



## State of New Jersey

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**SHAWN M. LATOURETTE**  
*Commissioner*

### **Agenda** **Environmental Justice Advisory Council** September 11, 2024, 10:00 am – 12:00 pm Microsoft Teams and Conference Call

#### **Council Members**

**Present:** Melissa Miles, Jeffrey Perlman, Krishna Garlic, Dr. Robert Laumbach, Nicole Brown, Dr. Galia Shokry, Chloe Desir, Jackie Park Albaum, Mike Morgan, Dr. Amy Tuininga, X Braithwaite, Bill Casey, Chloe Desir

**Absent:** Andy Kricun, Dr. Denalerie Johnson-Faniel, Timi Lindsay

**NJDEP Staff:** Commissioner Shawn Latourette, OEJ Director Kandyce Perry, Christina Gonzalve, Anna Maria Penaherera, Muskan Shirvastava, Myla Ramirez, Chaneice Martin-Torres, Chloe Landau, Nadia Akbar, Edressa Kamal, Kim Cahall

**Guests:** Surey Imiza Miranda-Alarcon, Fordham University

#### **Brief on the PVSC AO-25 Title V Operating Permit Modification and Renewal Standby Power Generating Facility Decision – DEP Commissioner Shawn LaTourette**

- The Commissioner provided a summary on the NJDEP decision to issue a limited approval for emergency-only use and mandatory emissions reductions from the facility. In addition, there was an opportunity for EJAC members to provide feedback and discussion.
- Question by Jackie Park Albaum: Is it possible to create a one-pager about that would be suitable for me to share with the youth? It is important to share this with the youth who will one day be sitting in these seats.
  - Response by Commissioner LaTourette: Yes that can be done and it can be put on the agenda to construct.
- Question by Robert Laumbach: You talked about the process and my recollection from the EJ process is that one of the bars is whether there is public interest. Is that one of the factors here because of the benefits of having power during storms like superstorm Sandy?
  - Response by Commissioner LaTourette: No, the issue if there was a compelling public interest was not reached. The first step is to evaluate the baseline environmental health and environmental stressors present, and then to evaluate

what a permitted facility may add. The goal is to reduce the environmental stressors to avoid the addition of stress. Where you may not be able to avoid or reduce, then the compelling public interest notion may be available. If you can avoid and reduce, there is no need to consider it. In the PVSC situation, because the special conditions have resulted in an overall net improvement in air quality even with the addition of backup generation, there was no need to evaluate compelling public interest

- Question by Melissa Miles: Can staff tell us how many more facilities are coming up under the AO?
  - Response by Commissioner LaTourette: About a dozen are left. One of those is Sims Metal. Staff can confirm and follow up with the number and details.
- Question by Jeffrey Perlman: It seems like this particular backup generation facility seems like a long line of facilities that continue to be proposed in areas with pre-existing environmental justice issues and they link to issues in the past. It seems like we take one project at a time, we're not looking at why there are so many of these facilities being proposed to begin with. It seems like we're always having to deal with these issues as opposed to saying it's time to start retiring these facilities in these areas and deploy them somewhere else. It feels so regular and I'm wondering if there's a way to think about it more holistically and start encouraging governments and facilities to draft capital plans to move some of these facilities away from environmental justice communities.
  - Response by Commissioner LaTourette: What you're saying does make sense. There is an important reflection and one for this group to continue to work around, which is that not every EJ consideration will be under the purview of the DEP. The DEP's role is to evaluate certain types of pollution and best control that pollution consistent with technology. Only since 2023 do we have the tools to evaluate the baseline conditions under EJ Law. But it is narrow and only applies to 8 types of facilities. The issue that you're getting to is that there are all types of decisions that are made that have an environmental justice implication. DEP's part in how we can help them is implementing the Justice 40 approach and taking that message into every level of government – that is where we have the greatest impact.
  - Response by Director Perry: Local government have really important tools, zoning and land planning, that could affect the outcomes that we are seeing. One of the things that OEJ has plans to develop is a toolkit for municipalities to consider and incorporate EJ at the local level in ordinances, land planning, etc. Newark has started this. Conversations and decisions can be done earlier on in the process. We will continue to loop EJAC into these conversations as OEJ starts to develop an EJ Municipal Planning Toolkit.
  - Response by Commissioner LaTourette: It's important to keep in mind that if EJ is only focused on permitting, we will find ourselves late in the game because of what Kandyce said in terms of zoning and land planning.
- Question by Chloe Desir: How does this progress us in trying to push us into clean energy?
  - Response by Commissioner LaTourette: What is important about this decision on PVSC is how it is instructive to other facilities moving forward. If a facility wants to be located in a neighborhood and if it's at the local level in the land use board, that is where grassroots activism comes in. That may be the point to refer to what EJ decisions have made in the past by the DEP for planning and activism. This PVSC decision sets a precedent.

- Remark by Jackie Park Albaum: This is where Groundworks Elizabeth sits right now as to how to change municipal policy and what does that look like. Elizabeth is hoping to get some support as it is incredibly overburdened. I would like to volunteer to help educate people on how to bring change at the local level and institutionalize the work.

**Preview of DEP’s Approach to Environmental Justice Through Compliance with Title VI of the Civil Rights Act** – Edressa Kamal, Title VI Officer, Office of Enforcement Policy

- NJDEP Title VI Officer Edressa Kamal provided a presentation and overview of Title VI and NJDEP’s environmental justice and compliance strategy. This presentation included the topics of EPA’s requirements for recipients of federal financial assistance, the establishment of EPA’s Office of EJ and External Civil Rights.
- The goal is to develop a proactive civil rights policy focused on permitting that may go beyond the applicability of the EJ Law and Rules. DEP has begun evaluations for a priority list of permits that are not subject to the EJ Law. Future policy will outline the approach programs must undertake.
- Question by Ty Gould-Jacinto: I submitted a complaint but never got a response. Is this a different process?
  - Response by Director Perry: Ty is referring to the complaint she sent to the Attorney General’s office. What Edressa presented DEP’s civil rights compliance process, which is a different process.
  - Follow-up by Ty: This is directly related to Green-Acres. We purchased that property and were not allowed to occupy it for 11 months by the municipality.
  - Response by Directory Perry: It is related but it may be a separate issue. We can continue to talk about this offline. It is uncertain if this issue can be brought to the DEP.
  - Response by Kim Cahall: General guidelines are any complaints that involve discrimination from programming by the DEP go to Edressa. Complaints about accommodation of non-DEP programs go to the Division of Civil Rights.
- Question Chloe Desir: Do you have a plan to meet with advocacy agencies like the NAACP? Also, how many people are investigating complaints? Will the dedicated staff be able to respond to the complaints within a reasonable amount of time?
  - Response by Edressa: We can put that on the list of things to consider when meeting with advocacy groups and what input they may be able to give. We are obligated to respond in a reasonable amount of time by the EPA.
- Question by Melissa Miles: Are there any complaints as of yet? Have you had a chance to test the process and refine it?
  - Response by Edressa: The complaint procedures were only uploaded a few weeks ago. The EPA wants us to do annual reviews to evaluate trends and fine tune the processes. No complaints have been received yet.
- Question by Melissa Miles: Is there any public facing information about the types of complaints? Does that need to be OPRAed or FOIAed?
  - Response by Edressa: There have not been any conversations about it but it's a good idea for transparency when it comes to the amount of complaints, how many were resolved, etc.

**Overview of Region 2 EPA Thriving Communities Grantmaker “Flourishing In Community” Program** – Surey I. Miranda, Fordham University

- Fordham University is one of the nation’s regional \$50 million EPA grant recipients, funded by the Inflation Reduction Act. This grant provides federal funding through the

establishment of a structure that will issue grants, similar to a foundation, for environmental justice projects. The grant will prioritize under represented groups and communities overburdened by environmental injustices in EPA Region 2.

- Fordham University will open the grant application period in the Late Summer/Early Fall 2024 and is eligible to multiple entities (non profit, community based organizations, civic and philanthropist organizations with non-profit status, tribal government, Native American organization, local governments, and higher education institutions). Resources are provided for more details.
- Resources:
  - [Website](#)
  - [Info Sheet](#)
  - [Live link to the presentation](#) – this will continuously show updates to the program
- Question by Melissa Miles: Of the groups that are eligible to apply, can you talk about what you're thinking about those groups? You mentioned this is not a reimbursable grant, do you know what is the drawdown schedule?
  - Response by Surey: We allow for partnerships to be created for organizations that apply and there is no limit on applications organizations can submit. One of the things that we have suggested and will be evaluated is a partnership letter. That is something organizations will have to figure out on the back end. We have not made any progress on the requirements for a SAM.gov account. Up to five projects can be funded per organization.

#### **Preview of DEP Environmental Justice Initial Assessment – Nadia Akbar, Office of Environmental Justice**

- Gov Murphy signed Executive Order No. 23 in April 20, 2018 that directs the DEP to develop guidance for all state agencies to incorporate EJ and establishes DEP as the lead agency. The EJ Initial Assessment is a continuation of the EO-23 Guidance which assesses environmental justice principles within NJDEP's programs and operations. OEJ staff conducted extensive interviews with NJDEP management and staff to assess current strategies, challenges, and opportunities for additional EJ integration. NJDEP will publish the EJIA, which will serve as an example for other State Agencies to follow and as the launching pad for its DEP EJ Action Plan.

#### **2025 EJAC Work Plan**

- EJAC, within their Working Groups, will start preparing the 2015 EJAC Work Plan. The goal is for Working Groups to have drafts by October and for the Full Council to vote to approve it during the December EJAC meeting.

#### **Approval of June 12th Meeting Minutes**

- To be done via email

**Adjourn 12:04pm.**