

Environmental Justice Advisory Council
Meeting Minutes
March 4, 2009

In attendance: Kathy Abbott, Stewart Abrams, Theodore (Ted) Carrington, Colandus (Kelly) Francis, Kim Gaddy, Joann Held, Valorie Caffee, Chair; Jerry Fagliano (DHSS), Sharon Kubiak (DHSS), Justin Lambert (Governor's Office) and Maria Franco-Spera (DEP EJ Office)

Absent: Ana Baptista, Juanita Joyner, Zachary Lewis, Mujahid Majeed, Kevin Moore, Don McCloskey, Rafael Zabala

Guests: Deputy Commissioner Jay Watson, Air Director Bill O'Sullivan

The meeting was called to order by Chairwoman Caffee at about 10:10.

Agenda Review

*Add under Old Business: Any EJAC members who are willing to serve another term on the Council should submit a letter of interest and their resume to Acting Commissioner Mauriello.

*Add under New Business

Tremley Point Connector Road (Valorie)

Michigan EJ Executive Order (Valorie)

EPA Plans to do Air Monitoring at Schools (Joann)

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

Valorie announced that the Cumulative Impacts report is essentially done, and she provided copies of the latest draft of the Executive Summary. The report has a bias toward action and it is time now to identify the recommendations that can be addressed right away.

Joann reviewed the Executive Summary Recommendations and highlighted some short-term actions; for example, identifying vulnerable and burdened communities, developing checklists, and working with ANJEC and Local Health Officers.

The joint DEP/DHSS Environmental Public Health Tracking (EPHT) project has assembled much of the data that would be needed to identify Vulnerable and Burdened communities using the Faber model. Jerry Fagliano reported that the EPHT Website is up and running (see: nj.gov/health/epht) and he would like to make a presentation at our next meeting on what's on the website and how we might use it.

Deputy Commissioner Watson asked if we could make a presentation on the Faber model to the DEP so they can learn how it works and get an idea of how many communities might be flagged by the model. Valorie promised to schedule something soon.

Valorie recommended that we maintain our Cumulative Impacts Subcommittee and add some members from outside EJAC (for example, Kerry Butch who is ANJEC Urban Resources Coordinator). She noted that there are additional strategies to consider in the draft EJ Regulation that the DEP developed in about 2004-2005.

Site Remediation Reform Legislation (Valorie)

The proposed bill was voted out of both committees (unanimously) on Feb. 26. We expect it to be considered by the entire Legislature sometime in the next 3 months. Valorie re-iterated the main concerns of the Environmental community – that sites may be cleaned up faster, but not well enough and that decisions about which sites to clean up may be market-driven rather than health-driven. During the GreenFaith Lobbying day on March 5, they expect to focus on this topic.

EJ Legislation Efforts (Valorie)

Valorie has requested a meeting with Sen. Weinberg to discuss the draft legislation that Weinberg has prepared. She has not heard back yet from Weinberg's office, but she will coordinate any meeting with members of EJAC.

Governor Corzine's EJAC Liaison (Justin Lambert)

Justin is the Governor's Policy Advisor for Environmental and Energy Issues, and he has been appointed by Governor Corzine to be his liaison with EJAC (in accordance with the EJ EO signed in February 2009). Justin stated that his role is to help DEP and DHSS to work with other state agencies on EJ issues.

Dept. of Community Affairs (DCA): Justin has already spoken to DCA about siting issues. The DCA is concerned that they are not brought into siting discussions until very late in the process. Most of the siting decisions are being made by Public Housing Authorities.

Schools Development Authority (SDA): Justin has also spoken to Kris Kolluri regarding school siting issues and Green Building Codes. Jerry Fagliano reported that SDA is working more closely with DHSS on school issues such as Indoor Air Quality and Health Assessments. Jay Watson said that DEP is also starting to screen proposed school sites for nearby problem sources.

Weatherization Funds: Justin mentioned that there is about \$120 million in the stimulus package that has been allocated for weatherization of public housing. Kelly Francis asked if Hope 6 Projects (under HUD) which have been converted from public to private housing (but still have low income residents living there) would be eligible for this funding. Justin offered to look into this and will forward any information he finds to Valorie.

Housing Development in Camden: Kelly met recently with DCA staff to discuss environmental issues related to Michael Development in Centerville, focusing on the poor choice of location so close to a major highway (I-676) and several major sources of air pollution. (This area used to be a buffer zone along the highway.) It also doesn't make sense to build all of this new housing when there are thousands of units in Camden available for retrofit or upgrade instead. Kelly has requested that the DCA stop this development. Stew noted that if the Developer had been required to prepare a mini-NEPA review (as we are recommending in the Cumulative Impact report), the project

would probably not have been approved. Justin offered to contact DCA to find out what their response is to Kelly's request.

EJAC Wish List for DEP Actions (Jay Watson)

Deputy Commissioner Watson has reviewed the preliminary Wish List that EJAC provided at our meeting in February. This initial list contains many ambitious requests that could take a long time to implement. The Department is especially interested in identifying a few things to address EJ concerns that could be done quickly. Perhaps the Cumulative Impacts report recommendations to identify vulnerable and burdened communities, and the suggestions for screening tools, could be addressed in the short-term. To keep the conversation going, he made the following responses to some of the issues on the February Wish List.

Site Remediation & Licensed Site Professionals: The Department agrees that in communities of concern there should be a higher level of scrutiny. They are working to incorporate this into the Legislation.

Setting a more stringent PM2.5 Standard: Watson has discussed this with Assistant Commissioner Nancy Wittenberg and Director Bill O'Sullivan. Bill reported that the DEP has adopted a PM2.5 Annual Concentration of 12 ug/m³ as a goal, but is not planning to pursue it as a standard. All of the state is meeting the current NAAQS of 15 ug/m³, but DEP is trying to do better than this, since no safe threshold for PM2.5 has been identified. Bill also noted that the US District Court has asked USEPA to reconsider the 15 ug/m³ national standard, so in a few years we might expect the NAAQS for PM2.5 to be tightened.

Addressing Co-Pollutants as part of the state Climate Change Strategy: There may be some authority to do this under the Air Program. EJ Advocate, Dr. Nicky Sheats, will be meeting with Director Bill O'Sullivan to discuss.

Urban Parks / Urban Forestry: DEP has changed the formula so that Urban Communities can get twice as much money for urban parks using Open Space Funds. Also, the Cool Cities Program is planting many trees in our Cities.

Resources for the EJ Office: Things are tight right now, but the EJ Office will have access to assistance from Jay's Office and Justin's Office.

Natural Resource Damage Mitigation near the Actual Damage: The DEP is looking at a storm water re-injection idea that might qualify for this.

Modeling Results for North Jersey Port Project: Ana Baptista has asked for these results. Bill replied that there were some errors in the data input to the model; but some better data were recently provided. The Modeling Results should be available in about 2 months. DEP plans to use these results as an evaluation tool for the strategy that the Port is developing.

Air Monitoring Site in Ironbound: The Ironbound Community has been requesting a new air monitoring in their neighborhood. Bill reported that the Bureau of Air Monitoring tried unsuccessfully for 2 years to find a site; and the DEP is still open to identifying a supplemental site there. However, a new site for Newark has been established at the firehouse on Clinton Avenue. It will be an EPA "CORE" site that will be comprehensive and will have state of the art monitoring equipment. It should start up in April.

Diesel Retrofits (Bill O'Sullivan)

The Mandatory Diesel Retrofit Law allocated \$150 million over 10 years to retrofit publicly owned vehicles, which represents about 20% of the diesel fleet in the state. We expect more money under the stimulus package for this effort (perhaps \$10 million over 2 years). There is no direct program for retrofitting privately owned vehicles, but the State is trying to get construction companies to green their fleets and the State is also working with Ports in both the north and south to retrofit equipment (including cranes) at those facilities.

NJDEP Report (Maria Franco-Spera)

- The NJ Clean Air Council will be holding their annual public hearing on April 1 (the same day as the next EJAC meeting). The topic is: "Electricity Generation Alternatives for New Jersey's Future: What is the Right Mix for Improving Air Quality and Reducing Climate Change?"
- The NJ Env. Justice Alliance has asked if someone from EJAC could brief their group on the new EJ Executive Order.
- A student from Princeton University is doing a project on the EJ Petition Process, and may be calling some Council members to get information.
- The state of Michigan is looking at new EJ initiatives for their state and has requested information from New Jersey. (They have already spoken to Valorie.) They are especially interested in our experience with the Petition Process.
- GreenFaith was awarded about \$30,000 by DEP for outreach and education in urban areas regarding Greenhouse Gas issues and actions. GreenFaith's Executive Director, Rev. Fletcher Harper and EJAC member Ted Carrington will be briefing DEP on their project next month.

Announcements

EJ Legislation: Kim Gaddy, Ana Baptista and Dave Pringle met with Sen. Weinberg last week regarding the EJ Legislation that the Senator has proposed. They provided information about our Cumulative Impact report, and asked Weinberg what her goals are with this legislation. Weinberg seems open to suggestions on the direction of the bill; it is unlikely to get any Legislative attention for awhile.

Tremley Point Connection Road: Valorie provided a copy of a letter from WEC to Gary Kassof (First Coast Guard District) urging that a full Environmental Impact Assessment be done before a final decision is made about going ahead with the proposed project.

Adoption of the February 5, 2009 Minutes

Kathy Abbott moved that the minutes be adopted as submitted, and Ted Carrington seconded the motion. The motion was passed unanimously.

The meeting adjourned at 12:05pm.

Next Meeting: The next meeting of EJAC will be held on April 1, beginning at 10am in the 7th Floor Large Conference Room.

Minutes respectfully submitted by Joann Held, Secretary