



Highlands Region Environmental Justice Community Engagement Session

Where: Saint Philip and Saint James – Mercy Hall, Phillipsburg, Warren County, Highlands Region

When: Tuesday, June 14th @6:00pm-7:30pm

Approximately 45 participants in-person and 55 participants 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 the Highlands Region. Fr. Gilbert Starcher from the Saint. Philip & Saint. James Catholic Church provided opening remarks to welcome the participants to his church.

Question and Answer with Community:

1. This used to be a thriving economic town. Now, this is the poorest town in Warren County. This part of town has environmental stressors and now a proposed warehouse that will bring tractor trailer congestion and pollution. There are eight facilities that the EJ Law talks about. We need to add warehouses to that list. There are already six huge warehouses built on Route 22 and there is no need for another one. There are other warehouses proposed in rural parts of this County that do not need to be built. If needed, they should only be built next to the highway.

Commissioner LaTourette: We at the DEP have a lot of concern about the haphazard planning of warehouses around the state. The [EJ Law](#) empowers the DEP to take a harder look at certain types of facilities that are highly polluting that require DEP permits. It does not create new permitting schemes. It builds on historic environmental laws to make them stronger. It primarily looks at eight types of facilities that have historically been disproportionately located in low-income, minority and indigenous communities and created a greater pollution burden in those communities. Warehouses not being included in those facilities is not a judgement on the pollution potential from warehouses. The EJ Law and other environmental laws historically do not address the major issue associated with warehouses which is mobile sources of emissions. Recently, the [New Jersey Office of Planning Advocacy](#) released a set of suggested [guidelines](#) for every local government to consider with respect to development of warehouses within their jurisdiction. Land use decisions are a matter of home rule in NJ. Unless a facility needs a permit for water or air pollution it does not need to come to the DEP. We do see it as our job to provide guidance and I am a member of the State Planning Commission. Warehouses do need to get approval from local governments. Anyone concerned about warehousing should take a look at that guidance and suggest that to your local leaders as well.

EPA Region 2 Administrator Garcia: EPA is looking at warehousing as part of a national goods movement initiative which is looking at production of goods and their movement, from ports to trucks, to airports, to distribution centers. We are also looking at emissions from heavy duty vehicles as part of reducing emissions from mobile sources.

2. Should warehouses be required to have solar power?

OEJ Director Perry: I believe that is probably a recommendation in the state warehouse [guidelines](#) the Commissioner mentioned. There is latitude and opportunity for municipal

governments to require that as a function of land use policy.

Commissioner LaTourette: It is worthy examining all the recommendations in that guidance document. Municipal governments have a variety of opportunities through their local land use regulations, such as utilizing the [community solar program](#) administered through the Board of Public Utilities, to achieve multiple ends at the same time. Massive amounts of property are now necessary for warehouses for goods delivery due to the changes in our economy. We can also look at the opportunity to not allow that sunshine and loss of tree cover to go to waste. From the perspective of mobile sources, we will be evaluating the regulatory steps to facilitate the turnover of large fleets of gas and diesel vehicles to electric or zero emissions through the Advanced Clean Trucks Rule we started last year that requires manufacturers of trucks to sell more zero emissions vehicles into the state marketplace. Over time, those requirements would set parameters for large fleet owners to transition into those vehicles.

3. The Free Bridge (in Phillipsburg over the Delaware River) is down to a single lane and during rush hour cars are stuck in traffic with their air conditioners on and burning a lot of fuel. They need to be educated that instead of spending money on fuel and causing damage to their car they should use the toll bridge.

OJ Director Perry: Thank you for that comment.

4. It is very difficult to access the Delaware River for a walk or other recreation because it is completely private access. The residents of the community need access to the river.

OJ Director Perry: In 2019, a public access law was passed in NJ that access be provided to natural resources based on a historic doctrine called the public trust doctrine. However, it only pertains to areas that once tidally flowed. It applies to a section of the Delaware but not all the way up. Some have considered that a missed opportunity and there has long been talk about revisions to that law. You should make your concerns about public access known to your state legislators so that your voice is included in any amendments to the Public Access Law. From our end, we try to create public access opportunities wherever we can through public access requirements attached to our disbursements of government funds and loans for things like parks and water infrastructure and in some permitting decisions.

5. I am in favor of the warehouse. This area is economically depressed and any structure there, including a warehouse, would help the area by bringing jobs and taxes. There is a park that is underutilized. Right next door, there is the proposed development area that would enhance it. Some people have proposed a green space back there. I would not favor that. It would enhance the criminal problem we have there. The town does not have a good track record of maintenance and police enforcement. The truck traffic has been planned to go out toward Hopatcong on state and county designated roads that can handle it. This town has gone through many changes over the past 150 years and is going through some more.

Commissioner LaTourette: These are all hard choices and government faces hard choices. I am not here to say that warehouses are only good or bad – there is likely a little of both.



6. Online comment from member of Byram Environmental Commission that access to the lakes should also be expanded.

Comment acknowledged.

7. Online question: Is DEP taking action to protect prime farmland in the Highlands Region?

Commissioner LaTourette: There are many overlapping jurisdictional issues with respect to preserving farmland. We have DEP activity in some areas, the Farm Bureau in others, the State Agriculture Development Committee (SADC) in some, and the Highlands Council in others. It is also a measure of planning and permitting to some degree. Under the Highlands Act, depending on whether you are in a planning or preservation area, there will be different conditions that apply. The Highlands Act is there to conserve the open space and natural features of this area that serve us all including groundwater protection. Contrary to popular belief, the DEP does not regulate trees or cutting trees. We do work alongside the SADC and farmland preservation community around how to manage and care for forestry resources. Depending on what parcel and where it is, there is likely some protection, but probably not inviolable.

OEJ Director Perry: If you have more details you can include in the chat, others in the room may be able to provide more specific information for the parcel in question.

8. Mayor Todd Tersigni of Phillipsburg said they are in the process of updating infrastructure through grants. How can we work with the railroad to get a future development in the Riverside area and make it business friendly? Trying to reach railroad company to get access in and out of that property. I saw a project a developer did in the City of Burlington that suited that city well. That type of project will suit this area well, will bring people with disposable income to this area but would need railroad access. Only one way in and out and we need another access. I am asking if you can reach out and make that access available.

Commissioner LaTourette: Should work through the local government services functions of the Department of Community Affairs and Department of Transportation. We have a lot of experience navigating the relationship with rail companies and it is a difficult endeavor to negotiate but it is possible. Having a partner with you in the transportation lane such as the DOT could help to make it more powerful. If you send us information, we are happy to help build some connectivity on that.

EPA Region 2 Administrator Garcia: We are working closely with DEP on infrastructure work and technical assistance on design and engineering. It seems like your issue is access. We would love to partner if there is a federal aspect to help because there is a real barrier if you cannot access the land.

9. Online comment that DEP can use Blue Acres funds to acquire flood prone properties along the Delaware River, demolish the structures and then make the lot open to public use.

Commissioner LaTourette: That is a terrific observation. The Blue Acres program is a voluntary program at DEP where we work with volunteer property owners of typically repeatedly flooded properties to see if it makes sense for the property owner to relocate and to utilize that property to promote floodplain management, recreation opportunities and other flood resilience opportunities. That is a voluntary program and DEP does not force anyone to sell to the Blue Acres program or use eminent domain. To the extent that there are folks in the Delaware River corridor who have repeatedly experienced flooding, they can make an application to the Blue Acres program, which we have expanded. If you go to [NJDEP | Blue Acres](#) | [Blue Acres](#), you can find more information.

10. We bought a distressed property on the Delaware River and the reason we could afford it is because it is distressed. I have some concerns about continuing to carry flood insurance. The rates are likely to go up after reevaluation after recent devastating floods. Not everyone buys waterfront property because it is posh, sometimes they buy it because they cannot afford anything else. In Phillipsburg and Easton there are a lot of houses like that. Once it floods, the value of the house goes down. Then your only choice may be to demolish it. I do worry about the financial consequences and would pitch for DEP to enforce the Flood Hazard Control Act. I think enforcement is too lax. Due to financial constraints, residents cannot always resort to lawsuits and need government to help them. I think DEP has a lot of silos with people not talking to one another. In low-income communities we need government to regulate.

Commissioner LaTourette: Hearing that you need us to be forceful about flood hazards is important and meaningful. If you think there is a lack of attention to flood hazard requirements in your community, if you are comfortable sharing those details, I encourage you to send that information to the Office of Environmental Justice because that is our job to do that. With respect to flood insurance, if you are on a 100-year map there is a one percent chance that you will be flooded. However, those maps are very outdated due to increased flooding and we are trying to update that. Even if you are not on that map and your mortgage company does not require you to get flood insurance you should consider it. If you are on the outskirts of the 100-year map there is still some risk. If you are outside that map, you can get some security at very good rates. In the meantime, we will look at compliance issues from the flood hazard perspective.

11. Former Phillipsburg resident gave historical perspective of how Phillipsburg used to be an economically thriving industrial hub but has lost jobs and population since the closing of the Ingersoll Rand company. Warren County broadly has lost population and is struggling with its current identity between an industrial past and only some farmland now. Westward movement of people toward Pennsylvania is missing Phillipsburg. How do we blend conservation and economic development? He identified himself as the developer of the proposed warehouse and noted that his business and law partner is Governor Jim Florio and recounted history of working with him on environmental legislation. You will not have big manufacturing companies coming into this region, you will have warehouses. Otherwise, it will go to Pennsylvania. Ingersoll Rand has 3,000 jobs at warehouses where there used to be 7,000 jobs. These warehouse jobs pay \$25 an hour. We were an Abbot district, one of the 30 poorest districts in New Jersey. I have had that property for almost 20 years. It used be industrial and I had it zoned to residential and



could not get it developed for residential use. It is next to an open gun range, a junk yard, a transfer station and light industrial. That's an industrial zone. Phillipsburg needs attention from Trenton. Commissioner of Transportation gave us a \$250,000 grant to get that industrial zone access out to Howard Street extension. We have the routes 78 and 80 corridor. With respect to traffic, we should be talking to the Delaware Toll Bridge Commission. We should reverse Route 22 so they pay a toll coming into NJ so the back up is not in this area. I am the main developer in Burlington. I am building a million square foot warehouse next to Amazon on the Delaware River.

Commissioner LaTourette: Thank you. I was with the Mayor of Paterson earlier. They are also trying to figure out an identity and future for their city. You have offered some good potential solutions. I never see a villain from my seat. It is about balance and trying to find the right answer.

12. We are looking at climate change, the effects of building more permeable surfaces than ever before, the effects of a potential drought far surpassing the thirties. Why are we building a warehouse so close to the river? What will happen to the salt runoff and the oil runoff. We have dealt with Ingersoll Rand and the brownfields left behind. We now know much more about the effects of CO2 and methane on the atmosphere. We are talking about 18-wheelers navigating the streets and getting lost. We have some right by our house that are stuck as they get lost. Apart from that traffic, there is the runoff and emissions concern. Mr. Perucci points out that this will bring jobs. I am not seeing many jobs out of the warehouse already built on Route 22. I am also not seeing the idea that Phillipsburg has long tried to develop a riverfront destination. That is where our future lies, not in a warehouse close to the river. The Delaware River has absolutely gotten a lot cleaner thanks to the Clean Air Act and the Clean Water Act. This warehouse is an affront to both those acts that were designed to protect our and future generations.

Commissioner LaTourette: I think it is fair to say there are differing opinions about this issue. I do not envy those who have to make a decision about this difficult issue that is outside of my purview. What is within my purview is flood risk reduction and sound stormwater management. I would encourage any local leader and developer to consider maximal compliance with stormwater management rules put forth by the DEP and implemented by every local government. That will, if maximally complied with, reduce those runoff concerns using green infrastructure. Recognizing there are lots of concerns about this project, I do want to ensure we hear other concerns as well.

13. I was formerly at DEP and started former climate change activities at the department. I will talk about the economy in a different way. When I think about environmental justice, I am wondering how any permits can be issued to any facility that pollutes at all because the assimilative capacity, the ability of the environment to detoxify waste, is gone. No industry, warehouse or other, can come unless we want to lower standards which I do not think anyone wants. My suggestion is to take very seriously the sustainable business field which DEP has dabbled in the past and goes by other names such as greening, industrial ecology, B-Core, and sustainable enterprise. Over thirty years there has been a lot of progress and there are a lot of companies that are aiming for zero or near zero pollution or even net benefit. Set up a vision that this should be a big deal in NJ, work it into other agencies, and R&D. I will offer three examples for that. One, I see that the governor



has reached out to companies in regressive states that they are welcome to NJ. If you can do that for social issues, do that for environmental issues – if you aim for zero emissions, come to NJ. Secondly, NJ has a green economy office. I see two problems with it. I am on task forces for other issues, but no one is publicly talking about the green economy. They are doing some wonderful things, but their vision does not include sustainable business. Thirdly, the Highlands Council did an economic study. When the final report came out, it talked about how business wants a clean environment. A class I taught a few years ago prepared a report on ideas on the green economy but no one in the government seems to be interested in it.

Commissioner LaTourette: Send that report to the Office of Environmental Justice. I am co-chair of the Council on the Green Economy and will make sure that report gets to the Council.

14. Online question: In our work with NJ Youth Corps, we engage young adults in conservation work here in Warren County as our students pursue their High School Equivalency. As we work to combat climate change and increase climate resiliency here in the Highlands, how can NJ DEP support mindful efforts to develop a local workforce within our community so that those residents from overburdened/impacted communities can be empowered and be invested in such work?

Commissioner LaTourette: When Olivia Glenn was at the DEP before moving to the EPA, she and I launched the Youth Inclusion Initiative where DEP effectively brings on a conservation workforce from underserved communities to get them engaged in environmental protection and conservation work. We launched the second year of that on July 6th. Secondly, the first lady has been examining the idea about a Climate Corp and Conservation Corp within the council on the green economy. That is still in the development of a draft strategic plan but there will be a public engagement point.

15. Talked about current economic issues including inflation, stock market, and digital economy. NJ and PA have millions of square feet of warehouses projected for the next two years. More than 20 million square feet of warehouse and fulfillment space has been created in the past year. I am wondering if the same feeling rocking the market will impact this feverish warehouse development and if there may not be a retraction realizing that maybe these are not sustainable in a way that we can tolerate. In four or five years we may be looking back and say that bubble has deflated and what have we done putting all of our energies in this type of real estate transaction.

Commissioner LaTourette: That is an interesting observation. I will not pretend to have an answer.

16. I was former councilman, former deputy mayor and former mayor of Phillipsburg. I was mayor during mid-eighties when Ingersoll Rand was decelerating operations. When they left by 1998-2000, that was 7,000 jobs gone. Hopefully, we can make up 3,000 jobs with the warehouse project up by the highway. I agree with you this a local issue with pros and cons. I happen to be in favor of the project. We have stark economic realities – high unemployment, families on assistance. I have always considered myself an environmentalist. If that project comes to fruition, does it not have to meet environmental standards and laws. Is that a correct presumption?

Commissioner LaTourette: I do not know because I am only the commissioner of the DEP. There are some things that are within our jurisdiction and there are other things that are not. I do not know if this particular project has any DEP jurisdiction or not. Irrespective of that, they are some things we do, such as stormwater management rules, that local governments implement. When a project requires DEP permits, we may look at it a little differently than a local government does. I cannot give you a solid answer to that general question.

Commenter: It would seem reasonable that a developer would have to comply with state, local and federal laws. I bring that up to try and have the assurances that that project will have to be approved by many people. It is a local issue so far. Has gone through preliminary site plan approval and has been approved. There are still a lot of issues that are being worked out at a local level which is where it should be. Truck traffic issue has been brought up a lot. I want to hear your opinion about electrification of large trucks. It is all over the map as to what they predict electrification - in five to ten years anywhere from five to 40 percent of the over the road trucking. No one can predict because it depends on infrastructure and charging stations. California is leading the way. A lot of these trucking firms are developing electric trucks. Do you think it is something that is moving forward or maybe not so fast?

Commissioner LaTourette: He noted that it will take time and that NJ is also a leader. It will come and it makes sense for every business to get ready. For the zero-emission, low carbon future, the transition has begun. Not everyone has taken a firm position within it, but we are all within it already. As the grid changes, as our energy grid becomes less carbon intensive, that will continue to happen because the market is going there like it is currently favoring warehouses. The pacing is in question, how much more present it will become and in what time.

17. Online question about the designation of Sitgreaves Road, South Main and Mercer Street corridor as an overburdened community.

OEJ Director Perry: Commissioner LaTourette mentioned earlier that the legislature passed and the Governor signed NJ's [EJ Law](#) in 2020. That law defines overburdened communities as 35 percent of people identify as low-income households, or 40 percent identify as minority, tribal or indigenous community, or 40 percent of people have limited English proficiency. The emphasis should be on "or" in that only one of those criteria has to be met. The law requires DEP to notify all municipalities that have an overburdened community within their boundaries. We have an online mapping tool called [EJMAP](#) that helps you locate where EJ communities are. We will put that link in the chat.

18. I have a business on South Main Street in Phillipsburg. I do not want to repeat what everyone else has said. Will repeat what a previous commenter said that we are inundated with pollution here. Not only do we have a pipe company here, we also have a railroad that runs right through here that puts out a tremendous amount of soot as well. Not to belabor the warehouse issue, but I am very involved in the community and work at local food pantry, there is no one that visits that neighborhood that wants a warehouse. They are afraid for their children's safety with the trucks.

The trucks go wherever they want and it is dangerous. I do not know anyone who lives in the neighborhood other than Mr. Piazza who wants the warehouse. I wanted to talk about environmental equity. I live in the Highlands area. Our properties are restricted as far as what we can build. It is taxes that is pushing the warehouses. Part of the solution is to lower taxes in NJ so towns do not feel hostage to take in a business or development that does not suit their community. It is all about money. No one wants to raise taxes on their residents. There is no burden to the education department if you bring in a commercial industry because there are no children that come with the commercial industry. It is like you are hostage to bring in higher income properties and that does not lead to the best decisions. It falls back on government making it affordable for everyone. We should not be compared to PA. We are different and our taxes are different. Electricity does not make electricity. If you are going to make everything electric, it comes from gas, coal, oil. Somewhere there is a pollution factor. Right on the other side in PA we have a generation plant and I think they use coal.

Commissioner LaTourette: The last part of your question I can address. No, it does not, you need a feedstock to make electricity. We are incredibly attentive to the pacing of the electrification of the transportation or building sector because at this time our grid mix is such that as we electrify things, we may create more pollution. That is not occurring right now but there is a risk. That risk will be outstripped as we decarbonize and build more renewable sources. The more you electrify, the more you prepare yourself for the future when a big contingent of our grid will be generated in an electric format is the first place – from wind and solar instead of burning fossil fuels. However, fossil fuels are with us for some time.

EPA Region 2 Administrator Garcia: We are thinking of it more as a change to a clean energy economy. Although we talk about electric vehicles we also look at where that energy is coming from. The departments of energy and transportation and EPA are looking at pollution prevention and where the technology and new innovation are going to come from and what are the systems to help build out the solar, wind and other alternative sources. No one is suggesting the electricity will come from coal energy.

19. Question online from Byram Environmental Commission: We are interested in water quality issues. For example, there is a superfund site in our town, which is luckily being taken care of, and there is some newer data showing that our C1 streams that lead to the Musconetcong are impaired by high temperatures and bacteria. Nearby, in Hopatcong they have also been dealing a lot with HABs, Harmful Algal Blooms, which we are concerned about potentially affecting our lakes. We are trying to work on storm water management to decrease temperatures, but that only goes so far and does not help the bacterial impairment. Talking with the MRMC, Musconetcong River Management Council, it seems like one of the likely sources of the bacterial impairment seems to be from communities with old septic systems. I'm wondering if there are any plans or opportunities to expand sewer systems in the region or help improve existing septic systems?

EPA Region 2 Administrator Garcia: The EPA is trying to figure out how we utilize the \$60 billion EPA got from the Bipartisan Infrastructure Law. That is a huge opportunity for us to see where we



can invest to upgrade infrastructure. One of the areas we are looking at is sewer and wastewater infrastructure. We would not be the ones to dictate whether a town should look at their existing infrastructure, but we are trying to encourage everyone to look at this as an opportunity to upgrade. \$50 billion of the funds is for water infrastructure upgrades, so it is sewer systems, wastewater treatment plants, drinking water systems and emerging contaminants. The money flows from EPA through the I-Bank. We work with DEP in trying to figure out where those opportunities are, what plans cities and counties have that we can match the money with. Some towns may already have plans and architectural designs that we call intended use plans. The carveout from EPA is also saying that we need to encourage smaller and lower resource systems from low-income communities to help those communities on the intended use plan. In the memo, we call it targeting 40 percent of the money to disadvantaged communities. We are taking a pause and saying there is technical assistance available to get the system up to speed. This seems to be a perfect project to look at what the problems are such as runoff and work with the community to have the proposal ready to go and then work with NJ to figure out how to get funding to them. There is usually a matching piece. This funding is a low interest loan which is essentially a grant to systems that need help.

Commissioner LaTourette: The place to get more information on this is our [Water Infrastructure Investment Plan website](#). You will find a lot of information on how to partake in the infrastructure investment program that the state is putting together with the EPA. Whether your community is ready right now with a design and project or if you have a situation like the participant raised about a lack of sewers and old septic systems potentially affecting water quality, we can help you get ready to apply for funding.

Closing remarks from the panel.

NJDEP Follow-Up Action Items:

- DEP's Office of Environmental Justice will forward details of any Flood Hazard Act enforcement issues to appropriate staff with the department.
- DEP's Office of Environmental Justice will make sure the report on the green economy is shared with the NJ Council on the Green Economy