

Environmental Justice Advisory Council
Meeting Minutes
May 6, 2009

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

Absent: Stewart Abrams, Kim Gaddy, Juanita Joyner, Zachary Lewis, Mujahid Majeed, Don McCloskey, Rafael Zabala

Guests: Jeanne Herb, Steve Anderson, Marjorie Kaplan, Peter Montague, Nicky Sheats

Chairwoman Caffee called the meeting to order at 10:10.

Cumulative Impacts Report (Ana Baptista, Valorie Caffee)

We are encouraged by our discussion with Commissioner Mauriello last month and by his participation on the panel discussion on Cumulative Impacts at the Environmental Federation Conference. Today's presentation by DEP staff on Cumulative Impact Tools is also most welcome.

We need to get the Cumulative Impacts Report into circulation. It should be placed on the DEP EJ Web page; perhaps there should be a press release.

Valorie spoke to Kerry Butch (ANJEC) about implementing some of our recommendations for working with Municipalities. ANJEC would like to discuss the creation of a Toolkit with us.

Kathy Abbott moved that we accept this offer to work with ANJEC on the Toolkit.

Kevin Moore seconded the motion; and it passed unanimously.

Site Remediation Reform Act Update (Valorie Caffee)

The Site Remediation Reform Act passed on March and is awaiting the Governor's signature. The Environmental Community is encouraging the Governor not to sign it. Among their concerns are:

Seven of the 11 persons on the LSP Oversight Board are from the Business Community.

The Law disallows lawsuits after cleanups are completed.

Adoption of the April 1, 2009 Minutes

In the discussion of Cumulative Impacts report, the term Cumulative Exposure was mistakenly used in one instance. The term Cumulative Impacts should be used consistently in this context. Maria will correct this. Kevin Moore moved that the minutes be adopted as corrected, and Ana Baptista seconded the motion. The motion was passed unanimously.

EJ Legislation Update (Valorie Caffee)

One of the recommendations in the Cumulative Impacts report is to adopt a mini-NEPA law. We should pursue this and have discussions with other EJ groups in the state to enlist their support. There are at least three possible models to explore:

- Model law drafted by Joseph Guth which includes a Precautionary Approach and an EJ component. It says that when a significant decision is to be made, decision-makers bear the burden of proof that the decision will not cause harm and that they have assessed the fairness of the decisions. EJ advocate Peter Montague is familiar with this model legislation. A copy can be found at www.sehn.org. (SEHN is the Science & Environmental Health Network.)
- New York State has a mini-NEPA included in their State Environmental Quality Act. It includes public participation requirements. Ana Baptista is familiar with this law.
- The recently adopted Connecticut EJ Law.

Valorie recommended that we create a subcommittee to follow up on mini-NEPA and/or broader EJ Legislation ideas. We should include some participants from outside EJAC as part of the working group. The subcommittee would be charged with laying out the pros and cons of three different approaches:

Mini-NEPA

EJ Legislation

Legislative vs. Regulatory Approach

Four EJAC members volunteered to be on the subcommittee: Kathy Abbott, Ana Baptista, Joann Held & Kevin Moore. They will include Peter Montague & Nicky Sheats in the workgroup, as well as others that may be able to advance the discussion. Valorie volunteered to arrange a conference call.

Cumulative Environmental Impact Tool Development

Jeanne Herb introduced this subject by stating that Commissioner Mauriello has directed DEP staff to present an approach that can be used to identify burdened and vulnerable communities. They would like to know if EJAC considers this to be a useful tool. Once the tool (or method) is selected for this task, then Jeanne will work with DEP Senior Staff to identify steps to address the communities identified by the tool. The DEP is anxious to move forward expeditiously on this project, rather than wait for a “perfect” tool to be developed.

Steve Anderson presented the tool that accumulates information from 9 environmental indicators and aggregates them using GIS maps. The indicators are:

Benzene Concentrations

Density of Major Regulated Sites

Density of Known Contaminated Sites

Density of Dry Cleaners

Density of Junkyards

NATA Cancer Risk Estimates

NATA Off-road Diesel Exhaust Concentrations

All Traffic

Truck Traffic

These indicators all represent burden. There are no vulnerability indicators incorporated yet, but the Center for Health Statistics information (which can be found at: www.state.nj.us/health/chs), might provide some of this data eventually.

The Council, in general, was impressed with the work presented by Steve and Maria. They recommended that a small group follow-up with Steve and report back. The small group will be composed of Ana Baptista, Joann Held, Nicky Sheats, Peter Montague, Jerry Fagliano, Steve Anderson, and Maria Franco Spera. They will have a technical session sometime before the June EJAC meeting.

Process for Siting Low-Income Housing

Kelly Francis questioned Justin Lambert, the liaison from the Governor's Office, about the process that DCA follows in approving new low-income housing develops. Justin reported that the DCA defers to local decision-makers in identifying suitable sites. It might be worthwhile to have a discussion on how the process needs to change. Valorie suggested that we invite Frank McLaughlin to come to a future EJAC meeting to describe the process that is being followed at a North Camden site. The Michael Development in South Camden is an example of why municipalities need a Toolkit for evaluating Cumulative Impacts as recommended in the EJAC report.

NJDEP Report (Maria Franco-Spera)

The Ringwood Community is approaching a settlement with Ford. (For more info see April 18, 2009 Herald News article "Deal reached on Ford sludge" which was distributed at the meeting.)

A report issued by Creative Commons, entitled "Justice in the Air", was released last month. (Copies were available at this meeting.) The authors use TRI data to analyze toxic pollution from US Industries and Companies and their impacts on States, Cities and Neighborhoods. In the report they look at industries by sector, and they also single out the top ten corporate air polluters.

Anyone interested in serving an additional term on EJAC should send their resumes to Maria, as soon as possible. There will be some vacancies, so suggestions for candidates are also welcome.

The list of 62 schools in 22 states where USEPA will be measuring outdoor air quality has been released (and was available at the meeting). There are two sites in New Jersey – one in Paulsboro and one in Elizabeth. Sampling will be done at these schools over the summer. The USEPA and the State will be collecting the samples.

Announcements

EJ Coordinator: Maria Franco-Spera will be staying on as EJ Coordinator and will be reporting directly to Deputy Commissioner Watson. Jeanne Herb will continue to advise on EJ Policy.

Victory at Magic Marker: After more than 50 years of effort, the Magic Marker site in Trenton is now completely cleaned up. (See Trenton Times article of April 15, 2009 – distributed at meeting.)

Clean Coal Plant Proposed: SCS Energy has proposed to build a new coal-fired power plant in Linden which would capture carbon dioxide emissions and pump them 70 miles offshore to be sequestered below the ocean floor. (See New York Times of April 18, 2009 – distributed at the meeting.) The residents of Tremley Point are opposed to this controversial plant. Valorie Caffee noted that there are also proposals for a fertilizer plant and a truck depot in the same part of Linden.

NJEJA 2nd People's Assembly: Valorie announced that this will be held on June 13 at TESC (Thomas Edison State College) in Trenton. It will run from 8:30 am to 4pm. Admission is free.

Waste Transfer Station Proposed: Ted Carrington announced that a waste transfer station has been proposed for New Brunswick. Residents of North Brunswick and others have come out in opposition to it.

Citizens for Ocean Front Preservation: This group will be having a meeting on May 15 in Asbury Park and are looking for EJ support.

Princeton University's Woodrow Wilson School: EPA Administrator Lisa Jackson will be speaking on EJ in the 21st Century on May 8 at 4:30pm.

The meeting adjourned at 12:25pm.

Next Meeting

The next meeting of EJAC will be held on June 3, beginning at 10am in the 7th Floor Large Conference Room.

Minutes respectfully submitted by Joann Held, Secretary