

**ENVIRONMENTAL JUSTICE ADVISORY COUNCIL TO THE NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

EJ Advisory Council Members

Valorie Caffee, Chair
Ana Baptista, Ph.D. Vice Chair
The Reverend Fletcher Harper, Secretary
Sharon Brown, Corresponding Secretary
Kevin D. Moore, Parliamentarian
Stewart Abrams, P.E.
Kerry Margaret Butch
Theodore Carrington

EJ Advisory Council Members

Colandus "Kelly" Francis
Kim Thompson-Gaddy
Joann L. Held
The Rev. Dr. J. Stanley Justice
Zachary D. Lewis
Donald M. McCloskey
Judith Stark, Ph.D

Approved: January 6, 2010

**ENVIRONMENTAL JUSTICE ADVISORY COUNCIL MEETING RECORD
November 4, 2009, 10:00 a.m.
NJDEP 401 E. State St., Trenton, NJ**

CALL TO ORDER: Valorie Caffee opened the meeting at 10:15am.

COUNCIL MEMBERS PRESENT: All of the Council members were present with the changes noted below.

EXCUSED: Fletcher Harper, Judith Stark, Don McCloskey

UNEXCUSED: None

ALTERNATE: Kim Gaddy was represented by David Pringle

SPEAKERS: DEP Deputy Commissioner Jay Watson, DEP Assistant Commissioner Irene Kropp, DEP EJ Coordinator Maria Franco-Spera, Henry Rose (NJEJA),

VISITORS: Sharon Kubiak (DHSS), DEP Assistant Commissioner Wolf Skacel, Karen Kloof (DEP Office of Community Relations), Peter Montague

Meeting Record

Welcome & Agenda Review (Valorie Caffee, EJAC Chair)

Valorie Caffee called the meeting to order and asked all present to introduce themselves. She then asked for permission to rearrange the agenda in order to allow the representatives from DEP's Site Remediation Program to speak first.

Update – DEP's Site Remediation Program (Irene Kropp & Karen Kloof)

The Department is filing new rules for the remediation of contaminated sites on November 4. These rules are required by the Site Remediation Reform Act (SRRA) and are effective immediately. The rules cover the Licensed Site Remediation Professional (LSRP) program, the Technical Assistance Grants, and Presumptive Remedies, and other topics. The Site Remediation page of the DEP website contains more information about the rules and these programs.

The Department will now start to prepare final rules, which must be proposed in a year. They would like to have a member of the Environmental Justice community to serve on the LSRP Board, and asked if the Council could suggest someone. Resumes should be sent to the Governor's Office to the attention of the Appointment Board. Members of the LSRP Board must be approved by the Senate.

Technical Assistance Grants: OMB has set aside \$500,000 for these grants, which are required by statute. Grants will be given to community groups at the rate of \$10,000 for the Remedial Investigation Phase and \$10,000 for the Remedial Action Phase. The Department will be ready to begin issuing grants in January. Guidance on the program will be available by the end of the week. Communities must use these grants to hire an LSRP to review documents.

Public Notification: Everyone with a contaminated site had to provide public notice by Sept. 2, 2009. The compliance rate was very good. An Enhanced Public Notification process can be requested by a community. It requires a petition signed by 25 residents. A local government official or an Environmental Commission can also request Enhanced Notification.

New Ranking System for Clean-up Priorities: The SRRA requires the Department to establish a new ranking system for clean-up priorities by May 2010. They are developing a method which will use an interactive GIS system with many layers, including the Communities of Concern identified by the tool being developed by Steve Anderson in response to the Cumulative Impacts problem. They will use this tool to target enforcement actions and to allocate public funds for clean-ups.

Valorie Caffee encouraged members of the Council to comment on the new rules which are open for comment until the final rule is proposed and adopted. Kevin Moore suggested that we review some of our past comments on the development of the SRRA to see if they are still relevant.

Adoption of the October Minutes

Kelly Francis requested that his remarks under "VII. Public Comment" be amended to include his comment that the Camden housing development also has a number of industrial facilities nearby.

Kevin Moore moved to accept the minutes with Kelly's amendment. Ted Carrington seconded the motion. The motion passed unanimously.

EJAC's New Executive Council

The new members of the Executive Council were announced. They are:

Chair: Valorie Caffee

Vice Chair: Dr. Ana Baptista

Recording Secretary: The Reverend Fletcher Harper

Corresponding Secretary: Sharon Brown

Parliamentarian: Kevin Moore

Valorie recommended that these officers review the Roles and Responsibilities section of the By-Laws.

Beginning with this meeting, we will be taking attendance with a sign-in sheet. Fletcher

Harper (as Recording Secretary) will be responsible for keeping a copy of the attendance sheet. If a member is not able to attend a regularly scheduled Council meeting, please inform Maria Franco-Spera so that she can mark you as excused on the attendance sheet. Three unexcused absences could result in removal from the Council.

EJAC Priorities for 2009-2010

There was a general discussion concerning topics that the Council may wish to focus on during the coming year, and also what information we might wish to convey to the incoming Christie administration.

EJ Tool for Identifying Communities of Concern: The Council would like to see this tool be made more public and readily available so that people can begin using it. Could we use our December Council meeting to launch it? Jay Watson is concerned that the tool might be used by outside interests to delay the implementation of some Department efforts to address cumulative impacts. He requested the Council's assistance in selecting a subset of Communities of Concern (perhaps 15) to begin to focus on and to pilot internal efforts with these communities.

Compliance and Enforcement: Wolf Skacel reported that the Compliance and Enforcement program has completed 3 of the 5 visits to Communities of Concern to which they committed in the Commissioner's Action plan. He asked if the Council could suggest two other communities. Another option would be to encourage communities to nominate themselves.

Mini-NEPA: We are still interested in pursuing legislation that would codify some of the EJ actions that are being tested by the Department and would permanently establish this Council. It should also embed concerns for cumulative impact into government actions, policies and procedures.

Christie Administration Transition: Sharon Brown recommended that a letter outlining our Council priorities be sent to the Christie Transition Team. Zach Lewis moved that the letter should be written. Kevin Moore seconded the motion. The Council unanimously approved the motion. Sharon (as Corresponding Secretary) will draft the letter and share it with the Council. Suggestions for priorities to highlight in the letter should be sent to Sharon. Kevin reminded us that the EJ wish-list that we prepared last Summer might be a good starting point.

Central Jersey Class A Recycling Facility (Valerie Caffee & Henry Rose)

Officials from Mercer County and the City of Trenton met to discuss the traffic reports for this new recycling operation that has been proposed for the Central Jersey Waste site on Breunig Avenue in Trenton. (Community organizations were not represented at this meeting due to insufficient notification.) At the meeting, the City requested that an Environmental Impact Assessment be prepared for the project. The County Solid Waste Advisory Council (SWAC) is planning to report on the project at the Mercer County Freeholders meeting on Nov. 10 at 7pm.

One problem for organizations that wish to comment on a project like this is finding a way to keep track of all the public notices, meetings, agendas, and plans. Sharon Brown suggested writing a letter to the SWAC asking them to establish an RSS feed option to aid in notification.

Henry Rose suggested that NJ solid waste management laws be amended so that environmental and public health impacts in a community will be addressed in solid waste plan changes.

Coal Power and Environmental Justice in Linden (Peter Montague)

Peter reviewed the proposal by PurGen to build a new coal-fired power plant in Linden. The project proposes an Integrated Gasification Combined Cycle (IGCC) 750 MW plant with carbon sequestration beneath the ocean floor. Peter requested that the Council advise the DEP to do everything possible to stop this plant.

A copy of Peter's presentation can be found at: <http://tinyurl.com/yl8unmb>

and detailed information related to the presentation can be found at:

<http://tinyurl.com/lmgqfv>.

It was suggested that the Council adopt a resolution in opposition to the PurGen plant and send it to DEP and other parties, asking them to do all they can to stop this project. Ted Carrington moved that we draft such a resolution, and Ana Baptista seconded the motion. The ensuing discussion highlighted many reasons why we might oppose this project. For example:

Coal combustion in general is not a good idea. Instead we should support renewable energy.

The emissions from PurGen would be added to an area that is already overburdened. The City of Linden has passed a resolution against this proposal and we should support them.

Even though it seems obvious that this project should not be built, political pressures sometimes overwhelm technical considerations. So it is important to take a stand against the siting of this plant in Linden.

After the discussion, the motion was adopted unanimously.

DEP EJ Program Coordinator Report (Maria Franco-Spera)

Maria reported that she received a package of information regarding the Logan Township housing development (proposed by Raccoon Creek Group) from Governor Florio.

(Copies were available at this meeting.) A preliminary evaluation indicates that numerous environmental constraints are present at this site, such that a residential development could probably not be built on this site. Some of these constraints include nearby eagles nest, wetlands and tidelands. So, it seems that the EJ issue may be moot. Some members of the Council, however, expressed an intention to speak to Logan Township officials about this project. Council members would also be interested in learning more about the COAH program. Some possible speakers were suggested.

Announcements

There was no time for announcements; however, the following materials were distributed:

GreenFaith is hosting a webcast on Energy Policy on Nov. 12.

The Clean Water Council Annual Public Hearing will be held on Dec. 7 from 9am to noon in the DEP Public Haring Room. The topic is "How could climate trends affect water quality management in New Jersey?"

Adjournment

The meeting was adjourned at 1:45pm. The next meeting will be on December 2, 2009 at 10am.

Respectfully submitted,

Joann Held (Acting Secretary)