



STATEMENT OF
THE HONORABLE RAS J. BARAKA
MAYOR OF NEWARK, NEW JERSEY

BEFORE THE SENATE COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS
SUBCOMMITTEE ON FISHERIES, WATER AND
WILDLIFE

*“Implementation of the Drinking Water and Wastewater
Infrastructure Act: Stakeholders’ needs and experiences.”*

APRIL 5, 2022

Chairwoman Duckworth, Ranking Member Lummis and members of this esteemed subcommittee, thank you for convening this important hearing on the implementation of the *Drinking Water and Wastewater Infrastructure Act: Stakeholders' needs and experiences*. I would like to give a special thank you to Senate Committee on Environment and Public Works Chairman Carper and Ranking Member Capito for their leadership on our nation's most important issues. On behalf of the City of Newark, thank you for the opportunity to provide testimony to the Senate on Environment and Public Works Committee's Subcommittee on Fisheries, Water and Wildlife on this important matter that I hope will assist our nation's cities and towns. The difficulty of contaminated drinking water, like many health issues, disproportionately affects Black and brown people in cities across America but is broadly found in suburbs and rural communities similarly. It is, therefore, a crisis of significant magnitude. I am happy to attest that Newark's Lead Service Line (LSL) replacement program, one of our city's largest infrastructure projects, has successfully replaced over 23,000 lead lines in less than three years when experts said it would take 10 years. This project helped protect the health and wellness of our residents and provided 500 good-paying local jobs. Workers on the project worked tirelessly to get this accomplished (even through the pandemic) to help complete the project safely.

Transparency and accountability are imperative in the pursuit of diversity, equity and inclusion. In executing the LSL Replacement Program, we identified affirmative action goals to establish fair access to employment opportunities and created a program designed to reflect the demographics of the city. In doing so, the program not only was of economic benefit to the City of Newark, but also the State of New Jersey.

While our lead service line work has completed, I am here today for the 10 million American households that connect to water through lead pipes and service lines—and the children, toddlers, and teenagers in 400,000 schools and childcare facilities who are at risk of exposure to lead in their water. Many of whom live in places similar to Newark and whose cities' public water pipes were installed in the mid-20th century with an estimated lifespan of 75 to 100 years. While we are rapidly approaching those expiration dates, today, we can be thankful to President Biden, Vice President Harris, our Senate and Congressional leadership and to Chairwoman Duckworth who secured her entire bipartisan Drinking Water and Wastewater Infrastructure Act (DWWIA) in the Bipartisan Infrastructure Deal. This was done to ensure her home state Illinois as well as our nation's crumbling water infrastructure could finally receive the significant improvements they need. This bill is an essential tool in providing safe drinking water to everyone in America and is essential to addressing the financial devastation of COVID-19 that laid to bare the long-standing and dangerous deficiencies in our utility infrastructure. This will address the billions in lost revenue for local governments that is handicapping the ability to maintain services and make the massive infrastructure improvements that are needed. Chairwoman Duckworth eloquently stated and I quote: *"Every American has a right to clean water—no matter their zip code, the color of their skin or the size of their income."* Environmental justice communities, which have historically been overburdened by pollution, will only continue to face increased financial costs. That is why it is important to prioritize this funding for disadvantaged communities. I wholeheartedly agree with the Chairwoman and am here today to discuss our experience as a means to support the protection and health of our nation's future.

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Newark's Lead Service Line project is unprecedented in terms of the scope and speed and has protected the health and wellness of the 300,000 customers in the five geopolitical wards that makeup Newark as well as portions of neighboring cities that we service. Maintaining and repairing service lines is usually the responsibility of the homeowner and average replacement could cost anywhere from \$5,000 to \$6,500. Our city replaced all the lead lines at no cost in capital outlay, taxes, or water rate hikes to our residents or customers in surrounding towns. This was critically important to ensure that everyone in our city has access to clean water. It is my hope that through the Implementation of the Drinking Water and Wastewater Infrastructure Act, we can increase grants and State Revolving Fund (SRF) loans for communities.

The State Revolving Fund (SRF) offers affordable loan options to cities and towns to improve water supply infrastructure and drinking water safety; and to help them to comply with federal and state water quality requirements that deal with wastewater treatment plants and collection systems, while addressing issues such as watershed management priorities, stormwater management, and green infrastructure. The SRF helped our project tremendously.

Our aggressive program was one reason the EPA awarded the City a \$7.5 million grant under the new Water Infrastructure Improvements for the Nation (WIIN) Act, to help strip older schools of any remaining fixtures or tubing that contain any amounts of lead and fund our existing education and outreach programs. That money will help the City to continue to strive toward the goal of complete eradication of lead in our drinking water.

There are several components of our project that I would like to share that I hope can assist other communities. When we saw our lead levels spike in 2017, we hired CDM Smith, one of the world's most respected environmental companies, which whom in the 1970s created the EPA's first blueprints and standards for the development and maintenance of water pollution control plants back in the 1970s.

CDM Smith helped us analyze our water sample data and the EPA simultaneously analyzed a harvested lead pipe from our system to microscopically determine how the corrosion control failed to properly coat the pipes causing the material to deteriorate.

Because of these actions, we were able to quickly and accurately pinpoint the reason for our exceedances and implement corrective action that would be effective and scientifically sound. When the science showed our corrosion control had faltered, we were able to adjust the water chemistry and added a new corrosion control system.

As soon as our city realized we had a problem, we initiated a program to distribute over 40,000 National Sanitation Foundation (NSF) Certified water filters and more than 110,000 replacement cartridges. Filters and cartridges were provided to Newark residents who lived in single-family and multi-family homes that are supplied from the Pequannock Water System and those that have lead service lines or interior copper piping with lead solder. Our Department of Water and Sewer Utilities set up distribution centers throughout the city, hand delivered filters to residents' homes, and spent over 25,000 hours going door-to-door in an effort to reach Newark families as well as ensure community engagement, outreach and education of our residents about lead in water was

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at the forefront of this process. In addition, the City of Newark's Department of Health and Community Wellness provided free lead testing for all residents.

Our program website is a repository of information for customers to obtain information about the program including registration paperwork and contract assignments, most recent lead tap sample results, and water filter distribution and replacement. Education materials were distributed in English, Spanish and Portuguese to improve communication at local events and to homes. We collaborated with local community and environmental groups including Clean Water Action, United Way and many others to go door-to-door with the education materials. We made robocalls and utilized doorhangers to promote the program; signed-up residents; and instructed residents on the proper use of the point of use filters. Lawn signs, bus and billboard ads and message boards were intentionally placed throughout the city to ensure that the residents who needed it most were getting the information and access to these vital resources.

Our approach was strategic. Since lead service lines are the property of the homeowner, the City had to work with our State Legislature who created a law that allowed us to use public funds on private property for replacing lead service lines. This was essential to the project's success. In addition, at the local level, Newark's Municipal Council passed an ordinance that gave the City the 'right of entry' to private property to replace lead lines. This was critical because nearly 80 percent of Newark residents rent and tracking down property owners for access to their property would have been time-consuming and costly. This helped decrease costs and made the project more efficient.

We made sure that all houses built prior to 1990 with a two-inch or less service line were test pitted and communities with higher density of housing and high lead levels were targeted first. We utilized a block-by-block approach that maximized efficiency and decreased disruptions to the community. This approach allowed us to replace up to 120 pipes a day as 25 crews worked around the city even through the pandemic. In terms of program management and data tracking, we used innovative technology and tools to plan, communicate, track and report replacements. This improved efficiency, accuracy and lowered costs tremendously.

Our City's LSL Replacement Program ensured that no lead service line would be left behind while creating a legacy for future generations. The lead line replacement portion of our project is complete citywide but full completion also includes final restoration and paving of roadways. Approximately 180-miles of streets were impacted and paving is coordinated through GIS mapping as we work with the Department of Engineering, Essex County, and other utility work as part of a comprehensive paving strategy.

The complete removal with a follow-up lead water sample six months afterwards and upon request provides insurance to our residents that their water is safe to drink.

None of this would have been possible without our incredible partners. Thank you to our Federal Representatives, who were with us every step of the way and especially Senator Booker who immediately pushed EPA to commit more federal resources to help residents, city, and state respond. He also introduced the Water Infrastructure Funding Transfer Bill in May 2019. This measure gave states much needed flexibility to fund infrastructure projects.

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From the support of our Governor Phil Murphy and his Administration, who in partnership with our State Legislature has made clean water a top priority for our state and our state's Department of Environmental Protection worked with us through testing and compliance of EPA guidelines throughout this process.

I would like to especially thank Essex County Executive Joseph DiVincenzo and his willingness to use the county's AAA bond rating for the City to comfortably secure a \$120 million bond, allowing us to accelerate the work in a way that set national precedent.

The unwavering leadership of our Department of Water and Sewer Utilities Director Kareem Adeem during this whole process must be highlighted and is a true model for communities to closely watch. His leadership has been an incredible force, pushing his staff and our contractors to complete this project as quickly and efficiently as possible, and doing so with the least amount of inconvenience to our residents and for that, we are all grateful. This lead service line project could not have been possible without the incredible staff of the Department of Water and Sewer Utilities and our entire staff at Newark City Hall.

As stated, this truly collaborative effort could not have been possible without every level of government and our city's corporations and non-profit organizations, but most importantly our residents, who were with us every step of the way. They are the true MVPs of this process and were our biggest cheerleaders and support system through this entire project. It is my hope that communities make their residents a part of their replacement projects as we did, as it only enhances and adds value to the project as well as the community as a whole.

In closing, as Mayor of the great City of Newark, I hope our story is a good example for other governments that full lead line replacement does not have to be an eternal infrastructure nightmare. With federal funding and imposed deadlines, and other governmental cooperation, we have the power to fix it, for the health and safety of our current and future generations. For what we do now will be our legacy.

Thank you again Chairwoman Duckworth, Ranking Member Lummis and members of this esteemed subcommittee for allowing my testimony today and for your leadership and commitment to our nation's future. Godspeed.

Forward ever, backwards never!

A handwritten signature in blue ink, appearing to read 'Ras J. Baraka', with a stylized flourish at the end.

Ras J. Baraka
Mayor