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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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ENVIRONMENTAL JUSTICE RULE  
PUBLIC HEARING  
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BEFORE: SEAN MORIARTY, HEARING OFFICER

HELD ON: MONDAY, JULY 11, 2022

TIME: 6:00 P.M.

ALSO PRESENT:

MELISSA ABATEMARCO, ESQ.

KANDYCE PERRY

ARMANDO ALFONSO

J.H. BUEHRER & ASSOCIATES  
884 Breezy Oaks Drive  
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TRANSCRIPT of the hearing called for  
Oral Examination in the above-entitled matter,  
said hearing being taken pursuant to Superior  
Court Rules of Civil Practice and Procedure, by  
and before MARIBEL SYPNIEWSKI, a Certified Court  
Reporter and Notary Public of the State of New  
Jersey, held at the Offices of NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION, 401 East  
State Street, Trenton, New Jersey, on Wednesday,  
July 11, 2022, commencing at 6:00 in the  
evening.

1 HEARING OFFICER MORIARTY: We're  
2 back. Thank you all, again. Good evening. My  
3 name is Sean Moriarty. I'm Deputy Commissioner  
4 of New Jersey Department of Environmental  
5 Protection. I'll be the hearing officer for  
6 this public hearing. The hearing is being held  
7 to receive oral and written comments on the  
8 proposed Environmental Justice rulemaking, which  
9 implements the Environmental Justice Law.

10 In September of 2020, Governor  
11 Murphy signed New Jersey's landmark  
12 Environmental Justice Law, the first of its kind  
13 and the nation's most empowering Environmental  
14 Justice legislation.

15 The Environmental Justice Law  
16 recognizes that because environmental standards  
17 are often formulated based on the effect  
18 pollution has upon general populations spread  
19 over wide geographic areas, existing  
20 environmental laws may fail to fully consider  
21 the impacts that certain pollution-generating  
22 facilities may have on their local communities.

23 And that this failure has created  
24 pockets of high pollution across New Jersey,  
25 where many pollution-generating facilities have

1 become concentrated in predominantly minority  
2 and low-income communities that may lack the  
3 financial and political power to shape their  
4 local landscape and avoid disproportionate  
5 adverse impacts upon their public health and  
6 environment.

7           At its most basic, the law requires  
8 us to consider whether a specific facility  
9 seeking a specific type of permit will  
10 contribute to environmental or public health  
11 stressors in an overburdened community  
12 considering whether and how those stressors  
13 might have a disproportionate impact when  
14 compared to the overburdened community's  
15 neighbors, a comparative analysis.

16           The law requires the Department to  
17 assess relevant environmental and public health  
18 stressors affecting New Jersey's overburdened  
19 communities and to deny or condition permits for  
20 certain facilities that cannot avoid causing or  
21 contributing to adverse environmental or public  
22 health stressors in that community.

23           The law applies where three criteria  
24 are met:

25           First, if the facility is located or

1 proposed to be located in an overburdened  
2 community.

3 Second, the proposed or existing  
4 facility is one of the eight types of facilities  
5 listed in the Act, those include major sources  
6 of air pollution, as well as many types of solid  
7 waste facilities.

8 Third, the applicant seeks a type of  
9 permit from the Department or approval covered  
10 by the Act.

11 Where the Environmental Justice Law  
12 applies, an applicant must submit an  
13 Environmental Justice Impact Statement, or  
14 "EJIS", to the Department evaluating how the  
15 proposed action, whether a new facility or the  
16 renewal of a major source of air pollution or  
17 the expansion of an existing facility would  
18 contribute to environmental or public health  
19 stressors in its host community. The EJIS must  
20 also address how the applicant proposes to  
21 avoid, and where avoidance is not feasible,  
22 minimize such impacts, and under certain  
23 circumstances provide a net environmental or  
24 public health benefit to the overburdened  
25 community. The EJIS is made available to the

1 public in advance to the public hearing.

2           To ensure meaningful public  
3 participation of the members of the overburdened  
4 community, an applicant is required to hold a  
5 public hearing in the overburdened community to  
6 present the proposed project and the  
7 Environmental Justice Impact Statement, that  
8 includes a public comment period of at least 60  
9 days to provide opportunity for feedback from  
10 those most impacted by the proposed project.  
11 Notice and materials would be made available in  
12 languages accessible to community members and  
13 the applicant will be required to address all  
14 comments received during the public process.

15           Upon conclusion, the Department  
16 would evaluate the EJIS and the information  
17 presented at the public hearing and through  
18 public comment to determine whether additional  
19 environmental or public health stressors --  
20 excuse me, whether the addition -- additions to  
21 environmental or public health stressors  
22 expected from the actions in the permit  
23 application would, together with the baseline of  
24 stressors already impacting the community, cause  
25 or contribute to adverse cumulative

1 environmental or public health stressors in that  
2 overburdened community that are higher than  
3 those of non-overburdened communities in the  
4 state. If that is the case, a disproportionate  
5 impact would be present and the Department may  
6 deny the permit or approve it with conditions  
7 that avoid or minimize those impacts.

8 On June 6, 2022, the Department  
9 proposed rules in the New Jersey Register to  
10 implement the Environmental Justice Law. The  
11 public comment period for that proposal closes  
12 on September 4th, 2022. And as indicated in the  
13 public notice, written comments can be submitted  
14 electronically to [www.nj.gov/dep/comments](http://www.nj.gov/dep/comments) or  
15 provide it to Melissa Abatemarco at the address  
16 provided in the notice. All relevant comments  
17 received during the public comment period, will  
18 be addressed in the New Jersey Register should  
19 the Department adopt the proposed rule.

20 The public hearing on the proposed  
21 rule is being held in accordance with the  
22 Administrative Procedures Act, and, as required,  
23 the Department has provided additional notice of  
24 this public hearing through the Department's  
25 website, through electronic mail and through

1 written communication with a number of news  
2 outlets.

3           The goal of today's hearing is to  
4 receive verbal comments into the record  
5 concerning this rule proposal. This hearing is  
6 not intended to be a question-and-answer  
7 session, but rather an opportunity for  
8 interested individuals to voice their concerns  
9 and suggestions regarding this rulemaking. If  
10 you have not already done so, we'd ask you to  
11 sign the attendance sheet and indicate whether  
12 you're interested in speaking at tonight's  
13 hearing.

14           We would begin by listening to the  
15 individuals who have asked for an opportunity to  
16 speak and ask them to identify themselves as  
17 they step to the microphone, spell their names  
18 and identify any organizations that they might  
19 be representing.

20           We are asking folks to limit their  
21 comments to three minutes. If there is  
22 additional time at the end after all who have  
23 signed up have spoken, we would provide  
24 additional opportunities.

25           This is now the second of the five



1 public hearings we will be holding on this  
2 rulemaking. There will be hearings in Camden,  
3 as well as Newark, as well as the virtual  
4 hearing in several weeks.

5 Right now I do not have a list of  
6 anyone who's indicated they would like to speak.  
7 So if anyone would like to step up to the  
8 microphone, offer comments, we'll ask you to.  
9 Otherwise, we will keep the record open until 7  
10 o'clock tonight and then we will conclude this  
11 portion of the public hearing.

12 At the first session today we did  
13 translate that opening statement into Spanish.  
14 I would just like to ask if there's anyone in  
15 the audience who feels they would benefit from  
16 that translation right now; if so, we will do  
17 it. Otherwise, we will hold the time open for  
18 folks to speak. If anyone would like it  
19 translated, please raise your hand.

20 Okay. So at this point, I'm going  
21 to stop talking. Anybody who wishes to speak,  
22 please step up. Otherwise, we will be here  
23 until 7 o'clock. Thank you all for your  
24 interest.

25 (Whereupon there was a brief break

1 at this time.)

2 MR. DAVIS: This on?

3 HEARING OFFICER MORIARTY: Yes.

4 Thank you.

5 MR. DAVIS: Good evening. My name  
6 is Robert Davis. You want me to spell it?  
7 R-o-b-e-r-t D-a-v-i-s. Good evening, everyone.  
8 I'm a member of Local I -- IUOE Local 825. I  
9 represent heavy equipment operators in the  
10 construction industry. Like many of my fellow  
11 union brothers and sisters, I'm in -- I'm aware  
12 of the environmental -- of the environment and  
13 the way protected. The concern that I have is  
14 that the regulation do not take into  
15 consideration the construction industry and  
16 workers like myself. These regulations will put  
17 a stop to projects that are vital to our  
18 communities including water, sewage, school and  
19 low-income housing.

20 As members of the construction  
21 industry, we feel this process has been  
22 one-sided. We ask that you keep in mind  
23 construction and workers like myself and the  
24 members that I represent, as well as the  
25 economic developments of our communities. Thank

1 you.

2 HEARING OFFICER MORIARTY: Thank  
3 you, sir.

4 MR. TANDAZO: Hi. Good afternoon.  
5 My name is Chris Tandazo. Chris Tandazo, they  
6 and pronouns. I lived my teenage and young  
7 adult years in the community of Irvington, and  
8 now currently reside in Jersey City, both of  
9 which are Environmental Justice communities. I  
10 work as the Community Connections Manager at the  
11 New Jersey Environmental Justice Alliance, and  
12 hold a Master's in Environmental Policy and  
13 Sustainability Management. Growing up, passing  
14 by toxic sites and facilities, seeing smoke  
15 stacks, and endless truck traffic, was and is  
16 part of the everyday experience for those of us  
17 living in these communities.

18 As I've gotten older and recognized  
19 the links between our communities' health,  
20 racial discrimination of black and brown people,  
21 and the siting of polluting facilities, the  
22 thought of more facilities like these feel like  
23 a punch to communities that are already  
24 struggling.

25 And the EJ Law provides the tools to

1 protect EJ communities from more pollution.  
2 Within the law, I want to ask that the following  
3 are ensured:

4 On background: It's vital that  
5 overburdened communities are defined using three  
6 criteria: Having limited English proficiency;  
7 living in a low-income areas; or being a  
8 minority. As each criteria protects different  
9 vulnerable communities in New Jersey, and the  
10 criteria don't always overlap.

11 On meaningful public participation:

12 The burden our communities  
13 experience gives us little time to be engaged in  
14 something that isn't working for our survivable.  
15 The process for us to engage and participate  
16 should be accessible. This means increasing the  
17 number of meetings held. More than just one  
18 meeting. Providing the opportunity to submit  
19 comments in virtual mediums such as oral  
20 recordings, videos, and digital or visual  
21 comments. Sometimes communities don't have the  
22 time or to write up any, like, comments and  
23 submit them.

24 For the notices, nowadays people  
25 have different ways in which we become aware of

1 what's happening in our communities. So, in  
2 additional -- in addition to the municipal  
3 clerk, newspaper, and governing bodies, DEP  
4 should include legacy groups rooted in EJ in its  
5 online EJ corner that applicants are required to  
6 notify. It would be -- it would help build  
7 relationships between community and industry.  
8 DEP should also ensure that notices are made to  
9 approve newspapers by region. For example,  
10 Essex News Daily is a great place for a good  
11 community input from a single county. However,  
12 nowadays, fewer people read newspapers and most  
13 people are engaged in online or in community  
14 networks. DEP has to require more modern forms  
15 of notifications for people to be updated and  
16 aware. The tech and knowledge are available.  
17 Additionally, notifications should be sent out  
18 to the county where the facility application is  
19 taking place, as opposed to just the 200 feet  
20 radius. The impact of pollution does not stay  
21 contained within those 200 feet, especially  
22 given how large the size of the impact area is  
23 for any given facility.

24 And I just want to make a quick  
25 comment on compelling public interest. Please,

1 no more loopholes on compelling public interest.  
2 It should be clear that economic growth and job  
3 creation should not factor in compelling public  
4 interests. The failed promises of economic  
5 growth and more jobs in exchange for our health  
6 by industry have been long heard in our  
7 communities and, honestly, it has been failing  
8 us for a long time.

9 If we're going to be protecting EJ  
10 communities, we got to do it right. So I hope  
11 this feedback helps ensure our communities are  
12 well-informed and meaningfully participate. The  
13 law will stop the normalization of pollution in  
14 our communities and move us away from the legacy  
15 of pollution in this state. Thank you.

16 HEARING OFFICER MORIARTY: Thank  
17 you. Before you leave, would you mind just  
18 spelling your name for the stenographer.

19 MR. TANDAZO: Chris, C-h-r-i-s,  
20 Tandazo, T-a-n-d-a-z-o.

21 HEARING OFFICER MORIARTY: Thank you  
22 so much.

23 MS. MOLLINEDO: Good evening.

24 HEARING OFFICER MORIARTY: Yes.  
25 Thank you.

1 MS. MOLLINEDO: Sorry to break that  
2 up over there.

3 HEARING OFFICER MORIARTY: We were  
4 just checking a couple of things.

5 MS. MOLLINEDO: My name is Aubrey  
6 Mollinedo, A-u-b-r-e-y M-o-l-l-i-n, as in Nancy,  
7 e-d, as in David, "o". I'm with Clean Water  
8 Action. I'm working on a grant with -- in  
9 partnership with the Delaware River Networking  
10 Group and also funded by the William Penn  
11 Foundation. We do work surrounding Assunpink  
12 Creek in and around the City of Trenton and  
13 Mercer County and we deal with the  
14 disproportionate group of color in our  
15 communities.

16 Last month, we had a listening  
17 session that had near to 100 participants from  
18 the Latino communities. And one of the  
19 complaints that we've heard and major concerns  
20 that we heard was that there are -- the  
21 communities are not getting the information that  
22 is needed in a timely fashion and they don't  
23 understand that information that's given, and  
24 that's whether that's county, municipal or  
25 state. This is a major concern.

1                   As you all know, the Latino  
2 population is one of the fastest growing  
3 populations in our nation as a whole and  
4 especially in our urban communities. And it's  
5 very important that these communities receive  
6 the information. So my suggestion is, not just  
7 to post it in the newspaper and to do the other  
8 medians which, Chris, thank you very much for  
9 bringing up those other alternatives. My  
10 suggestion is to get in touch with the local  
11 houses of worship, the community organizations.  
12 We have one represented just off of my knowledge  
13 right here, Shereyl Snider, with East Trenton  
14 Collaborative. These are the people that are at  
15 the grassroots level that are doing the work in  
16 our communities before and after people, such as  
17 myself, leave. So it's very important that we  
18 engage them in the process so that they can have  
19 listening sessions and just kind of breakdown  
20 what it is that we're trying to articulate to  
21 them, whether it's through my organization, or  
22 through the state or county, municipal levels.  
23 Right? A lot of people do not understand what  
24 the environmental injustices are in their  
25 neighborhoods on a academic level. However,



1 they do know the results when their kids come  
2 out with autism, asthma and other  
3 disproportionate illnesses and diseases that  
4 affect our communities predominantly, because of  
5 these environmental injustices that are focused  
6 on our areas, because it seems like people don't  
7 care. But it's not that we don't care. It's  
8 that we're not educated and informed. And  
9 that's why folks such as myself will develop  
10 webinars to try to build two boxes for our  
11 advocates in the community and also so that our  
12 community can get in touch with what is really  
13 happening, more than just a surface level.  
14 Right? So I hope that you take this into  
15 consideration and that you be more effective in  
16 this process. Thank you.

17 HEARING OFFICER MORIARTY: Thank you  
18 so much.

19 MS. MOLLINEDO: I don't mean to be  
20 greedy, but can I add something else?

21 HEARING OFFICER MORIARTY:  
22 Absolutely. As long as you sit down, you get a  
23 whole other three minutes.

24 MS. MOLLINEDO: I sit down -- okay.  
25 So that's not the only demographic that needs

1 help with understanding what's going on. The  
2 City of Trenton is very unique in the fact that  
3 we have a large Haitian population. We have a  
4 large Russian and Polish population. And we  
5 also have Liberians and Nigerians and just the  
6 different -- the different classes and cultures  
7 in our community. Right? And so we want to  
8 make sure that while we have those other medians  
9 and vehicles to get the information out, that  
10 it's broken down in a way in which they can  
11 understand. And these -- these other cultures,  
12 they do have other associations that support  
13 them within their communities. They have their  
14 own banks. A lot of times they have their own  
15 legion halls and different things like that.

16 So we want to make sure that we are  
17 touching base with all of those components.  
18 Right? And not just solely focusing on  
19 African-American or the Latino population,  
20 because these things affect them as well,  
21 because they're in the hub of our communities.  
22 And we don't want to leave anyone misrepresented  
23 or misinformed. And that's it. Thank you.

24 HEARING OFFICER MORIARTY: Thank you  
25 again. Anybody else? We have a long four

1 minutes. Nobody else wants to --

2 MS. LOPEZ-NUNEZ: Testified twice.  
3 Maria Lopez-Nunez. Maria, M-a-r-i-a, and then  
4 it's Lopez-Nunez, L-o-p-e-z, dash, N-u, Spanish  
5 n-e-z. I figure there's not a lot of people  
6 here, but I feel like what just happened was  
7 pretty intimidating, right? And it's something  
8 that, you know, I do want to say on public  
9 record, as an advocate from Environmental  
10 Justice, I've had my house broken into and I've  
11 been threatened and intimidated. So that I hope  
12 that when DEP is getting threatened or  
13 intimidated that you can find moral courage to  
14 stand on the side of communities. To make sure  
15 that you hold everything that is strong about  
16 the law strong and everything that is weak, a  
17 little bit stronger, right? Because I -- I  
18 can't imagine the opposition you might face,  
19 right, from industry, from politicians. People  
20 that want an economic exception. Economic  
21 exceptions that, quite frankly, have been the  
22 reason that we have environmental injustice in  
23 the first place.

24 Racism only exists to serve  
25 capitalism, right? I won't get too theoretical

1 here, but the reason that racism is there is to  
2 sacrifice our communities for profit so that  
3 people could make money. Yes, discrimination  
4 and all that, but there's a greater purpose, and  
5 that's profit. And industry has shown its  
6 willingness to time and time again sacrifice  
7 communities of color and low-income communities,  
8 communities that have less political power. And  
9 so allowing any type of economic exception is  
10 just inviting in people to feed off desperation  
11 in our communities. We need economic viability  
12 just as much as anybody else. And I hope that  
13 unions at some point see that they should stop  
14 building things that hurt them too. Stop  
15 building things that might hurt their children.  
16 But maybe they don't live on our communities.  
17 And I know that there's health impacts as they  
18 build these things, right, that they might die  
19 younger in the promise of a job.

20 And I think that what this law is  
21 about, is the promise of a future but only by  
22 stopping. You know, like we have to stop  
23 digging the hole, because I don't think this law  
24 is the end all be all. It's just helping us  
25 stop what we've already been doing, right? It

1 doesn't include renewals. So it's not going to  
2 reverse the legacy of pollution that already  
3 exists. It only stands to stop bad things from  
4 coming in the future.

5           And so I really feel strongly about  
6 that economic exception, about the compelling  
7 public interest. That language needs to be  
8 tighter. Right now it says for a primary  
9 environmental health or public safety. That  
10 needs to be further defined or people will try  
11 to slide in through that loophole. And at what  
12 cost? You have to -- I don't know if it's an  
13 equation, but what is an environmental impact  
14 that can -- that actually, if you balance it out  
15 is worth children's lungs and generations of  
16 children that are exposed to, let's say, another  
17 power plant when the neighborhood already has  
18 four power plants. I understand that sometimes  
19 we're trying to rectify one good, but it could  
20 never be rectified if we're doing it at the cost  
21 of human health. So I'll keep it there. I'll  
22 keep it under three minutes.

23           HEARING OFFICER MORIARTY: Thank  
24 you, Maria.

25           MS. MILES: Hi. Good afternoon. My

1 name is Melissa Miles, M-e-l-i-s-s-a M-i-l-e-s,  
2 and I'm the executive director of the New Jersey  
3 Environmental Justice Alliance. Sure. Okay.  
4 So I have to follow in the heels of Maria. But,  
5 you know, something that was just said kind of  
6 inspired me, which is, you know, we -- part of  
7 the reason for this law is so that we can begin  
8 to have more of what matters to us and more of  
9 what is good for us in our communities.

10 I don't think that this is a zero  
11 sum situation where if we don't build more  
12 polluting facilities, that, you know, others  
13 will lose their jobs or not be able to continue  
14 their livelihoods. You know, we just want more  
15 of what's good, more of what's right, more of  
16 what's healthy, more of what's clean, more of  
17 what's educating. And so, I think that by  
18 stopping -- you know, putting a point on, you  
19 know, the permitting of polluting facilities in  
20 EJ communities opens the door for more  
21 creativity as well in what can be built in those  
22 communities that would serve those communities.  
23 And the law itself speaks to that in the permit  
24 conditions, because, you know, first I think  
25 it's important that we want to avoid additional

1 pollution in communities that are designated as  
2 overburdened; and where it can't be avoided  
3 completely, that it be minimized in that  
4 community. You know, we're not talking about  
5 offsets or projects in other places, which has  
6 happened in the past. But in that community,  
7 pollution should be avoided and minimized. You  
8 know, avoid it when it's a new facility and  
9 minimized when it's a renewal.

10 And overall, I think the best case  
11 scenario is when a facility is going to protect  
12 the community somehow. And I think that is the  
13 standard that we want to get to, is we build  
14 things in communities that are protective of  
15 those communities.

16 I think also one thing that we have  
17 heard a lot about is public participation. And  
18 one speaker mentioned that it is -- it's  
19 difficult to read a permit, a permit  
20 application. Sometimes they're hundreds of  
21 pages long. And even those of us who, you know,  
22 are in this as a profession may talk with others  
23 who have the time and the capacity to read  
24 dozens or 100, you know, or more pages of a  
25 permit. So I'm really curious as to what can be

1 -- what can happen that will allow communities  
2 to actually get information, not just in the  
3 language they speak, but in the everyday common  
4 language that most people think in, so that they  
5 can really participate meaningfully when it  
6 comes to the permit hearing. Because unless  
7 there's education, and significant education, I  
8 think it's going to be hard for regular people  
9 to actually participate in a meaningful way.  
10 So, you know, I would like to see, you know,  
11 more of that education in communities. And I  
12 will stop there.

13 HEARING OFFICER MORIARTY: Thank  
14 you, Melissa.

15 MR. PRINGLE: David Pringle. I'm  
16 consultant with Clean Water Action. I'm also in  
17 the Steering Committee of Empower New Jersey and  
18 on the Cranford Environmental Commission and  
19 also its Green Team. It's David, D-a-v-i-d,  
20 Pringle, like the potato chip, P, as in Peter,  
21 r-i-n-g-l-e.

22 We are in strong support of this law  
23 and this proposed rule. And I'd like to  
24 highlight a direct quote from the legislature's  
25 findings and declaration when they passed this



1 law in the opening sections of the Act.

2 "Legislature further finds and declares that no  
3 community should bear a disproportionate share  
4 of the adverse environmental and public health  
5 consequences that accompany the state's economic  
6 growth." And that goes to the core, as Maria  
7 testified, and incorrect concerns raised by a  
8 previous commenter.

9 The definition of compelling public  
10 interest is tight. It could be even tighter.  
11 And it's in -- very appropriate for it to be  
12 this way. Specifically, calling for the  
13 compelling public interest needs to primarily  
14 serve and be necessary to serve the essential  
15 health and safety of environment of folks in the  
16 overburdened community. That's not jobs and  
17 taxes. This law is needed because of jobs and  
18 taxes, because there has been an exclusion well  
19 too often.

20 And why does it matter? Let's talk  
21 about the City of Newark. Way too many other  
22 examples of overburdened communities, but I  
23 think it probably checks off more sources and  
24 types and size of pollution than any other. In  
25 the south and eastward, you have the Port

1 Authority of New York, New Jersey, and all the  
2 ships and trucks that come in around there. You  
3 got Newark Airport. You got Routes 1, 95, 78,  
4 280. You have all the rail hubs. You have the  
5 garbage incinerator, at least three power  
6 station -- power stations. You have a dioxin  
7 laden superfund site. Other superfund sites and  
8 dozens of other contaminated sites. You have  
9 the largest sewage treatment plant in the state.  
10 You have landfills. You have scrap metal  
11 facilities. And I've only scratched the  
12 surface, haven't I, of what's going on there?

13 So, it's screaming, you know, and  
14 vast majority of those, very, very few of those,  
15 probably none of them, would meet the definition  
16 of compelling public interest. Yet, they are in  
17 the City of Newark, because they benefit other  
18 folks.

19 This rule and this law are very  
20 reasonable. We would argue too reasonable,  
21 given the history that -- just in Newark that  
22 I've just quickly described. Given the  
23 weakening amendments that were, unfortunately,  
24 done to the law as it was moving through the  
25 legislative process to get it, you know, through

1 the legislature. Maybe we wouldn't be able to  
2 get it through anyway if it was stronger, but  
3 you know, we'll never know. But we'll go back  
4 to the legislature soon enough and get it  
5 stronger. But even in this rule, you could have  
6 a stressor that is horrible, but if not enough  
7 other stressors are equally horrible, they're  
8 not covered under this. So that's, you know, a  
9 concern.

10 Couple of areas we would like to see  
11 strengthened and we'll be providing more  
12 detailed comments. I'll wrap up very quickly  
13 here. We'd like to see the notice go up well  
14 beyond 200 feet. Especially, a lot of these  
15 census tracks, you know, there isn't a lot of  
16 population. So 200 feet doesn't go very far.  
17 We think 1,000 foot for notice would be more  
18 appropriate. Also very much appreciate that  
19 where there are census tracks that have no  
20 population, you take a look at the adjoining  
21 census tracks. We would suggest you go a little  
22 further than that in low population census  
23 tracks. We think that would also be appropriate  
24 to see if there are overburdened communities in  
25 the adjoining census tracks. We don't have an

1 exact definition or recommendation for you yet  
2 on where between zero and greater than zero you  
3 would consider that low population, but we'll  
4 get that to you and we'll be providing more  
5 detailed comments during the written comment  
6 period and subsequent hearings.

7 And let me just close by saying, you  
8 know, I heard somebody say that this is going to  
9 stop something that's a vital, a school or  
10 hospital or whatever. And I say vital to who?  
11 If it's so vital, it could fit the definition of  
12 compelling public interest, if it's vital to  
13 that community. If it isn't, I'm sorry they're  
14 not here, put it in your community. Thank you.

15 HEARING OFFICER MORIARTY: Thank  
16 you. All right. It is 7 o'clock. We're going  
17 to close the record and this public hearing. So  
18 thank you all for your engagement and your  
19 comments. We will see you either in Camden,  
20 Newark or online. Thank you.

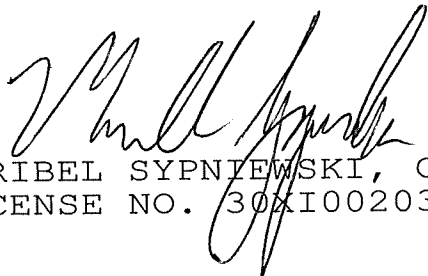
21 (Concluded at 7:03 p.m.)  
22  
23  
24  
25

## C E R T I F I C A T E

I, MARIBEL SYPNIEWSKI, a Certified Court Reporter and Notary Public of the State of New Jersey, do hereby certify that prior to the commencement of the examination, the witness was duly sworn by me to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



MARIBEL SYPNIEWSKI, C.C.R.  
LICENSE NO. 30X100203200

DATE

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