Submitted to the
United States Environmental Protection Agency

Petition for Emergency Action under the Safe Drinking Water Act, 42 U.S.C. § 300i and 42 U.S.C. § 300j-1(b), to Abate the Imminent and Substantial Endangerment to Syracuse, New York Residents from Lead Contamination in Drinking Water

---

Submitted on Behalf of Petitioners
Families for Lead Freedom Now
The New York Civil Liberties Union
and
The Natural Resources Defense Council

July 28, 2025

Petition Submitted Electronically and Via Postal Mail

Lee Zeldin
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Mail Code 1101A
Washington, DC 20460
VIA EMAIL: Zeldin.Lee@epa.gov

Michael Martucci
Regional Administrator
U.S. Environmental Protection Agency, Region 2
US EPA Region 2
290 Broadway
New York, New York 10007-1866
VIA EMAIL: Martucci.Michael@epa.gov

Peggy Browne
Acting Assistant Administrator for Water
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Mail Code 4101M
Washington, DC 20460
VIA EMAIL: Browne.Peggy@epa.gov

Cecil Rodrigues
Deputy Assistant Administrator for Management performing the duties and functions of the Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Mail Code 2201A
Washington, DC 20460
VIA EMAIL: Rodrigues.Cecil@epa.gov

TABLE OF CONTENTS

EXHIBITS LIST

Exhibit A: Letter from Petitioners to New York State Officials and U.S. Environmental Protection Agency

Exhibit B: Safe Water Engineering Report

Exhibit C: Lead and Copper Tap Sample Results from January 1, 2025, to June 30, 2025

Exhibit D: Filter Distribution Timeline

I. Executive Summary

The City of Syracuse is experiencing a lead water crisis and residents deserve immediate, comprehensive, and durable emergency action to protect them from lead in their drinking water. Syracuse publicly admitted that samples of its tap water showed astronomically high levels of lead over a year ago, yet the City has taken very little action. To protect the people of Syracuse, Petitioners request that the Environmental Protection Agency ("EPA") issue an emergency administrative order under Section 1431 of the Safe Drinking Water Act, 42 U.S.C. § 300i and provide assistance and grants under Safe Drinking Water Act § 1442(b), 42 U.S.C. § 300j-1(b).

In the year since high lead levels should have spurred immediate emergency action, city officials continue to hide behind their own misconduct and improper sampling data, claiming that the July 2024 results were anomalous, even when their own records say otherwise. Petitioners discovered, based on a nationally recognized expert's review of Syracuse Water Department's lead testing results, that Syracuse water had been exceeding the Lead Action Level and violating the Lead and Copper Rule of the federal Safe Drinking Water Act for a number of years. The City was testing at sites that violated the Rule's requirements to sample high-risk homes, to test during specified times of year, and to track the same homes over time. Moreover, the City was adding sampling sites which artificially reduced the reported regulatory benchmark which served to cover up high lead levels in the drinking water. When the City failed to take high lead numbers seriously, Petitioners spoke with impacted residents and uncovered a tangled web of misconduct, starting with scandalous lies and revealing that city employees allegedly sneaked onto property to illegally take water samples. When Petitioners obtained data from additional compliance periods and an expert cross-referenced those data with the City's own records to identify and analyze only proper samples, it revealed a multi-year and troublingly consistent, dangerous presence of lead in the drinking water that suggests the City may have deliberately sampled improperly to obfuscate public health dangers. Regardless of the reasons for the sloppy, noncompliant sample sets and samples allegedly taken improperly by city employees in contravention of EPA and state regulations, the choices the City made masked an urgent public health crisis lurking in drinking water glasses throughout Syracuse.

The City of Syracuse and State of New York have demonstrated many times over the past years that they either have no intention of taking meaningful action to secure safe drinking water or that they are incapable of taking that action. Petitioners appealed to city and state officials to take action but have been dismissed or met with platitudes and unfulfilled promises. For example, high ranking city officials have told residents representing impacted groups to be "patient." The City promised to provide point-of-use filters but that roll-out was severely delayed, disorganized, and ineffective. For point-of-use filters that did find their way into homes, there were no instructions or guidance on how to use or maintain the water filters, which can lead to increased harm compared with inaction, especially given Syracuse's potential microbial breakthrough. City and state officials have failed to take this problem seriously enough to

address water quality. Syracuse claims its most recent round of sampling proves there is no cause for alarm, but Petitioners analyzed that sampling data and found that some of the worrying trends continue. Given this analysis and the City's pattern of downplaying problems in the water system, Petitioners cannot trust the City's statements now. It is past time for EPA to step in, engage with impacted Syracusans, and act on a level commensurate with this emergency to immediately protect people because both the state and local government have failed.

EPA must exercise its emergency authority to address the "imminent and substantial endangerment to the health of persons" posed by Syracuse's lead in drinking water crisis and failure of officials to respond. The totality of the endangerment is, very unfortunately, more than the sum of the parts of the individual violations of the Safe Drinking Water Act and related state and federal regulations. Petitioners are reasonably concerned that absent a comprehensive, emergency response the public health endangerment will continue to harm residents substantially. As Petitioners demonstrate below, a comprehensive federal response is necessary for the community to realize its right to safe drinking water.

II. Interest of Petitioners

The Petitioners are community groups and nonprofit organizations[1] that believe immediate EPA action is needed to abate the ongoing, substantial harm to public health from the drinking water in Syracuse. Petitioner Families for Lead Freedom Now, Inc. ("Families") is a local, community-based, grassroots organization that is a leading voice for families and communities directly affected by childhood lead poisoning in Syracuse. Families has long advocated for government entities to respond more urgently to Syracuse's lead crisis generally, and the ongoing lead drinking water contamination more specifically. After the City of Syracuse Water Department informed customers of high lead levels in its drinking water in August 2024, Families began educating community members about the dangers of lead exposure from drinking water, distributing filters, and calling on the City of Syracuse to immediately take steps to protect everyone's health and safety, including providing filters to all residents (which the City did not do). Since then, Families has continued its advocacy and community education, including hosting events where it distributes filters it procured and talking to community members whose homes were sampled in the City's lead testing program about the sampling methods.

The other Petitioners are nonprofit organizations that work on lead and/or drinking water issues. All Petitioners have previously engaged with New York State to advocate for the protection of Syracuse residents from lead contamination in drinking water. For example, in April 2025, Petitioners sent a letter to the New York State Attorney General and other state and local officials expressing specific concerns about lead contamination in the Syracuse water

[1] Families for Lead Freedom Now, Natural Resources Defense Council ("NRDC"), and New York Civil Liberties Union.

system and asking for a state of emergency to be declared because of the high lead levels and the City's deliberate attempts to downplay and hide the lead crisis.

III. Legal Background

A. Safe Drinking Water Act Section 1431

Section 1431 of the Safe Drinking Water Act ("SDWA") gives EPA broad powers to take "appropriate enforcement action" when contaminants "may present an 'imminent and substantial endangerment' to human health" and state and local officials have not acted to protect public health.[2] Section 1431 actions are intended to "prevent a dangerous condition from materializing or to reduce or eliminate a dangerous situation once it has been discovered."[3] The focus of the section is on "imminent and substantial endangerment."[4] Endangerment includes both actual harm and threatened or potential harm.[5] Actual injury does not need to occur or be proven to occur.[6]

An endangerment is "imminent" when "the potential for harm is great"[7] and the hazard is a continued threat to public health or the environment.[8] Contaminants such as lead, that lead to chronic health effects, can be deemed to cause "imminent endangerment" even though the adverse health effects may not appear immediately after consumption and may continue even after consumption ceases.[9]

An endangerment is substantial when there is "reasonable cause for concern that someone or something may be exposed to a risk of harm . . . if remedial action is not taken."[10] While there is no bright line test for substantiality, some examples of "substantial endangerment" include:

- a substantial likelihood that contaminants capable of causing adverse health effects will be ingested by consumers if preventative action is not taken.

---

[2] U.S. Env't Prot. Agency, Updated Guidance on Emergency Authority Under Section 1431 of the Safe Drinking Water Act (May 30, 2018), https://www.epa.gov/sites/default/files/2019-10/documents/wsg_210_updated_guidance_on_emergency_authority_under_sdwa_section_1431_5_30_2018508.pdf ("EPA 2018 Updated Guidance on Emergency Authority"); *see also* 42 U.S.C. § 300i.
[3] EPA 2018 Updated Guidance on Emergency Authority.
[4] *Id*.
[5] *United States v. Conservation Chem. Co.*, 619 F. Supp. 162, 192 (W.D. Mo. 1985) (interpreting the term "endangerment" in CERCLA) (citation omitted).
[6] *See Ethyl Corp. v. Env't Prot. Agency*, 541 F.2d 1, 13 (D.C. Cir. 1976).
[7] 42 U.S.C. §§ 300i, 300j-1(b). *see also United States v. Aceto Agric. Chems. Corp.*, 872 F.2d 1373, 1383 (8th Cir. 1989); *Price v. United States Navy*, 39 F.3d 1011, 1019 (9th Cir. 1994) ("A finding of 'imminency' does not require a showing that actual harm will occur immediately so long as the risk of threatened harm is present: 'An 'imminent hazard' may be declared at any point in a chain of events which may ultimately result in harm to the public.'") (citation omitted).
[8] *KFC Western, Inc. v. Meghrig*, 49 F.3d 518, 520 (9th Cir. 1995) (citation omitted).
[9] *See* EPA 2018 Updated Guidance on Emergency Authority at 9.
[10] *Foster v. United States*, 922 F. Supp. 642, 661 (D.D.C. 1996) (citation omitted).

- a substantial statistical probability exists that disease will result from the presence of contaminants in drinking water.
- the threat of substantial or serious harm (such as exposure to carcinogenic agents or other hazardous contaminants).[11]

Notably, no definition of "imminent and substantial endangerment" requires a violation of another provision of SDWA or its implementing regulations as a prerequisite for a finding of "imminent and substantial endangerment."

B. Federal Lead and Copper Rule

The federal Lead and Copper Rule ("LCR") is the regulation promulgated under the SDWA to deal with lead in drinking water. The LCR sets requirements for water systems which are intended to reduce lead levels in drinking water system wide. One of the principal protections required of these water systems is to treat their water with Corrosion Control Treatment ("CCT"), which generally entails the use of chemical additives that coat the pipes and reduce, but do not fully prevent, the amount of lead that dissolves in water. To ensure that CCT is working, the LCR requires water systems to monitor tap water for lead and specifies in detail how water systems should conduct those tests. Water systems must sample a relatively small number of sites to help assess the CCT's effectiveness. This is not meant to determine whether any one tap is leaching high levels of lead, rather it is meant to be a snapshot of high-risk homes across the system. The LCR then requires water systems with certain testing results to take specified actions to inform the public and to take remedial actions.

The LCR specifies the number, location, and type of sample sites to be included in the monitoring, and regular intervals during which the testing must take place. Water systems must sample from "Tier 1 sampling sites," if they exist, which are "single-family structures" that either contain copper pipes with lead solder installed after 1982 or contain lead pipes, and/or are served by a lead service line, in order to best assess the magnitude of contamination.[12] Water systems "whose distribution system[s] contain lead service lines," must take half of the samples they collect from each of those two categories.[13] All samples must be "first-draw tap samples," meaning taken after the water has stood motionless in the plumbing system for at least six hours,

---

[11] EPA 2018 Updated Guidance on Emergency Authority at 11 (citation omitted).
[12] 40 C.F.R. § 141.86(a)(3)(i) (2020). The Lead and Copper Rule was promulgated in 1991. The LCR was later revised, and the revisions ("LCRR") took effect and were codified in the Code of Federal Regulations in December 2021. However, because the Safe Drinking Water Act allows for a delayed compliance date, compliance with the LCRR was not required until October 26, 2024. Prior to October 2024, water systems were required to comply with the unrevised rule, the LCR, which was codified in the Code of Federal Regulations prior to December 2021. This section refers to the unrevised LCR, since water systems were complying with that rule during the relevant time period.
[13] *Id.* at § 141.86(a)(8).

and from the kitchen or bathroom sink cold water tap.[14] Water systems must return to the same Tier 1 sites in every subsequent testing period to see if lead levels remain relatively constant, unless they can no longer "gain entry" to the same sampling site.[15]

Systems that serve over 100,000 people must sample 100 sites under "standard monitoring," meaning sampling twice a year in two six-month periods: once in January to June, and again in July-December.[16] But if a water system neither exceeds the lead action level (explained below) nor is in violation of the LCR, the state can authorize the system to sample less frequently—either annually or every three years.[17] This reduced monitoring must be done during specific warm months (June through September), unless the state explicitly authorizes another time to sample.[18]

A system exceeds the lead action level if ten percent or more of the samples taken (the 90th percentile) are above 15 ppb.[19] After a "lead action level exceedance," a large water system like Syracuse's that had decreased its monitoring frequency must return to standard monitoring—sampling at 100 confirmed Tier 1 sites in two six-month sampling periods each calendar year.[20]

A water system that exceeds the lead action level is required to take additional steps intended to lower lead levels and educate the public about risk.[21] Specifically, a water system is required to install or optimize its CCT if it had not already done so.[22] Systems serving more than 50,000 people are required to optimize CCT regardless of their lead sampling results.[23] If the system continues to exceed the action level, then it is required to survey and identify the lead service lines in its system and replace those lines at a rate of seven percent per year.[24] If the water system's 90th percentile lead levels subsequently fall below the action level for one year, then under the LCR and until new rules phase in, the water system is no longer required to replace lead service lines.[25]

---

[14] *Id.* at § 141.86(b)(2).
[15] *Id.* at § 141.86(b)(4).
[16] *Id.* at § 141.86(c).
[17] Sampling every three years is permitted only if the system shows it repeatedly has lead 90th percentile levels below 5 ppb.
[18] *Id.* at § 141.86(d)(4)(ii), (iv), (v); 10 NYCRR 5-1.42(c)(3). Lead leaching is more significant with higher temperatures, and the warmer months requirement is meant to capture high-risk homes at a higher-risk time.
[19] This is one of several requirements that are being tightened in EPA's updated rule, the Lead and Copper Rule Improvements, but the more health-protective standards are still being phased in. *See* National Primary Drinking Water Regulations for Lead and Copper: Improvements, 89 Fed. Reg. 86418 (Oct. 30, 2024) (to be codified at 40 C.F.R. pts. 141–143).
[20] 40 C.F.R. § 141.86(c)(4)(vi)(B).
[21] *See id*. at § 141.85.
[22] *Id.* at § 141.82.
[23] *Id*. at § 141.81(a)(1), (d).
[24] *Id.* at § 141.84.
[25] *Id*.

The LCR also requires water systems with optimized corrosion control, such as Syracuse's, to notify the state in writing if it intends to add a new water source.[26] EPA also recommends that when water systems purchase water from multiple sources of differing quality, the systems do a system-wide evaluation of "the most effective way to implement and operate corrosion control" so that it can best treat the water from all sources and the resulting blend.[27]

C. Surface Water Treatment Rule

The Surface Water Treatment Rule is EPA's regulation intended to minimize microbiological contamination in drinking water sourced from surface water.[28] Under this rule, most water systems using surface water as their source (such as lakes or rivers) must filter and disinfect their water before serving it to customers. A small number of surface water systems have received a state-issued waiver of the filtration requirements theoretically because they are meeting stringent criteria for protecting the watershed that will reduce the risk of microbial contamination. Of course, if those stringent criteria are not met, there is a risk that the system's tap water will be microbially contaminated. The standards in this rule are intended to protect the health of people served by the water system—especially those who may be immune compromised, frail, or otherwise particularly vulnerable to infections— from bacteria and other microbial contaminants such as *Cryptosporidium* and *Giardia*.[29]

IV. Factual Background

A. Lead is Dangerous and Disproportionately Affects Vulnerable Communities

Lead is a poisonous heavy metal so potent that scientists cannot identify any safe level, and its buildup in the body can cause serious health problems for any person. Even low-level exposure causes harm to children and others.[30] Young children and pregnant people are especially vulnerable to lead. Early exposure to lead can cause developmental delays, such as speech impediments and learning disabilities. It also affects a child's ability to focus and may result in behavioral changes like irritability or hyperactivity.[31] Any of these symptoms can cause

---

[26] *Id*. at § 141.81(b)(3)(iii).
[27] U.S. Env't Prot. Agency, Optimal Corrosion Control Treatment Evaluation Technical Recommendations for Primacy Agencies and Public Water Systems, EPA 816-B-16-003 at 28 (Mar. 2016), https://www.epa.gov/sites/production/files/2019-07/documents/occtmarch2016updated.pdf.
[28] *See* U.S. Env't Prot. Agency, *Surface Water Treatment Rules*, https://www.epa.gov/dwreginfo/surface-water-treatment-rules (last updated June 11, 2025).
[29] *See* U.S. Env't Prot. Agency, Comprehensive Surface Water Treatment Rules Quick Reference Guide: Unfiltered Systems, EPA 816-F-04-001 (Aug. 2004), https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=500025PO.txt.
[30] National Primary Drinking Water Regulations: Lead and Copper Rule Revisions, 86 Fed. Reg. 4198 at 4205, 4231 (Jan. 15, 2021).
[31] U.S. Env't Prot. Agency, *What are some of the health effects of lead*, https://www.epa.gov/lead/what-are-some-health-effects-lead (last updated Jan. 13, 2025).

a lifetime of issues that hinder a child's healthy transition into adulthood. Preventing lead poisoning in children is a major public health issue. According to EPA:

> The science is clear that there is no known safe level of lead in drinking water, especially for children. Among other effects, lead exposure can cause damage to the brain and kidneys and can interfere with the production of red blood cells that carry oxygen to all parts of the body. In children, even low levels of lead exposure can cause cognitive health effects like lower intelligence quotient (IQ) as well as learning and behavioral problems. In adults, health effects include elevated risk of heart disease, high blood pressure, kidney or nervous system problems, and cancer.[32]

Lead in paint, dust, soil and drinking water are some of the primary exposure pathways, and lead service lines, the pipes that connect water mains to homes, are the largest source of lead in water in homes that have them. By and large, lead pipes are a legacy, with many of them installed more than a hundred years ago. Physical disturbances to the pipes as well as regular wear and tear cause flakes of lead (large enough to cause serious harm but still too small to see or taste) to come off the pipe and over time those particles can settle and stick to the pipe again. A chemical reaction known as corrosion can eat away at the pipe and cause lead to leach into drinking water. Whether it is a physical disturbance or corrosion, when lead releases from pipes, like lead service lines, into water and ends up in a drinking glass, it can be very harmful. Even though lead service lines, the largest source of lead in drinking water, were federally banned in 1986, in most places no serious effort to replace legacy lead pipes left in the ground has been taken. A lesser source of lead in drinking water is lead in home plumbing: lead-lined pipes, lead soldered copper pipes, galvanized steel with lead residues, or lead-laden brass fittings and fixtures. What makes lead exposure through drinking water especially dangerous is its difficulty to detect given its colorless, tasteless, and odorless nature.[33] Unlike other common sources of lead exposure, drinking water was always intended for consumption. It is necessary for survival, and people who live in homes with significant lead in their plumbing are at risk of exposure every day.

People experiencing poverty and people of color are disproportionately impacted by lead. Children from low-income families are at greater risk of the negative health effects associated with lead exposure, such as lower cognitive test scores, smaller cortical volumes, and smaller cortical surface areas, than are children from high-income families.[34] "The vulnerability of some communities and populations to hazards … is not a coincidence or their own fault, but rather the

---

[32] 40 C.F.R. pts. 141, 142 (2024).
[33] U.S. Env't. Prot. Agency, *Basic Information about Lead in Drinking Water*, https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water (last updated May 22, 2025).
[34] Andrew T. Marshall, et al., *Association of Lead-Exposure Risk and Family Income With Childhood Brain Outcomes*, 26 Nature Med. 91 (Jan. 2020).

consequence of underlying social and political factors and decisions, especially racism and public policies that disadvantage communities."[35]

Vulnerable populations are disproportionately exposed to lead-contaminated drinking water.[36] Numerous studies have documented that drinking water violations or ineffective and/or slow enforcement of drinking water standards disproportionately affect low-wealth communities and communities of color[37] in places such as New York City;[38] Evanston, Illinois,[39] Washington D.C.[40] and likely nationally.[41] One recent study highlighted the disproportionate risks to Black populations for kidney disease from lead in tap water.[42]

B. Syracuse Lead Crisis

Again and often poorly maintained housing, like in much of Syracuse, is more likely to contain lead hazards like lead paint and lead pipes.[43] According to the city's records, at least 14,000 families are still receiving their water through a lead service line, and another 16,000 potentially are.[44] Based on the age of the housing stock, many more are likely to have leaded

---

[35] Kristi Pullen-Fedinick et al., Watered Down Justice at 5, Nat. Res. Def. Council (Sept. 2019), https://www.nrdc.org/sites/default/files/watered-down-justice-report.pdf.
[36] *Id*.
[37] *Id*.; Yolanda J. McDonald & Nicole E. Jones, *Drinking Water Violations and Environmental Justice in the United States, 2011-2015*, 108 Am. J. Pub. Health 1401 (2018); David Switzer & Manuel P. Teodoro, *The Color of Drinking Water: Class Race, Ethnicity, and Safe Drinking Water Act Compliance*, 109 Am. Water Works Ass'n 40 (2017).
[38] Columbia University, Mailman School of Pub. Health*, Lead Service Lines Disproportionately Impact Latino Communities* (Aug. 30, 2023), https://www.publichealth.columbia.edu/news/lead-service-lines-nyc-disproportionately-impact-hispanic-latinocommunities-children-already-risk-lead-exposure; Anne E. Nigra et al., *Geospatial Assessment of Racial/Ethnic Composition, Social Vulnerability, and Lead Water Service Lines in New York City* 131 Env't Health Persp. 87015 (2023); Carrie Arnold, *Digging into Exposure Disparities: Mapping Lead Service Lines in New York City*, 131 Env't Health Persp. 114001 (2023).
[39] Adina Keeling, *Evanston's Lead Pipes Called an Environmental Justice Concern*, Pulitzer Ctr. (Feb. 10, 2022), https://pulitzercenter.org/stories/evanstons-lead-pipes-called-environmental-justice-concern.
[40] Karen J. Baehler et al., *Full Lead Service Line Replacement: A Case Study of Equity in Environmental Remediation*, 14 Sustainability 352 (2022).
[41] Abt Assocs., Environmental Justice Analysis for the Proposed Lead and Copper Rule Revisions, Contract # EPW-17-009, Revised Draft (Oct. 22, 2019), https://www.regulations.gov/document/EPA-HQ-OW-2017-0300-0008.
[42] John Danzinger et al., *Associations of Community Water Lead Concentrations with Hemoglobin Concentrations and Erythropoietin-Stimulating Agent Use Among Patients with Advanced CKD*, 32 Am. Soc. Nephrology 2425 (2021).
[43] Moses Nelson Baker, *The Manual of American Water-Works* 137–38 (M.N. Baker ed., 4th ed. 1897) (When the City of Syracuse obtained the water works in 1892, all service lines were made of lead, and the subsequent remaining lead service lines were all added before 1986).
[44] Syracuse, Lead Free Syracuse (Nov. 2024), https://www.syr.gov/files/sharedassets/public/v/2/2-departments/water/documents/lead-factsheet-2.pdf; *see also* Duncan Green, *Syracuse Commissioner of Water, Common Councilors Address Lead Water Crisis*, Daily Orange (Feb. 20, 2025), https://dailyorange.com/2025/02/syracuse-common-councilors-address-lead-water-crisis/.

internal plumbing,[45] which is more likely to release high levels of lead when the water chemistry is not properly balanced through effective CCT.

It's not a coincidence that Syracuse also has one of the highest rates of childhood lead poisoning in the country. Over 9% of Syracuse children tested in 2023 had very elevated blood lead levels (above 5 mcg/dL).[46] Syracuse also leads the nation in childhood poverty, and has had the dubious distinction of having been a leader in that category for some time.[47] Nearly half of all children in Syracuse live in poverty.[48] Black children and children experiencing poverty are more likely to have elevated blood lead levels and lead poisoning in Syracuse.[49] In 2021, over 11.6% of Black children in Onondaga County (most of whom lived in Syracuse) had elevated blood lead levels compared to 2.0% of white children.[50] A Harvard Public Health study found that in 2020, the rates of lead poisoning were nearly twice as high for Black children tested in Syracuse than white children.[51]

V. Syracuse's Water Has a Lead Problem

Over the last few years, there were multiple indicators that, despite the City's assurances, Syracuse's water contained unacceptably high levels of lead. When the City informed residents about its lead action level exceedance last year, Petitioners were driven to investigate further and uncovered concerning evidence that the lead action level exceedance was not an isolated incident, but rather only the tip of the iceberg.

A. Syracuse Has a Lead Action Level Exceedance

Syracuse reported a lead action level exceedance to the New York State Department of Health in July 2024. Syracuse reported samples from 104 homes, of which 27 came back over

---

[45] Earthjustice, Falling Through the Cracks, How Enforcement Gaps Leave Syracuse Kids Still Exposed to Lead Paint Hazards Despite Implementation of the City Lead Ordinance (2025), https://earthjustice.org/wp-content/uploads/2025/06/report_falling-through-the-cracks-syracuse-2025.pdf; U.S. Env't Prot. Agency, *Basic Information About Lead in Drinking Water*, https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water (last updated May 22, 2025).

[46] Lead Safe CNY, *Lead in CNY*, https://www.leadsafecny.org/lead-in-cny.html (last visited July 25, 2025).

[47] Kevin Tampone & Marnie Eisenstadt, *Syracuse Has Nation's Worst Child Poverty Rate: 'We Don't Want to Be First for That,'* Syracuse.com (Dec. 13, 2024), https://www.syracuse.com/news/2024/12/syracuse-has-nations-worst-child-poverty-rate-we-dont-want-to-be-first-for-that.html; Kevin Tampone, *Syracuse Ranks No. 2 Among Big US Cities for Worst Child Poverty Even as Rate Falls*, Syracuse.com (Dec. 7, 2023), https://www.syracuse.com/news/2023/12/syracuse-ranks-no-2-among-big-us-cities-for-child-poverty-even-as-rate-falls.html; CNY Vitals, *Poverty*, https://www.cnyvitals.org/poverty/ (last visited July 25, 2025).

[48] Tampone & Eisenstadt, *supra* n. 47.

[49] Andrew T. Marshall, et al., *Association of Lead-Exposure Risk and Family Income with Childhood Brain Outcomes*, 26 Nature Med. 91 (2020).

[50] *Lead in CNY*, *supra* n. 46.

[51] Christine Mehta, *Lead Poisoning Is a Crisis for Syracuse's Black Families*, Harvard Pub. Health (Oct. 3, 2022), https://harvardpublichealth.org/environmental-health/lead-poisoning-syracuse-crisis/.

the lead action level of 15 ppb.[52] And at least one sample contained over 2,500 ppb of lead, and the 90th percentile level was 70 ppb of lead—more than 4 times the EPA lead action level.[53] Because more than 10 percent of the sites sampled—in this case well over 10 percent—had lead levels greater than 15 ppb—in this case well over 15ppb—the system had a lead action level exceedance. The LCR requires water systems to take certain actions after a lead action level exceedance. But rather than take the required steps, Syracuse instead maintained that the lead action level exceedance was inaccurate because city employees improperly tested water at hose bibbs instead of bathroom or kitchen taps, as required[54] and that this was a one-time occurrence.[55] The city also failed to invalidate these samples with EPA.

Following the exceedance, the City purported to make filters available to limited categories of residents, but did so poorly and has taken no known or publicly disclosed corrective action to investigate or improve water treatment or to control lead.

B. Because Syracuse Failed to Investigate Properly, Petitioners Investigated

The lead action level exceedance in the summer of 2024 prompted further investigation by Petitioners. Representatives of Petitioners personally visited all 27 homes and interviewed several residents who lived in those homes. None of the residents recalled clearly submitting samples to the city for the compliance testing and several reported that no one was on the premises or entered their homes during the time that the samples were reportedly submitted, although several reported the City coming back to take a subsequent sample. Several did not know that their home had shown high levels of lead at all, and several reported alarming practices from when the City returned. One set of residents living in a home that tested with very high lead levels said that their landlord had told them they did not need to use a point-of-use filter at all because the City told them it all sounded like an error. No one that Petitioners interviewed had been warned by the City or instructed on how to protect themselves. In addition, Petitioners found that especially in the "follow up" testing, there was a pattern and practice of providing instructions and explanations to residents that would likely lead to serious under representation of lead in the water and a lack of precautions even in dangerous situations. For

---

[52] City of Syracuse Water Dept., Important Information About Your Drinking Water, Update on Sampling Lead Levels (Aug. 2024), https://www.syr.gov/files/sharedassets/public/v/1/2-departments/water/documents/lead-public-notice_-city-of-syracuse-final.pdf.

[53] City of Syracuse Water Dept., Consumer Confidence Report 2024 Newsletter (May 21, 2025), https://www.syr.gov/files/sharedassets/public/v/1/2-departments/water/documents/ccr-2024.pdf ("2024 Consumer Confidence Report").

[54] Syracuse, City Releases Sampling Results That Show Water Meets EPA Lead Standards (Nov. 22, 2024), https://www.syr.gov/News/Traffic-Infrastructure-News/Traffic-Infrastructure-2024/2024-11-22-Infrastructure-News-605AM#:~:text=City%20Releases%20Sampling%20Results%20That%20Show%20Water%20Meets%20EPA%20Lead%20Standard,-Published%20on%20November&text=The%20City%20of%20Syracuse%20today,Agency%20(EPA)%20lead%20standards.

[55] *Id.*

example, instructing residents to gently open their water tap to collect samples is a known technique for minimizing the detection of lead in drinking water. Residents did not understand and were not properly instructed to let all of the water in the home sit in the pipes for at least 6 hours, and one resident even recalled the City taking samples from hose spigots, which would be significantly lower in lead than an all-lead service line. Petitioners met with the New York Attorney General's staff as well as the City to discuss these findings and asked them to take this seriously, conduct an investigation, and warn the public. No such action was taken. NRDC also submitted public records requests for past sampling data and then engaged a water engineering expert to analyze the data NRDC received.

1. Petitioners Sound the Alarm

After examining the evidence, Petitioners, along with local medical experts wrote and released publicly a letter to EPA as well as state and local officials expressing concern and asking them to declare a State of Emergency and to begin to address this crisis with the urgency the facts demanded.

Petitioners wrote:

We note the following concerns in the present moment:

- **The Water Department's communications to the public failed to note that the most recent testing results are now among the highest recorded lead levels by a large water system in recent decades (more than double the available measurements in Flint, Michigan).** In the July 2024 test results for Syracuse (released in August), 10 percent of homes sampled showed a level of 70 parts per billion (ppb) or higher. Those numbers are more than double the comparable analysis (the 90th percentile) of contamination measured by independent testing in Flint in August and September 2015 (we recognize it is possible that rule-compliant testing could have revealed higher levels in Flint). Flint's levels were recorded when Flint was not using any chemical treatment to reduce lead contamination in its water.

- **Syracuse's most recent test results are more than double the levels of one of the country's worst lead levels for a larger city—in Newark, New Jersey, in 2017.** Newark's results were followed by legal action and public outcry that resulted in remediation of all lead pipes in less than three years, and point-of-use filters were provided to tens of thousands of the city's residents in the interim.

- According to press accounts, 27 of the approximately 100 homes checked in the most recent round of testing in Syracuse exceeded the U.S. Environmental Protection Agency's (EPA) Action Level. **This means that a significant percentage of the roughly 14,000 homes in Syracuse served by lead service lines (including galvanized steel pipes) are likely to have high lead levels at the tap.**

- We also note that the Water Department reported in 2022 and 2023 that its testing found a 90th percentile lead level at or just above the EPA lead action level of 15 ppb, meaning about 10 percent of homes exceeded 15 ppb. Moreover, according to data recently received through the state Freedom of Information Law, **one home in 2024 had a staggering 2,520 ppb of lead, and another in 2023 was reported to have 776 ppb of lead**.

Petitioners asked for the following actions, which can be summarized as follows:

1. Declare a state of emergency, which can make additional funding available, and fully inform all Syracuse residents about the potential risks posed by lead in their drinking water, particularly for vulnerable populations such as infants (especially formula-fed infants), young children, pregnant people, and the elderly.

2. Provide point-of-use filters that have been independently certified for lead removal.

3. Provide residents with more detailed information about low- or no-cost programs for getting their families and children seen by a doctor or tested for lead.

4. Proactively reach out to homes that were found to have a lead service line as the City completes its lead pipe inventory.

5. Publicly disclose detailed plans for how the City will comply with its obligations under the new Lead and Copper Rule Improvements, including the public release of its lead service line inventory due on October 16, 2024.

6. Explain the City's detailed plans for investigating and communicating water quality.

7. Immediate and public release of the results for all lead tap water sampling, including locations and levels detected, for the past three years.

8. Schedule a virtual public meeting with municipal officials, state health officials, EPA officials, and the signatories to this letter in order to gain clarity on the city's, state's, and EPA's proposed action plans for addressing the lead contamination in Syracuse's drinking water.[56]

When the City did not respond meaningfully to these well-founded concerns and reasonable requests, Petitioners consulted with a nationally-recognized water engineer who is expert in these issues. The City continued to improperly refer to the summer 2024 results as an irrelevant anomaly, and while that is not a data-back position or one grounded in the stated intent

[56] Letter from Petitioners to New York State Officials and U.S. Env't Prot. Agency (Oct. 16, 2024), https://www.nrdc.org/sites/default/files/2024-10/groups-seek-action-on-syracuse-lead-contaminated-drinking-water.pdf (citation omitted) (attached hereto as Exhibit A).

of the LCR, Petitioners enlisted the engineering expert to analyze additional water sampling results from additional compliance periods.

2. Water Engineer Corroborates Petitioners' Concerns and Sounds More Alarms

The water engineering expert analysis looked at all available data about lead water sampling in Syracuse and identified many additional serious violations and problems with the City's water system.[57] When Petitioners' expert excluded samples that did not conform with regulatory requirements and looked at tests only from homes that, according to Syracuse's own records, were served by a lead pipe and taken during the allowable sample dates, she found consistent lead action level exceedances before the July 2024 publicly announced exceedance.

The analysis concluded that Syracuse was likely not following proper sampling protocols and could be manipulating data to avoid reporting a lead action level exceedance. Petitioners and the expert looked at publicly available information about compliance in the water system and found a pattern of violations going back nearly 20 years.[58] Combined with the patterns in the testing data that suggested potential for a cover up and the City's denials of any problem, Petitioners became more alarmed that elevated lead in Syracuse drinking water may have been occurring for many years. The examination of the data from 2023-24 indicated that it was overwhelmingly likely that high lead persisted over a much longer time period than originally indicated. Some examples of potential data manipulation included several compliance periods in a row where the 90th percentile number was exactly the highest number that would not be flagged as an exceedance. In addition, the city appeared to add extra (over 100) homes to bring down the averages and percentiles, including the 90th percentile number. Specifically, the 90th percentile numbers presented in 2021 and 2023 were exactly 15ppb and 15.1ppb respectively, which signaled that the data set could easily reflect an artificially low 90th percentile value.[59]

---

[57] Elin Betanzo, Safe Water Engineering (Jan. 21, 2025), https://www.nrdc.org/sites/default/files/2025-02/swe-final-syracuse-analysis-technical-memo-jan21.pdf (attached hereto as Exhibit B and referred hereinafter as "Safe Water Engineering").
[58] *Id*. at 9.
[59] *Id*.

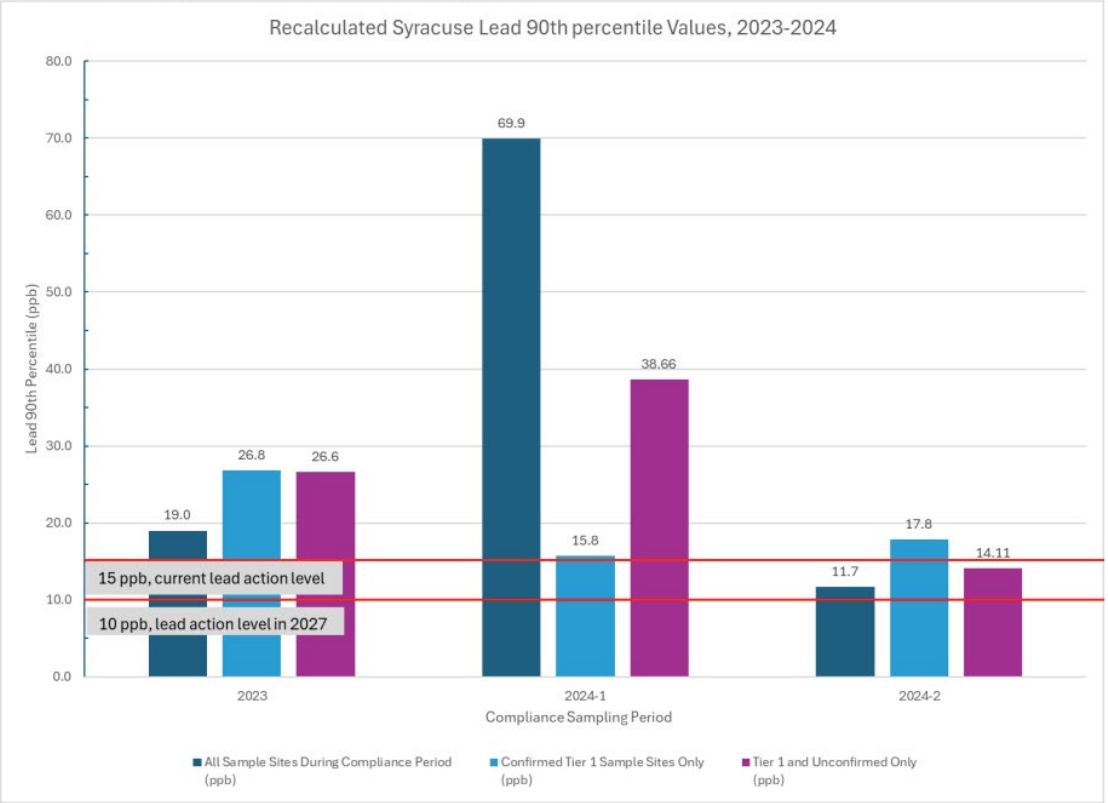
Table 2: Lead 90th percentiles over time as reported by the Syracuse Water Department

Data Collection Period and Data Source	Lead 90th Percentile (ppb)	Number of Samples Reported
Data collected in 2024 Lead Public Notice[12]	Lead action level exceedance (Value not reported)	104
Data collected in 2023 2023 Consumer Confidence Report[13]	15 ppb	114
Data collected in 2021 2022 Consumer Confidence Report[14]	15.1 ppb	50
Data collected in 2018 2020 Consumer Confidence Report[15]	9.3 ppb	50
Data collected in or before 2006 2023 Consumer Confidence Report[10]	Lead action level exceedance (Value not reported)	Not reported

Safe Water Engineering

These findings demanded closer examination of Syracuse's data, which revealed that the July 2024 lead action level exceedance was not an isolated incident. Helpfully, Syracuse published an inventory of its service line materials in 2024, which enabled Petitioners' expert to verify the accuracy of the City's reporting to the state and EPA that sampling had been done at locations with lead service lines in compliance with the LCR. However, when experts analyzed the data and removed data points that available data indicate were not appropriate to include, the results revealed multiple compliance periods with high lead levels.

Figure 5: Recalculated Syracuse Lead 90th Percentile Values, 2023-2024



Safe Water Engineering

As set forth in the Safe Water Engineering report, Syracuse appears to have violated the LCR in 2023-24 by failing to test only Tier 1 homes. Instead, available evidence from the City's own records indicates that Syracuse tested many homes that did not have confirmed lead service lines and thus were not Tier 1 homes.[60] It further indicated that the City likely violated the LCR by improperly including sample results from those non-Tier 1 locations in calculating its 90th percentile lead levels.[61] Syracuse then apparently incorrectly reported its lead levels to New York State and EPA.[62]

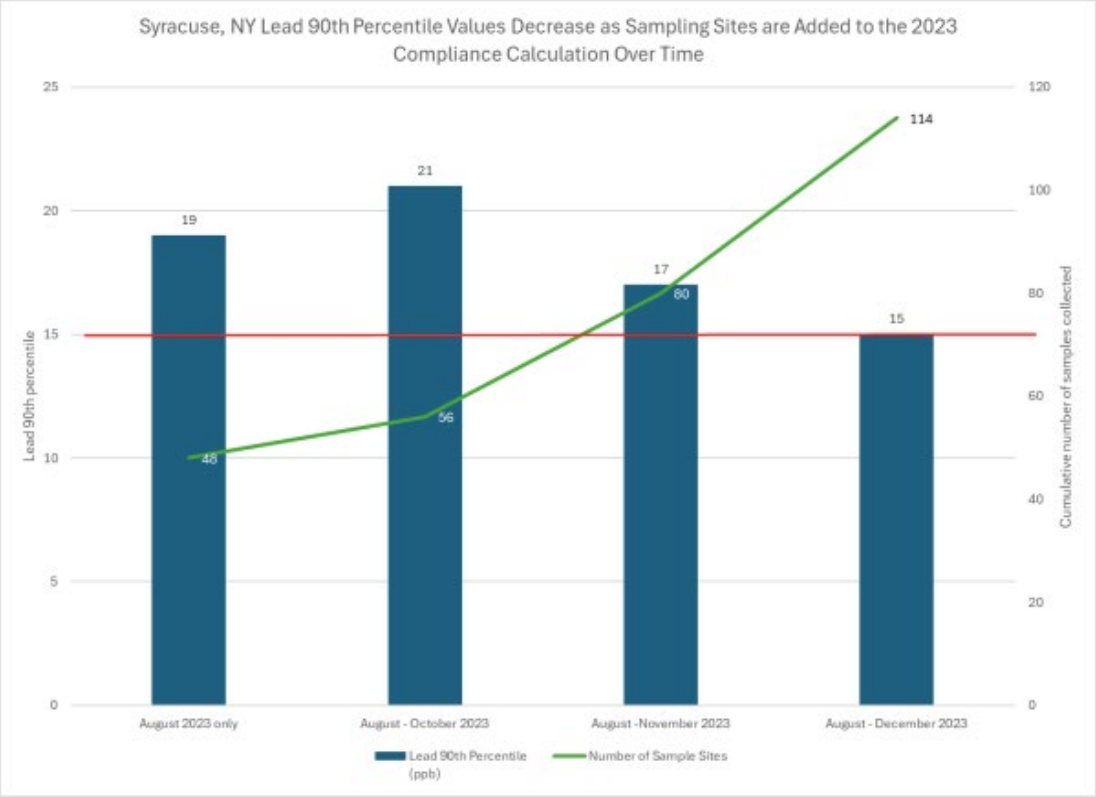
Those improper calculations led to apparent further violations of the LCR and had serious consequences. A proper calculation using available data for the 90th percentile lead levels using

[60] *Id*. at 3, 13–17. The LCR required Syracuse to test homes with copper pipes with lead solder installed after 1982 or homes with lead pipes in addition to homes served by lead service lines. Safe Water Engineering's analysis is clear that the homes sampled that were not served by lead service lines were unlikely to have met the other Tier 1 criteria. *See id*. at 14.
[61] 40 C.F.R. § 141.86(a)(3), (c); Safe Water Engineering at 1–2.
[62] *See* Safe Water Engineering at 1–2.

only Tier 1 sites shows that Syracuse had three successive lead action level exceedances over three consecutive compliance monitoring periods from 2023-24.[63]

In addition, in 2024, Syracuse changed its testing protocols by splitting the year into 6-month periods, which is typically done only after an exceedance. There is no publicly available acknowledgement of an exceedance in 2023, nor any other information about the reason for this change.[64] Even more troubling, it appears that the city may have added additional sampling sites in 2024 specifically to bring down their lead numbers.

Figure 4: Syracuse, NY Lead 90th Percentile Values Decrease as Sampling Sites are Added to the 2023 Compliance Calculation Over Time



Safe Water Engineering

3. Syracuse's Corrosion Control Treatment May Not Comply with Federal and State Requirements

While investigating the lead action level exceedance and the City's sampling methods, Petitioners found warning signs that Syracuse's CCT was not working as required to keep lead levels low. The multiple action level exceedances made apparent once the data was properly

[63] Monitoring period from 6/1/23-9/1/23, and first and second halves of 2024. *Id*. at 1–2
[64] *Id*. at 9.

analyzed were one of the first signs that CCT was not working effectively.[65] Second, nearly every school sampled in Syracuse had at least one fixture with lead levels above the state's allowable minimum.[66] A third sign is that Syracuse's water mains break frequently, requiring Syracuse to blend water from sources that use different CCTs.

The Syracuse school sampling data suggest that there is a widespread problem with the adequacy of CCT of the water in the city. Schools are generally not served by lead service lines but have plumbing and fixtures that contain lead. Consistently high levels of lead in school sampling data therefore indicate corrosion of the plumbing or fixtures—a sign that CCT is not working effectively.[67] The school samples showing fixtures in nearly every building with lead levels over 5 ppb were predominantly taken throughout the same 2023-24 time period when Petitioners uncovered consistent exceedances of the lead action level in the residential data.[68] As an example of the ineffective CCT, one media investigation found that a fixture in a Syracuse school was replaced three times before testing out of the remediation program.[69] Aside from the waste of public resources, it is unlikely that all three fixtures caused high lead levels in isolation. Instead, the water is likely reacting with the internal plumbing of the school and causing lead to flake or dissolve in the water. Effective corrosion control would reduce this.

Syracuse's frequent water main breaks is another factor that interferes with effective corrosion control. In the early months of 2025, Syracuse had more than one water main break every day.[70] This was a persistent problem, with high frequency main breaks every year going

---

[65] *Supra* § V.B.2.

[66] Maggie Hicks & Michelle Breidenbach, *Drinking Water in Syracuse Schools Fails Lead Tests Over and Over. There's a Better Way to Keep Kids Safe*, Syracuse.com (Jan. 6, 2025), https://www.syracuse.com/news/2025/01/drinking-water-in-syracuse-schools-fails-lead-tests-over-and-over-theres-a-better-way-to-keep-kids-safe.html.

[67] Lead pipes and fixtures are more likely to leach the toxin into drinking water when the CCT is not optimized, and the water is corrosive. *See, e.g.* Memorandum from Peter C. Grevatt, Director, Office of Ground Water and Drinking Water, to EPA Regional Water Division Directors, *Lead and Copper Rule Requirements for Optimal Corrosion Control Treatment for Large Drinking Water Systems* (Nov. 3, 2015), https://www.epa.gov/sites/default/files/2015-11/documents/occt_req_memo_signed_pg_2015-11-03-155158_508.pdf.

[68] N.Y. State Dep't of Health, *Lead Testing in School Drinking Water Sampling and Results: Compliance Period 2023-2025*, https://health.data.ny.gov/Health/Lead-Testing-in-School-Drinking-Water-Sampling-and/rygk-rhum (last updated July 17, 2025). The tests took place over the compliance period 2023-2025, however relatively few tests were conducted in 2025. Only 4 sites (and 36 outlets) were tested in 2025 compared with 29 outlets at 32 schools in 2024 and 1373 outlets at 29 schools in 2023. The Syracuse.com investigation reported on the data from 2023-24.

[69] *Stop Gambling on Lead in Drinking Water at Syracuse Schools. Make the Simple Fix (Editorial Board Opinion),* Syracuse.com (Jan. 11, 2025), https://www.syracuse.com/opinion/2025/01/stop-gambling-on-lead-in-drinking-water-at-syracuse-schools-make-the-simple-fix-editorial-board-opinion.html.

[70] Ava Pukatch, *City of Syracuse Working to Fix a Water Supply Shortage, After a Record Number of Water Main Breaks*, WRVO Pub. Media (Mar. 24, 2025), https://www.wrvo.org/politics-and-government/2025-03-24/city-of-syracuse-working-to-fix-a-water-supply-shortage-after ("This year we had 119 water main breaks," said Syracuse Water Commissioner Robert Brandt).

back for more than a decade; in 2015 Syracuse averaged nearly one water main break a day.[71] Main breaks and corrosive water can work together in a negative feedback loop to weaken water infrastructure and produce water quality changes. Corroded, aged, or weakened pipes allow for water main breaks. Water main breaks that cause substantial water loss require the use of supplemental water sources with different water quality and different CCT to maintain supply and compensate for water losses. The fluctuating water quality from the two sources, along with rapid changes in flow direction due to new main breaks, can strip the pipe of the internal pipe coating that should have formed due to optimized, consistent CCT designed to minimize lead release into tap water. Without source water quality consistency, corrosion control cannot be achieved.

Syracuse does not appear to have source water consistency and is using water from multiple sources that all use different CCT. According to Syracuse's Consumer Confidence Reports and other available information, Syracuse utilizes water from Skaneateles Lake, Otisco Lake, and Lake Ontario in some circumstances, and each of those water sources utilizes a different CCT.[72] Skaneateles Lake water is treated with orthophosphate,[73] and pH adjustment is used for corrosion control on Lake Ontario water.[74] EPA suggests that pH adjustment alone is insufficient for optimized corrosion control.[75] Thus, the corrosion control used on Lake Ontario water would likely not meet federal and state requirements for Syracuse's optimized corrosion control program. Syracuse's optimized CCT plan also does not appear to consider the implications of blending water from the three lakes, which it is required to do.[76] It is also not clear that Syracuse undertook a system-wide evaluation of its corrosion control, despite the EPA recommendation that any water system that purchases water from multiple sources do so.[77]

---

[71] Debra Bruno, *How Mathematicians in Chicago Are Stopping Water Main Breaks in Syracuse.*, Politico Mag. (Apr. 20, 2017), https://www.politico.com/magazine/story/2017/04/20/syracuse-infrastructure-water-system-pipe-breaks-215054/.

[72] *See* Safe Water Engineering at 30; *see also* City of Syracuse Dept. of Water, Consumer Confidence Report 2023 Newsletter (May 15, 2024), https://www.syr.gov/files/sharedassets/public/v/1/2-departments/water/documents/reports/drinking-water-reports/newsletter-2023.pdf ("2023 Consumer Confidence Report"); Central New York's Water Authority, *Sources of Water*, https://www.ocwa.org/about/sources-of-water/ (last visited July 25, 2025); Otisco Lake Preservation Association, Water Sources for Towns & Villages Served, https://static1.squarespace.com/static/64b7fa042ee5e8202d3e1433/t/6852ff2e11f50c6203d570f6/1750269742968/Onondaga+Co+water+district+map.pdf; David Figura, *Otisco Lake Is Really Low, but its Water Is Much Cheaper Than Lake Ontario's*, Syracuse.com (Oct. 20, 2016), https://www.syracuse.com/outdoors/2016/10/otisco_lake_is_really_low_but_its_water_is_much_cheaper_than_lake_ontarios.html.

[73] *See* 2023 Consumer Confidence Report.

[74] Central New York's Water Authority, Table of Detected Contaminants, Lead & Copper in the Distribution System, https://www.ocwa.org/wp-content/uploads/2024/04/13-Lead-Copper.pdf (last visited July 25, 2025).

[75] *Id.*

[76] *See* 40 C.F.R. § 141.81(b)(3)(iii).

[77] *See* Safe Water Engineering at 30.

4. Petitioners' Findings Are Ignored by City and State

As mentioned above, Syracuse officials have doubled down on the explanation that the July 2024 lead action level exceedance was a one-off aberration caused by negligent, later-suspended, city employees. Even if that were true, once the City realized that the samples were not taken properly, it was required to request that the samples be invalidated by New York State and then properly test the requisite number of Tier 1 homes during the required monitoring period.[78] Syracuse did not do so.

Further, Syracuse officials have continued telling this story even after being confronted with the Safe Water Engineering analysis. Rather than engaging with that analysis, Syracuse claims that more recent sampling data proves that the water is lead-safe and residents need not be concerned.

Yet the new sampling data from 2025[79] appears as flawed as the prior data, demonstrating that the City's word is not reliable and lead is likely still a major problem in the City's drinking water. Safe Water Engineering reviewed a new dataset of Syracuse LCR compliance samples collected in May and June of 2025. According to the City's updated lead service line inventory, all 121 sites meet the criteria of Tier 1 sites per the LCR. However, 59 (or about half) of these sites are new rather than previously sampled sites as required in the LCR. According to Safe Water Engineering's previous analysis, there were a total of 138 Tier 1 sites available to choose from for the 2025 sampling period.

[78] *See* 40 C.F.R. § 141.86(f)(1), (4).
[79] Lead and Copper Tap Sample Results from Jan. 1, 2025, to June 30, 2025 (attached hereto as Exhibit C).

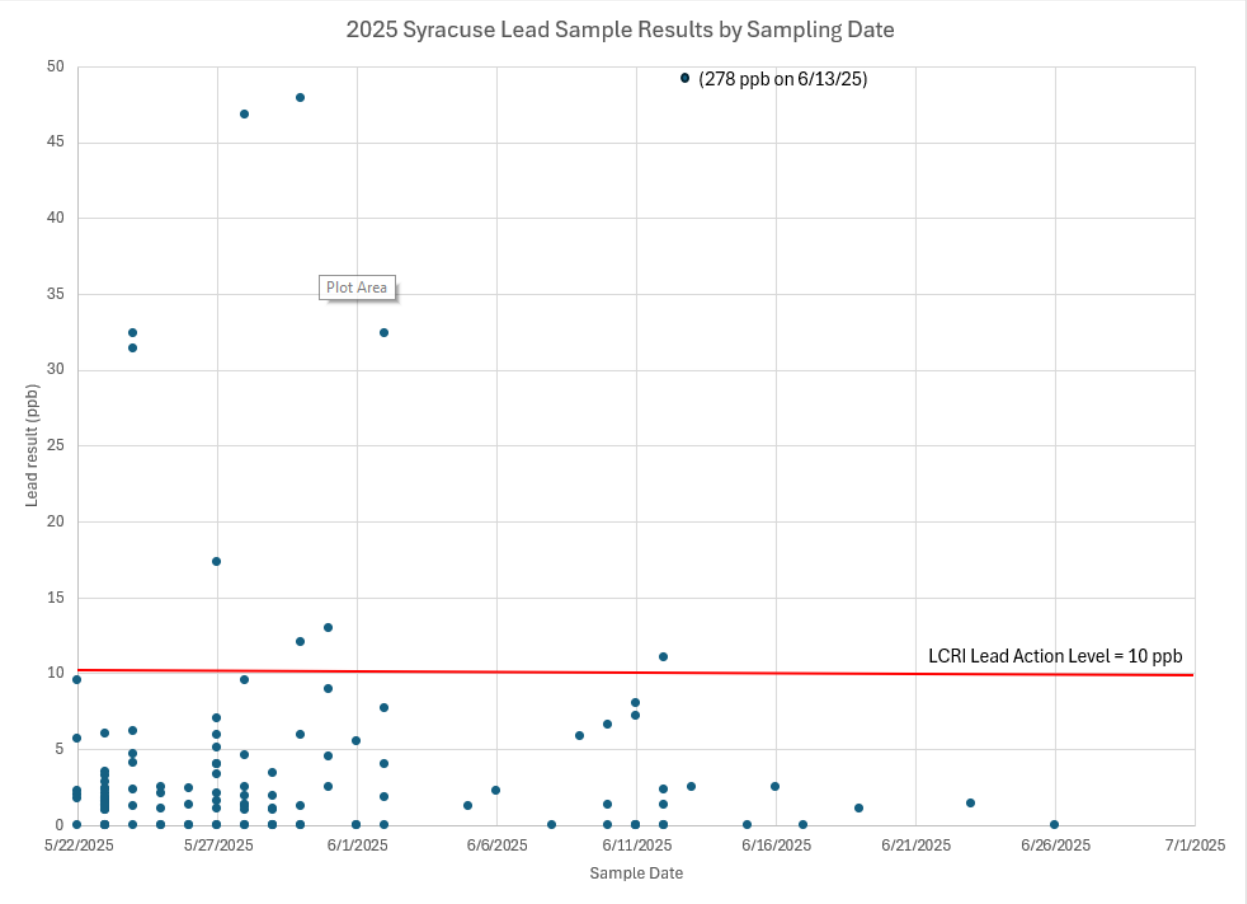


Figure 1: 2025 Syracuse Lead Sample Results by Sampling Date

The most concerning finding with the 2025 data set is the appearance of collecting samples until a desired result was achieved. Syracuse had collected enough samples by June 9, 2025, to meet their requirement of 100 samples per the LCR. Water utilities typically collect more samples than required in case samples are lost, residents forget to participate, or a sample is invalidated. By the clusters of sampling dates shown in Figure 1, it looks like Syracuse finished analyzing their core dataset of 115 samples on June 13, 2025. Even though they have met the sampling requirement per the LCR, they continued adding samples one at a time (as shown in Figure 1) as if they are carefully monitoring the 90th percentile for a desired result as shown in Figure 2.

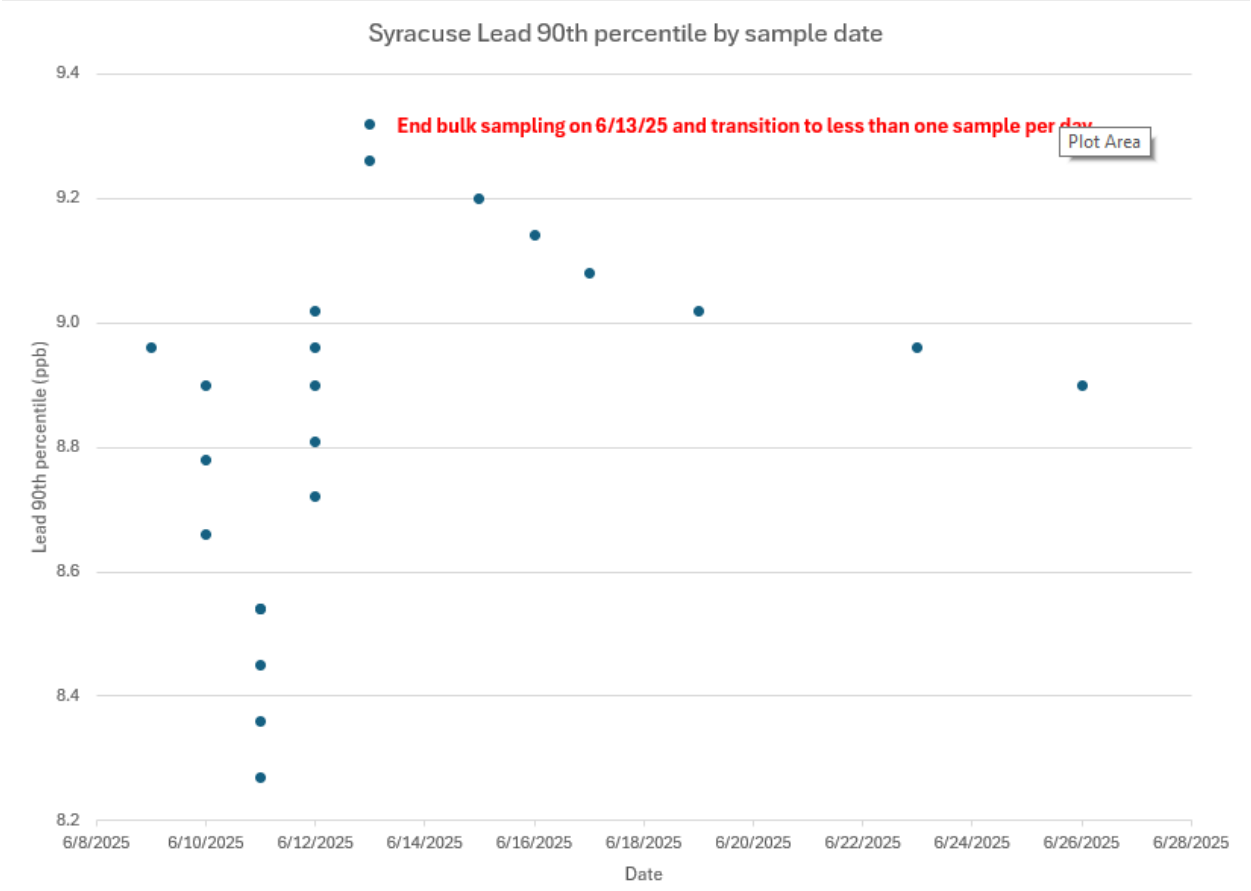


Figure 2: Syracuse Lead 90th Percentile by Sampling Date

By the end of the additional data collection, Syracuse was able to state that the 90th percentile is below 10 ppb, yet there is no evidence that Syracuse has changed anything about its water quality that would result in a system wide reduction of lead levels, nor an explicit correction in sampling protocols that demonstrates that the new data accurately reflect the current risk of lead in drinking water compared to the very high previous lead sampling results. Regardless of the City's claims, this analysis shows that the City is not and will not voluntarily take steps to actually reduce lead levels in its drinking water.

New York State also did not take action to resolve the drinking water crisis. Petitioners met with staff from the New York State Office of the Attorney General in October 2024 to discuss the problems with the City's response to its lead action level exceedance. To our knowledge, the Attorney General took no action as a result of that meeting. In April 2025, Petitioners then sent a letter to the Attorney General imploring the State to take action and force the City to address the lead crisis. Again, the State took no action to our knowledge, and responded to Petitioners only with a phone call to two representatives of Families (an attorney for the organization and its Chair) and not with action or in writing, despite our explicit request that they do so.

5. The City of Syracuse Is Not Competent to Address the Lead Water Crisis

Based on its own data, it appears that Syracuse exceeded the lead action level multiple times and seemed to intentionally hide, rather than uncover and address, high lead levels. Residents were not properly notified or educated about measures they could and should take to protect themselves and their children, thus unnecessarily being subjected to the risk of irreversible harms associated with exposure to lead in drinking water.

It is clear from Syracuse's actions that the City cannot be trusted to manage the drinking water crisis, and, even if it were to take action, residents do not trust the City. While Syracuse claims that it will eliminate all its lead service lines within about five years,[80] that seems unlikely. The City is behind on its commitments, having replaced only around 440 service lines in the last year, rather than the planned 3,000.[81] And the City is not prioritizing replacements in the neighborhoods with the most children with elevated blood lead levels.[82]

Syracuse's filter program is an unfortunately perfect example of the City's incompetence and its citizens' well-founded distrust. According to the City, free water filters were available as of November 2024 to households with pregnant women and children aged six and under.[83] Filters could be picked up at four different locations on specific days at limited times.[84] The City also claimed that beginning in December 2024, all households with children in pre-K through first grade would receive filters through the Syracuse City School District.[85]

In actuality, the rollout of the filter program was chaotic, resulting in an ineffective program and erosion of residents' confidence that the City was taking the problem seriously and prioritizing the community's needs. Schools received filters without any education on how to use them or who should receive them, leaving it to the school district and individual schools to figure out how to distribute filters and what to tell parents about why they needed filters and how to use them. The City also informed Families that there would be a dedicated hotline number for obtaining a free filter. The City did not publicize the hotline, meaning that residents would have

---

[80] Syracuse, *Lead Service Replacement Strategy*, https://www.syr.gov/Departments/Water/Lead-Service-Replacement-Strategy (last visited July 25, 2025) ("Lead Service Replacement Strategy").
[81] Ashley Cafaro, *Syracuse Drinking Water Deemed Safe, After Meeting EPA Standards*, MSN, https://www.msn.com/en-us/news/us/syracuse-drinking-water-deemed-safe-after-meeting-epa-standards/ar-AA1In1Ms (last visited July 25, 2025).
[82] Lead Service Replacement Strategy.
[83] Syracuse, *County and City Announce Details of Free Water Filter Distribution* (Nov. 25, 2024), https://www.syr.gov/News/Traffic-Infrastructure-News/Traffic-Infrastructure-2024/2024-11-25-Infrastructure-News-1240-PM.
[84] *Id*.
[85] *Id*.

to already know it existed and search the FAQs section of Lead Free Syracuse's webpage. Additionally, when community members called the hotline, no one answered.[86]

It is no wonder that residents do not trust the City to handle the situation or communicate honestly.[87] Syracuse officials continue to state that, despite taking no known corrective action, the water is safe because their sampling results are purportedly now below the EPA action level.[88] But the LCR's lead action level is *not* a health-based standard. Even assuming arguendo that Syracuse is now theoretically in compliance with the LCR, it does not automatically follow that such compliance means that all residents are drinking lead-safe water. This is particularly true if, as the evidence indicates, the City continues to sample from 100 sites, get a lead action level exceedance, and then sample from additional locations until there is no longer an exceedance. Misleading residents by apparently manipulating sampling data shows that Syracuse needs oversight to protect its citizens.

6. Surface Water Treatment Rule Violations Indicate That Lead Is Not the Only Problem in Syracuse Water and Microbial Breakthrough May Put Residents at Increased Risk of Exposure When Using Lead Reducing Filters

Although the July 2024 lead action level exceedance was the impetus for Petitioners' investigation, there are other dangerous drinking water contaminants besides lead. While investigating Syracuse's CCT for lead, Petitioners found worrying signs of non-lead water contamination. This contamination is not only a concern in its own right, but in combination with residents' use of filters to reduce lead levels, Syracuse may be at an increased risk of exposure to microbial contaminants through use of carbon filters.

Generally, water systems filter source water to remove particles and pathogens. However, EPA allows some water systems, typically with pristine water sources, to waive filtration requirements.[89] Despite a finding that Skaneateles Lake is moderately susceptible to contamination, New York State[90] issued Syracuse an infinite filtration waiver in June 2004.[91] Syracuse is allowed to maintain this waiver provided they maintain watershed protection programs and meet certain water quality requirements. These requirements include: not being the source of a waterborne disease outbreak, meeting source water quality limits for coliform and turbidity, meeting coliform and total trihalomethane maximum contaminant levels, maintaining

---

[86] Families for Lead Freedom Now, Inc., Filter Distribution Timeline (attached hereto as Exhibit D).
[87] Duncan Green, *Syracuse Commissioner of Water, Common Councilors Address Lead Water Crisis*, Daily Orange (Feb. 20, 2025), https://dailyorange.com/2025/02/syracuse-common-councilors-address-lead-water-crisis/.
[88] Lead Service Replacement Strategy.
[89] *See supra* § III.C.
[90] EPA delegated power to the state to issue filtration waivers.
[91] City of Syracuse Water Dept., Consumer Confidence Report 2021 Newsletter (May 27, 2022), https://www.syr.gov/files/sharedassets/public/v/1/2-departments/water/documents/reports/drinking-water-reports/newletter2021-final.pdf ("2021 Consumer Confidence Report").

disinfectant residual levels and redundant disinfection capability, and implementing a watershed control program to minimize microbial contamination of the source water.[92]

Despite being held to such a high standard, Syracuse reported Surface Water Treatment Rule ("SWTR") violations every year from 2020 through 2024.[93] In recent years Syracuse has announced annual turbidity violations.[94] New York State has not rescinded Syracuse's filtration waiver despite knowing about these violations.

The reported violations are only the tip of the iceberg. Syracuse regularly finds total coliforms in its drinking water. 8 total coliform positive results were found in 2021, 32 in 2023, and 9 in 2024. In addition, Syracuse also reported non-detectable chlorine disinfectant levels, which could be a violation of the SWTR.[95] More investigation is needed to determine if the non-existent chlorine disinfectant levels are frequent enough to violate the SWTR. Further, sporadic Cryptosporidium and Giardia detections have occurred over the past several years.[96]

The combination of no filtration treatment, repeat turbidity violations, frequent total coliform positives, sporadic giardia and cryptosporidium detections, and a lack of chlorine in the distribution system indicate a water system that is susceptible to microbial contamination. It is not clear that the filtration avoidance waiver should continue indefinitely. A new evaluation of current threats and treatment capacity and reliability is clearly warranted.

Part of the new evaluation must consider the risk of microbial contamination resulting from Syracuse's high frequency of water main breaks. The frequency of total coliform positive results and lack of chlorine in the distribution system indicates a need for increased vigilance regarding potential contamination events. It is critical to ensure that pressure and chlorine levels are maintained consistently to prevent contamination from entering or growing within the distribution system as water is being delivered to residents. Frequent water main breaks make it difficult to maintain the needed consistency in water quality, water flow, and water pressure.

On its own, the aforementioned microbial contamination has immediate health consequences, but use of point-of-use filters to prevent lead poisoning could increase the risk of exposure to microbial contamination. This is particularly true if the filters are not properly maintained. The carbon in the filter can serve as food for microbial contaminants and can allow them to grow and flourish on the filter surface, contaminating drinking water with microorganisms as lead is removed. This makes proper filter maintenance even more critical, including instructions for changing out filter cartridges after boil water advisories that result

---

[92] U.S. Env't Prot. Agency, *Filtration Avoidance*, https://archive.epa.gov/region02/water/nycshed/web/html/filtad.html#:~:text=For%20a%20drinking%20water%20system,coliform%20and%20total%20trihalomethane%20MCLs (last updated Feb. 21, 2016).
[93] 2025 data are not yet available.
[94] 2023 Consumer Confidence Report; 2024 Consumer Confidence Report.
[95] 2021 Consumer Confidence Report; 2023 Consumer Confidence Report; 2024 Consumer Confidence Report. It is impossible to determine if Syracuse is violating disinfectant requirements from publicly available information.
[96] Syracuse, Skaneateles Lake and Watershed Program Annual Report 2023-2024 (Apr. 10, 2024), https://www.syr.gov/files/sharedassets/public/v/1/2-departments/water/documents/skaneateleslakewatershedprogramannualreport2023–2024.pdf.

from water main breaks. Syracuse's filter distribution system, as discussed above, has been chaotic; direct instructions for appropriate installation, maintenance, and regular replacement of filter cartridges have rarely if ever been provided or emphasized to residents. Exchanging one contaminant for another is not effective public health protection. It is critical for Syracuse to have its microbial water treatment consistently under control while relying on point-of-use filters (with direct resident education about installation, maintenance and changing of cartridges) to protect residents at the tap from lead in drinking water.

VI. EPA Must Act to Protect Syracuse Residents, Which Can Succeed Only if the Community Is Engaged Meaningfully in Identifying and Executing Remedies

Federal emergency action is necessary to protect Syracuse residents from imminent and substantial endangerment because neither the City of Syracuse nor New York State have even attempted to address the danger to residents from lead in their drinking water, and have demonstrated a lack or will or capacity to do so adequately.[97] Syracuse has had repeated high levels of lead in its drinking water and also failed to comply with federal and state law designed to protect consumers from those high levels. The City has misled its residents by claiming it had only one "lead action level exceedance" and that that exceedance occurred only because of misconduct from two water testers. However, this is false. According to Syracuse's own testing data, it had lead action level exceedances over multiple monitoring periods but violated federal and state monitoring requirements that had the effect of hiding these exceedances. While violating federal and state law is not a prerequisite for EPA finding an "imminent and substantial endangerment" it does speak to the urgent and pervasive lead in water crisis in Syracuse.

The endangerment to Syracuse residents from lead in drinking water is both "imminent" and "substantial."[98] Imminence occurs when "the potential for harm is great"[99] and the hazard is a continued threat to public health or the environment.[100] It is undisputed that lead is hazardous and exposure to it endangers both adults and children. The endangerment to Syracuse residents' health is imminent because the threat "is present now"[101] and continuing with the potential for great harm, particularly to children.[102]

The endangerment is also substantial. An endangerment is substantial when there is "reasonable cause for concern that someone or something may be exposed to a risk of harm . . . if

---

[97] *See* 42 U.S.C. §§ 300i, 300j-1(b).
[98] *Id*.
[99] *Id*.; *see also United States v. Aceto Agric. Chems. Corp.*, 872 F.2d 1373, 1383 (8th Cir. 1989); *Price v. United States Navy*, 39 F.3d 1011, 1019 (9th Cir. 1994) ("A finding of 'imminency' does not require a showing that actual harm will occur immediately so long as the risk of threatened harm is present: 'An 'imminent hazard' may be declared at any point in a chain of events which may ultimately result in harm to the public.'") (citation omitted).
[100] *KFC Western, Inc. v. Meghrig*, 49 F.3d 518, 520 (9th Cir. 1995) (citation omitted).
[101] *Meghrig v. KFC Western, Inc.*, 516 U.S. 479, 486 (1996) (interpreting substantial-and-imminent-endangerment provision in RCRA).
[102] *Supra* § IV.A.

remedial action is not taken."[103] Here, data show that many Syracuse children experience high blood lead levels, and that the vast majority of those children live in older housing that has lead service lines. It is therefore reasonable to assume that these children will continue to experience the harms of lead poisoning until and unless the lead is removed from their drinking water. Indeed, lead in Syracuse's drinking water presents an imminent and substantial endangerment to the health of persons that EPA must remedy.

EPA's past determinations and actions demonstrate that the lead in drinking water issue in Syracuse presents an imminent and substantial endangerment to human health. EPA determined that it was required to take emergency action in a situation at least as extreme—possibly less extreme—than Syracuse's. In Clarksburg, West Virginia and Benton Harbor, Michigan, EPA entered 1431 (emergency) and 1414 (civil administrative enforcement) orders respectively. In Clarksburg, EPA noted water sampling at about 3 sites showed very high lead levels and a lack of data on how widespread lead service lines are in the community. The Agency appropriately found that "[t]aken together, the known presence of lead in samples and in the lead service lines and the unknown extent of lead service lines within the system that could be impacting other residences presents an imminent and substantial endangerment to the health of all consumers of water provided by the System."[104] Syracuse also has many lead service lines and had very high levels of lead in more sampling sites than Clarksburg did. This supports a finding of "imminent and substantial endangerment" in Syracuse, where 27 sites sampled with very high lead levels in July 2024 and over 14,000 service lines are lead.

It is also noteworthy that EPA took emergency action in Clarksburg even though neither West Virginia nor EPA ever found that Clarksburg was out of compliance with the LCR.[105] By doing so, EPA acknowledged that compliance with the LCR doesn't necessarily mean that everything is fine and there is no emergency. Syracuse refuses to acknowledge this possibility, so it is imperative that EPA step in.

And here, unlike in Clarksburg, Syracuse also violated the LCR, bolstering a finding of imminent and substantial endangerment, requiring remedial action for the violations themselves, and showing that the City cannot be trusted to take charge of the crisis. Available data indicates that Syracuse apparently violated tap monitoring requirements by:

- In 2023, including samples collected outside of the permissible LCR compliance monitoring period in its calculation and reporting of its 90th percentile value[106]

---

[103] *Foster v. United States*, 922 F. Supp. 642, 661 (D.D.C. 1996) (citation omitted).
[104] U.S. Env't Prot. Agency, Emergency Administrative Order at 7, Docket No. CWA 03 2021 0110DS (July 14, 2021), https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/Filings/5D20FEB828000B458525871300486662/$File/Clarksburg%20Water%20Board.%20PWS%20Emergency%20Administrative%20Order.%207.14.2021.pdf.
[105] *Id*.
[106] *See* 40 C.F.R. § 141.86(d)(1); 10 NYCRR 5-1.42(b); *see also* Safe Water Engineering at 2.

- Failing to test only Tier 1 homes in 2023-24[107]
- Using the improper calculations of the 90th percentile lead levels, failing to provide the correct public notifications and public education materials[108]
- Improperly including sample results from non-Tier 1 locations in calculating its 90th percentile lead levels and therefore incorrectly reporting Syracuse's lead levels to New York State and the EPA[109]
- Failing to request that its admittedly improper samples be invalidated by New York State[110]
- Failing to properly test the requisite number of Tier 1 homes during the required monitoring period to replace the invalidated samples[111]
- Failing to return to 58% of the homes in subsequent compliance periods that Syracuse previously sampled during the 2023-24 sampling as required by law.[112]

We also have substantial questions about whether Syracuse's CCT complies with state and federal requirements. The corrosion control used on Lake Ontario water would likely not meet federal and state requirements for Syracuse's optimized corrosion control program. Syracuse's optimized CCT plan also does not appear to consider the implications of blending water from Skaneateles Lake, Otisco Lake, and Lake Ontario, which it is required to do.[113] It is also not clear that Syracuse undertook a system-wide evaluation of its corrosion control, despite the EPA recommendation that it do so because it purchases water from multiple sources.[114]

***

Since Syracuse's action level exceedances, the City has failed to take necessary steps to protect its residents. Due to the lack of trust and past failures to protect the community, this crisis can only be addressed by working alongside institutions that are trusted by the community. The inability of the city to communicate the danger or get the filters on taps is a very straightforward example of its failures both in addressing the crisis and building trust with residents. Restoring trust begins with engaging community members in remedial actions moving forward, such as filter distribution and future compliance testing. A proper investigation by Region 2 requires engagement with the affected community to understand their perspective and involve them in any remedial action. Endorsement of the City's grossly inadequate response without doing so would be a slap in the face to community members doing on-the-ground work to educate

---

[107] Safe Water Engineering at 3, 13–17.
[108] *See* 40 C.F.R. § 141.85.
[109] *Id*. §141.86(a)(3), (c); Safe Water Engineering at 1–2.
[110] *See* 40 C.F.R. § 141.86(f)(1), (4).
[111] *Id*.
[112] 40 C.F.R. § 141.86(b)(4); Safe Water Engineering at 4, 22–23.
[113] *See* 40 C.F.R. § 141.81(b)(3)(iii).
[114] *See* Safe Water Engineering at 30.

Syracuse residents of the dangers of lead in their drinking water. Petitioners continue to encourage EPA Region 2 to meet with affected community members and organizations before EPA issues any findings so that it does not rely solely on the City's flawed justifications. Petitioners now call on EPA to address and abate this present and ongoing public health emergency.

VII. Recommended Remedies

Petitioners urge EPA to take all actions necessary to abate the endangerment presented by lead in Syracuse's drinking water, and to inform Syracuse residents about the potential hazards of drinking the City's tap water. At a minimum, Petitioners request that EPA:

- Immediately order and provide the necessary technical assistance to the City to advise all Syracuse water customers not to consume unfiltered water from the City's water system. This and all other emergency notifications should be provided as an emergency notification by multiple methods including broadcast, print, mail, door hangers, and online, and in English, Spanish, Urdu, Arabic, Nepali, and Vietnamese to fully inform residents of the emergency and how to protect themselves and their families.

- Immediately provide the technical and financial resources necessary to ensure Syracuse residents are provided with an alternative, free source of safe drinking water that meets EPA standards. If filters are provided, extensive filter education must also be provided in homes to ensure proper filter installation and maintenance, and replacement filter cartridges should also be distributed.

- Ensure that Syracuse has been brought into compliance and operating in accordance with 40 C.F.R. § 141.84(b), Public Health Law §1114-b, and 10 N.Y.C.R.R. 5-1.46 lead service line replacement requirements. Syracuse should be required to fully replace its lead service lines for all residents at the public water system's expense within three (3) years. EPA should provide direct funding under Safe Drinking Water Act sections 1442(b), 1459A, 1459B and/or other available funding sources, and require the City to request all available funding from the state. If there are direct, forgivable loans available for the purposes of lead service line replacement, optimizing CCT, and/or providing point-of-use filters, EPA should ensure that Syracuse has access to those loans.

- Provide a program for general household lead abatement that includes identification and remediation of lead paint, and complete plumbing evaluations and removal of leaded materials. This program shall identify and replace all galvanized steel pipe, lead solder, fittings and fixtures installed prior to 2024 (the effective date of the NSF 61 Q <=1 standard), and hot water tanks that have been contaminated by lead.

- Pursuant to Section 1442(b) of the Safe Drinking Water Act and other available authorities, EPA Administrator Zeldin must provide technical assistance and make grants

available to Syracuse to assist in responding to and alleviating the emergency situation affecting Syracuse's public water system

- Provide premixed baby formula or bottled water to all families in Syracuse with children that use baby formula.

- Use its authority under 40 C.F.R. §§ 142.19 and 141.82(i) to review the City's determinations concerning corrosion control requirements for the Syracuse water system and issue a federal order establishing the optimal CCT requirements for the Syracuse water system and requiring Syracuse to immediately comply with the requirements of 40 CFR 141.81(c) and 10 N.Y.C.R.R. 5-1.41. The order should explicitly address how the corrosion control program for Syracuse will address the periodic sourcing and mixing of water from the city's three water sources (Skaneateles Lake, Otisco Lake, and Lake Ontario) with different water chemistries and in different distribution system mixing zones.

- Order the City to conduct continued monitoring for lead and copper in six-month periods in accordance with the procedures set forth in 10 N.Y.C.R.R. 5-1.42. EPA should directly oversee the City's monitoring by ordering the City to submit a Quality Assurance Project Plan ("QAPP") to ensure that all information, sample collection, analytical data and resulting decisions are technically sound, scientifically valid, and properly administered. This oversight should include a review of the 2023-24 compliance sampling data to determine whether those samples were properly collected. This will inform EPA whether the submitted QAPP represented a change from past sampling practices. EPA must approve the City's QAPP before the City conducts any additional monitoring. EPA should prohibit the City from conducting reduced monitoring under 10 N.Y.C.R.R. 5-1.42(c) until 3 years after all lead service lines have been replaced and the City has reduced lead in drinking water below New York's lead action level.

- Order the City to comply with the public education and supplemental monitoring requirements under 10 N.Y.C.R.R. 5-1.47 including but not limited to immediately notifying consumers of the results of tests completed at their homes or places of business and providing the public education, monitoring, and notification established in those rules.

- Order the New York State Department of Health to provide such technical assistance to Syracuse as EPA determines may be necessary to enable the City to comply with this order.

- Ensure that the City declares a lead in water emergency in Syracuse to help free up additional federal funds (see, e.g., Public Law 118–42, 138 STAT. 25, at page 257 (March

9, 2024) and SDWA §1442(b), 42 U.S.C. 300j-1(b)) to assist the city. Such a declaration also will highlight the need for residents to take action to protect themselves, particularly those who are most vulnerable to lead including families with young children, pregnant women, and those with cardiovascular disease.

- Order the City to create a public facing, accessible lead dashboard on the City website which shall include: (1) educational information on the effects of lead, lead-in-paint, and lead-in-water; (2) the results of all lead-in-water testing from 2015 to present and all future test results within three days of the City receiving those results; (3) a map showing the service line inventory and progress toward lead service line replacement; and (4) the City's lead service line replacement plan.

- Require the City to provide an immediate source of safe drinking water in schools and childcare facilities in Syracuse. As noted earlier, to the extent that this relies upon the use of point-of-use filters, this should be accompanied by extensive filter education to ensure proper filter installation and maintenance, and replacement filter cartridges certified as detailed above should also be distributed.

- Complete a comprehensive independent engineering review and sanitary survey under EPA oversight of Syracuse's system, including an evaluation of Syracuse's filtration waiver, its SWTR compliance including periodic turbidity violations, and the implications of its frequent water main breaks both for microbial risk and for its CCT program. EPA should make determinations as to what additional measures Syracuse must take to maintain full compliance with the SWTR, its filtration waiver, and the LCR. This should include an EPA determination as to whether the City must rely upon alternative water sources such as Lake Ontario or Otisco Lake when Skaneateles Lake is excessively turbid, or must upgrade its water treatment, operation, and maintenance programs, and whether Syracuse has adequately trained and certified operators on site at all times. It also should include a new evaluation of current threats and treatment capacity and reliability.

- Order the City to establish an ongoing public engagement process as it carries out the requirements of this order, that includes regular open public meetings and ongoing consultation with the Petitioners and Syracuse residents.

- Order any other additional relief that EPA determines is "necessary to protect" the health of Syracuse residents from lead contamination in drinking water.

Respectfully submitted this 28th day of July 2025.

/s/ Marissa Lieberman-Klein
Marissa Lieberman-Klein
Associate Attorney
Suzanne Novak
Senior Attorney
Earthjustice
48 Wall Street, 15th Floor
New York, NY 10005
T: 212-284-8031
mlieberman-klein@earthjustice.org

/s/ Lanessa Chaplin
Lanessa Chaplin
Director, Racial Justice Center
Ifeyinwa K. Chikezie
Staff Attorney
125 Broad Street, 19th Floor
New York, NY 10004
T: 212-607-3368
lchaplin@nyclu.org

/s/ Andrew M. Croom
Andrew M. Croom, Esq.
Managing Attorney
Legal Services of Central New York, Inc.
221 S. Warren Street, Suite 300
Syracuse, NY 13202
T: 315-703-6552
acroom@lscny.org

/s/Valerie Baron
Valerie Baron
National Policy Director & Senior Attorney
Safe Water Initiative
Natural Resources Defense Council
1152 15th Street NW, Suite 300
Washington, DC 20005
T: 212-717-8232
vbaron@nrdc.org

On behalf of Families for Lead Freedom Now. Inc. NRDC attorneys also represent NRDC and NYCLU attorneys also represent NYCLU.