

NEW JERSEY ENVIRONMENTAL JUSTICE BILL (S232)

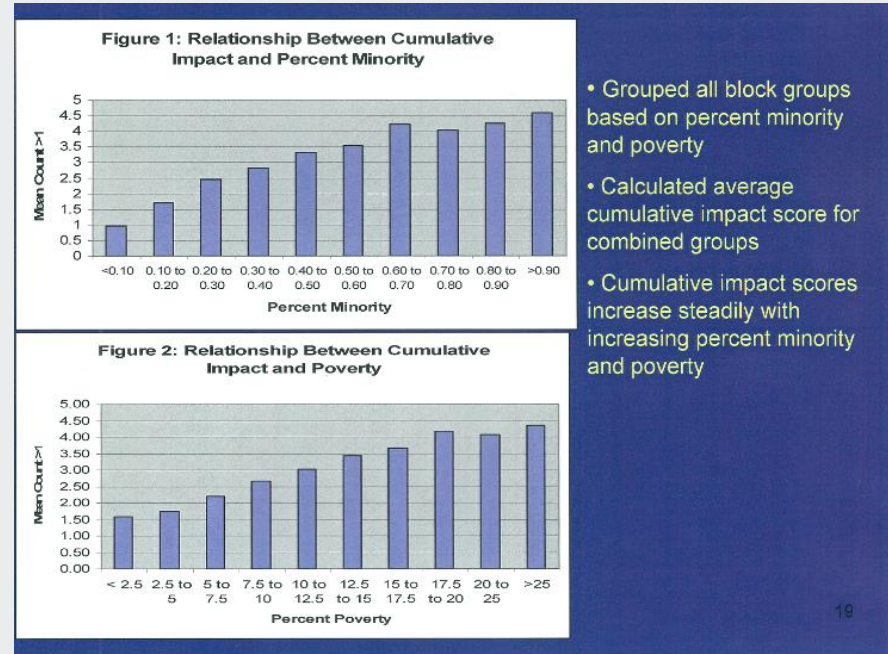


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Chesapeake Bay Commission

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EJ & CUMULATIVE IMPACTS

- ❖ Definition: Risks and impacts caused by multiple pollutants both in isolation and by their interaction with each other and with social vulnerabilities. They are usually emitted by multiple sources in a community.
- ❖ We attempt to regulate pollutant by pollutant through individual standards. But there can be detrimental health effects even if no individual standard is violated.



COALITION BUILDING

- EJ Organizations Lead
- Form Coalition Based On History Of Trust
- Alliances With Social Justice & Environmental Organizations statewide



NJ ENVIRONMENTAL JUSTICE ALLIANCE + **IRONBOUND COMMUNITY CORP** + **CLEAN WATER ACTION**

TIMELINE OF NJ EJ ACTIONS



2002
2004
2008
2009
& HEARING
2011
STATEWIDE POLICY
2013
2015
ORDINANCE
2016
2017
2018
2018
2019
JUNE 2020
LEGISLATION

NJDEP PROPOSES CI RULE
GOV MCGREEVEY SIGNS EXECUTIVE ORDER ON EJ
S. WEINBERG INTRODUCES EJ BILL, NOT MOVED
NJDEP EJ ADVISORY COUNCIL REPORT RECOMMENDATIONS



NJEJA DEVELOPS MUNICIPAL MODEL ORDINANCE; CI

GOV CORZINE SIGNS EXECUTIVE ORDER ON EJ
CAMDEN, NJ PASSES EJ IMPACT & BENEFITS REVIEW

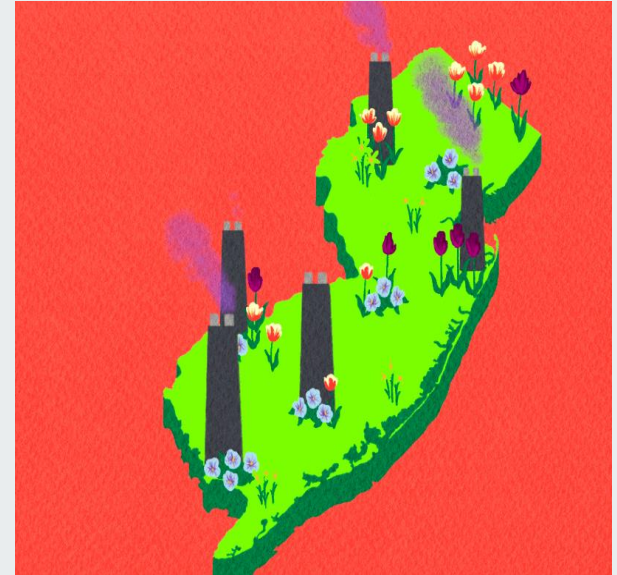
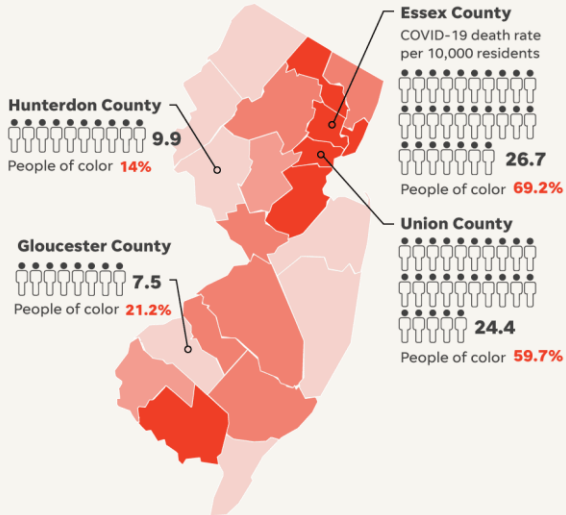
NEWARK, NJ PASSES EJ CUMULATIVE IMPACT ORDINANCE
EJ ACT OF 2017 WITH SEN. BOOKER'S OFFICE
EJ BILL INTRODUCED IN THE NJ SENATE

GOV MURPHY SIGNS EXECUTIVE ORDER ON EJ
EJ BILL REINTRODUCED BY SENATOR SINGLETON

JUNETEENTH GOVERNOR, LEGISLATORS ANNOUNCE SUPPORT FOR

ENVIRONMENTAL JUSTICE IN CONTEXT

People of color: ● More than 50% ● 25.1% to 50% ● Less than 25%



SUBSTANCE OF S232



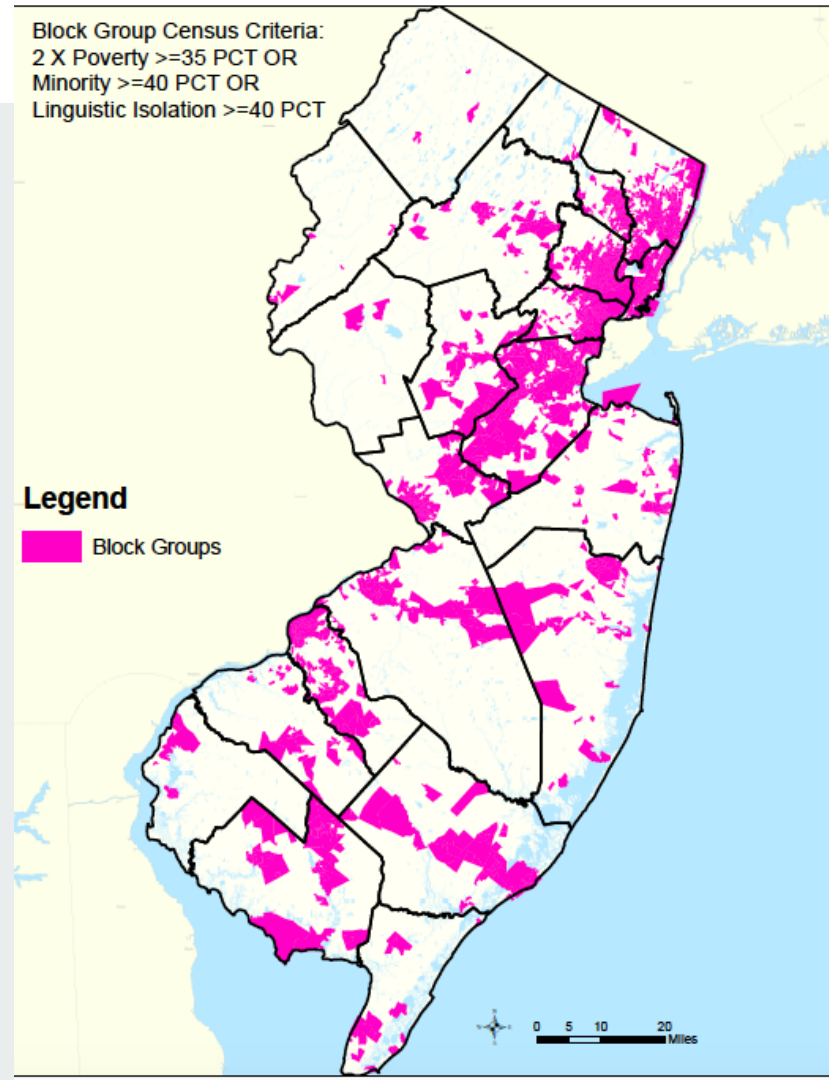
Key provisions of the bill

- ❖ Defines “**overburdened communities**” as those with significant Of Color, non-English speaking or low income populations.
- ❖ Requires major polluters seeking certain permits in overburdened communities to develop “**Environmental Justice Impact Statements**” (EJIS) with substantive detail, meaningful public input, and DEP oversight including technical assistance to impacted communities.
- ❖ Requires and empowers DEP to **deny or condition** certain permits due to disproportionate impacts based on the EJIS.

OVERBURDENED COMMUNITIES

Definition of overburdened community: means any census block group, as determined in accordance with the most recent US Census, in which at least:

- (1) 35 percent of the households qualify as low-income households;
- (2) 40 percent of the residents identify as minority or as members of a State recognized tribal community; or
- (3) 40 percent of the households have limited English proficiency



FACILITIES & PERMITS COVERED



One of eight (8) types of facilities:

1. major sources of air pollution (e.g., power plants, cogeneration facilities);
2. incinerators or resource recovery facilities;
3. large sewage treatment plants (more than 50 million gallons per day);
4. transfer stations or solid waste facilities;
5. recycling facilities that receive at least 100 tons of recyclable material per day;
6. scrap metal facilities;
7. landfills; or
8. medical waste incinerators, except those attendant to hospital and universities.

Seeking a specific permit

- Solid waste, recycling, development (wetlands, CAFRA, Flood Hazard), water supply and pollution, air pollution and pesticides
- For facilities located or proposed to be located in an “overburdened community”

REQUIREMENTS FOR DEP & APPLICANTS



- Requires submission of EJ impact statement & public hearing
- EJ impact statement identifies existing public health and environmental stressors in the community.
- NJDEP reviews the EJ impact statement to determine whether there is a disproportionate impact from environmental and public health stressors that cannot be avoided through additional controls.
- If there is a disproportionate impact that cannot be avoided for a new facility, DEP will deny the application unless there is a compelling public interest.
- For renewals & expansions where there is a disproportionate impact, DEP can apply additional conditions

- Bill *does not* require denial of permits
- Bill *does not* allow DEP to deny facility expansions or permit renewals
- Bill *does not* prevent public work at projects sites with DEP permits.
- Bill *does not* allow for delay of permits and projects; EJ impact statement is reviewed alongside existing permitting process

NEXT STEPS

- Rulemaking Process
- Stakeholder meetings
- Final Public Comments
- Implementation

EJ Bill Coalition Partners:

NJEJA

www.njeja.org

Ironbound Community Corp.

<https://ironboundcc.org>

NJ Clean Water Action

www.cleanwateraction.org/states/new-jersey

For More Information about the Bill and the Rulemaking Process go to :
www.nj.gov/dep/ej/policy.html