



## **Cape May County Environmental Justice Community Engagement Session**

**Where:** Woodbine Community Center, 812 Longfellow Street Woodbine, NJ 08270

**When:** Tuesday, September 17<sup>th</sup>, 2024

*Spanish interpretation provided.*

**Summary:** New Jersey Department of Environmental Protection (DEP) Commissioner Shawn LaTourette, Office of Environmental Justice (OEJ) Director Kandyce Perry and Environmental Protection Agency (EPA) Region 2 Regional Administrator Lisa Garcia led a community engagement session with residents of Cape May County to discuss environmental justice issues in their area.

### **Introductory Remarks**

**Kandyce Perry**, the Director of the Office of Environmental Justice at New Jersey's Department of Environmental Protection, welcomed everyone to the meeting and introduced DEP Commissioner, Shawn LaTourette and the EPA Regional Administrator for US EPA Region 2, Lisa Garcia.

DEP acknowledged that environmental injustices occur throughout Cape May County, both in its inland communities and on the shores and bays and emphasized particular challenges residents face in adapting to climate related events like sea level rise. As a frontline community, understanding how the climate crisis has exacerbated existing inequalities or created new ones is vital to protecting Cape May's most vulnerable residents.

DEP emphasized the importance of hearing directly from minority and low-income communities about their lived experiences and incorporating it into the work that DEP does every day.

Special thanks were extended to the Mayor of Woodbine and to the Woodbine Community Center for hosting the Community Engagement Session.

**Shawn LaTourette**, the DEP Commissioner, expressed gratitude to the Mayor of Woodbine and recognized the importance of that position.

The Commissioner outlined the many functions that DEP serves in navigating coastal development issues, ensuring safe and reliable water for residents, cleaning up contaminated property, and investing in stormwater infrastructure. He also discussed the department's work to implement the statewide flood protection control program, oversee the state's beach and dune system, and regulate facilities that provide environmental services to protect public health and communities. The Commissioner echoed that DEP and EPA want to hear from participants about the issues they experience daily.

**Lisa Garcia**, Regional Administrator for EPA Region 2, expressed gratitude to Commissioner LaTourette and Director Perry for inviting EPA to the session and the county site tour held earlier in the day that highlighted the importance of seeing environmental justice communities firsthand and hearing from

residents. Regional Administrator Garcia explained that the EPA is making efforts to listen to communities and municipal governments to better understand their issues and reduce pollution from legacy industrial sites. This crucial engagement ensures that the resources EPA offers, such as grant funding for water infrastructure projects, are informed by communities' stated needs. She expressed gratitude to the mayor, staff that supported the session, and community members for joining.

**Mayor Pikolycky of Woodbine** spoke briefly and mentioned the importance of residents voicing their concerns related to the environment and their specifically about brownfields. He expressed thanks to the Commissioner and the EPA for providing [grant funding to revitalize several contaminated sites in Woodbine](#).

#### **Discussion:**

1. **Comment:** An Ocean City resident advocated for greater wetland protection, noting the critical role they play in ecosystems in providing habitats and helping to prevent flooding, especially as climate change causes sea levels to rise. The resident raised concerns about the infringement of development into wetlands and alleged that the Watershed and Land Management division within the DEP was considering approving applications to build homes in them. The resident requested that other DEP staff look into this matter.

**Response: Commissioner LaTourette** thanked the resident for raising concerns on the inundation of wetlands particularly on barrier islands, which serve as natural flood defenses and treat drinking water. He assured the resident that it is generally illegal to build in wetlands, and that development in close proximity is only permitted if it does not significantly harm the environment. He promised to look into the issue and encouraged the resident to provide specific information such as an address or DEP file number to staff for further investigation.

2. **Comment:** A business owner in Ocean City shared that they were unable to install solar panels from Atlantic Bay on their property due to outdated equipment, specifically a transformer. Despite having the permit, drawings, funds and equipment ready, the resident was unable to proceed because of the outdated infrastructure. They asked for DEP's help and expressed frustration over the lack of a formal process to request equipment updates and noted that another business owner on the same block faced similar challenges.

**Response:** Commissioner LaTourette thanked the resident for raising the issue and for their interest in solar energy. He suggested that the resident reach out to the Board of Public Utilities (BPU), which administers the state's solar program, for assistance. He also offered to connect the resident with the appropriate representatives there and at Atlantic City Electric (ACE) to explore possibilities and discuss installation challenges from the utility's perspective.

3. **Comment:** A Cape May County Chamber of Commerce representative raised concerns about the economic and community impacts of the proposed NJPACT REAL coastal regulations. She alleged that no local stakeholders were involved in the development of the proposed rules and argued that the new regulations would harm the local economy, particularly the \$7 billion tourism industry, by imposing additional burdens on businesses already facing significant regulatory pressures. She also criticized the State's reliance on long-term climate projections, which she

felt were speculative and unsupported by more recent scientific studies. She instead advocated for the use of FEMA maps, asking DEP to withdraw the proposal and design a new coastal resilience strategy that includes resident input.

**Response:** Commissioner LaTourette responded by addressing misinformation about [the proposed rules](#). He explained that the rules are based on updated and scientifically valid projections from a Rutgers University study, [New Jersey's Rising Seas and Changing Coastal Storms](#). The study has forecasted a 17% chance of sea level rising more than 2 feet by 2050 and a similar chance of rising over 5 feet by 2100. He clarified that FEMA maps are based on precipitation forecasts between the years, and that current data is not being used in flood boundaries. He stressed that FEMA does not accurately convey the risk of flooding and that DEP's function is to ensure that the public can effectively evacuate and find safety in a flood event.

He clarified that the proposed floodplain management practices would take sea level rise projections into account but would not mandate flood insurance unless required by mortgage companies. He also pointed out that stronger flood standards would make New Jersey a safer investment for insurance companies, contrasting it with Florida, where insurers are leaving. He invited anyone with concerns to participate in the NJREAL rule public hearing on September 19<sup>th</sup>, urging stakeholders to voice their opinions in the appropriate forum.

4. **Comment:** New resident asked about PFAs and how they relate to landfills.

**Response:** Commissioner LaTourette provided a detailed overview, explaining that PFAs are synthetic chemicals found in various products such as Teflon, and are harmful when ingested through contaminated water. He noted that these chemicals are prevalent in New Jersey, especially in areas near manufacturing plants like Gloucester and Salem. DEP is working to set regulations that require water companies to remove PFAs from drinking water and hold polluters that caused water system contaminations in the first place accountable. The Commissioner affirmed that efforts are being made to better understand and mitigate PFAs leaching from landfills, and that the EPA is working to provide further funding for PFAs research and removal.

**Regional Administrator Garcia** stated that New Jersey has been among the first in the nation to regulate PFAs in water and highlighted EPA's ongoing studies of PFAs exposure pathways in water, soil, and air. She mentioned that [under the Bipartisan Infrastructure Law, \\$15 billion has been allocated to tackle emerging contaminants like PFAs](#) and support wastewater treatment plants in adopting new technologies to remove them. Regional Administrator Garcia reaffirmed EPA's continued commitment to understanding exposure pathways and funding technology to get PFAs out.

**Commissioner LaTourette** followed up by offering [DEP's PFAs resources](#) for further information and follow-up assistance.

5. **Comment:** The Mayor of Middle Township expressed concerns about the impact of the NJPACT rules on workforce housing, and the rules' connection to local development issues. He highlighted a recent situation in which the DEP opposed a town center designation due to density issues, which had been agreed upon to attract affordable housing. Though the designation was approved by all the other state agencies and could move forward, development had been stalled because DEP had not yet proposed alternative center designation boundaries in a necessary permit. He connected this permitting issue back to scientific projections laid out in the NJPACT REAL rule proposal. Projections indicated 54% of Middle Township will be in the Inundation Risk Zone, creating fears about the feasibility of future developments and the availability of affordable housing for essential workers, such as police officers and healthcare workers.

**Response:** Commissioner LaTourette assured the mayor that he would look into issues with necessary development permit. He clarified that regardless of the DEP's opposition, the center designation would be respected because of the support of all other state agencies. He also clarified that the issue with the permit is not necessarily related to the NJPACT rules, asserting that the flood risk designations do not prevent development. He affirmed his support for sustainable development and housing opportunities in Middle Township, and noted the importance of implementing smarter building practices to mitigate future flood risks. He also offered to meet with the mayor and other Cape May County representatives to discuss these issues in more detail and counter any misconceptions about the new rules.

6. **Comment:** A Cape May County commissioner voiced concerns about the impact the NJPACT REAL would have on building accessibility for disabled individuals, speculating that mobility challenges might be exacerbated by them. He questioned why elected officials have not facilitated greater involvement of people affected in the decision-making processes. He urged the importance of understanding the fears of the community and called for greater inclusivity.

**Response:** Commissioner LaTourette acknowledged the resident's concerns, assuring him that he would be included in a future meeting to discuss the REAL proposal, and reaffirming his commitment to ensuring that everyone has a voice in the process.

7. **Comment:** An Ocean City resident and New Jersey Assemblyman raised concerns about the legislative process related to tideland claims, questioning how to ensure that individuals do not have lengthy wait times to reclaim funds they have invested. He emphasized the need for collaboration between the legislature and the DEP to facilitate timely meetings that allow people to access their money without delays.

**Response:** Commissioner LaTourette clarified that the [Tidelands Management Resource Council](#) operates separately from the DEP and is responsible for determining riparian areas and overseeing approvals for construction in tideland zones, such as dock extensions. He noted that members of the council are appointed by the governor and confirmed by the legislature, indicating a need for a forum to address these issues. He expressed his willingness to work with him to identify such a forum.

8. **Comment:** A resident of Cape May County questioned the [underlying science](#) behind DEP’s REAL rule proposal, specifically asking if it is true that there is less than a 17% chance of tidal flooding rising 5 feet in the next 75 years, as referenced by a chart published in the [New Jersey’s Rising Seas and Changing Coastal Storms: Report of the 2019 Science and Technical Advisory Panel](#) by Rutgers University.

**Response: Commissioner LaTourette** clarified that the chart shows a 17% chance of exceeding a 5-foot rise and a 95% chance of exceeding 1.3 feet. He explained that focusing on the 17% chance is a more prudent approach when building structures meant to last for decades, as it provides a greater degree of protection. He emphasized that the goal is not to prevent development but to ensure that structures are elevated enough to withstand storm surges.

9. **Comment:** A community canvasser inquired about the status of the Old Woodbine School site at 808 Franklin Street in Woodbine.

**Response:** The Borough of Woodbine’s consultant explained that they received a grant for remediation work on an old hat factory site that had burned down in the 1970’s. He noted that the Old School site has an underground tank that leaked petroleum compounds, leaving behind lead and PAHs. The borough relies on EPA funding to navigate the New Jersey brownfield remediation program, which involves both administrative and technical assistance. Additionally, community involvement is being encouraged through the EPA grant as they consider future plans to move beyond sampling to assess risk and toward full remediation.

10. **Comment:** Resident asked about an email for the REAL public comments.

**Response: Commissioner LaTourette** provided the website for the pending rulemaking to ensure that all the comments shared in the session could be uploaded, received, and recorded accurately. He explained that the public should email or mail it directly to the address on the website, and that each comment would receive a written response once the comment period is closed.

### **Closing Remarks**

**Director Perry** thanked everyone for their time and attendance. She emphasized her commitment to fostering genuine relationships within South Jersey, encouraging attendees to view this meeting as the only the beginning of an ongoing collaboration with DEP. She urged everyone to connect with Office of Environmental Justice staff to ensure they have the necessary contact information to follow up on all participant concerns.

**Commissioner LaTourette** expressed gratitude to the audience for their challenging questions, insisting that government should never shy away from people that it serves. He acknowledged the importance of addressing the public’s concerns and reminded elected officials of their responsibility to provide answers and advocate for the well-being of both the community and the environment.

**Regional Administrator Garcia** thanked Director Perry, Commissioner LaTourette, and the DEP for their attention to community issues. She appreciated the open and honest dialogue that took place and asserted the federal government's support for addressing sea level rise. She noted FEMA's ongoing emergency response efforts and their focus on securing federal funding to tackle climate change. She concluded by stressing the unique challenges sea level rise poses for residents of South Jersey and the need for collective action.

### **Follow Up /Next Steps:**

- **NJPACT REAL Rule Proposal:** DEP will connect with Cape May County officials to further discuss concerns about the NJPACT REAL rule's impact on local economy and housing development. Comments made during the session will be submitted to the public record and will receive response once the public comment period has closed. Residents can [subscribe to receive email updates](#) on the rule proposal process.

DEP will continue to circulate educational materials about the [climate science behind the proposed rules](#) and how they increase protection against chronic flooding, intensified storm surge, and sea level rise in coastal communities. Other [online resources](#), including webinar recordings and fact sheets, key point summaries, and the [NJ Flood Indicator Tool](#), provide a comprehensive overview of the proposal's content and practical implications for residents. **In addition, DEP recommends that interested residents refer to the [NJPACT REAL Myths and Facts webpage](#) to understand proposed actions, clarify points of confusion, and counter misinformation.**

- **Brownfield Designation and Site Remediation:** DEP will continue to engage with municipalities to identify, remediate, and repurpose contaminated sites. **DEP will share relevant funding opportunities as they are released, including EPA's [Multipurpose, Assessment, RLF, and Cleanup \(MARC\) Grant](#). Overburdened communities in Cape May County with high concentrations of contaminated sites should consider applying for a [Brownfield Development Area Designation](#).** This designation enables coordinated design and implementation of remediation and reuse plans for these multiple properties simultaneously and may increase eligibility for select funding sources.
- **Tidelands Management and Wetland Preservation:** DEP's Office of Legislative Affairs will connect with the assemblyman to investigate inconsistencies in the [Tidelands Management Resource Council's meeting schedule](#) and brainstorm solutions for delays in riparian claim reviews. DEP will also confer with its Watershed and Land Management program about residential development permitted on Ocean City wetlands. Coastal communities may benefit from grant opportunities that fund wetland preservation and restoration, including the [Freshwater Wetland Mitigation Council RFP](#).
- **Technical Assistance:** DEP will share the [Thriving Communities Technical Assistance Centers \(TCTAC\)](#) as a resource to all meeting participants. These centers provide training and other assistance to help overburdened communities build capacity for navigating federal grant

application systems, developing strong grant proposals, and effectively managing grant funding.

- **Solar Panel Installation:** DEP will connect with the [Office of Clean Energy Equity](#) within the New Jersey Board of Public Utilities to inquire about a formal process for requesting updates to make existing energy infrastructure compatible with solar panel installation. DEP will also inquire about the Office's resources and any additional guidance to support local business owners attempting to install panels in communities with outdated infrastructure or limited access to technologically advanced equipment.