

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

**EJ Advisory Council Members**

Valorie Caffee, Chair  
Ana Baptista, Ph.D. Vice Chair  
The Reverend Fletcher Harper, Secretary  
Sharon Brown, Corresponding Secretary  
Kevin D. Moore, Parliamentarian  
Stewart Abrams, P.E.  
Kerry Margaret Butch  
Theodore Carrington

**EJ Advisory Council Members**

Colandus "Kelly" Francis  
Kim Thompson-Gaddy  
Joann L. Held  
The Rev. Dr. J. Stanley Justice  
Zachary D. Lewis  
Donald M. McCloskey  
Judith Stark, Ph.D

Approved: November 4, 2009

**ENVIRONMENTAL JUSTICE ADVISORY COUNCIL MEETING RECORD  
First Meeting of the New 2009-2011 EJAC  
October 7, 2009, 10:00 a.m.  
NJDEP 401 E. State St., Trenton, NJ**

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

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

EXCUSED: Stew Abrams, Reverend Stanley Justice

UNEXCUSED: None

SPEAKERS: DEP Deputy Commissioner Jay Watson, DEP Assistant Commissioner Wolf Skacel, DEP EJ Coordinator Maria Franco-Spera,

VISITORS: Former Governor James Florio, Sharon Kubiak (DHSS), Justin Lambert (Governor's Office), DEP Assistant Commissioner Jeanne Herb, DEP Administrator Ed Choromanski, EJ Advocate Peter Montague

**Meeting Record**

**I. Welcome & Introductions (Valorie Caffee, Acting EJAC Chair)**

Valorie Caffee gave a brief overview of the Advisory Council and its history and asked all of the Council members to introduce themselves.

**II. Welcome 2009-2011 EJAC (John S. Watson, Jr., DEP Deputy Commissioner)**

Jay Watson welcomed the new Council members and recognized the work that the Council has done thus far. He noted that this is an Advisory Council rather than an Advocacy Group. (Although Advocacy is an appropriate role for many of the groups that Council members represent.) The role of the Council is to provide advice to the DEP Commissioner and to the Governor, keeping in mind the limits of existing regulations and legislation. The Council can also serve as a voice for burdened communities.

Jay spoke briefly about the Commissioner's Action Plan for addressing Cumulative Impact issues and committed to having at least one Assistant Commissioner at each Council meeting to report on progress being made under the Action Plan.

Jay introduced Justin Lambert who is our liaison to the Governor's Office and to other Departments in State Government. Justin especially offered his assistance in providing the information that we need to do our work.

### **III. EJAC's May 2006 Cumulative Impacts Report (Ana Baptista, Joann Held & Valorie Caffee)**

For the benefit of new EJAC members, the Cumulative Impact Subcommittee gave an overview of the problems related to cumulative impacts in our state and the recommendations contained in the report that the Council gave to the DEP last spring.

The recommendations were written with a Bias for Action and the report itself should be considered a Work-in-progress since there is so much more to learn about cumulative impacts and the tools that are needed to address EJ communities of concern. Important next steps include strengthening regulations, legislation and technical tools to protect these communities.

### **IV. DEP's Compliance and Enforcement Update (Wolf Skacel, Assistant Commissioner Compliance and Enforcement)**

*Environmental Justice Initiatives and Commitments:* Wolf Skacel provided a summary of how the DEP enforcement programs organize their work, defined a number of terms, and spoke about their efforts to meet with 5 communities of concern to identify and discuss regulated and non-regulated active facilities (a commitment in the Action Plan), and compliance assistance tools that are available.

*Inspections and Investigations:* Over the course of a year, field staff is assigned to inspect facilities based on commitments to USEPA, priorities set within the DEP, and citizen complaints. Inspections tend to focus on a checklist based on regulations and permit conditions. County Health Departments also do many inspections for the DEP under the CEHA program.

*Enforcement Actions:* The first step in an Enforcement Action is usually an NOV (Notice of Violation), which will be issued if something wrong is found during an inspection. It will notify the company what was done wrong and what they can do to fix the problem. If the problem is fixed quickly, this could be the last step. Subsequent steps may include an ACO (Administrative Consent Order), if a company needs additional time to come into compliance, a Settlement (if a penalty is assessed) or a SEP (Supplemental Environmental Project) if a portion of the penalty money is directed to a community project. If there is a hearing on the violation, then DEP may issue an AO (Administrative Order) and a NAPA (Notice of Administrative Penalty Assessment).

*Commitment to Communities of Concern:* The first of 5 meetings with Communities of Concern took the form of a walking tour in the Waterfront South neighborhood of Camden in August. DEP found it useful for the Community to identify facilities of concern for discussion with the Department. During the walking tour, Enforcement staff observed

employees at Camden Iron & Metal who were cutting a car apart. They neglected to remove the vinyl top of the car, which the Department has cited them for.

*Compliance Assistance:* Wolf described a tool that they have recently used in Long Branch to identify the source of leaks at the Sewage Treatment plant. The tool – known as a FLIR camera – gives a visual image of areas where leaks are occurring that cannot be seen in other ways. Fifteen staff people have been certified to use the FLIR camera.

The DEP website also has many tools that can assist communities. Enforcement staff will be visiting Camden Waterfront South on October 27 to make a presentation to the CARE Advisory Committee on how to get information off the DEP web pages.

## **V. DEP’s Environmental Justice Coordinator Report (Maria Franco-Spera)**

Maria began by describing her role as coordinator and noted that she reports directly to Deputy Commissioner Watson. She then provided updates on a number of areas.

*Long Branch:* Maria has been working with the community to follow-up on the FLIR camera findings.

*Council Press Release:* The Department issued a press release on October 6 announcing the appointment of 15 members to the state’s Environmental Justice Advisory Council, fulfilling Governor Jon S. Corzine’s Executive Order to continue tackling the significant environmental challenges facing New Jersey’s low-income and minority communities.

*New Brownfield Areas:* Another press release yesterday announced that portions of Lodi, Kearny, Plainfield, Rahway, Somerville and Woodbridge have been designated as state Brownfield Development Areas. The new designations will help these municipalities work toward their redevelopment goals.

*Trenton Class A Recycling Facility:* DEP completed their review of the County Solid Waste Plan amendment that would permit this new Recycling operation in Trenton. As a result of the review, the DEP requested a “modification” of the plan.

*Council Webpage:* Maria would like to include a brief bio for each Council member on the EJAC webpage. Members should forward a bio to Maria.

## **VI. EJAC Executive Committee (Valorie Caffee & Maria Franco-Spera)**

The five positions on the EJAC Executive Committee were described. Anyone interested in serving in any of these positions should notify Maria and provide a brief bio. Maria will arrange for the Council to vote electronically in about 2 weeks.

## **VII. Public Comments**

*Affordable Housing Proposal in Logan Township (Governor James Florio)*

Governor Florio described to the Council a plan by a developer to build Affordable Housing in an industrial part of Logan Township using the COAH Builder’s Remedy. This results in a situation that is the reverse of the common Environmental Justice scenario where industry moves into a residential neighborhood. In the case of Logan Township, the affordable housing would be placed near many existing industrial sources including a chlorine production operation, and a soil washing operation that emits arsenic. This issue prompted extensive discussion from Council Members.

Kelly Francis: This is exactly the same situation that is happening in South Camden where a developer would like to build housing adjacent to a busy interstate highway. The Camden housing development is also located near a large number of industrial facilities.

Ted Carrington: It would be good if communities experiencing this problem could be put in touch with each other so that they could work together.

Don McCloskey: Suspects that industry would also be opposed to this type of siting.

Sharon Brown: The DEP worked with Lakehurst to develop a model of areas where homes could not be located. Could such a model be used again?

Kerry Butch: Noted that Brownfield development programs tend to encourage this type of siting.

Kim Gaddy: The Council should learn more about this issue and then write a letter supporting Logan Township in their opposition to the siting. Maite Stanislaus would be a good speaker on this issue.

MOTION: Place this issue on the EJAC agenda for November and review the letter proposed by Kim. Moved by Kevin Moore & seconded by Kim Gaddy.

DISCUSSION;

Ana Baptista: We should also ask for a briefing from the Governor's office on the COAH rules that allow this type of siting.

Fletcher Harper: Offered to reach out to Faith Community colleagues who work on Affordable Housing issues.

Sharon Brown: Many of these developers use tax credits, so we should also be talking to DCA.

VOTE: Unanimous support for the motion.

Governor Florio promised to send additional information to Maria to share with the Council.

#### *Proposed Coal-Fired Power Plant in Linden (Peter Montague, NJEJA)*

A 750 MW coal-fired power plant has been proposed for Linden. Peter briefed the EJAC on this proposal last June (when the proposal was for 500 MW) and we requested additional information. Today Peter provided a Fact Sheet and offered to give a 20-minute powerpoint presentation on the project at the November meeting.

### **VIII. Announcements**

*Bioneers Conference (Kerry Butch):* Scholarships are available for urban youth and environmental activists who are interested in attending the Bioneers Conference in New Bedford, MA on October 22-25. There will be a bus leaving from Newark and Asbury Park.

*Port Authority of NY/NJ Clean Air Action Plan (Ana Baptista):* There will be a public hearing on the Port Authority Clean Air Action Plan in Newark on October 13.

*SJPA Green Port Plan (Kerry Butch):* The South Jersey Port Authority will hold information sessions on their Green Port Plan in Camden on Oct. 8 and in Philadelphia on Oct. 14.

*CARAT Team Mini-Conforence (Valorie Caffee):* The Coalition of Black Trade Unionist, NJ-CARAT Team will hold their annual Mini-Conference on Toxics on Nov. 7. (Note: CARAT = Community Action & Response Against Toxics).

### **IX. Adjournment**

The meeting was adjourned at 12:20pm. The next meeting will be on November 4, 2009 at 10am.

Respectfully submitted, Joann Held (Acting Secretary)