

**ENVIRONMENTAL JUSTICE ADVISORY COUNCIL TO THE NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
January 3, 2010 Meeting Minutes**

EJ Advisory Council Members

Valorie Caffee, Chair
Ana Baptista, Ph.D. Vice Chair
The Reverend Fletcher Harper, Secretary
Sharon Brown, Recording 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

Minutes Approved: February 3, 2010

ENVIRONMENTAL JUSTICE ADVISORY COUNCIL MEETING RECORD

**January 6, 2010, 10:00 a.m.
NJDEP 401 E. State St., Trenton, NJ**

CALL TO ORDER: Valorie Caffee opened the meeting at 10:16 a.m.

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

EXCUSED: Sharon Brown, Rev. Dr. J. Stanley Justice, Stewart Abrams

UNEXCUSED: Ted Carrington, Kim Gaddy

SPEAKERS: EJ Coordinator Maria Franco-Spera,

VISITORS: Peter Montague, Ph.D.; Chiare Vernon, NJDEP Watershed Ambassador;
Steve Anderson, NJDEP Office of Policy and Planning; Jeanne Herb, NJDEP Director of Policy, Planning and Science, J. R. Capasso, Brownfields Coordinator, City of Trenton

Meeting Record

Minutes for the November and December 2009 EJAC meetings were approved as amended.

Discussion of December Public Meeting on Cumulative Impacts Report

Valorie Caffee noted that the Executive Summary of the Cumulative Impacts report was available at this meeting. She thanked EJAC members for their participation at the meeting, and thanked Ana Baptista for leading the presentation of the report.

EJAC members discussed the December meeting. Zachary Lewis thought that the report was well-received. Ana Baptista thought that the meeting went well and commended Steve Anderson for his presentation. Jeanne Herb reported that there were no comments received during the public comment period, and that the report was posted on the web.

Maria Franco-Spera noted that she would explore making the report slightly easier to find on the NJDEP website. Valorie Caffee thanked Jeanne Herb and Steve Anderson for the quality and clarity of their presentation. She encouraged EJAC members to spread the word about the report to our constituencies, and thanked NJDEP for allowing EJAC to hold the meeting. She noted the need for ongoing committees to forward work on issues related to the report – particularly a committee to explore whether EJAC should advocate for a “mini-NEPA” to bolster protections for New Jersey EJ communities, and to provide more support for NJDEP’s efforts to protect EJ communities. Don McCloskey and Ana Baptista noted that New York and other states had such laws, and recommended a review of these as parts of the Committee’s review. Ana Baptista, Don McCloskey, Fletcher Harper, Peter Montague, Zachary Lewis all expressed interest, and Peter Montague noted that he’d been authorized to volunteer Nicky Sheats for the committee. It was noted that EJAC members would serve as committee members, with non-members serving as advisors.

Interest had been expressed in forming a committee to conduct outreach and education to municipal officials about cumulative impacts and EJ issues. There was a consensus that it was an important idea. Kerry Butch said that ANJEC is creating a resource and training guide for municipal leaders on cumulative impacts and EJ, and that ANJEC was interested in partnering with EJAC to carry this out. Kerry noted that the California Air Resources Board had extremely useful resources that included detailed technical specifications and best practices that could serve as a model for New Jersey. Kerry asked for EJAC members to advise ANJEC on drafting these resources. The CARB resource is called *The Air Quality and Land Use Handbook – A Community Health Perspective*. Its URL is listed in the appendix of the EJAC Cumulative Impacts report. Kerry Butch also noted that funding from the Pew Charitable Trusts is available for public health impact assessments, and that a New Jersey project might be a good fit for this. Joann Held, Kerry Butch, Ana Baptista, Valorie Caffee volunteered to serve on a committee that would focus on educating municipal officials, and developing models for tools that could be used in this effort. Judith Stark offered to participate and to seek to involve some of her students, as appropriate, at a later time.

Ana Baptista reported that she had conducted a tour of several areas in the Ironbound with NJDEP officials including Wolf Skacel on Dec. 10, 2009 to discuss areas where there were potential permit violations, including smaller sites which had to date escaped notice for potential violations. Ana also raised questions about the process used by NJDEP for decision-making about funding Supplemental Environmental Projects. Currently, these decisions appear to be made through recommendations from the polluter and NJDEP. Jeanne Herb noted that there had been discussion over a period of years about this topic and suggested that EJAC identify this issue as one worthy of focus for the new administration. She also described an organization within the land conservation community that functioned as a broker and third-party facilitator for these kinds of opportunities; there was agreement that this seemed like a good idea. Ana also described what New York City had learned from its experience improving the accessibility for EJ communities of its 311 hotline for reporting pollution. Zachary Lewis described research

that had been conducted to determine ways in which hotline services can be improved for community reporting purposes.

Fletcher Harper noted the importance of ongoing communication about cumulative impacts and the NJDEP mapping tool. Jeanne Herb agreed and suggested that EJAC explore using the NJDEP tool as a way to tie together issues of cumulative impacts, community health and land use. Kerry Butch noted that she intended the work to be done through the committee to encompass these issues. Jeanne Herb encouraged EJAC to create a strategic “wish-list” for the new NJDEP Commissioner that might include emphasis on the importance of the GIS mapping tool’s availability.

Environmental Justice Coordinator’s Report

Maria Franco-Spera reported that on January 4, 2010, NJDEP approved Mercer County’s request for an administrative action to include in the County Plan a Class A recycling facility. This facility is to be owned and operated by F&M Holdings, LLC and is proposed to be located at 500 Breunig Ave. in Trenton. Discussion followed about the centralization of authority for decision-making about the siting of recycling facilities at the country level since the 1980’s.

Maria also noted that guidelines for technical assistance grants were posted on NJDEP’s site remediation website – the SRRA (Site Remediation Reform Act) webpage at: <http://www.nj.gov/dep/srp/srra/community/>. She noted that the source of funding for these grants had been identified in the SRRA legislation but not yet allocated by the transition team.

Maria reported that she had spoken with Avery Grant of Concerned Citizens Coalition of Long Branch (LBCCC). From NJDEP’s perspective, all requests made in the LBCCC’s original EJ Petition have been granted. LBCCC has raised new concerns about odors from the Long Branch Municipal Sewer facility, which has recently received \$13.7 million from the several sources including federal stimulus package to improve its facilities. The sewer authority has refused to meet in person with LBCCC about this, and NJDEP is trying to broker some form of meeting.

Maria reported that according to The Record, the Borough of Ringwood agreed to settle for \$1.5 million with more than 600 residents from Upper Ringwood, who sued the borough over Ford Motor Co., dumping in their neighborhood 40 years ago. This agreement follows a \$10 million settlement in September 2009 with Ford. This means that residents will receive approximately \$13,000/person. Residents are very disappointed about this. EPA’s monthly meetings with the community continue, as does the cleanup process.

Kelly Francis asked about the status of the Logan Township discussions. Parliamentarian Kevin Moore noted that this was not an item on the meeting agenda. Kelly noted that a meeting would soon take place with township officials.

J.R. Capasso from the City of Trenton said that there would be a meeting with the County Freeholders on Feb. 6 to discuss the recycling plant issue.

Valorie Caffee requested that EJAC members send recommendations to her and Maria Franco-Spera about priorities to be communicated to the new governor and commissioner.

Peter Montague reported on the status of the Linden Carbon Capture and Sequestration project, noting that forthcoming Federal legislation might set a generous price for carbon sequestered by facilities such as the proposed Linden plant. Discussion followed about the use of the November 2009 EJAC resolution opposing the proposed PURGEN Coal Gasification project in a press release. Maria Franco-Spera agreed to look into this issue.

Announcements

Joann Held announced that at the conclusion of the Camden CARE grant, many leaders in the group had decided to form the Waterfront South Environmental Network to continue to discuss issues related to Waterfront South.

Kerry Butch announced that her documentary on eminent domain – *Greetings from Asbury Park* – had been picked up for distribution by PBS.

Don McCloskey announced that PSE&G had agreed in principle to allow the NJDEP to locate monitoring equipment at one of the PSE&G facilities in Camden. This equipment had suffered from vandalism when previously located at other sites in Camden, and NJDEP had been looking for a secure site to house the air monitoring equipment. PSE&G and NJDEP will discuss details about this to seek to finalize a legal agreement.

Kelly Francis described his ongoing efforts in relation to the Hope VI project in the Centerville section of Camden. Kelly reported that he attended and provided public comments at the October 2009 Camden Economic Recovery Board meeting. He reported to the ERB Board that he opposed the project from the beginning, and that he questioned the veracity of the environmental report provided by the developer as one of the requirements for HUD funding. The ERB Chairman stated that this matter would be followed up with the Department of Community Affairs and the Attorney General's Office. The October 2009 minutes are available at the ERB webpage at: www.camdenerb.com/minutes/102709.pdf.

Maria Franco-Spera invited items to be placed on the February meeting agenda. Don McCloskey suggested that it would be useful for the EJAC to receive an introductory presentation about Federal NEPA to build common understanding. There appeared to be a consensus in agreement with this.

The meeting was adjourned at 12:04 p.m.