



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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SHAWN M. LATOURETTE
Commissioner

Environmental Justice Advisory Council Meeting Minutes

February 8, 2023
Via Microsoft Teams

Council Members

Present: Kim Gaddy, Melissa Miles, Dr. Amy Tuininga, Nancy Griffeth, Jeff Perlman, Dr. Robert Laumbach, Bill Casey, Tyrese Gould Jacinto, Joann Held, Dr. Denalerie Johnson-Faniel, Jackie Park Albaum, Andy Kricun, Yvette Viasus, Michael Morgan, Phyllis Reich

Absent: Katharina Miguel

OEJ Staff: Nadia Akbar, Anna Maria Peñaherrera

DEP Guests: DEP Commissioner Shawn LaTourette, DEP Deputy Commissioner Sean Moriarty, Helaine Barr, Julia Wong, Peg Hanna, Tom McCarran, Melissa Evanego, Robin Heston- Murphy, Christine Schell, Meghan Henry, Melissa Abatemarco

Other Guests: Melanie McDermott, Randy Solomon

Call to Order

The meeting was called to order by Kim Gaddy at 10:05 am.

December 2022 Minutes

Kim moved that the December Meeting Minutes be accepted. All present approved.

Opening Remarks

Kim Gaddy (Chair)

Opened EJAC meeting. Announced the beginning of Black History Month and thanked attendees for work in uplifting African Americans past, present, and future throughout NJ and the nation. Thanked the African American EJAC members and introduced DEP Commissioner Shawn LaTourette.

Opening Remarks

DEP Commissioner Shawn LaTourette

Extended greeting to EJAC and emphasized the importance of EJAC's work in influencing environmental justice throughout DEP and all of NJ. In the upcoming year, a few priorities include the EJ Rule adoption, internal assessment of DEP programs of where EJ can be incorporated through statutory and regulatory change.

Worked with EPA on their identification of cumulative impacts, legal tools, identifies cumulative and disproportionate impacts. These are two priorities that will continue to advance environmental justice, steward DEP (IRA) monies getting into EJ communities, in stewarding flood infrastructure and shore protection, looking and moving forward to expand and leverage more bipartisan funding into EJ communities. DEP is looking to refine their programmatic assessment and will need EJAC's input before it will be release to any external partners. DEP is looking to motivate change to better serve and engage with NJ communities and will require the assistance of EJAC to communicate those efforts.

Kim: Thanked Joanne Held on preparing comments for the EJ Rule, panned to Joanne for further elaboration.

Joanne: Commended DEP for rule proposal and suggested stronger language in some portions of the text. Input (on EJAC comments) will be forwarded over to DEP.

Melissa: Asked about the Interagency Council, specifically regarding infrastructure funds. Also asked about stewarding DEP funds and if there is a way to uplift those efforts to other agencies to see DEP's work with communities.

Commissioner: We don't have a clear answer to satisfy the council or DEP currently. Based on all funding opportunities (IRA, ARP,) DEP is looking at what comes to us in formula fundings and what we can reasonably secure on competitive basis to have a community first approach. We need to have open discussions in opportunities for change. (CEQ) is directing the Justice 40 program and ensuring that 40% is of those benefits will go to overburdened and disadvantaged communities. DEP perspective our programs exceeds the requirements of the federal govt., but we do not have a mechanism for measuring other agencies. We do not have a good answer on centralized question.

Melissa: It looks like every agency for themselves - we need to ensure that the planning and execution takes place and how EJAC can help.

Nancy: Unitarian Universalist Faith Action, in forming a coalition of environmental groups as interveners in the State Attorney General lawsuit with fossil fuel companies. Because OBCs are mentioned throughout the lawsuit, would EJ advocates be interested in participating? Concern of losing momentum with any upcoming administrative changes. Nancy requests comments.

Commissioner: Mike Gordon of the DEP should be able to assist. DEP can facilitate those discussions.

Robert: Cumulative Impacts, any actions to improve conditions and environmental justice communities at least indirectly probably affect cumulative impacts, other ways (specific) other than permitting authority that the new legislation has given DEP, what other ways that we can think about or what you may have in mind to address cumulative impacts?

Commissioner: Great question – we can talk more in depth offline. There is a press release from last month which lists opportunities within various legal schemes on how to use cumulative impacts as a legal tool. It's an opportunity for states to advance environmental justice.

Denalerie: Intergenerational Work - is there a coordinated effort for MPH students, public health students, younger community activist to engage around environmental justice work, especially looking at community group partnerships?

Commissioner: Many different ideas on this topic ensuring young people have an understanding and appreciation of what organizations like DEP are doing for them and the communities. How we can encourage and build the next generation of environmental leaders and how to make it more diverse. DEP has a Youth Inclusion Initiative where we work with local grassroots organizations by bringing cohorts of young people to DEP and they work and learn over the course of 6 -8 weeks, on topics to introduce them to the environment. These groups also travel to locations across the state. Idea for the formation of a Youth Advisory Council to continue to build those pathways.

Denalerie: Thank you - the New Jersey Division on Civil Rights, and ambassadors' program would like to be included in environmental justice related work.

Environmental Justice Rule Updates

Deputy Commissioner Sean Moriarty

We are moving to the final stage of adoption. The rule remains strong as intended, no significant changes, and we expect rule to be similar to initial comments from community. The Newark hearing showed the Rule was well supported and it helped DEP hold the line on critical provisions.

Two components needed from EJAC:

Community Engagement:

Creation of best practices for community engagement. The rule gives opportunity to work on forms of notice, and ways to identify and provide guidance with community representative groups and communities that have less robust voices or have yet to be organized, also to provide guidance on how to conduct a meeting with community. DEP will have more conversations on Community Engagement to provide help guidance to applicants.

Community Communication:

How does DEP communicate the scope the standard importance of the rule to communities that are directly impacted? A series of webinars that would address the individual aspects of the environmental justice process. How can DEP speak directly to affected communities so they could understand the rules and what are their rights. DEP will further these conversations on direct communications with community.

Kim: Emphasized importance of community engagement, and working with and through community leaders, and its residents, engaging EJAC who have different relationships in these communities.

Jackie: Groundwork Elizabeth supports the Rule. Noted that small nonprofits have a burden to continue community meetings without funding to do so, would like to see grant opportunities to help support this effort.

Deputy Commissioner: These are important conversations and are the core principles of the entire process - identifying the measures that are necessary to protect communities. None of the rule works if we cannot be effective in the community.

Commissioner: On community engagement, echoes the same message (it does not work without community engagement). We need to create, inform, educate, mobilize, and empower more of you through community engagement and leverage the connectivity of this council to communicate to the broader networks.

Kim: EJAC will work with DEP to ensure trusted messengers from those communities that need a voice and seat at the table.

Commissioner's Introduction to Climate Action Plan

The goal is to achieve a reduction in greenhouse gas emissions that are fueling climate change. In 2020 DEP released a report called the 80% by 50 report, which states the goals of reducing emissions 80% by 2050, and what's needed to achieve those goals. Two programs to highlight today: carbon sequestration and transportation electrification.

Commissioner Leaves meeting

DEP Climate Action Programming Discussion

Helaine Barr of DEP and Melanie McDermott of Sustainable Jersey

Helaine presents an overview and slides on Carbon Sequestration, and how it is funded.

Also mentioned the Tree Planting program, to hear comments from EJAC on how DEP should invest. RGGI strategic funding plan pointed out four initiatives in the funding initiatives 2 and 3 dedicated to today- 10% of funding dedicated to enhancing carbon sequestration in state forests and saltwater marsh ecosystems. Development of a school focus tree planting grant program, 2.5 million grant funding. Looking for feedback on hearing the challenges and opportunities of working in OBCs.

Melanie McDermott:

Working with schools, colleges, and universities, to plant trees through RGGI funds. There will be 2.5 million dollars dispersed in small grants, 10,000 to 250,000 or more to public schools k through 12, colleges and universities. The program will be announced on Arbor Day in April. Open for applications as schools are funded. Trees will start to be planted in the fall and must be maintained for two years before grant closing. One way to target urban communities, and higher needs schools' districts - a percentage of funds would be available for professional assistance, partnering with nonprofits for landscapers to create detail plans on where to plant trees and the commitment from the regular authorities, collaborating with municipalities to enter certain surrounding neighborhoods and providing some overhead and staff stipends, and requiring any matched funds. The selection process will prioritize projects that are in OBCs, and awarding additional points to student involvement, who have climate change curriculums, those who achieve the greatest carbon benefits (most trees planted).

Amy: on the education component, in maintaining the health of trees is there that kind of educational piece? Also, carbon sequestration (different tree species sequester of carbon over time) is that under consideration? How does it connect back to urban forestry?

Melanie: great questions, all targeted entities will be responsible for tree survival, we will provide training workshops and technical assistance. For the educational piece, we are soliciting information for the curriculum. Applicants will receive extra points for this component, but we do not have anything beyond the tree care piece. We would like to add carbon sequestration in schools as well.

Helaine: urban forestry does not work on schools; we see this program as a pilot trial option. The program committee will develop a scope of work in terms of carbon sequestration, and we are open to ideas.

Rob: choosing trees that produce less pollen and less contributions to asthma and allergies?
Melanie suggested that Rob submit this comment as they haven't received anything similar and should be considered.

Joanne: can school districts that would not qualify for funding partner with other school districts?
Is there an incentive available?

Melanie: we will use a priority ranking system for extra points in OBCs. We're aware of capacity to apply and we think partnering is an excellent idea. SJ hasn't thought about the mechanics of what the application would be.

Melissa: why is there an open application that is available to all districts when we understand that some districts can put together applications easily and other that it will be impossible? Why isn't this targeted to the communities on the map are who are lacking trees? The grant process should be easy and the funding plentiful for the urban school districts that are lacking.

Helaine added that technical assistance is built in to grant process in hopes of getting those school districts.

Melanie: We wanted the right administrators' commitments and to provide a map where these trees will be planted, 10% of funds could be spent on professional assistance and having a simple application process. We are striving to make this accessible to urban schools and universities located in OBCs. Appreciate the questions and advice which will translate into further coordination with DEP.

Jackie: applicants will get the assistance and funding to get the project going?
Melanie stated that schools could plant trees on county and municipal property they will need MOUs. Emphasized importance of support from municipality because of the long-term custody of trees. This will work for community street trees planning.

Denalerie: How can we communicate to OBCs, not just through webinars, and how do we involve other organizations?

Kim: Does SJ understand the connection of these programs and OBCs? For example: OBCs often lack tree canopies within the community and the program doesn't seem to address the urban component. There needs to be additional conversation and engagement, and how sustainable NJ programs does not fit into EJ communities.

Melanie acknowledges Kim's comments and the time constraints to respond. She requests that Denalerie reach out to the Black Educators' Network as an added stakeholder.

Randy: Regulatory requirements, and co-benefits is how the program is structured, focused on lowering the barriers of entry in OBCs, but we are willing to have those type of conversations. Kim suggested another meeting with sustainable NJ.

DEP Climate Mitigation Solutions: Proposed Electric School Bus Program

Peg Hanna and Tom McCarren

Tom McCarren provided an overview - setup grants to purchase electric school buses, 10 or more capacity, 90 miles electric range, telematics data required, training for personnel required., it will be a pilot program. Award six projects per year for the next 3 years, awards must be spread across the state 50% of funding must go to overburden communities. Awards are 15 million per year and 45 million in total. Will support leasing programs and other funding resources to support this pilot program.

School Bus Funding Programs: looking at other fundings NJEDA and NJZIP voucher programs second round of funding early 2023, ETA Clean School Bus Program EPA five-year program. NJZIPS vouchered program, EPA must purchase the vehicle. We are proposing a fixed amount per vehicle leased.

Rob: question about replacement of vehicles (scrappage)

Tyrese: EVs will still require generation of electricity, how expensive will it be to utilize solar?

Peg and Tom: calculations were done for communities and that cost will be different in communities, which is accounted for in the program.

Tyrese: have studies been done on this program in south Jersey as well?

Peg: analysis was done for OBCs – EV program is voluntary. Outreach and education on the program and EV necessary.

Kim reiterated Rob's comment on the need for scrappage as older school buses will pass down in OBCs instead of removed from service.

Amy suggested EJAC contact Yvette for community solar questions.

Kim requests presentation be sent to EJAC and scheduled further discussion.

Jeff: large buses vs smaller buses and costs between the two buses for the program. Peg mentioned smaller buses excluded and noted Jeff's point as multiple people have made the same comment. Once the slideshow is distributed, EJAC is welcome to submit questions or comments for further discussion.

Adjournment

Meeting was adjourned at about 12:00pm.

Next Meeting

April 12, 2023, at 10am virtually via Microsoft Teams