

**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, 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: June 2, 2010

ENVIRONMENTAL JUSTICE ADVISORY COUNCIL MEETING RECORD

April 7, 2010, 10:00 a.m.

NJDEP 401 E. State St., Trenton, NJ

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

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

EXCUSED: Theodore Carrington, Kelly Francis, Kim Gaddy (Dave Pringle attended for Kim Gaddy) and Don McCloskey

UNEXCUSED: None

SPEAKERS: DEP Commissioner Bob Martin, DEP EJ Coordinator Maria Franco-Spera, DEP Peg Hanna, DEP Cathy Tormey

VISITORS: Peter Montague, Nicky Sheats, and Henry Rose with the NJ Environmental Justice Alliance, Morgan Transue (Eagleton Institute), Dave Pringle, NJ Environmental Federation, Dr. Jerald Fagliano with the NJDHSS.

Meeting Record

I. Welcome and Roll Call

Valorie Caffee called the meeting to order at 10:15 a.m. Council Members and guests introduced themselves.

II. Adoption of Agenda and Minutes

Joann Held asked for an update on Waterfront South to be added to the New Business section of the agenda. A motion was unanimously passed to adopt the minutes of the March 3 meeting as submitted.

III. New Business

Valorie reported that Commissioner Martin would be joining the meeting for approximately 15 minutes. She reviewed the “Wish-List” that Council members had developed for discussion with the Commissioner, noting that priority had been placed on the completion and release of the GIS-based application for determining which communities suffer from the heaviest pollution burdens. Valorie also noted that a number of the items on the wish-list represented new policy initiatives. Stewart Abrams recommended that the EJAC invite the Commissioner to tour an EJ community to become better acquainted with the challenges and environmental health threats facing these communities. There was a consensus that this was a high priority for EJAC members. Valorie asked various EJAC members to present various aspects of the “Wish List.”

Commissioner Martin joined the meeting at 10:27. EJAC members and guests introduced themselves to the Commissioner. The Commissioner noted that environmental justice represented a priority area for the Governor and that he wanted to understand the EJAC’s priorities. The Commissioner noted that the DEP would be developing a succinct vision and action plan in the coming three months, and said that he wanted EJ concerns to be represented in this plan.

Valorie Caffee began introducing the Commissioner to the “Wish List.” She reviewed the “Top Priorities” section of the document, noting that the retention of EJ Program staff and the completion and public release of the GIS-based tool were the top priorities. The Commissioner stated his strong support for retaining the Environmental Justice office.

The Commissioner asked about preferred methods for addressing issues of cumulative impacts. Valorie noted the importance of the GIS tool for this purpose. Joann Held suggested identifying several pilot communities where strategies for addressing cumulative impacts could be tested. She said that it was important that early engagement of stakeholders was vital, and Comm. Martin agreed. Guest Peter Montague suggested that the burden of proof around the protection of EJ communities be placed squarely on permit applicants. Guest Nicky Sheats noted that the inclusion of stakeholders early on did not guarantee that permitting decisions would protect the most burdened EJ communities. Ana Baptista spoke about the value of the GIS-based system. Rev. Stanley Justice repeated Sheats’ point that changing the process of decision-making represented a greater challenge than the use of new technology. The Commissioner agreed and pledged his commitment to working to address this issue. Valorie Caffee asked the Commissioner to visit an EJ community; the Commissioner agreed.

Ana Baptista presented Wish-List items related to particulate matter (PM). She noted the importance of community-based monitoring to identify PM hotspots. The Commissioner excused himself for several minutes to respond to a priority telephone call.

In the Commissioner’s absence, Joann Held reported on new developments in Waterfront South. She said that the newly formed Waterfront South Environmental Network had learned of a new permit for a gypsum plant near Waterfront South, and after viewing the permit documents at the Camden Library had met with approximately 10 DEP staff to

discuss the permit. Joann reported that the meeting had been useful for explanatory purposes, and that DEP staff had expressed interest in understanding the best ways to engage community members. Joann also said that there was an increased amount of random, suspicious dumping in Waterfront South, Camden. She suggested that in the future, the EJAC consider placing solid waste disposal on its agenda. Ana Baptista said that the Ironbound Community Corporation had utilized the DEP Pollution Reporting Hotline for this purpose.

Commissioner Martin returned. Ana Baptista resumed her presentation on air pollution, and noted that diesel retrofits in urban communities represented a priority. The Commissioner agreed and said that he would explore having his staff determine if such an initiative would be possible – noting that funding likely existed to carry out such a pilot project. Finally, Ana said that EJAC felt that DEP's greenhouse gas emissions reduction strategies should also seek to reduce co-pollutants by reducing NOx, SOx, black carbon, and other co-pollutants.

Kerry Butch presented the site remediation concerns from the Wish List, followed by Fletcher Harper who presented on enforcement concerns and Kevin Moore on green space. Kevin noted the importance of increased resources in support of urban parks, protecting habitat as well as open space, and the importance of SEP funds being targeted for use in communities where the environmental injury had occurred.

Commissioner Martin thanked the EJAC and indicated his intention to maintain contact with the EJAC. He excused himself.

IV. Old Business

a. Debrief on EJAC Wish List

EJAC members discussed the Commissioner's comments. Kevin Moore asked about the Commissioner's intention related to continuity with plans from the previous administration. Judith Stark noted the importance of highlighting EJ concerns to the Commissioner in the near-term so that EJ concerns are integrated into the strategic plan for the DEP. Ana Baptista suggested that the Commissioner be invited to several EJ sites. Stewart Abrams suggested the importance of selecting either the Ironbound or Waterfront South because of the severity of the issues they face and because of the availability of experienced tour guides. It was agreed that leaders from ICC and Waterfront South work with the DEP to seek to schedule visits to these communities.

b. Subcommittee Reports

Kerry Butch reported on discussions she had held about the EJ Municipal Tool Kit. She had met with Peter Montague, and they agreed that the most valuable tool would be a sample ordinance. Kerry reported that Peter had drafted a sample for review by members of the NJ Environmental Justice Alliance. Ana recommended 2 additional ordinances which she knew of, and suggested that this sub-committee review these as they craft their model. Kerry said that she hoped to have a model ordinance completed by June 30, and that she would circulate a draft to EJAC members in late April.

Valorie noted that there had been some discussion about the scope of work for the mini-NEPA committee, saying that the subcommittee had initially felt that it might be most effective to create a pilot effort to create an ordinance or other tools that would implement EJ protections and priorities in several EJ communities. Joann Held said that she felt it would be useful for the EJAC to hear a presentation about existing land-use regulations and ordinances that impact EJ communities so that EJAC members were aware of these.

Maria Franco Spera reported that the Commissioner would like the EJAC to function as an advisory body to the Commissioner. This advice could be offered through a memo to the DEP EJ staff, discussion at EJAC meetings, and other means. The Commissioner wanted EJAC members to know that they served on the Council as individuals, not as representatives of their organizations. Maria said that the Commissioner wanted the EJAC to function solely to advise him and not to take public positions or to establish a public presence apart from its advisory role. Fletcher Harper said that he felt it would be important for the EJAC to begin communicating consistently with the Commissioner about its priorities and concerns, and to identify the best ways to communicate with the Commissioner. Maria Franco Spera said that she felt that, as an example, a quarterly memo to the Commissioner might be an effective means of communicating. Valorie Caffee suggested that Maria ask the Commissioner about the ways he would prefer that the EJAC communicate with him. Joann suggested that EJAC members might take part in other stakeholder processes. There was discussion about the ways in which EJAC members might do this representing themselves or their institution, but not representing the EJAC. Sharon Brown asked if it would be possible for EJAC members to receive a summary of new rules and regulations, which would enable the EJAC to offer its perspective. There was consensus that this was a wise idea.

Peter Montague asked if the letter that the EJAC had sent to Bradley Campbell was public and where he could acquire a copy. Council members affirmed that the letter was public. Maria said she would send Peter a copy.

Joann reported that she had been appointed to the Site Remediation Program Steering Committee, and that she looked forward to sharing relevant information from this group with the EJAC. Joann also reported that the Clean Air Council was meeting next week.

Valorie Caffee noted that the NJ Environmental Federation conference was upcoming on April 17, and that the ANJEC conference was scheduled for October.

A motion was unanimously passed adjourning the meeting at 12:03 p.m.