

**ENVIRONMENTAL JUSTICE ADVISORY COUNCIL TO THE NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
March 3, 2010 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: April 7, 2010

ENVIRONMENTAL JUSTICE ADVISORY COUNCIL MEETING RECORD

**March 3, 2010, 10:00 a.m.
NJDEP 401 E. State St., Trenton, NJ**

CALL TO ORDER: Valorie Caffee opened the meeting at 10:20 a.m.

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

EXCUSED: Ana Baptista, Zachary Lewis, Donald McCloskey, Kevin Moore, Rev. Dr. J. Stanley Justice

SPEAKERS: DEP EJ Coordinator Maria Franco-Spera, NJDEP Jeanne Herb

VISITORS: Sharon Kubiak, NJDHSS, Jeanne Herb, NJDEP Policy Director

Meeting Record

Professor Stark’s feminist-environmental initiative was added to the agenda as item IV c.

The minutes from the February 3, 2010 EJAC meeting were amended to reflect a correction of the spelling of “Brwon” to “Brown” towards the bottom of page 3 and to add the words, “future meetings” at the end of the last sentence of the second paragraph on page 6. The minutes were adopted as amended.

Old Business

ANJEC Toolkit

Kerry Butch requested clarification on EJAC’s role in ANJEC’s project to train urban environmental commissions in the use of a toolkit on environmental and EJ matters. ANJEC is moving to carry out the training and needs to know if EJAC will be involved in presenting information about the cumulative impacts study and the related method that NJDEP has been developing. There was a consensus that this question would be resolved

in a sub-committee-level discussion. Kerry noted that ANJEC is planning to publish an article about the NJDEP Cumulative Impacts method that was discussed at the public hearing in December 2009. She invited EJAC members to speak with her about this if they were interested. Maria Franco Spera emphasized that the Cumulative Impacts method had not yet been endorsed or approved by Acting Commissioner Martin. Stewart Abrams noted that the Cumulative Impacts method represented strong work and that it was a work in progress.

Mini-NEPA Committee

Valorie Caffee described the initial meeting of the Mini-NEPA committee, whose meeting notes were distributed. She noted that the Committee felt that a new, clearer name for the Committee was a priority, and welcomed suggestions. She also described the background materials which she had distributed to the Committee prior to the meeting, including documents related to the formation of the EJAC and the Environmental Equity Initial Process for Permitting. She noted that this EE Initial Process – which was not adopted - sought to create a process for early-stage discussion of projects with potential EJ impacts, with the hope that optimal outcomes from an EJ perspective could be achieved. She said that the Committee remained concerned that future streamlining of permitting processes not lead to additional pollution burdens on EJ communities. She recounted the history of efforts to develop the Environmental Equity Initial Process for Permitting, noting that former Commissioner Shinn had invested significant time and effort personally in the development of the Process. Valorie reported that Don McCloskey had shared his perspective on a somewhat similar process in New York related to projects by state agencies or on state land, and that the Committee had agreed that there was value in including stakeholders from the regulatory and business communities in addition to EJ, environmental and community representatives. Sharon Brown voiced her support for creating and enhancing opportunities for public comment from potentially impacted communities. She also noted the potential impact of such rules or processes on companies, and said that she felt it was important to identify ways to promote good behavior by developers, businesses and potential polluters by means including formal regulatory processes and informal alternative processes. Joann Held noted the importance of rules, policies and procedures in creating opportunities for early-stage public involvement and comment. Valorie Caffee and Stewart Abrams described the large amount of past research and efforts on these and other related issues in 2000-2001 period. Fletcher Harper noted the political complexities and challenges related to this topic. Jeanne Herb noted that the new Commissioner was holding back on engaging new issues like this until after his confirmation in late March. Kim Gaddy reported on the very strong showing at a recent NEJAC meeting in New Orleans by EPA staff and Administrator Lisa Jackson, and suggested that there might be opportunities for developing fruitful relationships with US EPA in relation to these issues.

EJAC Roles and Responsibilities

Valorie Caffee referenced the handouts she had created on this topic – the NEJAC charter, the Administrative Order issued by Commissioner Shinn, and the EJ Executive Order signed by Gov. McGreevy. Valorie described a conference call between the EJAC Executive Committee and DEP staff to discuss roles and responsibilities of EJAC.

Valorie noted that in past years, the EJAC had taken positions that represented advocacy for specific policies and on specific issues, and that it appeared for several reasons that it would be wise to review EJAC's roles and responsibilities. Jeanne Herb said that she thought that it might be wise for EJAC to gain a charter which formalized and assured its existence, and clarified its roles and responsibilities. Sharon Brown suggested that outreach to legislators could help build support for EJAC. Fletcher Harper said that he liked the breadth of the scope of the NEJAC Charter. Jeanne Herb reminded the EJAC that NJDEP has not issued charters in the past, and that she envisioned the possibility of an administrative order which included certain features of a charter. Kim Gaddy voiced concern that the EJAC's voice was not quickly responded to by the Commissioner's office on many occasions, and wondered if a new order was needed because the previous governor's EJ executive order had not been revoked. Jeanne Herb replied that she thought that an Administrative Order from the Commissioner would codify and solidify EJAC's position within NJDEP. Stewart Abrams noted that the new Commissioner is meeting with EJAC in April, and suggested that a subcommittee be responsible for consolidating a list of items to be discussed with the new Commissioner in April.

There followed a long discussion about the roles and responsibilities of the EJAC. It was agreed that a subcommittee would work with DEP staff to draft a document that described and formalized EJAC's role. Valorie Caffee, Sharon Brown, Fletcher Harper volunteered to serve.

Recommendations for NJDEP Policy Priorities

Valorie Caffee requested that EJAC members send e-mail input for the NJDEP Policy Priority memo to be shared with Commissioner Martin for the April EJAC meeting.

New Business

Robert's Rules of Order

Valorie Caffee noted that Parliamentarian Kevin Moore had asked that EJAC members reacquaint themselves with Robert's Rules of Order as a means of facilitating productive discussion.

Environmental Justice Coordinator's Report

Maria Franco Spera thanked Sharon Kubiak for her faithful participation in EJAC meetings. Sharon is retiring and this is her final meeting.

There will be a meeting on March 16 to discuss modeling of air emissions in relation to Port Newark, and a second meeting to discuss the results of diesel school bus air emissions reporting.

Climate Literacy Pamphlet

Judith Stark shared with the Council a Climate Literacy Pamphlet which summarizes the basic science behind climate change in one simple document. It was produced by the US Climate Change Science Program with more than a dozen well-respected Science and Educational Partners. She noted that "Climate Change" is a more descriptive term than

"Global Warming" since it encompasses a wide range of effects and is harder for people to brush off when they look outside and see snow.

Announcements

- * On March 11 at 2pm, the Ironbound Community Corp will be hosting a press conference with Region 2 Administrator Judith Enck at Riverbank Park in Newark to kick off their CARE Project. For more information, contact Ana Baptista
- * On March 9 at 10am, Covanta will be making a presentation to the Newark Municipal Council regarding their Municipal Waste Incinerator. The public is encouraged to attend. For more information, contact Kim Gaddy.
- * On April 17, the NJ Environmental Federation will hold their Annual Conference at Rutgers Law School in Newark. Governor Christie and Administrator Enck have both accepted invitations to speak. For more information, contact Kim Gaddy or go to www.cleanwateraction.org/njef.
- * On March 9, Eyes on Trenton will testify in opposition to the Central Jersey Recycling Facility plans at a public hearing being held by the Mercer County Freeholders. The hearing begins at 6:30pm. For more information, contact Valorie Caffee.

Our next meeting will be on April 7.