

How Does New Jersey's Environmental Justice Rule Work?

1	DETERMINATION OF APPLICABILITY <ul style="list-style-type: none">o Proposed or existing facility is one of 8 specific facility types (major air sources, solid waste facilities)o Applicant seeks individual permit under applicable DEP regulationso Facility is located, or proposes to be located, in whole, or in part, in an overburdened community (OBC)	
2	INITIAL SCREEN <p>Once DEP receives permit application subject to EJ Rules, DEP provides initial screening information for the OBC including:</p> <ul style="list-style-type: none">1 - identification of environmental and public health stressors2 - appropriate geographic point of comparison3 - adverse environmental or public health stressors4 - whether OBC is subject to adverse cumulative stressors <p>Applicant may obtain information directly from EJMAP or analyze stressor data independent from EJMAP. OPPN will verify applicant's results with the data in EJMAP.</p>	
3	DETERMINATION OF APPLICATION REQUIREMENTS <p>Where OBC is not subject to adverse cumulative stressors or applicant can demonstrate avoidance of disproportionate impact, applicant would only be required to provide the information required pursuant to N.J.A.C. 7:1C-3.2</p> <p>OR</p> <p>Where OBC is already subject to adverse cumulative stressors or applicant cannot demonstrate disproportionate impact would be avoided, applicant would be required to include both the information required pursuant to N.J.A.C. 7:1C-3.2 and the supplemental information required pursuant to N.J.A.C. 7:1C3.3</p>	
4	PREPARATION AND REVIEW OF EJIS AND ANY ADDITIONAL SUPPLEMENTAL INFORMATION <ul style="list-style-type: none">o Applicant submits EJIS and supplemental information, as applicable, along with public notice documents to DEPo Upon DEP approval, applicant proceeds with meaningful participation processo DEP posts EJIS and public notice online	
5	MEANINGFUL PUBLIC PARTICIPATION <ul style="list-style-type: none">o Applicant holds meaningful public participation pursuant to N.J.A.C. 7:1C-4 including public hearing in host overburdened community.o Minimum 60-day public comment period.	
6	DEPARTMENT REVIEW <ul style="list-style-type: none">o Applicant provides EJIS with response to comments to Department for review.o DEP considers EJIS, response to comments other relevant information to determine whether the facility can avoid a disproportionate impact.o Minimum 45 day review	
7	DEPARTMENT DECISION <ul style="list-style-type: none">o If facility can avoid disproportionate impact, DEP will authorize the applicant to proceed and impose conditions to ensure disproportionate impact is, and remains, avoided.o Where the facility cannot avoid disproportionate impact, DEP would: <p>New: deny application for new facility unless it demonstrates it will serve a compelling public interest in OBC</p> <p>Expanded facilities/Major source renewals: authorize applicant to proceed with DEP permitting subject to appropriate conditions to address facility impacts to environmental and public health stressors.</p>	



For more information, visit dep.nj.gov/ej/law/