



Somerset County Environmental Justice Community Engagement Session

Where: Bound Brook High School, 111 W Union Ave, Bound Brook, NJ 08805

When: Tuesday, December 5, 2023

Spanish interpretation provided.

Summary: New Jersey Department of Environmental Protection (DEP) Commissioner Shawn LaTourette, Office of Environmental Justice (OEJ) Director Kandyce Perry and the United States Environmental Protection Agency (EPA) Region 2 Chief of Staff and Senior Advisor for Equity Olivia Glenn led a community engagement session with residents of Somerset County to discuss environmental justice in their area.

Introductory Remarks

Kandyce Perry, Environmental Justice Director at New Jersey's Department of Environmental Protection (DEP), welcomed everyone to the meeting and introduced Shawn LaTourette, the State's Commissioner for Environmental Protection, and Olivia Glenn, the U.S. EPA Region 2 Chief of Staff and Senior Advisor for Equity.

DEP acknowledged disproportionate environmental burdens including contaminations and extreme climate events endured by minority, non-English speaking, and low-income communities commensurate with limited access to environmental benefits like green space or ecosystem services. They acknowledged that Somerset County is understood to be particularly vulnerable to extreme flooding.

DEP emphasized the importance of hearing directly from impacted communities to inform government actions and incorporate their lived experiences.

Special thanks were extended to partners, including Bound Brook High School, for their support and warm welcome.

Recognition was given to the DEP's Office of Environmental Justice staff for their assistance and availability for questions following the meeting.

DEP Commissioner Shawn LaTourette expressed gratitude to residents and local representatives for their hospitality and taking time out of their schedule to attend the meeting.

The DEP explained that the purpose of the meeting is to discuss environmental justice in Somerset County and invites attendees to raise their comments, questions, or concerns.

Engaging with communities and understanding their issues is crucial for the DEP to make informed decisions.

The Commissioner emphasized the importance of being on the ground and hearing directly from the people they serve because lessons learned from community engagement shape government's daily work to serve the people.

The DEP stated that they were present to listen and learn, acknowledging that they don't have all the answers, but they will work hard to get them.

Olivia Glenn, Chief of Staff for Region 2, expressed gratitude to Commissioner LaTourette, Perry, and Somerset County for their partnership and hosting the meeting.

She emphasized the importance of engaging in person and hearing directly from the community to improve their work.

The EPA's focus is on partnering with states, local governments, and serving the people.

Chief of Staff Glenn mentioned President Biden's Executive Order, which prioritizes tackling the climate crisis and advancing environmental justice.

She highlighted the significant investment of over \$100 billion through the bipartisan infrastructure law and the Inflation Reduction Act.

Discussion

1. **Comment:** Bound Brook Resident cited multiple industrial sources of water and air pollution immediately surrounding their town on all sides. Resident also mentioned flooding from the Raritan River, emphasizing the extensive environmental issues they are faced with and the very limited capacity of small towns like Bound Brook to respond to them. He asked what the commitment of DEP and EPA is to small communities that don't have political power or capacity to apply for big projects.

Response: The Commissioner reaffirmed DEP's commitment to small communities. He referenced expansion of [Brownfield Development Programs](#) into more localities that provide greater state assistance and revitalization opportunities, enabling municipal access to the Hazardous Discharge Site Remediation Plan Fund. He also mentioned the Water Infrastructure Improvement Program with funding specifically reserved for smaller communities.

Chief of Staff Glenn noted active cleanup efforts by the EPA at the 3 designated Superfund sites in the county. She also offered the [Community Change Grants Program](#) as a resource under the Inflation Reduction Act, targeting specifically community-based organizations for funding.

2. **Comment:** A Franklin Township resident raised concerns about Agilex, a synthetic fragrance company that has allegedly been dumping untreated hazardous materials and polluting air in the community since 2017 despite installation of an oxidizer device at the site. The resident raised that it was having serious effects on public health, causing many respiratory issues. Residents say they have consistently reached out to DEP without any response. Resident urged DEP and EPA to act meaningfully.

Response: The Commissioner thanked the attendee for bringing up this issue. The panel was not able to address the Agilex case in detail, but he promised he would follow up with the community member.

Chief of Staff Glenn echoed this sentiment.

- Comment:** Another Franklin Township Resident expressed frustration with this same Agilex facility, and the difficulty to communicate with DEP. The resident has called the DEP hotline many times with complaints of odors and air pollution, but they say no Air Enforcement representative has visited the site. There were promises at one point of installing carbon filters at the site but noted that it has not been installed yet.

Response: The Commissioner expressed gratitude for resident input. The oxidizer device mentioned is intended to address the odor issue, but there have been supply chain delays. This issue is important and will be thoroughly investigated and addressed.

- Comment:** Legal counsel representing a group of Bound Brook residents and businesses affected by flooding from Hurricane Ida in 2021, in which an NJ transit train got stuck in a flood gate, raised concerns. The attendee asked why there has not been an investigation by the NJDEP into the event, and why relief has not been offered. Legal counsel insisted that the DEP owns the flood system and works together with NJ Transit in controlling the floodgate, and implied that the department would have to be involved in immediate recovery. He asked what the stance of the DEP was on who was responsible for the failure to close the floodgate on September 1, 2021. Legal counsel explained that the floodgates were never closed, a train got stuck, and neighboring properties and businesses were destroyed. Most residents and businesses had been advised that because this flood system would be in place and the area was no longer considered a flood zone, they did not need flood insurance. Legal counsel asked again if DEP will provide any monetary relief to those affected.

Response: The Commissioner was not sure that there hadn't been an investigation. He personally had looked into flood maps and circumstances of the crash, but ultimately avenues for relief might not rest with the DEP. DEP is not typically the agency that provides immediate relief. Rather, DEP steps in at later stages of response related to rebuilding after a flood event. He specifically cited the Blue Acres program and its work to help people relocate out of flood-prone areas, and the use of that land for flood storage thereafter. Commissioner provided background information, explaining that the floodgate is part of the Greenbrook Flood Control Project developed by DEP as the state partner to the lead Federal Army Corps of Engineers. The operation of the gates, however, is not directly controlled by the department. Though the flood system and the land it sits on are state property, Somerset County and NJ Transit work together to operate the gates independently. The Commissioner asked who advised residents not to get flood insurance and emphasizes insurance's importance regardless.

As a recovery matter, the relief that is available through the DEP is through the [Blue Acres program](#), but that's not the only post-Ida relief available through the state. The majority of relief would come through the Department of Community Affairs. Commissioner referenced the [Ida Relief Action Plan](#), where affected parties can apply for funding under multiple categories including property repairs, home elevations, or buyout of property on chronically flooded land.

- Comment:** Resident and Commissioner of Bound Brook Shade Tree Commission asked about additional funding because the cost of planting has increased. In applying for grants, the

organization has struggled to show need for funding because the borough is so small. That data of wealthier areas is factored in with the low-income areas, so mapping doesn't always accurately reflect smaller pockets of low-income areas with most need for tree cover. Their size is not necessarily disqualifying, and the resident will look into the small community grants already mentioned, but it does seem that grant awardees tend to be in larger cities, and it is a challenge for the Commission. Related to forestry, resident asked what could be done at the state level to increase tree supply as there's a need for supply and variety.

Response: The Commissioner cited three relevant funding opportunities- the [Urban and Community Forestry Program Grants](#), [Natural Climate Solutions Grant Funding](#) which focuses on carbon sequestration from natural sources, and the [Trees for Schools Program](#) to increase canopy cover. NJDEP eventually wants to expand Trees for Schools specifically for smaller communities that might have less capacity to maintain municipal-wide planting efforts. Centering schools first is a deliberate choice because there is more capacity for maintaining planting efforts with school groups. Commissioner urges the organization to connect with the school board. The Commissioner did not have an immediate answer to tree supply capacity but emphasized that the DEP does what it can through state nurseries to distribute native species to the public.

Chief of Staff Glenn added that the federal government has launched Environmental Justice Thriving Communities Technical Assistance Centers (TCTAC), specifically WEACTION. They will help guide you through all the different funding sources.

6. **Comment:** Resident asked what preventative and proactive steps are being taken to address compounded issues like air pollution.

Response: The Commissioner brought up the regulatory reform initiative called [NJ PACT](#), and approach of DEP to build on existing regulation starting in the 1970s that have been beneficial but not proactive. One example is the [Inland Flood Protection Rule](#) that strengthened inland development standards that anticipate greater inland vulnerability to flooding due to climate change. These standards do not change past building patterns but are proactive in ensuring the safety of new developments. Prioritization of funding for green spaces in places where it is most needed has also already taken place in many projects.

Director Perry emphasized that the work of the Office of Environmental Justice is to proactively integrate environmental justice into everything the DEP does, from regulations to how they are enforced to allocating funding. The Office will be providing more resources for public feedback on how DEP can do things more efficiently.

Chief of Staff Glenn shared that from a federal perspective, the TCTAC takes this proactive approach and builds on lessons learned, which is why there are tiered funding opportunities and rolling applications. Also notes how in government work there is an arc of perpetuity and a scope of perspectives in the region. The commissioner's comment about not being here in the 1970s, but still benefitting from that work today echoes the sentiment of indigenous nations who told Glenn they think "7 generations ahead." Even if a policy seems reactive now, it's

proactive for future generations.

The Commissioner and **Director Perry** strongly agreed. The Commissioner added that the Biden Harris Administration have done something transformative in allocating \$2 billion directly to community-based organizations. Typically, funding priorities are decided at discretion of governments, but this shift centers grassroots organizers.

7. **Comment:** Resident who was just hired as the County Climate and Resilience Planner asked what best practices exist for climate and resilience planning that she could work to apply in her new role.

Response: The Commissioner started by noting that adopting these best practices widely is a big step in itself. The biggest thing is to understand which climate events your area is most vulnerable to, consider potential solutions, and make action plans with community input to mitigate stressors. This prepares counties for time sensitive funding opportunities. Commissioners also pointed to the [ResilientNJ](#) program as a resource that does this type of work statewide.

Chief of Staff Glenn noted that county level government is extremely versatile in that it is specific enough to be place-based, but still has scope. It also offers a range of stakeholders for collaboration. Glenn points to the EPA Local Government Advisory Council as a resource for workshopping ideas and providing mutual feedback.

Director Perry added that county governments could play a critical role in advising municipalities in zoning, facility development, and planning practices that address environmental injustices before they reach state level. Specifically, incorporating [EJMAP](#) into zoning maps.

8. **Comment:** Resident asked why the DEP hasn't taken the necessary steps to regulate the warehouse industry better.

Response: The Commissioner stated that DEP is not built to regulate that. It is almost an entirely local government matter. DEP may get involved if there's something else environmental that we do have authority over. It is cold comfort, but warehouse issues are more a function of local and county planning.

9. **Comment:** Resident thanked EPA Region 2 for correcting their reporting of methane emissions after being advised that their readings were inaccurate. However, the revised reporting was still far lower than what they submitted to CERCLA. Natural gas compressors in the area emit more toxic air pollutants and methane than is reported every year. Resident recommended EPA's new methodology to NJDEP, but policy advisors said that it wasn't possible. At DEP, resident raised concern about emissions from a compressor in the area, but Air Permitting Office didn't seem to be interested in investigating. Resident urges DEP to invest more time and resources into finding renewable alternatives.

Response: The Commissioner clarified that the difference in how state and federal governments monitor criteria air pollutants and greenhouse gas emissions. He mentioned that DEP is beginning to better regulate greenhouse gas emissions that don't have immediate health risks, but acknowledges it is still an incomplete policy.

Chief of Staff Glenn thanked resident for the praise and emphasizes that there is federal funding for municipalities- not just community-based organizations- under the Inflation Reduction Act. Last year, EPA gave out Climate Pollution Planning grants. To follow, next year, Implementation grants will be awarded to those winner's contingent on those plans being thorough. Citizens have an obligation to review and inform those plans.

Closing Remarks

The panel expressed gratitude to all participants for attending and sharing their perspectives and emphasized this is not the end of our relationship or engagement.

Follow-Ups/Next Steps

- **Flooding and Water Infrastructure:** DEP will circulate opportunities and information related to water infrastructure improvements and flood resilience. DEP can also provide support to municipalities in applying for funding or implementing proactive flood mitigation measures. Opportunities for funding are available through the [Water Infrastructure Investment Plan](#). Municipal officials designing climate change hazard mitigation plans should utilize [ResilientNJ's Local Planning for Climate Change Toolkit](#) for comprehensive guidance and best practices.

DEP will follow up with residents regarding circumstances of the Bound Brook flood gate event. Relief for residents and businesses impacted by floodgate event and Hurricane Ida may be available through the state [Blue Acres](#) program. Blue Acres conducts buy-outs of flood-prone property and supports voluntary relocation to areas less vulnerable to flooding. The majority of post-Ida relief would come through the Department of Community Affairs, specifically through the [Hurricane Ida Action Plan](#).

- **Small Community Technical Assistance:** DEP will notify municipalities in Somerset County with Overburdened Communities of relevant state and federal funding opportunities reserved for smaller municipalities, including the [Community Change Grants Program](#) for climate justice activities and the [Brownfield Development Program](#) for community revitalization opportunities. For help navigating application processes, DEP plans to share details about the [Environmental Justice Thriving Communities Technical Assistance Centers](#) with the participants.
- **Shade Trees and Green Space:** DEP will look into strategies for increasing tree supply and connect the Bound Brook Shade Tree Commission with [Urban and Community Forestry Program](#) resources.
- **Climate Change Mitigation:** DEP will follow up with information on [Climate Pollution Implementation Grants](#) for Region 2 as plans are finalized. DEP will also keep participants informed of any developing climate pollution regulations.