago

may incur as a result of the emerging crisis of lead contaminants in public water sources; and

what protocol and procedures CPS are undertaking to effect the decontamination of water sources; and

what protocol and procedures CPS are undertaking to ensure that no future instances of lead contamination occur.

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