



# MEANINGFUL PUBLIC PARTICIPATION GUIDANCE

*A guide for facilities subject to New Jersey's Environmental Justice Rule*

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## ABOUT THIS GUIDE

**The Environmental Justice Rules, N.J.A.C. 7:1C (EJ Rules), require facilities to engage with the members of the surrounding community in a meaningful dialogue to further the aims of the Environmental Justice law. This requirement is a novel approach under a first-of-its-kind law, and therefore, the Department of Environmental Protection (Department) has created this guide to offer suggestions to the permit applicants on how to facilitate and engage in that meaningful dialogue.** The methods referenced in this guidance document are one way of achieving compliance with N.J.A.C. 7:1C. Please refer to the Rules and use this guide in conjunction with the Rules.

Stakeholders, especially those overburdened by environmental and public health stressors, deserve to be a part of the public process regarding environmental decisions that may affect their quality of life. A robust engagement process is key to ensuring communities are informed about facilities that seek authorization(s) to operate and/or expand operations in their communities with opportunities to codesign solutions with said

facilities and the Department. When community voices are heard, the likelihood that outcomes include equity and engender a greater degree of trust from impacted communities is higher. **This guide aims to further the Department's commitment to meaningful public participation and transparent public processes by giving permit applicants a clear outline for how to engage overburdened communities.**

Following the adoption of the Environmental Justice Rules, initial guidance on how to hold a public hearing was published. This guidance builds upon that and encourages applicants to ensure that residents of New Jersey's overburdened communities are informed and equipped to meaningfully engage in processes that may affect their neighborhoods.

Applicants are encouraged to be creative and rigorous in their community engagement processes and to explore outreach and engagement that is more robust than what is suggested here.

Applicants not subject to the EJ Rules who desire and/or are required to engage overburdened communities are still encouraged to reference this Guide as there may be transferable best practices.

Questions may be sent to [ej.regulation@dep.nj.gov](mailto:ej.regulation@dep.nj.gov).



# I. INTRODUCTION

## ABOUT THE EJ LAW

Historically, New Jersey's low-income communities and communities of color face a disproportionately high number of environmental and public health stressors and, as a result, suffer from increased adverse health effects. New Jersey's landmark Environmental Justice Law (N.J.S.A. 13:1D-157 et seq.) seeks to ensure that all New Jersey residents, regardless of income, race, ethnicity, color, or national origin, have a right to live, work, and recreate in a clean and healthy environment.

The EJ Law requires the Department to evaluate environmental and public health impacts of qualifying facilities in overburdened communities (OBCs) when reviewing individual permit applications as specified in the law.

To evaluate the disproportionate environmental and public health stressors already present, or the stressors said facilities may contribute, the applicant must prepare and publish an Environmental Justice Impact Statement (EJIS). The applicant must hold a meeting in the OBC in which they are located to present the EJIS and receive public comment. The Department will review the transcript and/or recording of the public meeting, all public comments and the facility's response to comments, and the EJIS to decide whether to issue conditions on the requested permits or renewals; or in some cases, to deny the permit for a new facility if a disproportionate impact cannot be avoided and the project will not serve a compelling public interest.

The Department adopted the EJ Rules, effective April 17, 2023, to implement the Law. All applications complete for review on or after April 17, 2023 are subject to the EJ Rules.

## WHY ENGAGE WITH COMMUNITIES?

**In addition to reducing disproportionate impacts on overburdened communities, the EJ Law furthers environmental justice by requiring facilities to meaningfully involve affected and interested community members in their application process.**

"Meaningful involvement" means that people have an opportunity to participate in decisions about activities that may affect their environment and/or health; the public's contribution can influence the regulatory agency's decision; community concerns will be considered in the decision-making process; and decision makers will seek out and facilitate the involvement of those potentially affected.

Ensuring residents have an opportunity to participate in the EJ Law public process allows them to ask questions, voice concerns, and be informed about facilities who are or may become their neighbors. When communities are well informed and heard early in the permitting process, it can build trust on both sides by removing confusion and misperceptions. This saves facilities time and resources as they can go through the permitting process with an understanding of community needs and expectations.

This guide provides strategies and opportunities for facilities subject to the EJ Rules to meaningfully engage with residents from overburdened communities. It contains detailed information focusing on three main sections:

1. **Providing Public Notice**
2. **Conducting Robust Outreach**
3. **Holding a Successful Public Hearing**

# HOW DOES THE EJ RULE WORK?

This [procedural overview](#) can also be found on NJDEP's Office of Environmental Justice website

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## DETERMINATION OF APPLICABILITY

- Proposed or existing facility is one of 8 specific facility types (major air sources, solid waste facilities)
- Applicant seeks individual permit under applicable DEP regulations
- Facility is located, or proposes to be located, in whole, or in part, in an overburdened community (OBC)

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## INITIAL SCREEN

Once DEP receives permit application subject to EJ Rules, DEP provides initial screening information for the OBC including:

1. Identification of environmental and public health stressors
2. Appropriate geographic point of comparison
3. Adverse environmental or public health stressors
4. Whether OBC is subject to adverse cumulative stressors

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.

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## DETERMINATION OF APPLICATION REQUIREMENTS

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 OR 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. 7:1C-3.3.

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## PREPARATION AND REVIEW OF EJIS AND ANY ADDITIONAL SUPPLEMENTAL INFORMATION

- Applicant submits EJIS and supplemental information, as applicable, along with public notice documents to DEP
- Upon DEP approval, applicant proceeds with meaningful participation process
- DEP posts EJIS and public notice online

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## MEANINGFUL PUBLIC PARTICIPATION

- Applicant holds meaningful public participation pursuant to N.J.A.C. 7:1C-4 including a public hearing in host overburdened community.
- Minimum 60-day public comment period.

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## DEPARTMENT REVIEW

- Applicant provides response to comments for Department review.
- DEP considers EJIS, response to comments other relevant information to determine whether the facility can avoid a disproportionate impact.
- Minimum 45 day review

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## DEPARTMENT DECISION

If facility can avoid disproportionate impact, DEP will authorize the applicant to proceed and impose conditions to ensure disproportionate impact is, and remains, avoided.

Where the facility cannot avoid disproportionate impact, DEP would:

- New: deny application for new facility unless it demonstrates it will serve a compelling public interest in OBC
- 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.



## II. PROVIDING PUBLIC NOTICE

Permit applicants should draft a public notice that uses clear, easy-to-understand language to summarize the permit application and the EJIS and to inform the public how and when to provide oral and written comments.

Pursuant to the EJ Rules, an applicant must provide a copy of the draft public notice to the Department for review. The Department will review the public notice to ensure it includes the information required by N.J.A.C. 7:1C-4.1(b).

An applicant must also provide a copy of the draft sign to be posted at the facility. The draft public notice and sign are to be submitted with the draft EJIS. Please note that all submissions must be uploaded to the portal using the EJ Project ID number. If an applicant has a question about its EJ Project ID number, please send an email to [ej.regulation@dep.nj.gov](mailto:ej.regulation@dep.nj.gov).

### PUBLIC NOTICE

#### CHECKLIST OF REQUIREMENTS

According to the EJ Rules (N.J.A.C. 7:1C-4.1b), the public notice must include the following:

- ☐ The name of the applicant and the date, time, and location of the hearing
- ☐ The EJ Project ID Number, the Program Interest Number(s), and the Permit Activity Number(s) that are associated with the public meeting
- ☐ A general description of the proposed new or expanded facility or existing major source facility, as applicable, being considered
- ☐ A map indicating the location of the facility, including the street address, as applicable, municipality, county, tax map block and lot, and size of the property that would be the subject of the application being considered
- ☐ A brief summary of the EJIS and supplemental information, as applicable, and information on how an interested person may review a copy of the complete EJIS and supplemental information; The Department advises that a link to the materials on the applicant's website is also included. If the EJIS and supplemental information is not posted on the applicant's website, they can link to the materials on the Office of Environmental Justice's

#### website

- ☐ A statement inviting participation in the public hearing and notifying the public that, for a time period of no less than 30 days after the hearing and 60 days total, written comments may be submitted to the applicant. The statement shall provide an address for submittal of written comments to the applicant
- ☐ Any other information deemed appropriate by the Department, for that specific notice.

#### Additional suggestions

Please consider adding the following:

1. Purpose of notice, permit(s) requested
2. Summary of the project, including facility location(s), which overburdened community demographic criteria apply, and a general description of the proposed new or expanded facility, or existing major source facility
3. History of permits since original issuance date. Description of permit(s) requested
4. Access to copies of the application(s) and/or authorization(s) (current and pending) associated with the project. Providing links to the permit application before the meeting is helpful so attendees can familiarize themselves with the content before the meeting. It should also be available on the applicant's website so anyone can click on a link on the public notice and see the full application
5. Virtual meeting registration link; This should include a name, phone number and email for the key contact. Registration should not include requests for personal information such as home address, or phone number. Asking for first name and email is sufficient. If registration is not required, the applicant should still include a direct link to join the public meeting virtually.

See Appendix B for a template of the public notice.



## SIGNAGE AT THE FACILITY

In accordance with N.J.A.C. 7:1C-4.1, Public Notice, the permit applicant shall provide public notice at least 60 days prior to the hearing. The notice shall include a sign on the site of the existing or proposed facility. The sign shall be posted and maintained, in legible condition, until the public comment period is concluded.

Additionally, the sign shall:

1. Advise the public of the permit application,
2. How to attend the public hearing on the application, and
3. The opportunity for public comment on the proposal

The sign must be located in a prominent location(s) viewable by the public and contain sufficient detail in a language or languages representative of the residents of the overburdened community as to inform of the application and the method by which the public may obtain information. (N.J.A.C. 7:1C-4.1(a)(1)(v)).

The purpose of this section is to provide guidance to applicants on the content of signage under the EJ Rule, and the Department's preferences for size, location, and format of the signage so that signs are useful and accessible. The following templates are similar to the signage required under other Department-administered programs.

### Suggested size and content

- Four feet by Eight feet
- White background with black or dark blue lettering
- Title line(s) should be at least 7 inches high, with the remaining text of adequate size to fill the rest of the sign and be legible from a distance

### Suggested locations

- Main entrance(s) to the facility and
- Any side of the facility that does not have a main entrance but abuts a public right of way visible to the community

### Other considerations

- **Registration:** Allow participants a way to register so that the applicant can communicate any key updates such as a new

meeting link or venue location.

- **Mobile accessibility:** Ensure that all hyperlinks in the public notice lead to pages that are accessible and easy to read on a mobile device. This could mean that any meeting registration forms should be mobile device friendly, and also that some text should be available in HTML as well as PDF format so they are easy to read on a small screen.

## TRANSLATION

Populations with limited English proficiency (LEP) can be determined using census data. If EJMAP denotes that the OBC has LEP residents, then use that as guidance for translation. The Department recommends all notices be translated into Spanish, and further language needs can be determined through reviewing the below instructions.

Use the [American Community Survey](#) provided by the U.S. Census Bureau to determine:

- The top local languages spoken by the impacted overburdened community block group(s) and the municipality where the facility is, or proposes to be, located.
- The languages spoken within the block groups which are adjacent to the overburdened community.

Though the American Community Survey is a good starting point, outreach to local community groups, the local school district, faith-based leaders, and other local community leaders can better provide insight on language accessibility needs in the community.

In addition to the above steps, the Department recommends that notices include a page with the following sentence translated into the top seven non-English languages spoken in New Jersey or a phone message recording on loop in each language available on a phone number listed in the notice:

*[Insert facility name] will have a public hearing on [insert date] at [insert time] at [insert address]. This public notice contains information about an upcoming public hearing for a proposed facility in your community. If you need this notice translated email [insert email]. (1)*

*Click here to learn more about New Jersey's*



## Environmental Justice Law. (2)

### Notes:

1. Insert appropriate contact information for someone a community member can connect with to request additional translations of the notice.
2. Permit applicants can link to the Department's Office of Environmental Justice resource page with fact sheets and translated resources on the EJ Law.

**The top seven languages spoken in New Jersey are:** Spanish, Chinese (Mandarin and Cantonese), Korean, Portuguese, Gujarati, Arabic, Polish.



# III. CONDUCTING AN OUTREACH PLAN

Inviting communities to the public hearing should involve creating a detailed plan for how the applicant will reach out to affected and interested stakeholders. When conducting outreach to community institutions, casting a wide net will ensure that the public notice reaches diverse communities. Reaching a wide audience will require different outreach methods.

## CHECKLIST OF REQUIREMENTS

According to the EJ Rules (N.J.A.C. 7:1C-4.1(b)), Facility Permit Applicants are required to fulfill the following requirements. At least 60 days prior to the hearing, the applicant shall:

- ☐ Provide a copy of the EJS to the clerk of the municipality or municipalities in which the overburdened community is located
- ☐ Publish notice of the hearing in at least two newspapers circulating within the overburdened community, including, at a minimum, one local non-English language newspaper in a language representative of the residents of the overburdened community, if applicable
- ☐ Provide written notice of the hearing to the Department, the governing body, and the clerk of the municipality in which the overburdened community is located
- ☐ Provide written notice of the hearing through certified mail (return receipt requested) to all persons who own and/or reside on land located within 200 feet of the facility and to any easement holders for that land who are listed in the tax records for the municipality or municipalities in which the land is located
- ☐ Post and maintain, in a legible condition, until the public comment period is concluded, a sign on the site of the existing or proposed facility. Any such sign must advise the public of the permit application, the public hearing on the application, and the opportunity for public comment on the proposal. Such sign must be located in a prominent location(s) viewable by the public and contain sufficient detail, in a language representative of the residents of the overburdened community, as to inform of the application, and the method

by which the public may obtain information about such proposed application

- ☐ Provide notice through other methods identified by the applicant to ensure direct and adequate notice to individuals in the overburdened community including, but not limited to, providing information directly to active community groups or organizations, automated phone, voice, or electronic notice, flyers, and/or utilization of other publications within the overburdened community
- ☐ Invite the Department, municipality or municipalities, and local environmental and environmental justice bodies to attend the public hearing

## IDENTIFYING STAKEHOLDERS

When conducting outreach, it is vital to ensure that diverse and hard-to-reach groups are prioritized. This begins with identifying who lives in the community and what the best outreach strategy is for each group. Reach out to local schools, the municipality, and any local nonprofits to get a full picture of what communities live in the OBC. Ensure that outreach includes cultural or faith-based institutions that reflect the makeup of the community. See more information in the "Connect with Local Community Groups" section below.

### Outreach to minority and non-English-speaking communities

When conducting outreach, it is important to note that reaching immigrant communities is not just about the translation of relevant documents but about reaching them where they are. This could involve targeting faith-based institutions, cultural associations, and community centers in key neighborhoods as methods to reach minority and immigrant communities.

Additionally, it is important to work in partnership

## TARGETING DIVERSE AGE GROUPS

Leave public notices and any other outreach materials with the types of organizations below to reach diverse age groups. These groups could also support outreach by emailing their members and physically and digitally posting meeting flyers and public notices in spaces relevant to their group.

	YOUTH	ADULTS	SENIORS
Community centers	●	●	●
Youth Clubs	●	●	●
Parent Teacher Associations	●	●	●
City Green Team and other local government teams and commissions	●	●	●
Senior Centers	●	●	●
Faith-based institutions	●	●	●
Daycares	●	●	●
Libraries	●	●	●

with community groups, anchor institutions, and social service providers that can speak relevant languages since they will have on-the-ground experience and expertise that can garner trust with immigrant populations.

## CONNECT WITH LOCAL COMMUNITY GROUPS

Doing robust community outreach is challenging and time consuming. Consider working with an organization that has expertise in community engagement and has knowledge of the community in which the facility will be located. Their expertise and on-the-ground relationships will bring awareness to the project and ensure that outreach is conducted meaningfully. They can also advise on an outreach plan.

Types of community groups:

- Faith-based institutions
- Community centers and recreation centers
- Cultural Associations
- Advocacy and civic organizations

- Community development corporations and neighborhood associations
- Charities and service organizations

Key anchoring institutions can also support outreach. In addition to any community groups listed above with brick-and-mortar locations, libraries and childhood and higher education institutions are important spaces to involve in outreach activities.

At the municipal level, connect with [Green Teams](#) through Sustainable Jersey, Planning Boards and Commissions, Environmental Commissions, School Boards and Districts.



## OUTREACH METHODS

<b>CANVASSING (SUGGESTED)</b>	Delivering public notices to inform local residents, businesses, and community institutions of an upcoming public hearing door to door can be an invaluable tool to increase community awareness and build new relationships.
<b>SOCIAL MEDIA (SUGGESTED)</b>	This can reach a wide audience, especially youth. Posts can be shared by community and local government partners. Social media ads can target specific locations and demographics.
<b>EMAIL (SUGGESTED)</b>	Use community partners to share the notice to their email lists.
<b>FLYERS (SUGGESTED)</b>	Creating a compelling public hearing flyer to pair with the public notice can help attract stakeholders to the meeting and make the notice information easier to share.
<b>MASS TEXTING (SUGGESTED)</b>	Mass texting platforms can be an asset, so a notice does not get buried in a stakeholder's email.
<b>MAILINGS (REQUIRED)</b>	Regulations require written notice of the hearing through certified mail (return receipt requested) to all persons who own and/or reside on land located within 200 feet of the facility and to any easement holders for that land who are listed in the tax records for the municipality or municipalities in which the land is located.
<b>ADDITIONAL MAILINGS (SUGGESTED)</b>	In addition to the required mailings, an applicant may increase the radius beyond 200 ft. Some EJ advocates recommend a 2-mile radius from the proposed facility. The exact radius greater than 200 ft that an applicant selects may be determined by the size of the municipality, how many overburdened communities are adjacent to the OBC in question, and/or what local community partners might recommend.
<b>NEWSPAPERS (REQUIRED)</b>	Two newspaper postings are required, one in a non-English paper that services the OBC if the census block group data shows that more than 40% of the local population speaks a different language than English. If two printed newspapers are not available in the OBC, digital newspaper is acceptable.
<b>TELEVISION AND RADIO (SUGGESTED)</b>	Create a public service announcement that can appear on local television or radio news channels. This can help reach older populations and bolster outreach if there are no local newspapers.

Additionally, the Department suggests that for assistance and expertise in the preparation of the outreach plan, permit applicants can consider contracting with a credible community-based organization (CBO) and/or a professional marketing firm. The CBO can contribute their local expertise, support outreach, and advise on the hearing logistics. If there are no local CBOs available to support outreach efforts, working with a professional marketing firm will contribute capacity that the CBO may lack. These entities can be a valuable part of an applicant's team of experts including engineers, scientists, attorneys, or other professionals.

# IV. HOLDING A PUBLIC HEARING

The EJ Rules require an applicant to hold a public hearing in accordance with the following requirements.

## PUBLIC HEARING EJ RULE CHECKLIST

- ☐ The hearing must be held in the overburdened community, unless the applicant demonstrates that there is no suitable hearing space in the overburdened community. Where such demonstration is made, the hearing may, subject to the Department's approval, be held in the municipality in which the facility is, or will be, located within as close proximity as possible to the overburdened community and in a manner that facilitates participation of individuals in the overburdened community. If the facility is located in more than one overburdened community, the applicant shall, subject to the Department's approval, propose a central location within close proximity to all affected overburdened communities
- ☐ All hearings must be conducted on a weekday no earlier than 6:00 P.M. Eastern Standard Time/Eastern Daylight Time
- ☐ An applicant must include a virtual component to the in person public hearing. The virtual component must be recorded and available online for the public to view after the hearing until at least the close of the public comment period. The applicant must provide a transcript or recording of the public hearing after the close of the public comment period
- ☐ At the public hearing, an applicant shall provide a clear, accurate, and complete presentation of the information contained in the EJIS and any supplemental information required by this chapter and accept written and oral comment from any interested party regarding the application
- ☐ The applicant shall allot sufficient time to ensure that all interested individuals have a reasonable and adequate opportunity to provide oral comment at the hearing

In presenting the information in the EJIS, the Department recommends that the applicant provide/explain:

- Detailed operational information, presented in an accessible and easy to understand format for the general population
- The environmental and public health stressors affecting the community
- How the facility might impact those stressors
- How the facility proposes to avoid or minimize those impacts

To ensure that the public hearing provides members with a clear understanding of the proposed project and meaningful opportunity to engage and comment, the Department offers the following as guidance and best practices in addition to the minimum requirements above.

## PREPARING MEETING LOGISTICS

### Venue location

The Department recommends that the public hearing be held in a neutral space that provides a safe and secure experience. The Department recommends that permit applicants use a venue that is compliant with the Americans with Disabilities Act, and in a location that is accessible to public transit and for those with disabilities and limited mobility.

### Hybrid Accessibility

As noted above, the public hearing must be conducted in person and must also have a virtual component.

For the virtual component, the applicant should include a registration link in the notice of public hearing that provides access to the meeting by automatically emailing a link to join the meeting. A QR code is also helpful for notices that will be posted publicly.

The Department recommends allocating one staff member to managing the logistics and any technical

issues that arise with the virtual component so the presenter can focus on presenting.

## Recording

As noted above, the virtual component of the public hearing must be recorded. Both the in-person and virtual components of the public hearing must be transcribed.

The Department recommends that the meeting be transcribed by a licensed stenographer. Microsoft Teams and Zoom recordings are acceptable.

## Meeting Equipment

Ensure that microphones and a public announcement system are available. Microphones should be able to mute and unmute. Testing of all equipment prior to hearing is recommended.

## Facilitators

If a large attendance is expected, the Department recommends that the hearing be moderated. As necessary, a separate individual could be used to facilitate virtual engagement.

## Language Access

After determining necessary non-English languages through steps outlined in the “Providing Public Notice” section, provide the following:

- **Translated print copies:** The applicant must provide the public notice in English, and a non-English language representative of the residents in the overburdened community. N.J.A.C. 7:1C-4.1(a)(1)(ii). The applicant should consider providing copies of the EJIS and other supportive materials in dominant non-English languages commonly spoken in the community. For questions the applicant can contact the Department.
- **Simultaneous Interpretation:** In communities that speak multiple languages, the Department recommends that interpreters be present. Simultaneous interpretation is recommended over consecutive translation as it will allow the meeting to flow more smoothly and reduce the time needed to present the information.
  - **In-person interpreters:** If interpreters are present, the Department recommends the applicant make known in the public hearing notice

that interpretation services for specific language(s) will be provided.

- **Virtual interpreters:** Interpreters may also join virtually. For those who need language access and join in person, they can use their smartphone to join the virtual meeting and access the audio interpretation. If they are not able to access the virtual meeting via a personal smartphone, the permit applicant can provide laptops with headphones so that participants can hear the interpretation. The applicant can also provide headphones for attendees to plug into their personal smartphones if the applicant is unable to provide laptops.
- **Closed Caption Translation:** The Department also recommends the use of the closed-captioned translation capabilities of Microsoft Teams or Zoom for specific language(s).

## Meeting Materials

- Provide links and/or handouts with information on the meeting, copies of flyers and any relevant QR code links to materials or registration.
- Provide copies or links to relevant documents that will be discussed, such as the permit application and EJIS.

## PREPARING THE MEETING CONTENT

**Make sure language and visuals are easy to read and understand:**

- **Terms:** In presenting the EJIS, the applicant’s goal should be to provide the relevant information in a clear, concise and accessible manner, avoiding overly technical language or jargon, utilizing easy-to-understand language wherever possible. This can include current and pending permits, emissions reports, inspection records, operational information, environmental and public health stressors, and mitigation strategies.

- **Graphics:** Presentation must be visually and auditorily accessible to all attendees. This includes using large text, using handouts or large printouts where needed, and making sure text contrasts highly from background
- **Summaries of the EJIS and permits:** A long EJIS can be difficult for community members to read through and digest. Creating a 2-5 page summary can greatly improve the public's ability to engage with the content of the meeting. This can include current and pending permits, emissions reports, inspection records, detailed operational information, environmental and public health stressors, and mitigation strategies.

### Set clear agenda and meeting objectives

The applicant should clearly explain expectations for the hearing at the outset including:

- The purpose of the hearing and the applicant's intent to foster community engagement;
- The meeting agenda including any intended time of conclusion;
- The process of accepting comments, including addressing how commenters will be invited to speak both in-person and virtually;
- Provide necessary direction on technical aspects of virtual attendance;
- Whether and how the applicant will respond to questions during the hearing
  - While the purpose of the hearing is largely to receive community comment, applicants are encouraged to answer questions to the extent necessary to ensure a clear understanding of the information provided
- Informing the public that the applicant will document and respond to all comments received and provide its responses to the Department;
  - Applicants should advise commenters of their ability to provide written comments and the method for doing so.

### Public Comment

The presentation should end on a slide that remains up for the duration of the meeting's comment period, which includes: (1) the instructions/ground rules for commenting, and (2) the information and timeline for submitting written comments.

Allot sufficient time for all meeting attendees to provide public comment.

- If the applicant determines a reasonable limitation on individual comments is necessary, community members should be given no less than three (3) minutes each to speak. Use of a publicly visible timer to inform individuals of their remaining time to comment and demonstrate consistency of approach.
- The applicant may not exclude any members of the public from offering comment but may prioritize the voices of members of the overburdened community.

### Meeting Conclusion

The meeting may conclude when all members of the public who wish to comment have had their opportunity to do so or the time designated for the hearing has expired.

The Department recommends extending the hearing for as long as reasonable to allow all community members to comment. If insufficient time has been allotted for public comment or a significant number of members of the overburdened community have not been afforded an opportunity to speak, the Department may request that the applicant hold a second public hearing.



# APPENDIX A

## EJ RULE PUBLIC ENGAGEMENT CHECKLIST

According to the EJ Rules, Facility Permit Applicants are required to fulfill the following requirements, applicable to all forms of public notice:

### PUBLIC NOTICE

A public notice must include all of the following information (N.J.A.C. 7:1C-4.1(b)):

- ☐ The name of the applicant and the date, time, and location of the hearing
- ☐ A general description of the proposed new or expanded facility or existing major source facility, as applicable, being considered
- ☐ A map indicating the location of the facility, including the street address, as applicable, municipality, county, tax map block and lot, and size of the property that would be the subject of the application being considered
- ☐ A brief summary of the EJIS and supplemental information, as applicable, and information on how an interested person may review a copy of the complete EJIS and supplemental information; The Department advises that a link to the materials on the applicant's website is also included. If the EJIS and supplemental information is not posted on the applicant's website, they can link to the materials on the Office of Environmental Justice's website.
- ☐ A statement inviting participation in the public hearing and notifying the public that, for a time period of no less than 30 days after the hearing and 60 days total, written comments may be submitted to the applicant. The statement shall provide an address for submittal of written comments to the applicant.
- ☐ Any other information deemed appropriate by the Department, for that specific notice.

## OUTREACH CHECKLIST

At least 60 days prior to the hearing, the applicant shall:

- ☐ Provide a copy of the EJS to the clerk of the municipality or municipalities in which the overburdened community is located
- ☐ Publish notice of the hearing in at least two newspapers circulating within the overburdened community, including, at a minimum, one local non-English language newspaper in a language representative of the residents of the overburdened community, if applicable
- ☐ Provide written notice of the hearing to the Department and the clerk of the municipality in which the overburdened community is located
- ☐ Provide written notice of the hearing through certified mail (return receipt requested) to all persons who own and/or reside on land located within 200 feet of the facility and to any easement holders for that land who are listed in the tax records for the municipality or municipalities in which the land is located
- ☐ Post and maintain, in a legible condition, until the public comment period is concluded, a sign on the site of the existing or proposed facility. Any such sign must advise the public of the permit application, the public hearing on the application, and the opportunity for public comment on the proposal. Such sign must be located in a prominent location(s) viewable by the public and contain sufficient detail, in a language representative of the residents of the overburdened community, as to inform of the application, and the method by which the public may obtain information about such proposed application
- ☐ Provide notice through other methods identified by the applicant to ensure direct and adequate notice to individuals in the overburdened community including, but not limited to, providing information directly to active community groups or organizations, automated phone, voice, or electronic notice, flyers, and/or utilization of other publications within the overburdened community
- ☐ Invite the Department, municipality or municipalities, and local environmental and environmental justice bodies to attend the public hearing

## PUBLIC HEARING CHECKLIST

- ☐ The hearing must be held in the overburdened community, unless the applicant demonstrates that there is no suitable hearing space in the overburdened community. Where such demonstration is made, the hearing may, subject to the Department's approval, be held in the municipality in which the facility is, or will be, located within as close proximity as possible to the overburdened community and in a manner that facilitates participation of individuals in the overburdened community. If the facility is located in more than one overburdened community, the applicant shall, subject to the Department's approval, propose a central location within close proximity to all affected overburdened communities
- ☐ All hearings must be conducted on a weekday no earlier than 6:00 P.M. Eastern Standard Time/Eastern Daylight Time.
- ☐ An applicant must include a virtual component to the in person public hearing. The virtual component must be recorded and available online for the public to view after the hearing until at least the close of the public comment period. The applicant must provide a transcript of the public hearing after the close of the public comment period.
- ☐ At the public hearing, an applicant shall provide a clear, accurate, and complete presentation of the information contained in the EJIS and any supplemental information required by this chapter and accept written and oral comment from any interested party regarding the application.
- ☐ The applicant shall allot sufficient time to ensure that all interested individuals have a reasonable and adequate opportunity to provide oral comment at the hearing.

## COMMENT PERIOD CHECKLIST

- ☐ The recording of the public hearing should be provided to the Department for posting and/or posted on the facility's own website until at least close of the comment period.
- ☐ The public comment period must run for at least 60 days. The period may be longer. If the period opens with the posting of the notice, it will be a 90-day comment period, though this is not required by the rule. To avoid confusion, the notice must clearly indicate the start and end dates of the comment period. N.J.A.C. 7:1C-4.2(c).
- ☐ The comment period must be at least 30 days prior to the public hearing.
- ☐ The comment period shall remain open a minimum of 30 days after the completion of the required public hearing, in accordance with this section and be no less than 60 days total.

## POST-HEARING & POST PUBLIC COMMENT PERIOD CHECKLIST

After the close of public comment, the applicant shall provide to the Department:

- ☐ A written transcript of the public hearing
- ☐ A summary of the public comments
- ☐ The applicant's response to the public comments.

The applicant shall also provide:

- ☐ Proof of publication of the notice of public hearing required pursuant to N.J.A.C. 7:1C-4.1(a)1ii
- ☐ Copies of and proof of mailing of the notices required pursuant to N.J.A.C. 7:1C-4.1(a)1iii and iv
- ☐ Proof of posting and maintenance of sign required pursuant to N.J.A.C. 7:1C-4.1(a)1iv

# APPENDIX B

## PUBLIC NOTICE TEMPLATE FORM

### DIRECTIONS FOR USE OF THE PUBLIC NOTICE TEMPLATE

#### Overview

The Department is providing a public notice template to assist facilities in drafting the required public notice of availability of their Environmental Justice Impact Statement and notice of hearing and public comment period. The public notice template is to be used as guidance only. A facility may draft their own public notice without utilizing the language in this template.

In the public notice template, each section heading is in bold and identifies required information. The section headings are intended to provide an outline of required information and are not expected to appear in the public notice. All highlighted fields in the public notice template identify information required by the EJ rules. Text that is {bracketed} is provided as instructive or as an example only and should be replaced with text unique to the facility preparing the draft public notice. All other text is suggested/optional.

#### Notes Corresponding to Each Section Heading

##### **Facility and permit information (physical location, not mailing)**

The applicant should replace the sample text (provided as an example only) encased in brackets to list each permit application and permit application # that is included in the applicant's EJIS and part of the EJ review.

##### **Hearing date, time, location, including virtual component**

- *N.J.A.C. 7:1C-4.1(b)5 requires a facility to accept written comments for at least 30 days after the hearing and a total minimum written comment period of 60 days. Applicant must ensure the comment period listed in the Public Notice complies with the requirement.*
- *When a facility is submitting their draft public notice with their EJIS, the facility does not need to provide a hearing date, time, and location if unknown at the time. However, after the Department authorizes the facility to proceed with the public process, the facility must submit the final notice to the Department with all information included for the Department to review to ensure the date, time, and location are consistent with the rules. After the Department approves, the facility must send the final notice to the Department to post on its website.*

##### **General description of the proposed new facility, proposed expansion of an existing facility, or existing major source seeking to renew its operating permit**

*The applicant must replace the sample text encased in brackets, which is intended only as an example. The facility description should explain the facility's current or proposed new operation(s), including, as applicable, number and types of regulated equipment, control measures, monitoring equipment, types of materials handled, input and output numbers/limits, emission limits, capacity limits, hours of operation, number of employees, traffic routes. For an existing facility, the description should also explain any proposed changes in operation. If the existing source is a major source seeking renewal of its operating permit and the renewal application proposes no changes, this should be specifically stated. For a new facility, the description should include proposed construction schedule.*

##### **Brief summary of the Environmental Justice Impact Statement (EJIS)**

*The applicant may use language from the EJIS Executive Summary here. If applicable, the applicant should include a summary of any supplemental information required to be included pursuant to N.J.A.C. 7:1C-3.3, -5, -6, or -8, or any supplemental information that was provided/included at the Department's request. If supplemental information was submitted, link to the supplemental information must be included as well.*





## Map

*The applicant must include a legible, clearly marked map that shows, by outlining, the location of the facility in the overburdened community/communities and municipality/municipalities. The map must also identify the street address, municipality(ies), county(ies), tax map block(s) and lot(s), and the size of the facility property. The map is required to meet these criteria.*

## General Notes/Reminders

- N.J.A.C. 7:1C-4.1(a)1) requires a facility to give at least 60 days' notice of the public hearing.
- N.J.A.C. 7:1C-4.2(a)1 requires the applicant to hold the public hearing in the overburdened community, unless there is no suitable hearing space and the Department approves a hearing location elsewhere. If the facility is located in more than one overburdened community, the applicant must propose a central location within close proximity to all affected overburdened communities, for Department approval.
- N.J.A.C. 7:1C-4.2(a)2 requires all hearings to be conducted on a weekday and no earlier than 6:00 P.M. Eastern Standard Time/Eastern Daylight Time.

## PUBLIC NOTICE TEMPLATE

**Facility and permit information (physical location (not mailing), including all applicable Program Interest numbers and all applicable permit activity numbers)**

***Name of the applicant/facility***

***Contact person & Title***

***Physical Street Address***

***City, County, State, Zip***

***EJ Project ID #***

***Program Interest Number(s)***

***Permit Activity Numbers(s) and type of permit application***

{e.g. BOP230001, Title V operating permit renewal; BOP 220004, Title V operating permit renewal; includes Solid waste Minor Technical Review, TRP230001}}

## **Hearing date, time, location, including virtual component**

Please TAKE NOTICE that ***{facility name}*** will hold a public hearing on ***{date, time, at location}***, regarding the above-referenced permit application(s), as required by the Environmental Justice rules, N.J.A.C. 7:1C. The hearing will be conducted in-person, and the public will also have an option to participate virtually. The virtual component will be recorded and available online for the public to view after the hearing until the close of the public comment period. All interested persons are invited to participate in the public hearing.

To join from your computer, tablet, or smartphone, please use the link below:

***{add link}***

Individuals may also dial in using your phone (audio only):

***{call-in info}***



Please also TAKE NOTICE that any interested person may submit comments to the facility beginning **{date}** and ending **{date}**. Please submit written comments to:

***{name/address/email}***.

### **General description of the proposed new facility, proposed expansion of an existing facility, or existing major source seeking to renew its operating permit**

{Applicant has been operating as an electric generating unit since 1987. Applicant's Title V Operating permit was last renewed on September 17, 2017 and includes the operation of five pieces of equipment classified as major sources of air pollution and 10 pieces of equipment classified as minor sources. The application for a permit renewal proposes changes to the compressor station that would reduce PM emissions by 10 tpy. All other changes are administrative in nature. Upon final approval by NJDEP, the permit will be renewed for an additional five years.}

### **Map**

A map depicting the location and size of the facility is ***{attached or below}***. The map shows the facility boundaries and size and identifies the location of the facility by street address, municipality, county, and tax map block(s) and lot(s) numbers.

### **Brief summary of the Environmental Justice Impact Statement (EJIS)**

The facility has prepared an Environmental Justice Impact Statement (EJIS) which includes the information required pursuant to N.J.A.C. 7:1C-3.2. {In the EJIS, the facility has analyzed the environmental and public health stressors in the overburdened community that are associated with the facility and has determined that the facility will/will not cause a disproportionate impact. The EJIS includes measures that the facility proposes to implement to avoid or reduce its contribution to existing stressors in the overburdened community and to avoid causing a disproportionate impact. Summary sample language}. A copy of the complete EJIS ***is available at {link} and may be viewed at {location}***.