



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

August 9, 2019

Hon. Catherine McCabe
Commissioner
New Jersey Department of Environmental Protection
401 East State Street
P.O. Box 402
Trenton, NJ 08625-0402

and

Hon. Ras Baraka
Mayor
City of Newark, New Jersey
920 Broad Street #200
Newark, NJ 07102

Dear Commissioner McCabe and Mayor Baraka:

I am writing to follow up on our phone conversation on the evening of Friday, August 9, 2019. I very much appreciate the collaborative spirit in which we have all been able to work together over the past eight months to address concerns about elevated levels of lead in portions of Newark's drinking water system.

During our telephone conversation we discussed the analytical results of the second round of drinking water samples taken on August 6 at two residences in Newark. As you know, this second round of sampling was carried out to determine whether the results of the first round of sampling accurately characterized the efficacy of the filters. The data from this second, confirmatory round of sampling show that in these residences, several of the filtered drinking water samples again had lead levels exceeding 15 parts per billion, the applicable federal and state drinking water standard. The data suggest that use of the specific filtration devices distributed by Newark may not be reliably effective, in this particular situation, in reducing lead concentrations to below that standard. This means that we are unable at this time to assure Newark residents that their health is fully protected when drinking tap water filtered through these devices.

EPA therefore believes it is essential for the City of Newark to advise residents with known or suspected lead service lines that until further notice they should not rely on the efficacy of the filtration devices that the city previously provided. Residents should be advised, instead, to use bottled water for drinking and cooking, until we can be assured of the reliable efficacy of filtration devices.

We believe it is the responsibility of the City of Newark to provide such bottled water as soon as possible.

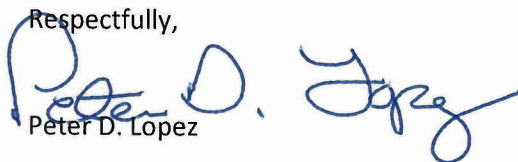
We believe, further, that it is important for the State of New Jersey to use its available enforcement authorities to ensure that Newark is provided with appropriate guidance and direction on how to proceed.

We ask that you notify us by close of business on Monday, August 12 of your decisions with respect to these recommendations and requests. Please be advised that EPA is prepared to take appropriate action under Section 1431(a) of the federal Safe Drinking Water Act to ensure protection of public health, should the state and city not promptly undertake these recommended actions.

EPA stands ready to continue providing technical assistance to help find a solution to this challenge. EPA looks forward to continuing to work cooperatively with you as we all try to better understand the capabilities and limitations of various filtration devices, and determine the efficacy of practices such as flushing lines before drawing drinking water.

We appreciate everyone's collective efforts to safeguard the residents of Newark and advance our shared goal of protecting public health and the environment.

Respectfully,

A handwritten signature in blue ink, appearing to read "Peter D. Lopez". The signature is stylized and written in a cursive-like font. It is positioned to the right of the typed name "Peter D. Lopez".

Peter D. Lopez

Regional Administrator