

**Environmental Justice Advisory Council
Meeting Minutes
February 5, 2009**

**Meeting Held at the New Jersey State House for Signing of New Environmental Justice
Executive Order by Governor Corzine**

In attendance: Kathy Abbott, Stewart Abrams, Ana Baptista, Colandus (Kelly) Francis, Joann Held, Zachary Lewis, Mujahid Majeed, Don McCloskey, Kevin Moore, Valorie Caffee, Chair; Maria Franco-Spera (DEP)

Absent: Theodore (Ted) Carrington, Kim Gaddy, Juanita Joyner, Rafael Zabala

Guests: NJDEP Acting Commissioner Mark Mauriello and Deputy Commissioner Jay Watson, plus representatives of Work Environment Council (WEC), ANJEC, and Thomas Edison College.

The meeting was called to order by Chairwoman Caffee at 9:30.

Cumulative Impacts Report (Valorie Caffee, Ana Baptista, Kathy Abbott, Joann Held)

Valorie announced that the report is essentially done, but that it is a working document and we expect to continue to improve the recommendations section in particular.

Ana summarized the report by highlighting the fact that there are no ready-made solutions to be found (e.g. among programs in other state); this is an opportunity for New Jersey to be a leader in this area. There are both short-term and long-term recommendations in the report, but the most important place to start is by identifying Burdened and Vulnerable Communities who need more help with respect to environmental protection. There is work to be done not only by the DEP but also by the Dept. of Health and by Municipalities.

Kathy highlighted the importance of approaching cumulative impact from a public health perspective in order to avoid adverse health effects, and to consider indirect economic benefits from addressing these impacts.

Acting Commissioner Mauriello responded that addressing Cumulative Impacts makes sense in a lot of ways. His work in land-use planning has helped him to see the patterns of urbanization that can lead to these problems. He also recognized the need to engage DCA, DOT and other agencies in this effort.

EJAC Wish List for DEP Actions

To help focus future discussions, the Council recommended several areas in which DEP action or leadership are needed to address Environmental Justice concerns throughout the state. Ana Baptista provided a list of 10 items considered most urgent by the Ironbound Community in Newark (see attachment). To this list Valorie added a desire to see the results of the DEP pilot project in Camden to retrofit private diesel-powered equipment; Kevin Moore requested that Natural Resource Damages projects more often address damages at the place where they actually occur; and Algernon Ward pointed out the need to have strong state standards or guidelines to ensure that new school construction is not built on contaminated sites or using contaminated fill.

AT THIS POINT THE MEETING PARTICIPANTS ADJOURNED TO THE GOVERNOR'S OFFICE WHERE THEY WERE PRESENT WHILE GOVERNOR CORZINE SIGNED HIS OWN ENVIRONMENTAL JUSTICE EXECUTIVE ORDER, Executive Order No. 131.

The meeting then continued with the following agenda items.

EJ Executive Order

The Executive Order signed today by Governor Corzine extends the life of the Council for 5 years. In it the Governor has also charged his Chief of Staff with designating a representative from the Governor's Office to serve as a liaison to the Advisory Council and to assist it in accomplishing its mission. This active involvement by a member of the Governor's staff is greatly appreciated by the Council.

Issues for EJAC Focus

Council members suggested topics that we should focus on in the coming year.

1. Recommendations in the Cumulative Impacts report.
2. Possible Environmental Justice Legislation. (Ana noted that there is no comprehensive EJ legislation anywhere in the US.)
3. Discussion of strategic planning with NJEJA.
4. Proposed Diesel Engine Executive Order (which was never signed).
5. School Construction issues.
6. Guidance to state agencies on how to incorporate EJ issues into decision-making. Develop a list of principles or checklists that can be used by Cabinet members when considering EJ issues. (Valorie offered to circulate an example.)
7. Multi-agency involvement in solving EJ problems.
8. Council membership and vacancies.
9. Follow-up discussion with Acting Commissioner Mauriello on some of the Wish list items.

Camden Housing Issue (Kelly Francis)

Kelly reported that he has met with Congressman Doria's staff and presented the latest issue with Camden housing construction in Centerville; namely, that the DCA has given Michael Development a grant (i.e. tax credit) to build another 90 units of housing adjacent to a freight rail line. Kelly stated that it would be preferable to do rehabs of the thousands of existing units in Camden rather than build so many new residences in such an unhealthy location. Another alternative might be to have an EJ checklist that must be completed before redevelopment can be considered.

NJDEP Report (Maria Franco-Spera)

- The Commissioner has requested that members of the EJAC submit resumes and letters of interest if they would like to continue to serve on the Council.
- The DEP expects to name a replacement EJ Coordinator in mid-March.

The meeting adjourned at 11:50am.

Next Meeting

The next meeting of EJAC will be held on March 5, beginning at 10am in the 6th Floor

Large Conference Room.

Minutes respectfully submitted by Joann Held, Secretary

ATTACHMENT TO MINUTES OF THE FEBRUARY 5, 2009 MEETING OF THE NJDEP ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

Below is a list of some of Ironbound Community Corp's top priorities for NJDEP action. We look forward to working closely with the new Commissioner and would like to extend an invitation for him to visit the Ironbound Community as he embarks on the important tasks of securing a clean and healthy environment.

1. Release of the computer model and associated data demonstrating the potential adverse health impacts and morbidity associated with the Ports' air emissions and operations (From Nancy Wittenberg's office). Commit to regulate environmental impacts associated with Port operations in Port Newark and Elizabeth. For example, DEP could implement a plan to address fine PM emissions generated by the port operated by the New York/New Jersey Port Authority.
2. Adopt cumulative impact recommendations which include; a mechanism for identifying vulnerable & burdened populations; adopting enforceable measures for relieving burden in these areas such as required pollution prevention measures; rejecting new permits or more stringent standards based on cumulative impacts. For example, DEP could establish a moratorium on the issuance of air pollution permits for overburdened environmental justice neighborhoods that fail to achieve attainment of the annual fine PM standard by April 5, 2010. Also the NJDEP could establish a community-based fine PM monitoring system in overburdened Environmental Justice neighborhoods in New Jersey
3. Adopt Site remediation rules that prioritize sites in urban areas according to cumulative impacts or sensitive populations (vulnerable or burdened populations). Include opportunities for public participation in the site remediation process and provide NJDEP oversight of the remediation of these sites.
4. Institute a 12.0 ug/m³ Annual Fine PM Standard for New Jersey - Decreasing the annual fine PM standard for New Jersey from 15.0 ug/m³ to 12.0 ug/m³ would save lives and reduce illness in the state because there appears to be no lower threshold (other than zero) for the beneficial health effects that occur when fine PM concentrations are lowered.¹
5. Replace air monitoring station that was removed from the Ironbound in Newark in 2000.
6. Retrofit or retire privately owned pre-2007 diesel powered vehicles
7. Commit to addressing co-pollutants as part of climate change strategies and directing resources to urban areas where climate change impacts are most felt.
8. Mobilize the NRDC assessment process so as to help activate the clean up and park development efforts along the Passaic River.
9. Prioritize urban park projects under the Green Acres program.
10. Staff an EJ program and the EJAC council to support EJ initiatives inside NJDEP

¹ See pg. 1-7 of the New Jersey Fine PM State Implementation Plan (SIP) regarding a threshold for fine PM.