

## **Environmental Justice Rules: Compliance Checklist**

The purpose of this checklist is to outline the general procedural steps under N.J.A.C. 7:1C, Environmental Justice (Rules) to assist facilities with compliance. The checklist is to be used only if the Rules apply to your facility's permit application. This checklist is not intended to be used to provide guidance on applicability or the substantive requirements of N.J.A.C. 7:1C.

The summaries of the steps are informational only. Please refer to the Rules at N.J.A.C. 7:1C for the regulatory requirements.

For general questions, please email [ej.regulation@dep.nj.gov](mailto:ej.regulation@dep.nj.gov).

### **1. APPLICABILITY**

- ☐ The facility submits a permit application for a new facility, expansion of an existing facility, or renewal of major source air operating permit.

**Facility PI number:**

**Permit activity number:**

- ☐ The Department creates an EJ Project ID for the permit activity and notifies the facility by email that the Rules apply to the application. The notification email includes the EJ Project ID number.

**EJ Project ID number:**

**The permit clock stops, and EJ review begins.**

### **2. ENVIRONMENTAL JUSTICE IMPACT STATEMENT (EJIS)**

- ☐ The facility develops an EJIS and submits the EJIS to the Department through [NJDEP Online Business Portal](#) using EJ Project ID. The EJIS must clearly identify all applicable Program Interest and Permit Activity numbers.
- ☐ The Department generates an EJIS fee assessment and sends invoice.
- ☐ The Department reviews EJIS for completeness and if applicable, notifies facility of any deficiencies.
- ☐ If applicable, the facility submits response(s) to the Department's comments and a revised EJIS through portal using EJ Project ID.
- ☐ Upon receipt of complete EJIS, the Department authorizes the facility to proceed with public process, subject to review of the final notice and details of hearing location, date, time, and comment period, for conformance with the Rules.
  - ☐ The hearing must be at least 60 days after notice published.
  - ☐ The written comment period must be at least 60 days and must stay open at least 30 days after the hearing.
  - ☐ The hearing must be in the OBC, take place no earlier than 6:00 PM EST on a weekday, and include a virtual component. If the facility requests a different location or if the facility is in more than one OBC, the facility must obtain Department approval of hearing location.
- ☐ The Department confirms final notice conforms with the Rules.

*This is a guidance document only and use of this guidance is neither mandatory nor exhaustive. This document does not constitute final agency action and may be revised at any time.*

- ☐ The facility submits final notice to the Department through portal using EJ Project ID and sends courtesy copy by email for posting.
- ☐ The Department posts the final EJS and public notice on its website, publishes notice in the Bulletin, and emails interested parties.

### 3. PUBLIC HEARING AND COMMENT PERIOD

- ☐ The facility complies with all notice requirements, publishes a notice in English and secondary language newspapers published in OBC, and retains proof of publication and notice.
- ☐ The facility holds public hearing, records virtual component, and obtains transcript.
- ☐ The facility submits recording to the Department for posting on the Department's website and/or the facility posts on its own website until at least close of public comment period.
- ☐ The facility accepts written comments by email, mail, and/or online, until the end of the comment period.

### 4. AFTER THE HEARING AND COMMENT PERIOD

- ☐ The facility summarizes public comments received.
- ☐ The facility prepares written responses to public comments received.
- ☐ The facility submits the following documents to the Department through the portal using the EJ Project ID.
  - ☐ Summary of public comments and facility's responses made at the hearing
  - ☐ Copy of written comments received
  - ☐ Facility responses to comments received
  - ☐ Hearing transcript
  - ☐ Proof of notice publication in newspapers
  - ☐ Copies and proof of mailing of notices to the Department, governing body, and municipal clerk
  - ☐ Copies and proof of mailing of notices to property owners, residents, and easement holders within 200 feet of property line
  - ☐ Proof of sign posting and maintenance
  - ☐ Fee (if not already submitted)
- ☐ The Department acknowledges receipt of all required documents and payment of fee.
- ☐ The Department informs the facility if additional information needed, including in response to public comments, before the Department may issue a decision.

### 5. DECISION

- ☐ The Department reviews all documents and issues a decision with any conditions determined to be necessary.
- ☐ The Department posts decision on its website.

**PERMIT CLOCK RESTARTS** unless facility requests an adjudicatory hearing within 30 days of decision, in which case the EJ decision is automatically stayed and permit clock remains stopped until final decision.