

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

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The Reverend Fletcher Harper, Secretary
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The Rev. Dr. J. Stanley Justice
Zachary D. Lewis
Donald M. McCloskey
Judith Stark, Ph.D

Minutes Approved: September 8, 2010

ENVIRONMENTAL JUSTICE ADVISORY COUNCIL MEETING RECORD

June 2, 2010, 10:00 a.m.

NJDEP 401 E. State St., Trenton, NJ

CALL TO ORDER: Valorie Caffee opened the meeting at

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

EXCUSED: Stewart Abrams, Dr. Judith Stark, Kim Gaddy-Thompson

UNEXCUSED: Sharon Brown, Zachary Lewis

SPEAKERS: DEP EJ Coordinator Maria Franco-Spera, Linda Bonanno, Andrew Geary, Olga Boyko, George Klein, Izak Maitin, Nick Sodano, all DEP Staff

VISITORS: Dr. Peter Montague, Allan Willinger, DAQ, DEP, Long Branch CCC members: Diana Meade-Gibbs, Avery Grant and Joe Turpin.

Meeting Record

Adoption of Minutes: The minutes of the April 7, 2010 meeting were reviewed and Ted Carrington suggested that the following changes be made to the update on Waterfront South (paragraph 6 of New Business). “Joann also said that there was an increased amount of random, ~~illegal~~ suspicious dumping in Waterfront South, ~~and~~ Camden.” Rev. Justice moved that the minutes be adopted as corrected; Kelly Francis seconded the motion. The April minutes were unanimously approved with this correction.

Central Jersey Class A Recycling Facility: Valorie Caffee announced that the Mercer County Freeholders have unanimously rescinded their approval of a site for this recycling plant in a residential neighborhood of Trenton. She stated that this project has raised issues about how solid waste management is handled by the DEP and that is a topic we expect to pursue as a Council. Others commented on how cumulative impacts in neighborhoods such as this (e.g. the siting of St. Lawrence Cement in Waterfront South, Camden) are a problem that needs to be addressed decisively.

Ana Baptista moved that EJAC send a letter to Commissioner Martin reinforcing our original recommendation that this project not be approved, and urging the DEP to accept the County's decision to rescind the siting approval based on Cumulative Impacts. Kerry Butch seconded the motion and it was approved unanimously. Valorie will write the letter and copy the Mercer County Freeholders.

EJ Municipal Toolkit: Kerry Butch reported that she has been working with Valorie Caffee, Peter Montague, Sandy Batty (ANJEC) and others, and now has a good first draft of the toolkit. Topics include: zoning problems & options; how to do a cumulative impact assessment (borrowed from CARB); public participation; case studies; sample ordinances; terms & definitions. She is looking for volunteers to review the draft. ANJEC is committed to doing an educational piece on this topic at their annual meeting in October. Valorie commented that she can see the EJAC report on Cumulative Impacts coming to life in this document, and that it will be an important tool for our Municipal leaders.

Municipal EJ Ordinance: Valorie Caffee reported that the Mini-NEPA workgroup had a conference call and that some parallel work is going on with the NJEJA and the NJ Environmental Lobby. It would be good if all of these groups could meet together over the summer.

Site Remediation Steering Committee Update: Joann Held reported on activity in this area. She agreed to circulate information presented to the Site Remediation Steering Committee with the EJAC, and she invited EJAC members to share their questions or concerns about these items with her. Joann offered to e-mail some preliminary material to the EJAC. George Klein stated that the minutes of all meetings related to the Site Remediation Program would be posted, and said that the SRP was looking for participation from stakeholders to address issues of scoring, ranking and prioritizing sites for remediation. Ana Baptista expressed concerns that the process established for stakeholder processes made it difficult for EJ and community leaders to participate meaningfully – both because of the number of meetings required, the amount of time required for travel to and from Trenton, and the difference in resources available to industry groups as compared to community and EJ groups. She suggested that DEP create additional opportunities for community and EJ involvement, such as meetings in community locations and at existing EJ meetings. Andrew Geary responded that DEP would work to include EJ and other advocates in the stakeholder processes.

DEP EJ Report: Maria Franco Spera reported that the Commissioner has included environmental justice into the DEP mission statement. DEP staff is working on a short term action plan for the summer which will precede the release of DEP's Transformation Plan this fall.

Maria reported that DEP was working with the Ironbound Community Corporation to address issues of vapor intrusion in Wilson School. She expressed gratitude for ICC's efforts to plan the meeting.

She also reported that the national EJAC had sent out an invitation to EJ advocates to a conference call on the impacts of the Gulf oil spill on EJ communities.

Remedial Priority Scoring (RPS) System

Izak Maitin presented information about the RPS system, and expressed enthusiasm for the use of GIS technology to begin addressing issues of cumulative impacts. He noted the complexity of measuring risk, and the importance of making sure that the tool does not understate or overstate risk related to various sites.

Nick Sodano said that he felt technologies existed to make the RPS tool accessible to EJ concerns. Currently, the system takes 2 weeks to provide a report ranking the sites in the state. He said that it would be possible in the future to overlay additional layers of data to reflect more accurately sensitivity to EJ concerns. The RPS system relies on databased information, enabling a quicker ranking of each site. However, RPS cannot fully replace case managers because of particularities of each site. Nick emphasized the importance of the data in the system as a way of prioritizing sites. The site scores will be one of the criteria used to determine the level of oversight required for each site – which sites will be remediated with and without DEP oversight. Currently, groundwater contamination is the sole data source used to create the rankings.

The RPS system responds to the SRRA law which required attention to risk to people and the environment, length of time in remediation, economic and other factors. The RPS system uses database information on the level of threat posed by the site and the level of exposure of people and the environment to arrive at its site score. RPS seeks to analyze the extent of the impact of each site, and also seeks to layer data from various sources – Census data, land use and streams/water information – to arrive at a score. The strength of the RPS system is that it can be adapted at future times to include more data or new data. Nick reviewed the number of levels of data that can be included into an RPS score, and described the statistical processes DEP can use to measure the level of risk posed by each site. He noted the difficulty of arriving at the proper weighting of data to arrive at the RPS scoring system, and noted that the scoring system was a work in progress. DEP has decided to use the concept of “the latest highest” scores as a way of prioritizing sites – looking at the highest results from recent time periods to make decisions on how to “score” the site.

For sites without adequate data, DEP seeks to review existing data and tends to assign newer sites a lower score – a “Tier 1.”

Kevin Moore and Ana Baptista expressed concern that the RPS system required a large amount of interpretation of data and the relative importance of various inputs.

Urban Community Air Toxics Monitoring Project, Paterson

Dr. Linda Bonanno reported on DEP efforts to measure air toxics in Paterson, noting that Paterson had been chosen for this study because it appeared to be a representative New

Jersey urban community. DEP measured 132 air pollutants at 3 Paterson locations, and compared to a rural site in Chester. Air sampling took place from November 2005 to December 2006. Of the 132 pollutants measured, only 1 contaminant (p-dichlorobenzene) was above NJDEP acceptable levels. NJDEP contacted its enforcement division about these elevated levels once they were discovered. Napthalene was also marginally above safe levels.

There were 4 additional pollutants that were above the NJDEP health benchmark in Paterson that were also above the benchmark level in the other 4 NJDEP air monitoring sites. These contaminants include arsenic, benzene, carbon tetrachloride, chloromethane, chloroform, and tetrachloroethylene.

Conclusions from the study included:

- Air pollution in Paterson is largely similar to other urban sites around New Jersey, and frequently fails to meet Federal standards for air quality.
- Local monitoring is important to identify local concentrations of contaminants.
- The state's air monitoring system appears to report accurately.

DEP has received additional federal funding to study air quality in Paterson – to determine whether the prior spike in p-dichlorobenzene was a one-time event or repetitive pattern, to determine the variability of levels of the 8 air toxins of concern, and to install small sampling devices in multiple Paterson locations. Data will be gathered through April 2011, followed by a public meeting to present data in January 2012. Quarterly updates will be provided to the community.

Dr. Bonanno noted that there had been concern in the community about the lag time related to the release of the data because of time required for data quality assurance and because of the study design. She expressed interest in working with GreenFaith to conduct further community outreach as part of her new grant.

Peter Montague noted the importance of NJDEP's communicating to the public the fact that New Jersey's air quality is poor and sickens citizens of the state.

The meeting was adjourned at 12:35 pm.

Respectfully submitted:

Fletcher Harper