



## **Atlantic County Environmental Justice Community Engagement Session**

**Where:** The Second Baptist Church, Atlantic City

**When:** Tuesday, December 13<sup>th</sup> @6:00pm-7:30pm

*Approximately 20-25 participants in-person and 35 participants online via Zoom livestream*

*In-person and virtual Spanish interpretation provided*

**Summary:** NJDEP Commissioner Shawn LaTourette, Office of Environmental Justice (OEJ) Director Kandyce Perry and EPA Region 2 Administrator Lisa Garcia led a community engagement session with residents of Atlantic County with collaboration from Atlantic City NAACP President and Councilman Kaleem Shabazz to discuss environmental justice in Atlantic County. Alex Silagi, Assistant US Attorney at the district of NJ US Attorney's Office and environmental justice coordinator at the US Attorney's office introduced the environmental justice initiatives of his office during opening remarks.

### **Question and Answer with Community:**

1. First commenter identified himself as Christian Moreno-Rodriguez, an Atlantic City resident who works with El Pueblo Unidos of Atlantic City and has family in Pleasantville. He appreciated the provision of Spanish interpretation. He asked about the current status of the EJ Law implementation and a layman's explanation of how working-class folks can use that law to file a complaint or ask the state to look at some permit applications, specifically waste and transfer facilities as listed by the law.

Commissioner LaTourette: An environmental law requires a regulating body to make specific rules for the finer points of how to implement it. For the last year and a half DEP engaged in a deep stakeholder process, working with community members and the regulated community, to put together the rules that will implement this law. They were put out for public comment earlier this year and we are close to finalizing the rules to make them effective next year. For certain types of facilities, when a permit is sought from DEP – such as for recycling centers, landfills, power plants – the DEP has to evaluate environmental justice issues that historically have not been evaluated. It requires the applicant to engage with the community before the application is submitted to the DEP and to evaluate certain public health and environmental stressors that we want to make sure do not lead to unjust results. For example, some places have higher air pollution than others so we would want to look harder at the facilities that would add more air pollution, we would want to work with the applicant to look at ways that they can reduce that pollution so that it doesn't add unjust, disproportionate amount of more pollution to the community. We would call this a community centered approach, hearing from people first about their reaction to something that is sought to be located in their community. This is not saying no to new development and economic activity but looking at how we can pursue that activity in a manner that is most protective of the community. Why don't we already do that? The way environmental laws work, we look at large geographic areas and ask if we have too much pollution, not zero into the particular community where something is located. This is the first time we will do that in fifty years of environmental law. We will begin doing that in earnest early next year although we have been practicing the spirit and intent of the law since it was passed.



Christian Moreno-Rodriguez: The commenter asked if an application has already gone through the local community process – city council, county commissioners – does the state have the authority to reject the application based on its own analysis?

Commissioner LaTourette: If you are talking about a specific facility permit, I am happy to talk about that on the side. Generally speaking, different levels of government have different responsibilities. A facility that requires an environmental permit, that can only be sought and received from the DEP. A local or county government would look at different things – e.g., does a development correspond to local zoning and construction ordinances. Only the DEP can provide a permit for pollution generating activities. Having a permit from a local government does not entitle an entity to a permit from the DEP. Every local land use approval is conditioned on the receipt of any environmental permits. They are independent processes. They should be pursued concurrently.

OEJ Director Perry: There are a couple of mechanisms for community members to get involved and have their voice be heard. One is through [DEP Administrative Order 2021-25](#) that implements the intent of the law until the rules are adopted. That requires applicants to do increased public engagement with the overburdened community that they are proposing to be located in. We have a [list of all of those hearings](#) on the [DEP Office of Environmental Justice website](#). We encourage the public to attend those hearings and lift up their questions and comments about the application. All of those comments and the transcript of how that meeting runs comes back to the DEP for consideration and for potential conditions that can be set on those permit applications. This is the interim process. Once the rules are adopted, the public hearing process will still be in play. Outside of the environmental justice law process, anyone, especially from an overburdened community, is encouraged to reach out to the Office of Environmental Justice ([environmentaljustice@dep.nj.gov](mailto:environmentaljustice@dep.nj.gov)) because there may be environmental justice concerns outside the realm of the EJ Law. There are only eight types of facilities that are defined by the law. We know that environmental justice issues span the gamut so there may be solutions that we can brainstorm together.

Commissioner LaTourette: If you have an immediate environmental concern, if you think there is something askew coming from a particular facility or you are encountering an environmental issue in your community, we have both a hotline and smartphone application called [WARN-DEP](#) through which you can make a complaint that someone will respond to.

2. My name is Irvin Moreno-Rodriguez. I am the chair of El Pueblo Unidos of Atlantic City and surrounding communities. I was wondering if you have taken a look at the environmental justice map of Atlantic City.

Commissioner LaTourette: Yes, and I helped our team build that map.

Irvin Moreno-Rodriguez: Looking at that map, Pleasantville is in trouble. I know you were speaking generally before. I want to know what NJDEP is going to do with this proposed trash transfer station in NJ. This is not new news. This has been in the works for a long time and the scenario is real – it has been passed by the Pleasantville City Council, supported by the Board of Commissioners in Atlantic County



and supported by other individuals that really don't see the environmental harm and racism this project brings. I am desperate to know – what is the plan to protect the people?

Commissioner LaTourette: I have a few questions that may be best for us to address on the sideline. I am not certain as I am sitting here the stage of any permit review in front of DEP – it would be unusual for me to know the fate of any one permit application within a large agency. If the facility that is proposed is seeking approval within an overburdened community, then it would be subject to either our [Administrative Order 2021-25](#) process or the EJ Rule if by the time they seek a permit the EJ Rule is in place. We will do what the law tells us to do. I will be happy to understand personally what is going on there and we will get back to you.

Irvin Moreno-Rodriguez: If you look at the map, Pleasantville is already in trouble. There are hazardous waste sites, I think three just around my house. You are talking about building another trash transfer station in Pleasantville which will affect not only Pleasantville but the surrounding communities. I know that the City of Ventnor has graciously passed a resolution against the transfer station. There are several people in the community that have religiously gone to the meetings at the county and city level. We were just at the Pleasantville City Council meeting today because they decided to do a special meeting. This can be a very daunting task to take on. What is the next step – what can we do to fix this?

Commissioner LaTourette: You are doing the most important thing in that you are raising your concern in all the places that it is important to raise your concern, including here in this room. That people hear your plea in and of itself is important. Yes, it is exhausting to always have to speak up for yourself. Hopefully this law will make it less exhausting. Kandyce just pointed out that we at the DEP do not have an application for this. One will inevitably come, and it will have our attention.

Irvin Moreno-Rodriguez: Please have a meeting in Pleasantville, particularly with the mayor. We are still dealing with the effects of the supersites from the 60s and 70s. You have a high rate of asthma in Pleasantville and other diseases particularly brain cancer and no one is speaking about it.

Commissioner LaTourette: One of the most important things about the EJ Law and the community centered approach that it propagates is that it brings the community engagement to the community. It is required by our AO and upcoming EJ Law rules to have a public hearing in the community where the applicant is seeking the environmental permit. So, there is an opportunity for the community that will experience the thing to be heard directly by the applicant and by the DEP.

EPA Region 2 Administrator Garcia: It is interesting that you are talking about cumulative impacts and cluster of facilities – we will take that back because there may be an opportunity for us to work together. There are environmental justice initiatives but also some money for brownfields and cleanups. We will be sure to take that back and see how we can collaborate.



3. The commenter identified himself as Jeff DeClementi, a resident of Hamilton township. He talked about a property adjacent to his where about 20,000 tires are dumped on block 877 lot 15, Hamilton Township, Atlantic County. The tires have been there about 30 years, getting bigger. There are three properties owned by relatives – the person who accumulated the tires died. There is public land between his property and those properties. The mosquitos are terrible. He already called Cape May mosquito commission.

Commissioner LaTourette: Is that because the standing water in the tires becomes a mosquito breeding ground?

Jeff DeClementi: Yes, and there are so many snakes out there. We regularly find a lot of shed snake skins. There is standing water out there. The Cape May mosquito commission said they had someone spray there. The ground is just growing up around the tires because it has been so long. There was a fire there at one point. They cut a ditch to put out the fire. Half the tires burned down the middle. Is there any way to clean up? I heard they put tires into asphalt now. New asphalt company opened up near ACUA. That will be a whole lot of tires they could put into the recycling stream and make asphalt. I have the information you sent out so I will fill out the paperwork or whatever I need to do.

Commissioner LaTourette: This is why we are here. Thank you. If you are comfortable leaving your number with us, we can log in the information ourselves. If we have your information, we can get back to you about what we find.

EPA Region 2 Administrator Garcia: You said it is behind your house. Does that mean that it's not on a road?

Jeff DeClementi: Our family properties go down a whole street. Their property is on Rt. 50, but they have nine to eleven acres of a straight strip. These tires are behind my grandma's property, my dad's property, my property, my cousin's property, and my two aunts' properties. This property covers them all, with tires all the way. The cross streets are Route 50 and Spruce Street.

4. My name is Brick Wenzel. I am a commercial fisherman. I fish from Long Island to Delaware, 100 miles offshore. You are one of the best commissioner's we have had in a long time. One of the issues we have in the commercial fishing industry is our concern with offshore wind development. If you read the environmental impact studies, it is extremely disturbing, especially here in Atlantic City, where 40% of our clamming grounds are going to be lost.

Commissioner LaTourette: Are you comfortable sharing what you fish?

Brick Wenzel: I am the largest license holder in commercial fishing in New Jersey, so I am very diversified. In NJ we have over 200 species and four of the top commercial fishing ports in the United States. I land fish from Belford to Cape May. I have been licensed since 1992. In NJ we land fish all year round. It is very important for food security.



With respect to impacts of offshore wind to fishing industry, we are looking at oil spills with 2000 gallons a year from the 2100 turbines in NJ. One of the concerns is marine mammals and how important that is to tourism. Recently, a NOAA scientist is saying the humpback whale may become extinct due to the secondary impacts of offshore wind. These developers do not have permits for fisheries and their impacts are not built into fisheries management plans. There are extreme concerns within the fishing industry over the fast pace of offshore wind development.

The way it's being developed is emphasizing economics over the environment. When we testify at these hearings, they say well, we can't cut too many turbines out because then the development site won't be economically feasible to develop. There should be a way for the investors to step back and consider whether a project is not economically feasible because of the impacts, whether environmental or other, and I don't see it.

We heard a couple of different options to mitigate the impacts to the commercial fishing industry. Those mitigation funds have been delayed. It's not until the first sale of the electricity that they're going to start putting that money aside. But those impacts are already being felt. Who is going to handle the funds? We in the commercial fishing industry are very much against the Department of Interior handling those funds. I know they have talked about BSEEE - the Bureau of Science, Energy, Environment, and Enforcement. That is like the landlord determining how much money is going to be paid out.

The states who have already signed purchase agreements already exceeded the amount of money invested in the development of these projects, especially with the inflation rates, as some of those contracts are already null and void, or have to be renegotiated now. If we start enforcing these environmental regulations which should be enforced, these areas will not be economically viable when they start paying the economic damages or the damages to mitigation funds. I get that they are going to try to blend the rate between different regions so that the ratepayers are not hammered because offshore wind is such a high expense. But again, they are putting financial concerns over environmental concerns.

We have heard here today about the pollution from the old superfund sites from when those industries were taking off and still dealing with the health concerns. Well, we are seeing that here, with the development of offshore wind that is moving too fast.

I talked about whales. Another concern is for horseshoe crabs. The electromagnetic fields from cables are going to affect horseshoe crabs. For the Skipjack wind site, even though it is not in New Jersey, the cables are coming up into the Delaware. That Skipjack site is the winter ground for the horseshoe crab.

The fast-paced development which New Jersey is supporting is going to have huge environmental impacts and secondary impacts in communities like Atlantic City including the amount of seafood available. In the commercial fishing industry, we're not recreational anglers. We feed the institutionalized, the handicapped, the elderly, the people who can't afford to go out and catch fish, and we know how important seafood is in the diets of individuals. I know aquaculture plays a vital part for seafood but that fills the void to meet increasing world populations. We still need to have commercial



fish landings. If the offshore industrial wind industry is taking tens of thousands of acres right off the table for fish landings we are going to end up having a shortage in the amount of seafood affecting the people we feed.

OEJ Director Perry: Before you respond, let me read an online comment with a somewhat related question:

Toni Groet, Clean Ocean Action member: I am a resident of Egg Harbor Township. I have been attending the offshore wind hearings. It seems to me that many people are worried about the implications of offshore wind at this proposed scale. The marine mammal center has reported five juvenile endangered whales stranded in a couple of weeks. Is there any idea if these standings are related to offshore wind surveying since it has been admitted that there may be impacts to the whale community? I'd love to see more efforts to address these issues.

Commissioner LaTourette: I take these issues incredibly seriously. The state of New Jersey, the DEP, within which is the division of fish and wildlife, including the Marine Fisheries Administration, we all have a particular role to play within the overall offshore wind ecosystem. We have a particular amount of concern and weight that we can bring to the dialogue and so do other states, and so does the Federal government. It's a complex administrative jigsaw puzzle.

Brick Wenzel: Seven presidential cabinet positions deal with fisheries.

Commissioner LaTourette: Yes, it is incredibly complicated. I have made a point of telling all of the interested commercial fishing and recreational fishing interests that they have a place at the table with the DEP because it is incumbent upon us in our review processes and in our commentary on Federal government decision to offer our view on whether or not the Federal action is achieving consistency with State policy.

That is why the hearings that I think you are referencing – concerning Ocean Wind One, the project for permitting before DEP right now – account for some of these issues. We can't account for all of them because not all of it occurs in state waters. It is important to us that we ensure that there's a seat at the table for the commercial fishing interest and we're doing everything within our power, however limited that may be, to advance what is a natural resource management imperative. It's not that the DEP or our sub agencies are on the side of the commercial fishing industry or any other industry. We are on the side of the resource itself. When something is harmful to the resource, we have to make sure that we are trying to achieve the best balance or encouraging others to achieve the best balance.

One way we do that is not just through the permitting process, but through the interstate dialogue around issues of mitigation and compensation for potential impacts. Which we may not know today as there is no impact today. There is no offshore wind today and there won't be an offshore wind turbine twisting in the ocean for some time. However, we have to try to project and anticipate as much as we can and inform the dialogue about it around how one avoids impacts, minimizes impacts where they can't be avoided and mitigates them where they can't be minimized.



To that end there is forthcoming an interstate plan on fisheries compensation. There's a scoping document that's being put out. If the press release hasn't come out it's coming soon. That is the next point of engagement that I think is really critical for your coalition and every opportunity that is available in the context of our environmental permitting which pertains to the development and then the cabling. I understand that you're in meetings all the time. It's because of how seriously we take this and that there are multiple avenues to engage. Although your comments may not be responded to in every single hearing, they will be at the time we have to make a decision one way or the other.

Brick Wenzel: Thank you for that. Quick follow-up. Food and security is not being addressed as much as it should be. It's great to have the commercial fisher at the table. There is nobody coming from these communities testifying on behalf of those people who are food insecure. I founded America's Glean Seafood. I wrote the US Seafood gleaning program proposal. That is 33 states where we take our bycatch and get it to those in need. If you can make sure food security is addressed that would be appreciated.

5. My name is Kathleen Spaeth. I live in Lynwood, Atlantic County. Can you answer whether the new environmental justice laws have any impact on the different cannabis facilities that are being proposed, specifically, the manufacturing and distribution? There is already a facility in Pleasantville. There is a proposal going in front of the planning board to amend that site plan, to subdivide that land and the facility will be larger. Is that under your purview and does that get reviewed by your department and also by the new environmental justice department?

Commissioner LaTourette: It depends, and I'll tell you on what. The environmental justice law pertains to eight types of facilities depending on the types of permits that they need. That can include major sources of air pollution. Some manufacturing facilities could have enough output to qualify as a major source of air pollution. I don't know the particular facility that you're talking about. It is certainly possible.

However, I wouldn't look only to the environmental justice law as an opportunity to engage with the DEP around any facility, cannabis included. Depending on the type of facility, for cannabis they differ if it is a grower or a manufacturer, there would be a number of environmental permits that could be required. A facility may need air pollution control equipment, whether it's a major or minor source of air pollution. It may need water allocation permitting because these facilities do use a large amount of water. There would be wastewater and solid waste implications. Whether or not it is subject to the environmental justice law in particular, it would be subject to environmental law generally. That is an opportunity for review and public engagement.

Kathleen Spaeth: I'm going to get a little more specific here. I appreciate your general answering of the question. There is a site, plan and subdivision, 1, 2, and 3 that has been filed with the city of Pleasantville and is for RGC 3 LLC. There's an existing facility there right now and they are looking to expand that facility and to double that facility. I would like to know if the EJ Law has any impact on that



facility and also what environmental laws that we as citizens should be looking at to make sure that facility follows those environmental laws. If there is any environmental impact on that property itself, in the neighborhood and the surrounding Atlantic County?

Commissioner LaTourette: I don't know off the top of my head. Again, I'm not saying that because I don't want to answer you. I usually would not know of a particular permit application. There are thousands every year. What is important to understand is the distinction between the local government's role in the siting of any facility, cannabis or otherwise, and the DEP's role. It's often the case that, whether it is a mall or a housing development, or a recreational complex, or a cannabis facility, or any other facility, that a developer or a business would pursue local approvals before coming to the DEP. That's often a mistake, because as a business owner, you would want to get input from all the government agencies that may have jurisdiction over your activities together at the same time or at least concurrently. I have no idea if that has occurred here. My suggestion to any resident would be to inquire of your local representatives, whether it's your planning board or your municipal council, or whoever it is that is issuing approvals, whether or not they have required that the DEP be consulted and that any necessary approvals from the DEP be identified, so that the local governments are aware of those. The local government is only part of the story if state approvals are also required.

Kathleen Spaeth: I'm going to make a general comment and I don't mean to disparage the city of Pleasantville. That area in particular on Devin's Lane – and there are a few other areas in that area of Pleasantville – is called an economic recovery zone. I'm noticing in a lot of cities, towns, and townships in NJ that when an application comes in for a variety of facilities, the thinking at the local level is what can we get economically from that project. They don't always think about what the impact is going to be environmentally and on surrounding communities and towns. I don't mean to disparage the City of Pleasantville, because we have some issues in Linwood as well, and so does Cape May and Mays Landing. No one seems to talk to each other. You have the city council and Pleasantville feeling one way, the planning board feeling another way and the state feeling another way. I really would like to see a little more cooperation. I feel bad also for the applicant for having to go through all of these levels. Wouldn't it be nice if we could have a hearing where everyone's in the room, all at the same time, all talking to each other? I appreciate that's what you're doing tonight.

Commissioner LaTourette: I agree with you. There are eight different sub-agencies within the DEP that do different things. Some do waste, some do air, some do wetlands, some do issues of EJ. We have a sort of umbrella office that's called the [Office of Permitting and Project Navigation](#) and an applicant can bring a project to that office and it will coordinate all the government instrumentalities involved around one table to achieve what you are saying. That is voluntary. What you're recognizing is a structural issue within government itself.

Kathleen Spaeth: Yes, I know. It would be nice if everyone all worked on the same application so that it wasn't piecemeal and so that all of the residents could be informed of the application. There are some residents who feel like they haven't been getting enough information. Also, they feel like they haven't been heard as well. So I'm very excited about this new EJ Law going into effect and I'm hoping maybe that's going to have an impact. Historically, sometimes those residents aren't listened to. I understand the cities and towns need economic revenue. I also understand as a property owner myself that I have a





right within the zoning laws to build just like they do. We have to try to find a balance here and I don't see that sometimes in some communities. I appreciate your time.

Commissioner LaTourette: Neither do I. We will do everything within our power to build more cooperation. It's hard but we will keep at it.

Kathleen Spaeth: I understand tonight you have to be as general as possible. You don't know enough about these projects to make comments. If you could reiterate again tonight how people can reach out to the DEP, not only in English, but in Spanish. So, people can reach out to you because you are a very approachable DEP commissioner and I say kudos to you and I really appreciate it.

Commissioner LaTourette: Thank you very much and we'll make sure folks have all the accessibility information at the conclusion of this event.

6. Joe Kayati, via Zoom: I just want to talk a little about the environmental injustice that is occurring by way of our farmers in the state of New Jersey, actually across the country. In NJ I know this has been a trying situation for the DEP, as well as myself and several other individuals concerned about the aquifer, the Pinelands, the wetlands of NJ, which is probably where it is hopefully still somewhat pristine.

These farmers have been releasing septic and gray water, black water into the environment as I'm sure you're all we're aware of. I've been fighting this for over ten years. I reported numerous farmers. I've reported numerous wells and the only action anyone has taken so far is only for one particular well. No one has actually enforced anything. They've only done notices of violations.

There's a lot of politics involved here. There's no housing for these migrant workers. There are no certificates of occupancy. There are absolutely no sprinkler systems. There's no safety for these people. There are no proper bathrooms. They have commercial kitchens. We're all beating to the drum of the Department of Agriculture and they're getting away with absolute environmental murder. I wouldn't put farm animals in the housing that these poor minorities have been put in. People hasten to send Vietnamese in some cases, and also many Spanish. I have been fighting the minimum wage carve outs where they don't get the same minimum wage. This state holds itself out as an environmentally conscious, friendly, champion of the environment, a sanctuary state, they care about minorities. I've watched quite the opposite. I hear a really good show here tonight. I don't know you, Shawn. I'm hoping to get to know you. I hope we could talk. We've got to clean this mess up. We've got to get the politics and these corrupted courts out of this. We need to get the governor's attention. I'm involved in several lawsuits involving these issues and I'm not going to stop. Perhaps the next point is a Federal recount. We're going to clean this up, we're going to make this housing correct, we're going to do the right thing.

I'm not going away. I have a proposed bill. Many members of the Assembly were going to take urban housing funds that were meant to be used for minorities that need this money in urban areas to use it for multi-million-dollar farmers who are getting millions of dollars a year before they even get on their trackers for water, soil conservation, new equipment. They're going to take money from poor individuals and senior citizens that need this money for their homes, for proper housing and they were going to use



it to correct illegal farm storage only structures to convert them. It's an agriculture productive zone and there are two dwellings. They are actually hotels where 60 to a couple of hundred people a year are being housed in these things.

Lieutenant Governor Sheila Oliver wrote an administrative appeal allowing these to stay open, knowing there was no certificate of occupancy, knowing that they were improper housing. What do they come out with now? On Politico they are reporting that the DEP went after a guy for an improper well. What's important to know is that poor guy that got hit for that one well violation – which by the way, I reported back in 2013 – that guy happens to be a competitor at one time with one of the biggest brokers in Atlantic County who is tied to federal judges and state judges that are retired now and he's getting away with all kinds of environmental crimes. A farm worker died on a farm last year and the Hammonton police didn't even know how the body wound up at AtlantiCare. This is really bad and I know you know who I am. My name is known up there.

Commissioner LaTourette: Mr. Kayati, I don't know who you are but I'm happy to get to know who you are. I'm not sure that I caught everything you were saying. I would invite you to write a letter to summarize. There were many issues that that you were referencing. All of them seemed to be related to the state of migrant worker housing and related environmental issues that the migrant worker community may be exposed to, given the living circumstances that are provided by the hosting farm. That is the majority of what I took away. It sounded like there were also potential issues with the quality of water being provided to the migrant worker community by certain farms. He spoke very fast, so I was not able to understand everything. Again, I would welcome you to detail your concerns in a letter so that we can be directly responsive.

A couple of points on what the DEP has evaluated and continues to evaluate in the context of the migrant worker experience on some Southern Jersey farms, particularly on blueberry farms. We have engaged with the hosting farms around their obligations under the Safe Drinking Water Act and Clean Water Act and the expectations that DEP would have. We did have to pursue at least one lawsuit recently for a non-compliant blueberry farm. The concerns that I most recently recall dealing with were related to overflowing septic tanks that could then leach into potable groundwater wells for groundwater that is then serving as a source of drinking water to that migrant worker community.

EPA Region 2 Administrator Garcia: With farm workers, I know that there's a split between the Department of Labor and OSHA with the hazardous workers. The EPA actually has the work of protection standard for farm workers. It would be great if you shared a letter, and we can also look into what the Federal Government is able to review. Thanks for raising these issues.

Closing remarks from the panel.