



Ocean County Environmental Justice Community Engagement Session

Where: Second Baptist Church of Toms River, South Toms River, Ocean County

When: Wednesday, May 11th @6:00pm-7:30pm

Roughly 30 participants in-person, meeting also streamed online via Zoom

Summary: NJDEP Commissioner Shawn LaTourette along with Office of Environmental Justice (OEJ) Director Kandyce Perry, and EPA Region 2 Administrator Lisa Garcia, led a community engagement session with residents of Ocean County. Opening remarks were also given by Pastor William Greene of the Second Baptist Church of Toms River and by Bahiyyah Abdullah of the Toms River Area branch of the NAACP.

Question and Answer with Community:

1. How does an everyday person in the community recognize the connection between challenges they're encountering and environmental stressors? Sometimes the connection isn't always clear.

Commissioner LaTourette: Part of how we build a better relationship between communities and government agencies like the DEP is to help folks understand who we (DEP) are. For example, people may believe the DEP regulates certain aspects of the environment such as forests and waterways, however, the main objective is to protect people from environmentally related harms. We work to ensure drinking water is clean by overseeing water systems; we're regulating industry operations in your communities to ensure there is no harm to quality of life; we oversee garbage collection and its proper disposal; we invest with local governments to make parks available; we act as the Floodplain Administrator and work with municipalities to manage water runoff to avoid flooding. If any of those items speak to anyone, please don't hesitate to contact DEP with those comments or questions.

2. There is a hearing in front of the Transportation Committee on May 12th regarding a bill to replace diesel school buses through purchases of electric school bus fleets. Has DEP had any input on the issue, and will they participate in the above-mentioned meeting?

Commissioner LaTourette: Just to clarify, the referenced hearing is for the Assembly or Senate, correct?

Yes, the Assembly. The bill was already passed through the Senate in February.

Commissioner LaTourette: There is a bill that was proposed to promote the transition from the use of school buses powered by diesel to electric school buses. While DEP is unable to comment on pending legislation, it's fair to say that the Murphy administration is a proponent of vehicle electrification, especially with medium and heavy-duty equipment. DEP wants to see a commitment of school boards and contractors that work with those school boards to shift towards electrification because it's for the betterment of children's health. Any community member that utilizes pieces of diesel equipment also face that significant health impact. We're talking about how beneficial it is to remove that source of exposure and moving towards electric buses. Admittedly the electric option is more expensive, and the bill addresses the cost and execution in some degree, and there are government incentives, apart from the bill, for business

and local governments to upgrade diesel equipment. DEP is willing to cover the cost difference to make the electrification choice easier.

EPA Region 2 Administrator Garcia: The federal government wouldn't engage in state legislative hearings, but one of the components of the Bipartisan Infrastructure Law includes a \$5 billion fund for the Clean School Bus Program. The effort is to incentivize fleets and owners to shift to vehicle electrification and identify resources for those projects. The \$5 billion will be distributed through multiple avenues, one of which is through grants. Owners can directly apply for grant funding. Another resource involves working with states to fund any gap in costs. Not only will this initiative reduce diesel emissions, but it will also address particulate matter within the bus cabin. Hopeful that New Jersey continues this effort.

3. The Manitou Park schoolhouse on Third Avenue in Berkeley Township is unable to be used because of asbestos presence. A contingency of the approval process with new development in this area is to clean up the historic schoolhouse site. How does DEP follow up with condemned structure issues? Separately, requests impact assessment, current standing follow-up, of Ciba-Geigy specifically to Toms River community.

OEJ Director Perry: On the issue of Ciba-Geigy, there are ongoing settlement discussions in partnership with DEP and EPA. Those details are forthcoming, and we hope to reach a resolution soon that will benefit the surrounding residents.

EPA Region 2 Administrator Garcia: EPA will communicate the final settlement and the protective measures put in place. EPA will also create a fact sheet once more information is available, as well as who can share the document. The superfund site manager's contact information will also be included.

Commissioner LaTourette: When government agencies first learn of contamination or potential superfund sites, the first action item is understanding exposure risks to people. As we work toward long-term solutions, we eliminate the risk of human exposure and harm. The next step is to determine how to make whole of the community who hosted the contamination site. When those resources are harmed, we must make sure the public is compensated. With respect to the historic school building, DEP will contact the Historic Preservation Office to help the community identify if it's historic and potential funding opportunities available. The Governor signed the Economic Recovery Act of 2020 which provides incentives for asbestos removal from historic buildings. These incentives also provide an opportunity for the building to be enjoyed by the community.

4. How confident should residents be in the resiliency of local infrastructure in the face of more destructive climate events such as hurricanes, floods, and nor'easters? What recent efforts have been made to invest in climate resiliency along the coastal communities in Ocean County?

Commissioner LaTourette: This is a tough question. Climate change is already impacting New Jersey, as we've seen in Superstorm Sandy, remnants of Tropical Storm Ida, and continued flooding events. We're not as prepared as communities deserve. As a result of historical development patterns and additional factors, underserved and vulnerable are often the

communities that see impacts of climate change first. We must work that problem through a variety of avenues, and one of which involves communicating with local planning, land use planning, developers, municipalities, and local code officials to ensure we are pursuing development that won't create future consequences. There's not one solution to confront climate change—there are a variety of avenues, such as infrastructure updates. As EPA Region 2 Administrator Garcia mentioned, there's been a historic amount of funding allocated to upgrade water infrastructure, which ultimately reduces chances of flooding. Additionally, we encourage communities to apply for flood insurance, even if not required by mortgage lender. Overall, we must be thoughtful with development and stormwater management. Governor Murphy signed off on the Blue Acres Buyout Program which purchases flood-prone properties and is utilized as natural flood storage. This initiative is a reminder that the expectation of static circumstances in environmental hazards is unrealistic.

EPA Region 2 Administrator Garcia: Over the next 5 years, EPA will receive funds of \$60 billion, \$50 billion will be allocated to water infrastructure improvements, especially in wastewater management, lead service lines, and emerging contaminants. A portion of the funding is geared towards old infrastructure replacements while considering resiliency in climate change events. Another example of climate change preparedness is in superfund sites. In 2011, a superfund site remediation project incorporated climate change equipment that survived Tropical Storm Ida. EPA works with the federal government on larger-scale projects and under the National Environmental Policy Act, the environmental review of each project must include EJ impacts and climate resiliency.

Commissioner LaTourette: Lisa's team is working diligently to allocate those funds to state governments. If community members are concerned about sewer overflows and lead in water infrastructure systems, communicate those concerns to local elected leadership, business administrators, and the water company mention the availability of funding resources from the DEP.

OEJ Director Perry: If you feel these circumstances applies to you and you'd like additional assistance, please reach out to OEJ at environmentaljustice@dep.nj.gov. Additionally, we're prioritizing disadvantaged and most impacted communities in funding opportunities. Further, if you're interested in climate change projections for New Jersey, the [2020 Scientific Report on Climate Change](#) science report is available with more information.

5. In early 2021, the DEP started the first of several stakeholder meetings concerning the development of the EJ regulations. When will those be proposed and published?

OEJ Director Perry: [Gave background on [EJ Law](#) signed in 2020 and DEP's responsibility of implementing the Law]. DEP is going through rulemaking process and intends to propose regulations the first week of June. There will be an opportunity for the public to comment on the rule before it's adopted, which is projected for adoption by the end of the year. DEP now has the authority in the review permitting decisions for specific facilities and permits to consider impacts on overburdened communities (OBCs). DEP also has ability to evaluate whether OBCs are experiencing a disproportionate impact of stressors compared to neighboring communities. If that's the case, DEP has authority to deny or modify permit applications for facilities located in



OBCs. While the scope of the EJ regulations includes 8 types of facilities, we encourage communities to report incidents that might not fall under the EJ Law through DEP's 24-hour hotline 1-877-WARN-DEP (1-877-927-6337) or through the WARN NJDEP mobile app.

EPA Region 2 Administrator Garcia: The EJ Law is the first of its kind and a special thanks to the New Jersey Environmental Justice Alliance and many other community groups that helped move it forward.

6. How does DEP work with mayors and towns to ensure the correct measures are considered to address impervious paving or deforestation because of development? Who has the final say--the town, the DEP, the mayor? Does the town abide by federal regulations? There is a heavy lift for community members to address environmental concerns with an unrealistic expectation of attending every council meeting without the certainty of continued participation. Also raised additional concerns of land clearing and deforestation with respect to environmental harm and floodwater control.

Commissioner LaTourette: Revisiting the earlier conversation about what DEP does and doesn't regulate, DEP has limited authority on tree removal. Under certain circumstances, such as in the Coastal Area Facility Review Act (CAFRA), DEP has authority over land development. In most cases, local governments are the authority in land clearing concerns. The relationship of individual property and the larger scale of land we all share is important to recognize, and it puts community members in a position to be the conscience of their local community. Tree City USA certification provides some funding for maintaining tree cover, but the limitations over private property are significant. It begs the question on how can we encourage one another to do right by the environment?

7. Representative of the group Concerned Neighbors of the Proposed Lakewood Transfer Station. The proposed facility will be in a defined OBC. Transfer stations often negatively impact surrounding communities with air pollution, water pollution, noise, odor, disease-carrying animals, and litter. Waste transfer stations have been disproportionately located in OBCs. Requests increased government scrutiny of the proposal and encourage municipality to require the developer create an Environmental Justice Impact Statement (EJIS) which isn't currently required by Administrative Order 2021-25 but will be required in the full implementation of the EJ Law. Invites municipal leaders to speak on updates with the project.

OEJ Director Perry: David Pepe, who is the director of the Office of Permitting & Project Navigation, oversees projects that fall under Administrative Order 2021-25 and can be contacted at David.Pepe@dep.nj.gov. Until the EJ regulations are proposed and adopted, the AO serves to fill the gap between the law and the period of rule proposal. Applicants still must abide by the spirit of the Law and fulfill certain requirements, such as public hearings and responses to comments.

Commissioner LaTourette: Thanks attendee for sharing concern about the proposed transfer station and bringing it to the Commissioner's attention. Reiterates the Administrative Order will provide a forceful evaluation on permit applications that fall under the EJ Law.

8. Concern about the construction of 390 low-income apartments in South Toms River. To fulfil the low-income housing obligation, a landfill must be capped, and the remaining 30 apartments will be located on the decommissioned landfill. How safe is this for children to reside over a landfill, inundate an area with a small police force, construct a building with potential fire hazards, and overcrowd local schools. The developer will receive a 30-year tax credit for this project.

Commissioner LaTourette: Thank you for sharing your concerns and requested the speaker's contact information. No one can build above a landfill without a forceful evaluation from the DEP. It's unusual for residences to be placed on a closed landfill, but for any former contaminated property to be reutilized, there is an incredible amount of cleanup and securitization for whatever cleanup is necessary. We want to know more about this project, provide any information available, and assist where it is helpful and applicable.

9. Requests advice for the community on effective steps to report or address environmental justice concerns.

Commissioner LaTourette: This is an ongoing conversation, but if communities would like further assistance, they're welcome to email OEJ with those questions or concerns.

OEJ Director Perry: OEJ can be contacted at environmentaljustice@dep.nj.gov.

Commissioner LaTourette: OEJ is dedicated to helping communities find answers to environmental justice concerns. While previously I mentioned to address infrastructure concerns to local officials, please also share those concerns to DEP. DEP intervention is an additional step to establishing connections to local officials and providing solutions.

10. How is DEP working to coordinate with local officials and municipalities to discuss the need for offshore wind farms?

Commissioner LaTourette: The conversation about renewable energy takes a lot of different shapes and there's various ways DEP communicate with local leaders about the need for renewable energy. While DEP doesn't manage the energy system, we ensure the energy system used doesn't create excessive pollution and doesn't harm to human health or the environment. With offshore wind specifically, anything that implicates our coastline (cables, pipelines, telecommunication), is all under DEP purview with the same attention to human health and the environment. DEP also ensures historic resources are protected and any development minimizes those impacts wherever possible. DEP has studied the implications of climate change to New Jersey and reiterates the need to transition away from fossil fuel use and toward clean energy. Every effort matters and the need for rapid transition is a necessity.

Closing remarks from the panel.

NJDEP Follow-Up Action Items:

- Follow-up with NJDEP's Office of Permitting & Project Navigation on Lakewood Transfer Station proposal.
- Address concerns about affordable housing development on local landfill.