

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

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March 13, 2019
Start: 10:30 a.m.
Recess: 11:27 a.m.

HELD AT: Council Chambers - City Hall

B E F O R E: COSTA G. CONSTANTINIDES

COUNCIL MEMBERS: Rafael L. Espinal, Jr.
Stephen T. Levin
Carlos Menchaca
Donovan J. Richards
Eric A. Ulrich
Kalman Yeger

A P P E A R A N C E S (CONTINUED)

2 [sound check] [pause]

3 CHAIRPERSON CONSTANTINIDES: Alright.

4 [gavel] Alright. Good morning I am Costa
5 Constantinides, Chair of the Environmental Protection
6 Committee, and today the committee will hear and vote
7 on two bills related to lead exposure and enforcement
8 in New York City. The modern—the modern conveniences
9 of life that we've all come to depend upon come at a
10 cost to the environment that we all depend upon for
11 life. Gasoline is one of those modern conveniences
12 and was the source of lead air emissions for decades.
13 Paint containing lead was another one of those modern
14 conveniences. Lead was ubiquitous in the environment
15 particularly in air more than 45 years ago when lead
16 was used as an additive to gasoline. The EPA
17 commenced the phase out of lead in all gasoline in
18 1973. Although bio availability of lead has
19 significantly decreased over time, there is no safe
20 level of lead exposure particularly for children.
21 Further, approximately 1% of all women of child
22 bearing age still have blood levels greater than or
23 equal to five micrograms per deciliter. This means
24 that the health effects of chronic low-level exposure
25 to lead including adverse reproductive outcomes

1 remains unaddressed. Today, lead can still be found
2 in some soils. Although lead level in soils have
3 generally declined over time as lead was phased out
4 of gasoline. Although lead pipe was banned from use
5 in drinking water supply lines by most countries in
6 the 1980s, it remains an additive in many plumbing
7 materials due to its malleability. Unfortunately,
8 brass and bond-bronze-based plumbing materials still
9 release dangerous levels of lead. While the city
10 drinking water arrives through out city's safe and
11 healthiest-healthiest beverage to drink, some
12 privately owned water mains that service private
13 property may have lead present. Under those
14 circumstances, individuals with concerns about lead
15 in their drinking water can receive the results of a
16 free water testing At the Tap by the DEP. Where lead
17 is found to be present in water samples taken at the
18 tap, reverse osmosis filters are available to remove
19 lead from drinking water at the tap. Proposed-
20 proposed Introduction 709-A requires the DEP to
21 provide the public on the city's website an on-line
22 interactive map with information regarding the known
23 lead water service line, and to make best efforts to
24 identify all lead water service lines. It also
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2 requires the DEP provide information to users about
3 lead contamination prevention, lead water test kits
4 and how to replace lead service lines. Finally, DEP
5 must replace any known lead water service lines that
6 are owned by department by no later than December 31,
7 2025. Intro 1063-A would require notice to the
8 community board and to the Council Member within five
9 business days of the discovering or becoming aware of
10 a hazardous level of lead in soil as a result of an
11 environmental subsurface investigation to any city
12 project. This—this legislation is intended to
13 eliminate some of the worst impacts of lead exposure
14 I want to thank our Speaker Corey Johnson for his
15 strong leadership on all issues relating to lead
16 contamination, and with that, I would recommend a yes
17 vote on both bills, and I believe that we have one of
18 the bills' sponsors Council Member Holden here who
19 has a statement relating to his legislation. Thank
20 you.

21 COUNCIL MEMBER HOLDEN: Thank you Chair
22 Constantinides. I'm proud to sit here today and see
23 that my bill Intro 1063 is up for a vote. The idea
24 of Intro 1063 stems from a sewer and water main
25 project in my district, which was stalled due to high

2 levels of lead before I took office in—in January of
3 2018. One of my first orders of business upon taking
4 office was to find out why the project was stalled,
5 and after nearly six months of being stalled, I
6 discovered that it was due to soil that contained--
7 originally DDC said it was ash that that stalling the
8 project. Ash now—I said, why would ash found in the
9 soil stall the project, and later, what's, you know,
10 what's worse I had to try, you know, after interview
11 DDC a number of times and calling them I was finally
12 able to find out that it was lead, high levels of
13 lead. So, they were really kind of hiding it, and I
14 also found out that the soil, and it was about 40
15 truckloads of soil that were taken out of the Middle
16 Village sewer and water main project, was rejected by
17 every dump in New York State. It had to be taken to
18 New Jersey that would accept such high levels of—of
19 lead in the soil. What's worse and this is what—this
20 why this bill is—is sort of being introduced, another
21 reason was the soil was dumped, all those truckloads
22 were dumped right across from PSIS 128 in Middle
23 Village right across from the school. So, and these
24 are young children being exposed to this, and to make
25 matter worse, they didn't even bother to cover the

2 soil with tarp. So, it prompted me obviously to
3 introduce this bill 1063, which would require the
4 notice to a local community board and a Council
5 Member whenever a city project uncovers hazardous
6 levels of lead in the soil. Leg, you know,
7 legislation like this should not have been necessary.
8 City agencies need to do more, and to be accountable
9 and transparent. Intro 1063 will ensure that this
10 doesn't happen, what happened at PSIS 128 that—the
11 soil like this not dumped across from the as school.
12 I want to thank Speaker Johnson, Council Member
13 Constantinides and the 10 sponsors of this bill for
14 getting it to this point. I urge it to be passed and
15 enacted into law. I want to thank my staff, Daniel
16 Kurzyna, my Legislative Director and the staff of the
17 Legislative Division. Thank you and I yield back.
18 Thank you very much.

19 CHAIRPERSON CONSTANTINIDES: If the clerk
20 could add my name to the sponsor list for 1063 as
21 well. [pause] Oh, if—if the clerk could call the
22 roll.

23 CLERK: William Martin, Committee Clerk.
24 Roll call vote in the Committee on Environmental
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1 COMMITTEE ON ENVIRONMENTAL PROTECTION 8

2 Protection, Introduction 709-A and 1063-A. Chair
3 Constantinides.

4 CHAIRPERSON CONSTANTINIDES: I vote aye.

5 CLERK: Menchaca.

6 COUNCIL MEMBER MENCHACA: Please add me
7 to both bills and thank you so much for the work,
8 Chair that you're doing here and to the Speaker and
9 the sponsors of the bill. I vote aye on both.

10 CLERK: Richards.

11 COUNCIL MEMBER RICHARDS: If you can add
12 my name to both bill, and I vote aye.

13 CLERK: Yeger.

14 COUNCIL MEMBER YEGER: Aye with my
15 congratulations and commendations to my colleagues
16 for getting this wise—these wise measures passed
17 today. Thank you.

18 CLERK: By a vote of 4 in the
19 affirmative, 0 in the negative and no abstentions,
20 both items have been adopted by the committee.

21 CHAIRPERSON CONSTANTINIDES:

22 Congratulations to Council Member Holden. Thank you
23 for all your great work. [pause] Okay, we're going
24 to leave the roll open for a few minutes as other
25 colleagues come in to vote. Thank you. [pause]

1 COMMITTEE ON ENVIRONMENTAL PROTECTION

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2 CLERK: Continuation roll call, Committee
3 on Environmental Protection, Introduction 709-A and
4 1063-A, Council Member Levin.

5 COUNCIL MEMBER LEVIN: Aye on all.

6 CLERK: The final is now 5 in the
7 affirmative, 0 in the negative and no abstentions.
8 Council Member Levin.

9 COUNCIL MEMBER LEVIN: The hearing is
10 adjourned.

11 MALE SPEAKER: Thank you, sir

12 FEMALE SPEAKER: So, thank you. [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 15, 2019