Environmental Justice (EJ) in New Jersey

MARAMA

State Implementation Training

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Kenneth Ratzman
NJDEP Division of Air Quality
Assistant Director
609-292-0834
Kenneth.Ratzman@dep.nj.gov

Some History

- 1998: NJDEP Commissioner Shinn created an Environmental Equity Task Force that later became the Environmental Justice Advisory Council (EJAC)
- 2004: Governor McGreevey issued New Jersey's first Environmental Justice Executive Order
- 2009: Governor Corzine issued Environmental Justice Executive Order
- 2016: NJDEP Commissioner Martin issued Environmental Justice Administrative Order
- 2017: U.S. Senator for New Jersey Cory Booker introduced first federal Environmental Justice bill
- 2018: Governor Murphy Issued Environmental Justice Executive Order

What did Permitting Program do prior to law and rules being in place?

Ask Questions!

Strongly encouraged a Pre-application Meeting

Three questions always asked:

1) **Did you procure credits for this project?**
2) **Auto Notification Process?**
3) **Have you engaged the community?**
   - Not the Mayor
   - Not the Planning Board
   - The Actual Community

Laws and Regulations

- New Jersey's Environmental Justice Law (N.J.S.A. 13:1D-157) was enacted on September 18, 2020.

- NJDEP adopts its Environmental Justice Rules on April 17, 2023, at N.J.A.C. 7:1C

So What is in the Rule?

- **Applicability**
- **Facilities Covered**
- **Facility Public Process Requirements**
- **General Requirements**
- **Specific Air Permitting Requirements**

Applicability

- **In an Environmental Justice Area**
- **Covered Facility Type**
- **Applicable Permit Application**

Facilities Covered

8 Categories **N.J.A.C. 7:1C-1.5 Definition of Facility**

- **Major Source of Air Pollution**
- **Resource Recovery Facility/Incinerator**
- **Sludge Processing Facility, Combustor, Incinerator**
- **Sewage Treatment Plant (over 50 Million Gallons/Day)**
- **Transfer Station or other Solid Waste Facility, or Recycling Facility (at least 100 Tons/Day)**
- **Scrap Metal Facility**
- **Landfill**
- **Medical Waste Incinerator (with exceptions)**

Facility Public Process Requirements

- **Facility must prepare and share Environmental Justice Impact Statement (EJIS) N.J.A.C 7:1C-3.2 & 3.3**
- **Facility must hold a public notice/public hearing N.J.A.C 7:1C-4.1 & 4.2**
- **Facility must prepare a Response to Comment Document 7:1C-4.3**
- **Application Review can only proceed once Department has made a decision 7:1C-9.2**

General Requirements

New Facilities

- **Avoidance of Disproportionate Impact N.J.A.C 7:1C-5.2(a)**
- **Ability to Deny an Application N.J.A.C-7:1-5.2(b)**
- **Serving a Compelling Public Interest N.J.A.C-7:1-5.2(c) & 5.3**

Specific Air Permitting Requirements

New/Expanded Facilities

- **Control Measures – Localized Impact Control Technology (LICT)**
  - Feasibility Analysis Required
  - Facility level Applicability Determination
  - Top Down Approach for all sources once triggered

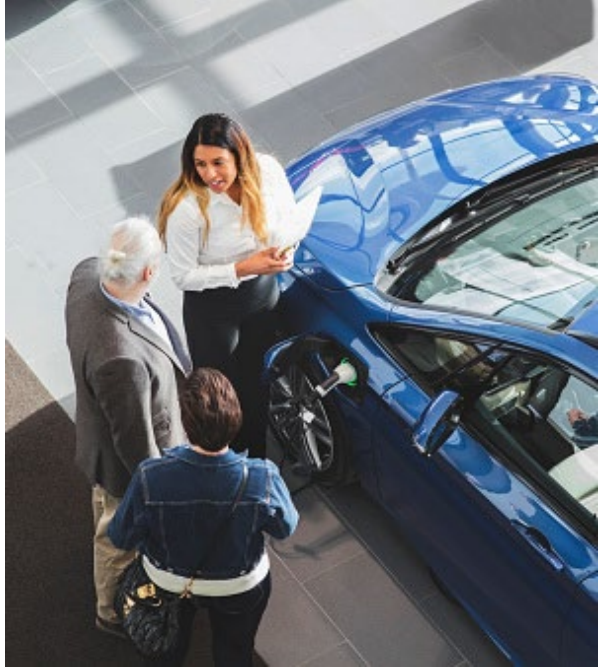
Specific Air Permitting Requirements

Major Source Renewals

- **Avoidance of Disproportionate Impact**
  - Additional Analysis Required
- **Facility Wide Risk Assessment**
- **"Existing source" Technical Feasibility Analysis**
  - Equipment installed over 20 years ago AND
  - Equipment was not subject to review under EJ Rule within previous 15 years AND
  - Total Emissions comprise of 20% of facility emissions

Specific Air Permitting Requirements (more)

- **Control Measures as Required by previous slides**
- **Odor/Dust Mitigation Plans**
- **Other Media Issues**
  - Noise Mitigation Plan



Thank you!

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