

New Jersey Board of Public Utilities  
44 S. Clinton Avenue  
Trenton, NJ 08625

RE: New Jersey Energy Master Plan

September 13, 2019

Via electronic submission to [EMP.Comments@bpu.nj.gov](mailto:EMP.Comments@bpu.nj.gov)

To Whom It May Concern:

New Jersey's 2019 Energy Master Plan is of critical importance to the health and well-being of New Jersey's residents and for the state to meet ambitious climate mitigation goals. Therefore it is heartening to see that the BPU has included language in this Draft Plan focused on environmental justice and the needs of communities that are most impacted by climate change. It is critical that the state's energy goals align with and advance the state's environmental justice goals in accordance with Governor Murphy's [Executive Order 23](#), which directs the BPU and all Executive branch departments and agencies to "consider the issue of Environmental Justice and make evaluations and assessments in accordance with that guidance, to the extent not inconsistent with law."

The State's Energy Master Plan is an essential element in determining both impacts and investments in communities of color and low income communities overburdened by disproportionate pollution, particularly from the energy generation and transportation sectors. Environmental justice communities contribute relatively less to the problem of climate change due to lower levels of energy consumption overall, suffer higher rates of energy insecurity, bear a disproportionate share of the burden of the pollution emanating from our current energy infrastructure and they reap the least benefits from the current systems of renewable energy and energy efficiency investments. These inequalities must be addressed to achieve a transition to 100% renewable energy. The future direction of energy policy in New Jersey will weigh heavily on these communities and for these reasons, their concerns and input should be considered in a meaningful way as part of this process.

In accordance with the Governor's executive order on environmental justice as well as the federal executive order on environmental justice, meaningful opportunities and input from the communities directly impacted by the EMP policies should be prioritized. The three stakeholder meetings scheduled in the summer are not sufficient to meet the definition of meaningful engagement. There are few low income or working class residents of the state able to access these meetings particularly the ones held in the middle of the workday. More opportunities for public input and voices should be added to the schedule that go into the fall to allow for more meaningful public participation. There should also be an effort to communicate and disseminate the content of the Plan to communities in multiple languages and in accessible forms that residents can



**ADMINISTRATION**  
317 Elm Street  
Newark, NJ 07105  
973-465-0555

**EARLY LEARNING CENTER**  
1 New York Avenue  
Newark, NJ 07105  
973-589-6873

**FAMILY SUCCESS CENTER-  
WEST**  
317 Elm Street  
Newark, NJ 07105  
973-465-0555

**COMMUNITY CENTER**  
432 Lafayette Street  
Newark, NJ 07105  
973-465-0947

**FAMILY SUCCESS CENTER-  
EAST**  
29 Cortland Street  
Newark, NJ 07105  
973-344-5949

**PROGRAMS & SERVICES**  
*Early Head Start  
Pre School  
After School  
Summer Arts & Recreation  
Family Services  
Economic Empowerment  
Adult Education  
Essex County College  
-Ironbound Extension Center  
Environmental Justice  
Community Development  
Urban Agriculture*

[www.ironboundcc.org](http://www.ironboundcc.org)  
[info@ironboundcc.org](mailto:info@ironboundcc.org)

understand and comment on. Simple best practices like hosting more evening meetings, in venues that are easy to access, making materials publicly accessible in multiple languages and working directly with community-based organizations will help ensure a more meaningful public process.

Despite the BPU's efforts many community members still found the session in Newark inaccessible for several reasons. Some of them are within BPU's power to rectify and others are not, but all are reflective of the needs of our community regarding this process. Some of the feedback that we received on the process is listed below.

- The outreach was very limited. Most people are not checking newspapers or the BPU's website for information on rulemaking and public hearings.
- Local community organizations were not enlisted nor resourced to undertake outreach efforts.
- There is no educational effort preceding these important hearings to inform people of what is at stake. Community organizations are not enlisted or resourced to conduct this type of education.
- Local community organizations have regular meetings and it was expressed that for true outreach, BPU should send representatives to communities in advance of hearings to talk to community members about the rule and its potential impact.
- The hearing itself was peak summer when many families are occupied with childcare or away.
- The hearing took place the day after some of the worst weather-related flooding this year. Many community members and facilities were impacted.
- The hearing took place on one of the hottest days of the year in a community where many rely on walking.
- Some community members expressed interest in attending the Camden hearing but the distance and overlap with the end of the school day made it difficult.

**The following are general comments in response to the Draft Plan, as well as comments specific to Strategy #2 and Strategy #6.**

- We believe strongly that market mechanisms like RGGI are not sufficient to meet carbon reduction or environmental justice goals. The EMP should not just study the opportunities for regulating carbon, but seek to regulate both CO<sub>2</sub> and co-pollutants such as Black carbon to achieve IPCC's 2030 target and GWRA's 2050 mandate.
- The long-term costs of GHGs must be quantified and considered including the public health costs borne by New Jersey's most vulnerable residents.
- The EMP drastically understates the global warming impact of methane released by the extraction, distribution and burning of natural gas.
- Transportation Sector Emissions Reductions should go beyond the focus on incentivizing the electrification of personal vehicles. Low and moderate income households rely disproportionately on public transit and alternative modes such as biking and walking. The EMP should prioritize the electrification of diesel public bus fleets particularly in EJ communities impacted by poor air quality. Electric buses should be a priority investment that realizes transportation sector goals ahead of private vehicles. The public subsidizing of

EV vehicles that will benefit mostly higher income households would make this program a regressive tax on LMI households that pay into a system they do not directly benefit from. EJ communities should have access to more clean transportation options by ensuring investments in multiple modes of electric vehicles, public transit, common charging stations and increased access to larger rebates. The state should be required to report on the percentage of households in LMI communities benefitting from EV vehicle incentives.

- The EMP should include a comprehensive study of transportation sector emissions to assess the distribution and location of hot spots in terms of both GHGs and health harming mobile source emissions such as black carbon in order to ascertain where to target investments for mitigating these emissions.
- Increasing the availability of public transit options, improving the reliability and electrification of this sector is critical and should be a priority. Furthermore, the target action 1.1.8 that states, “ Partner with industry to develop incentives to electrify the medium-and-heavy-duty vehicle fleet with battery or fuel cell technology, or to support R&D that will enable such electrification” The state should not rely on voluntary industry measures to target the dirtiest portion of the transportation sector that most disproportionately burdens EJ communities. The state should enact specific regulations and investments to turn the HDD vehicles and freight sector generally to zero emissions. This is already possible – we can look to California’s electric trucks and CHE for examples.<sup>1</sup> The zero emissions sector should be incentivized via mandates that require indirect area sources like seaports and airports to reduce their GHG and diesel emissions.
- The state cannot rely on the TCI program which is years from being designed and implemented to address the “more carbon intensive sectors of the economy” in the aviation, trucking and shipping industries. These are the sectors that disproportionately impact EJ communities and require more attention and investment from the state. The TCI program will not aggressively drive down emissions in the freight sector. The EMP should consider more aggressive diesel reduction regulations and increases in marine tariffs (Cargo Facility Charge) or the adoption of container fees on shippers and terminal operators to invest in the mitigation of this sector’s emissions.
- The reporting of PANYNJ voluntary measures to reduce emissions from the ports sector is not enough to mitigate the significant impact that this sector has on local EJ communities. For example, the PANYNJ touts a Clean Vehicle subsidy program that’s only turned over a small fraction, less than 1% (700 trucks) of their overall aging truck fleet (approximately 10,000 trucks). The EMP should seek to aggressively promote and mandate reductions in this sector that are not reliant on incremental implementation of voluntary measures. The PANYNJ should set aside a larger portion of their operating budget (more than 4% that is currently allocated) to mitigation efforts.
- The PANYNJ should also reinstate the pre-2010 truck engine ban which they repealed and which would have a significant positive impact on GHG and diesel emission reductions in

---

<sup>1</sup> In 2017, the California Air Resources Board (CARB) passed resolutions to develop air quality regulations to achieve 100% zero emissions vehicle (ZEV) compliance for cargo-handling equipment by 2030. Additionally, the South Coast Air Quality Management District and CARB will work to develop concepts for an Indirect Source Rule to control pollution from large freight facilities, including ports, and any alternatives to achieve emissions reductions. LA-LB are committed to supporting a host of regional and state regulations to reduce port emissions, including ZEV standards for on-road trucks; engine standards for locomotives and vessels; emission controls from non-regulated vessels; fleet turnover requirements for harbor crafts and cargo-handling equipment; and idling restrictions for cargo-handling equipment.

the EJ communities surrounding the ports.<sup>2</sup> Studies have shown the direct public health risks resulting from the rollback of this truck ban policy.<sup>3</sup>

- The EMP states that, “Port Authority will seek to work with the local utility and respective state agencies to determine the viability of a community solar project” The exploration of a community solar program with the PANYNJ should rely on developing a true partnership with local community based EJ organizations rather than exploring this through the utility. Under a 2013 MOA between the PANYNJ and the NJDEP, the PANYNJ agreed to the establishment of an Environmental Justice Executive Review Board (EJERB) that was to have community representation and reporting but which was never formally established, reported on or communicated about. The EMP should require that mitigation efforts undertaken with the PANYNJ include meaningful participation of local EJ organizations and transparent processes for weighing in on clean air strategies.

### ***Strategy 2: Accelerate Deployment of Renewable Energy and Distributed Energy Resources***

- Natural gas is not a bridge fuel and the newest natural gas plants are still large emitters of GHG and co-pollutants in mostly EJ communities where they are further harming EJ communities with local air pollution. Case in point, the Newark Energy Center, a 655 MW combined cycle natural gas plant emits more than 2 million tons of CO<sub>2</sub>, and more than 1,200 tons of criteria and hazardous air pollutants annually in an EJ community already overburdened with other emissions sources.<sup>4</sup> The state should adopt mandatory emissions reductions for all power plants in EJ communities to ensure a reduction in co-pollutants in addition to GHG from plants exacerbating cumulative impacts in EJ communities. The Newark Energy Center, the Newark Bay Co-Generation Plant, the PSEG Peaking North Combustion Turbine Station, and the Covanta Essex Incinerator are all examples of energy generating units concentrated in an EJ community in Newark. These facilities produce significant amounts of global CO<sub>2</sub> and localized air pollutants that impact the health of already overburdened communities in Newark and surrounding areas. These facilities should be required to reduce their emissions profiles. The EMP should ensure that there is an effort to mitigate these disproportionate emissions from the existing fossil fuel derived energy infrastructure located in EJ communities like Newark. The irony of this burden is that residents of Newark and surrounding areas represent relatively least consumptive parts of our society yet they play host to the state’s energy infrastructure, bear the brunt of that infrastructure with health impacts of these emissions.
- The EMP must include a moratorium on all new fossil fuel projects until GHGs are effectively regulated.
- The State must regulate black carbon, pure carbon particulates, aka soot.
- The EMP should ensure the state makes significant investments in EJ communities both in the form of renewable energy (RE) investments and also energy efficiency (EE) to help reduce energy burden systemically. **The six programs funded by the SBC are regressive in that they tax Low and Moderate Income (LMI) communities who pay into these funds disproportionately relative to the benefits they receive back in the**

---

<sup>2</sup> <https://www.insidernj.com/press-release/congressmen-payne-sires-call-gov-murphy-replace-older-diesel-trucks/>

<sup>3</sup> <http://www.cleanwateraction.org/sites/default/files/Truck%20Rollback%20Report%20-%20Port%20of%20New%20York%20New%20Jersey.%20June%202017.pdf>

<sup>4</sup> NEC Air Permit Application, [https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/new-jersey-chapter/PressReleases/att-0670-Newark\\_Energy\\_Center\\_Draft\\_Permit.pdf](https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/new-jersey-chapter/PressReleases/att-0670-Newark_Energy_Center_Draft_Permit.pdf)

**form of RE and EE programs. There should be specific carve outs and incentives that ensure that EJ communities can access these programs that have historically not benefited.**

- The EMP should look to innovate policies like the [Illinois Clean Energy Jobs Act](#) which sets out a 100% renewable energy goal by 2050 and a carbon free power sector by 2030. Critically the legislation includes specific job and economic opportunity carve outs for EJ communities such as: Clean Jobs Workforce Hubs Program create a network of frontline organizations across the State that provide direct and sustained support for members of economically disadvantaged communities, environmental justice communities, communities of color, returning citizens, foster care communities, and displaced fossil fuel workers to enter and complete the pipeline for clean energy jobs in solar energy, wind energy, energy efficiency, electric vehicles and related industries; stipends for trainees in the program; funding for community based organizations to deliver these trainings and outreach, etc.
- Additionally Illinois passed the [Future Energy Jobs Act in 2016](#), which also included in specific carveouts for the direct investment in environmental justice communities. For example, as part of this act to increase solar energy jobs and renewable energy developments in EJ communities, funding for a program called [Illinois Solar for All Program](#) was launched. In the first two years of the program \$30 million per year was set aside, which will be used to purchase Renewable Energy Credits (RECs) from new low-income solar projects.<sup>5</sup> New Jersey should similarly seek to specify funding for investment in EJ communities to ensure the development of training, deployment of EE and RE resources targeted to LMI communities.
- New Jersey should also examine the EJ provisions of New York's recently passed [Climate Leadership and Community Protection Act](#), which established a Climate Justice Working Group, consisting of representatives from environmental justice communities, DEC and the Departments of Health and Labor. The working group would identify disadvantaged communities for the purposes of reducing co-pollutant and greenhouse gas emissions and the allocation of certain investments.

***Strategy 6: Support Community Energy Planning and Action in Low-and Moderate-Income and Environmental Justice Communities***

- The EMP should include opportunities for community based energy planning which included bottom up assessments of the energy needs of LMI communities. This type of assessment can ensure that we understand the incentives that would make the most difference in EJ communities.
- The Focus should be on creating targeted investment of no-cost EE upgrades to Low income households and de-emphasize the contributions to pass through programs like LiHeap which don't actually help alleviate the root causes of energy insecurity or improve EE in these households.
- The EMP should eliminate harmful and false sources of energy like Incineration, Biomass, and Nuclear – which pollute EJ communities. Furthermore, the BPU should make clear that **there should be no allowances of RACs or net metering to garbage incinerators in the state.**

---

<sup>5</sup> <http://elpc.org/newsroom/press-releases/illinois-solar-program-launch/>

- Garbage incineration is not clean or renewable. The Covanta garbage facility in Newark emits hundreds of pounds annually of criteria pollutants as well as HAPs in an already overburdened community. This facility in particular is not compliance with their current air permit, due to numerous and consistent violations of their air emissions limits. Facilities like this, which currently qualify for Class II Renewable Energy Credits, are simply being given the incentive to continue to burn waste. Waste burning is not renewable, in fact upwards of 50% of the municipal waste stream consists of petroleum based products like plastics. The US EPA has warned of the dangers of incentivizing waste burning for energy because of the potential to dis-incentivize the diversion of waste to more beneficial uses like composting or the overall goal of waste reduction recommended by the US EPA's Waste Disposal Hierarchy. Burning garbage for energy also creates more pollution per unit of energy produced, both in terms of greenhouse gases and air toxics like mercury.<sup>6</sup> **Incinerators endanger the health of New Jersey's most vulnerable communities and are uneconomic energy sources, emitting more pollutants per KWH than coal and more harmful pollutants like dioxins, furans, and lead.**
  - Waste incineration should be removed from the Tier II class of renewables. These subsidies are undermining the ability of cities to reduce waste and move towards zero waste targets. The recent study of incineration industry shows that incinerators produce more CO<sub>2</sub> than natural gas plants and are the most costly and polluting forms of energy generation. The plants further exacerbate environmental injustice because of their location in EJ communities where they contribute significant amounts of harmful air pollutants. All remaining 4 incinerator plants are in EJ communities and emit significant amounts of air pollution.
  - Also incinerators like the one in Newark have several compliance and violations issues that should disqualify them from receiving any net metering or renewable energy subsidies.
  - Biomass should not be allowed to be considered as renewable energy source. According to recent studies, It is worse than coal, worse than oil, and worse than natural gas, both because of the low energy to carbon ratio inherent in wood, and also because biomass facilities generally operate at considerably lower efficiencies than fossil fueled facilities. Typical CO<sub>2</sub>emissions at a utility-scale biomass plant are 150% those of a coal-burner, and 300 – 400% those of natural gas facility (click [here](#) for a more detailed explanation of carbon accounting for biomass).<sup>7</sup>
- **The goal of 100% carbon neutral energy by 2050 must be replaced with the goal of achieving 100% clean, pollution-free renewable energy by 2050.**
  - The EMP should ensure that RE & EE investments like solar installations include opportunities for community ownership, distributed generation and storage, and energy independence. In places like DE and MN, communities have taken steps to create community owned or municipal utilities, community owned solar projects and,

---

<sup>6</sup> See Comments of the New York State Department of Environmental Conservation Regarding the Verified Petition of Covanta Energy Corporation. August 19, 2011.

<http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7BDEEA097E-A9A6-4E53-898C-0BC2F4C60CC4%7D>.


<sup>7</sup> <https://www.pfpi.net/biomass-basics-2>

cooperative power programs. New Jersey should be leading the way on these innovative efforts.

- The EMP states, “The state’s administration of energy efficiency programs ensures that all customers who support the Societal Benefits Charge have equitable access to the resulting programs and incentive opportunities.” But how will the EMP plan require evaluation metrics to track the accessibility and funding distribution in LMI and EJ communities. What are the reporting requirements, penalties and incentives that will be directed to this communities?
- The EMP Goal 3.1.4 should include specifics for how exactly the state will ensure access and affordability not just more outreach. Set benchmarks and set aside a larger proportion of funding to this sector which traditionally costs more to reach and retrofit.
- The EMP admittedly lacks detailed plans and adequate public input. There must be a substantial opportunity for the public to have input on these details, especially the modeling results from the Integrated Energy Plan, in time to influence the final plan. Given the magnitude of this undertaking, there should be more public hearings and more effort made to make the EMP accessible in multiple languages and in multiple formats to disseminate the information in a way that the public can easily weigh in on the process.

Our work at Ironbound Community Corporation starts and ends with our constituency. Without community-based education and outreach, average people will never be able to engage meaningfully in this process. The result is that those most impacted will not be heard or included, an issue that the state recognized must be rectified. We appreciate your time and attention to our comments. For follow up please contact Melissa Miles, Environmental Justice Manager at [mmiles@ironboundcc.org](mailto:mmiles@ironboundcc.org).

Sincerely,



Maria Lopez-Nunez, Director  
Environmental Justice and Community Development  
Ironbound Community Corporation