



**LEGISLATIVE FISCAL ESTIMATE:**

No

**VETO MESSAGE:**

No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

Yes

"Gov. backs plan to protect N.J. from pollution," The Times, June 21, 2020, page 15

"Gov. backs plan to protect N.J. from pollution," South Jersey Times, June 21, 2020, page 13

Also: Governor's Press Release dated 6/19/2020, which discusses S232

RWH

Title 13.  
Chapter 1D.  
Part XI. (New)  
Overburdened  
Communities  
§§1-5 -  
C.13:1D-157 to  
13:1D-161

P.L. 2020, CHAPTER 92, *approved September 18, 2020*  
Senate Committee Substitute (*Second Reprint*) for Senate Committee Substitute for  
Senate, No. 232

1 **AN ACT** concerning the disproportionate environmental and public  
2 health impacts of pollution on overburdened communities, and  
3 supplementing Title 13 of the Revised Statutes.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. The Legislature finds and declares that all New Jersey  
9 residents, regardless of income, race, ethnicity, color, or national  
10 origin, have a right to live, work, and recreate in a clean and healthy  
11 environment; that, historically, New Jersey's low-income  
12 communities and communities of color have been subject to a  
13 disproportionately high number of environmental and public health  
14 stressors, including pollution from numerous industrial,  
15 commercial, and governmental facilities located in those  
16 communities; that, as a result, residents in the State's overburdened  
17 communities have suffered from increased adverse health effects  
18 including, but not limited to, asthma, cancer, elevated blood lead  
19 levels, cardiovascular disease, and developmental disorders; that  
20 children are especially vulnerable to the adverse health effects  
21 caused by exposure to pollution, and that such health effects may  
22 severely limit a child's potential for future success; that the adverse  
23 effects caused by pollution impede the growth, stability, and long-  
24 term well-being of individuals and families living in overburdened  
25 communities; that the legacy of siting sources of pollution in  
26 overburdened communities continues to pose a threat to the health,  
27 well-being, and economic success of the State's most vulnerable  
28 residents; and that it is past time for the State to correct this  
29 historical injustice.

30 The Legislature further finds and declares that no community  
31 should bear a disproportionate share of the adverse environmental  
32 and public health consequences that accompany the State's

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AEN committee amendments adopted July 20, 2020.

<sup>2</sup>Assembly AAP committee amendments adopted August 24, 2020.

1 economic growth; that the State’s overburdened communities must  
2 have a meaningful opportunity to participate in any decision to  
3 allow in such communities certain types of facilities which, by the  
4 nature of their activity, have the potential to increase environmental  
5 and public health stressors; and that it is in the public interest for  
6 the State, where appropriate, to limit the future placement and  
7 expansion of such facilities in overburdened communities.  
8

9 2. As used in this act:

10 “Department” means the Department of Environmental  
11 Protection.

12 “Environmental or public health stressors” means sources of  
13 environmental pollution, including, but not limited to, concentrated  
14 areas of air pollution, mobile sources of air pollution, contaminated  
15 sites, transfer stations or other solid waste facilities, recycling  
16 facilities, scrap yards, and point-sources of water pollution  
17 including, but not limited to, water pollution from facilities or  
18 combined sewer overflows; or conditions that may cause potential  
19 public health impacts, including, but not limited to, asthma, cancer,  
20 elevated blood lead levels, cardiovascular disease, and  
21 developmental problems in the overburdened community.

22 “Facility” means any: (1) major source of air pollution; (2)  
23 resource recovery facility or incinerator; (3) sludge processing  
24 facility, combustor, or incinerator; (4) sewage treatment plant with  
25 a capacity of more than 50 million gallons per day; (5) transfer  
26 station or other solid waste facility, or recycling facility intending  
27 to receive at least 100 tons of recyclable material per day; (6) scrap  
28 metal facility; (7) landfill, including, but not limited to, a landfill  
29 that accepts ash, construction or demolition debris, or solid waste;  
30 or (8) medical waste incinerator <sup>1</sup>; except that “facility” shall not  
31 include a facility as defined in section 3 of P.L.1989, c.34 (C.13:1E-  
32 48.3) <sup>2</sup> [, or regulated medical waste processing equipment] that  
33 accepts regulated medical waste for disposal<sup>2</sup> , including a medical  
34 waste incinerator, that is attendant to a hospital or university and  
35 intended to process self-generated regulated medical waste<sup>1</sup>.

36 “Limited English proficiency” means that a household does not  
37 have an adult that speaks English “very well” according to the  
38 United States Census Bureau.

39 “Low-income household” means a household that is at or below  
40 twice the poverty threshold as that threshold is determined annually  
41 by the United States Census Bureau.

42 “Major source” means a major source of air pollution as defined  
43 by the federal “Clean Air Act,” 42 U.S.C. s.7401 et seq., or in rules

1 and regulations adopted by the department pursuant to the “Air  
2 Pollution Control Act,” P.L.1954, c.212 (C.26:2C-1 et seq.) <sup>1</sup>or  
3 which directly emits, or has the potential to emit, one hundred tons  
4 per year or more of any air pollutant, or other applicable criteria set  
5 forth in the federal “Clean Air Act,” 42 U.S.C. s.7401 et seq.<sup>1 2</sup>].<sup>2</sup>

6 “Overburdened community” means any census block group, as  
7 determined in accordance with the most recent United States  
8 Census, in which: (1) at least 35 percent of the households qualify  
9 as low-income households; (2) at least 40 percent of the residents  
10 identify as minority or as members of a State recognized tribal  
11 community; or (3) at least 40 percent of the households have limited  
12 English proficiency.

13 “Permit” means any individual permit, registration, or license  
14 issued by the department to a facility establishing the regulatory and  
15 management requirements for a regulated activity under the  
16 following State laws: R.S.12:5-1 et seq.; P.L.1975, c.232 (C.13:1D-  
17 29 et al.); the “Solid Waste Management Act,” P.L.1970, c.39  
18 (C.13:1E-1 et seq.); section 17 of P.L.1975, c.326 (C.13:1E-26); the  
19 “Comprehensive Regulated Medical Waste Management Act,”  
20 P.L.1989, c.34 (C.13:1E-48.1 et al.); P.L.1989, c.151 (C.13:1E-  
21 99.21a et al.); the “New Jersey Statewide Mandatory Source  
22 Separation and Recycling Act,” P.L.1987, c.102 (C.13:1E-  
23 99.11 et al.); the “Pesticide Control Act of 1971,” P.L.1971, c.176  
24 (C.13:1F-1 et seq.); “The Wetlands Act of 1970,” P.L.1970, c.272  
25 (C.13:9A-1 et seq.); the “Freshwater Wetlands Protection Act,”  
26 P.L.1987, c.156 (C.13:9B-1 et al.); the “Coastal Area Facility  
27 Review Act,” P.L.1973, c.185 (C.13:19-1 et seq.); the “Highlands  
28 Water Protection and Planning Act,” P.L.2004, c.120 (C.13:20-  
29 1 et seq.), the “Air Pollution Control Act (1954),” P.L.1954, c.212  
30 (C.26:2C-1 et seq.); the “Water Supply Management Act,”  
31 P.L.1981, c.262 (C.58:1A-1 et al.); P.L.1947, c.377 (C.58:4A-  
32 5 et seq.); the “Water Pollution Control Act,” P.L.1977, c.74  
33 (C.58:10A-1 et seq.); P.L.1986, c.102 (C.58:10A-21 et seq.); <sup>1</sup>or<sup>1</sup>  
34 the “Flood Hazard Area Control Act,” P.L.1962, c.19 (C.58:16A-  
35 50 et seq.) <sup>1</sup>; except that “permit” shall not include any  
36 authorization or approval necessary to perform a remediation, as  
37 defined pursuant to section 23 of P.L.1993, c.139 (C.58:10B-1), or  
38 any authorization or approval required for a minor modification of a  
39 facility’s major source permit for activities or improvements that do  
40 not increase emissions<sup>1</sup> .

41

42 3. No later than 120 days after the effective date of this act, the  
43 department shall publish and maintain on its Internet website a list

1 of overburdened communities in the State. The department shall  
2 update the list of overburdened communities at least once every two  
3 years. The department shall notify a municipality if any part of the  
4 municipality has been designated an overburdened community  
5 pursuant to this act.

6  
7 4. a. Beginning <sup>1</sup>[180 days after the effective date]  
8 immediately upon the adoption of the rules and regulations required  
9 pursuant to section 5<sup>1</sup> of this act, the department shall not consider  
10 complete for review any application for a permit for a new facility  
11 or for the expansion of an existing facility, or any application for  
12 the renewal of an existing facility's major source permit, if the  
13 facility is located, or proposed to be located, in whole or in part, in  
14 an overburdened community, unless the permit applicant first:

15 (1) Prepares an environmental justice impact statement that  
16 assesses the potential environmental and public health stressors  
17 associated with the proposed new or expanded facility, or with the  
18 existing major source, as applicable, including any adverse  
19 environmental or public health stressors that cannot be avoided if  
20 the permit is granted, and the environmental or public health  
21 stressors already borne by the overburdened community as a result  
22 of existing conditions located in or affecting the overburdened  
23 community;

24 (2) Transmits the environmental justice impact statement  
25 required to be prepared pursuant to paragraph (1) of this subsection,  
26 at least 60 days in advance of the public hearing required pursuant  
27 to paragraph (3) of this subsection, to the department and to the  
28 governing body and the clerk of the municipality in which the  
29 overburdened community is located. Upon receipt, the department  
30 shall publish the environmental justice impact statement on its  
31 Internet website; and

32 (3) Organizes and conducts a public hearing in the overburdened  
33 community. The permit applicant shall publish a notice of the  
34 public hearing in at least two newspapers circulating within the  
35 overburdened community, including one local non-English  
36 language newspaper, if applicable, not less than 60 days prior to the  
37 public hearing. The permit applicant shall provide a copy of the  
38 notice to the department, and the department shall publish the  
39 notice on its Internet website and in the monthly bulletin published  
40 pursuant to section 6 of P.L.1975, c.232 (C.13:1D-34). The notice  
41 of the public hearing shall provide the date, time, and location of  
42 the public hearing, a description of the proposed new or expanded  
43 facility or existing major source, as applicable, a map indicating the

1 location of the facility, a brief summary of the environmental  
2 justice impact statement, information on how an interested person  
3 may review a copy of the complete environmental justice impact  
4 statement, an address for the submittal of written comments to the  
5 permit applicant, and any other information deemed appropriate by  
6 the department. At least 60 days prior to the public hearing, the  
7 permit applicant shall send a copy of the notice to the department  
8 and to the governing body and the clerk of the municipality in  
9 which the overburdened community is located. The applicant shall  
10 invite the municipality to participate in the public hearing. At the  
11 public hearing, the permit applicant shall provide clear, accurate,  
12 and complete information about the proposed new or expanded  
13 facility, or existing major source, as applicable, and the potential  
14 environmental and public health stressors associated with the  
15 facility. The permit applicant shall accept written and oral  
16 comments from any interested party, and provided an opportunity  
17 for meaningful public participation at the public hearing. The  
18 permit applicant shall transcribe the public hearing and, no later  
19 than 10 days after the public hearing, submit the transcript along  
20 with any written comments received, to the department. Following  
21 the public hearing, the department shall consider the testimony  
22 presented and any written comments received, and evaluate the  
23 issuance of, or conditions to, the permit, as necessary in order to  
24 avoid or reduce the adverse environmental or public health stressors  
25 affecting the overburdened community.

26 The department may require the applicant to consolidate the  
27 public hearing held pursuant to this paragraph with any other public  
28 hearing held or required by the department regarding the permit  
29 application, provided the public hearing meets the other  
30 requirements of this paragraph. <sup>2</sup>The department shall consider a  
31 request by a permit applicant to consolidate required public  
32 hearings and, if the request is granted by the department, the  
33 consolidation shall not preclude an application from being deemed  
34 complete for review pursuant to subsection a. of this section.<sup>2</sup>

35 b. Notwithstanding the provisions of P.L.1975, c.232  
36 (C.13:1D-29 et seq.) or any other law, or rule or regulation adopted  
37 pursuant thereto, to the contrary, the department shall not issue a  
38 decision on an application for a permit for a new facility or for the  
39 expansion of an existing facility, or on an application for the  
40 renewal of an existing facility's major source permit, if such facility  
41 is located, or proposed to be located, in whole or in part in an  
42 overburdened community until at least 45 days after the public

1 hearing held pursuant to paragraph (3) of subsection a. of this  
2 subsection.

3 c. Notwithstanding the provisions of any other law, or rule or  
4 regulation adopted pursuant thereto, to the contrary, the department  
5 shall, after review of the environmental justice impact statement  
6 prepared pursuant to paragraph (1) of subsection a. of this section  
7 and any other relevant information, including testimony and written  
8 comments received at the public hearing, deny a permit for a new  
9 facility <sup>1</sup>[or for the expansion of an existing facility, or apply new  
10 conditions to the renewal of an existing facility's major source  
11 permit,]<sup>1</sup> upon a finding that approval of the permit <sup>1</sup>[or permit  
12 renewal]<sup>1</sup>, as proposed, would, together with other environmental  
13 or public health stressors affecting the overburdened community,  
14 cause or contribute to adverse cumulative environmental or public  
15 health stressors in the overburdened community that are higher than  
16 those borne by other communities within the State, county, or other  
17 geographic unit of analysis as determined by the department  
18 pursuant to rule, regulation, or guidance <sup>1</sup>adopted or issued  
19 pursuant to section 5 of this act, except that where the department  
20 determines that a new <sup>2</sup>[or expanded]<sup>2</sup> facility will serve a  
21 compelling public interest in the community where it is to be  
22 located, the department may grant a permit that imposes conditions  
23 on the construction and operation of the facility to protect public  
24 health<sup>1</sup>.

25 d. <sup>1</sup>Notwithstanding the provisions of any other law, or rule or  
26 regulation adopted pursuant thereto, to the contrary, the department  
27 may, after review of the environmental justice impact statement  
28 prepared pursuant to paragraph (1) of subsection a. of this section  
29 and any other relevant information, including testimony and written  
30 comments received at the public hearing, apply conditions to a  
31 permit for the expansion of an existing facility, or the renewal of an  
32 existing facility's major source permit, concerning the construction  
33 and operation of the facility to protect public health, upon a finding  
34 that approval of a permit or permit renewal, as proposed, would,  
35 together with other environmental or public health stressors  
36 affecting the overburdened community, cause or contribute to  
37 adverse cumulative environmental or public health stressors in the  
38 overburdened community that are higher than those borne by other  
39 communities within the State, county, or other geographic unit of  
40 analysis as determined by the department pursuant to rule,  
41 regulation, or guidance adopted or issued pursuant to section 5 of  
42 this act.



1 e.<sup>1</sup> If a permit applicant is applying for more than one permit for  
2 a proposed new or expanded facility, the permit applicant shall only  
3 be required to comply with the provisions of this section once,  
4 unless the department, in its discretion, determines that more than  
5 one public hearing is necessary due to the complexity of the permit  
6 applications necessary for the proposed new or expanded facility.  
7 Nothing in this section shall be construed to limit the authority of  
8 the department to hold or require additional public hearings, as may  
9 be required by any other law, rule, or regulation.

10 <sup>1</sup>[e.] f.<sup>1</sup> <sup>2</sup>Nothing in this section shall be construed to limit the  
11 right of an applicant to continue facility operations during the  
12 process of permit renewal to the extent such right is conveyed by  
13 applicable law, rule, or regulation, including the application shield  
14 provisions of the rules and regulations adopted pursuant to the “Air  
15 Pollution Control Act (1954),” P.L.1954, c.212 (C.26:2C-1 et seq.).

16 g.<sup>2</sup> In addition to any other fee authorized by law, rule, or  
17 regulation, the department shall assess each permit applicant a  
18 reasonable fee in order to cover the department’s costs associated  
19 with the implementation of this act, including costs to provide  
20 technical assistance to permit applicants and overburdened  
21 communities as needed to comply with this act.

22  
23 5. a. The department shall adopt, pursuant to the  
24 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-  
25 1 et seq.) rules and regulations to implement the provisions of this  
26 act.

27 b. The department may issue a technical guidance for  
28 compliance with this act, which the department shall publish on its  
29 Internet website.

30  
31 6. This act shall take effect immediately.

32  
33  
34  
35  
36 Requires DEP to evaluate environmental and public health  
37 stressors of certain facilities on overburdened communities when  
38 reviewing certain permit applications.

**SENATE, No. 232**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**SYNOPSIS**

Concerns environmental permits in burdened communities.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning environmental permits in certain areas, and  
2 supplementing Title 13 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. As used in this act: “Burdened community” means any  
8 census tract, as delineated in the most recent federal decennial  
9 census, that is ranked in the bottom 33 percent of census tracts in  
10 the State for median annual household income.

11 “Cumulative impacts” means an exposure, public health or  
12 environmental risk, or other effect occurring in a specific  
13 geographical area, including from any environmental pollution  
14 emitted or released routinely, accidentally, or otherwise, from any  
15 source, and assessed based on the combined past, present, and  
16 reasonably foreseeable emissions and discharges affecting the  
17 geographical area. “Cumulative impacts” shall be evaluated based  
18 on any applicable guidance issued by department.

19 “Facility” means any: (1) electric generating facility with a  
20 capacity of more than ten megawatts; (2) resource recovery facility  
21 or incinerator; (3) sludge combustor or incinerator; (4) sewage  
22 treatment plant with a capacity of more than 50 million gallons per  
23 day; (5) transfer station, recycling center, or other solid waste  
24 facility with a combined monthly volume in excess of 25 tons; (6)  
25 landfill, including, but not limited to, a landfill that accepts ash,  
26 construction or demolition debris, or solid waste; (7) medical waste  
27 incinerator; or (8) major source of air pollution, as defined by the  
28 federal “Clean Air Act,” 42 U.S.C.s.7401 et seq.

29 “Permit” means any permit, registration, or license issued by the  
30 Department of Environmental Protection establishing the regulatory  
31 and management requirements for an ongoing regulated activity as  
32 authorized by federal law or the following State laws: R.S.12:5-1 et  
33 seq.; P.L.1975, c.232 (C.13:1D-29 et al.); the “Solid Waste  
34 Management Act,” P.L.1970, c.39 (C.13:1E-1 et seq.); section 17 of  
35 P.L.1975, c.326 (C.13:1E-26); the “Comprehensive Regulated  
36 Medical Waste Management Act,” P.L.1989, c.34 (C.13:1E-48.1 et  
37 al.); P.L.1989, c.151 (C.13:1E-99.21a et al.); the “New Jersey  
38 Statewide Mandatory Source Separation and Recycling Act,”  
39 P.L.1987, c.102 (C.13:1E-99.11 et al.); the “Pesticide Control Act  
40 of 1971,” P.L.1971, c.176 (C.13:1F-1 et seq.); the “Industrial Site  
41 Recovery Act,” P.L.1983, c.330 (C.13:1K-6 et al.); the “Toxic  
42 Catastrophe Prevention Act,” P.L.1985, c.403 (C.13:1K-19 et seq.);  
43 “The Wetlands Act of 1970,” P.L.1970, c.272 (C.13:9A-1 et seq.);  
44 the “Freshwater Wetlands Protection Act,” P.L.1987, c.156  
45 (C.13:9B-1 et al.); the “Coastal Area Facility Review Act,”  
46 P.L.1973, c.185 (C.13:19-1 et seq.); the “Highlands Water  
47 Protection and Planning Act,” P.L.2004, c.120 (C.13:20-1 et seq.),  
48 the “Air Pollution Control Act (1954),” P.L.1954, c.212 (C.26:2C-1

1 et seq.); the “Water Supply Management Act,” P.L.1981, c.262  
2 (C.58:1A-1 et al.); P.L.1947, c.377 (C.58:4A-5 et seq.); the “Water  
3 Pollution Control Act,” P.L.1977, c.74 (C.58:10A-1 et seq.);  
4 P.L.1986, c.102 (C.58:10A-21 et seq.); the “Safe Drinking Water  
5 Act,” P.L.1977, c.224 (C.58:12A-1 et al.); the “Flood Hazard Area  
6 Control Act,” P.L.1962, c.19 (C.58:16A-50 et seq.); except that  
7 “permit” shall not include: (1) any general permit issued by the  
8 department pursuant to subsection h. of section 13 of P.L.1967,  
9 c.106 (C.26:2C-9.2), or (2) any general permit issued by the  
10 department for remedial activity pursuant to subsection d. of section  
11 1 of P.L.1993, c.351 (C.58:10A-7.2).

12

13 2. a. No later than 120 days after the effective date of this act,  
14 the Department of Environmental Protection, in consultation with  
15 the Secretary of State, shall adopt, pursuant to the “Administrative  
16 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), a list of  
17 burdened communities in the State. The department shall update  
18 the list of burdened communities periodically as new data on  
19 median annual household income becomes available and upon  
20 promulgation by the federal government of a new federal decennial  
21 census.

22 b. No later than 60 days after a burdened community is  
23 designated pursuant to subsection a. of this section, the governing  
24 body of the municipality in which the burdened community is  
25 located, in consultation with appropriate community groups, shall  
26 designate a representative of the burdened community.

27

28 3. a. Beginning 180 days after the effective date of this act,  
29 the Department of Environmental Protection shall not grant a permit  
30 for a new facility, or for the expansion of an existing facility,  
31 located in whole or in part in a burdened community unless the  
32 permit applicant first:

33 (1) Prepares a report assessing the environmental impact of the  
34 proposed new facility, or expansion of an existing facility,  
35 including any cumulative impacts on the burdened community, any  
36 adverse environmental effects that cannot be avoided should the  
37 permit be granted, and the public health impact on the burdened  
38 community of the proposed new facility or expansion of an existing  
39 facility;

40 (2) Transmits the report required to be prepared pursuant to  
41 paragraph (1) of this subsection at least 30 days in advance of the  
42 public hearing required pursuant to paragraph (3) of this subsection  
43 to the department, the governing body and the clerk of the  
44 municipality in which the burdened community is located, and the  
45 designated representative of the burdened community. The report  
46 shall be made available to the public at least 30 days prior to the  
47 public hearing required pursuant to paragraph (3) of this subsection;  
48 and

1 (3) Organizes and conducts a public hearing in a location  
2 convenient as much as possible to all interested parties. The permit  
3 applicant shall publish public notices of the hearing in at least two  
4 newspapers circulating within the burdened community not less  
5 than 21 days prior to the hearing. At least 14 days prior to the date  
6 set for such hearing, a copy of the public notice shall be sent to the  
7 department, the governing body and the clerk of the municipality in  
8 which the burdened community is located, and the designated  
9 representative of the burdened community. At the public hearing,  
10 the permit applicant shall provide clear, accurate, and complete  
11 information about the proposed new facility or expansion of an  
12 existing facility and the potential environmental and health impacts  
13 of the new or expanded facility. The hearing shall provide an  
14 opportunity for meaningful public participation by residents of the  
15 burdened community. Following the public hearing, the  
16 commissioner shall consider the testimony presented and evaluate  
17 any revisions or conditions to the permit that may be necessary to  
18 reduce the adverse impact to the public health or to the environment  
19 in the burdened community.

20 b. The department shall not issue a decision on the permit  
21 application until at least 60 days after the public hearing held  
22 pursuant to this section. Notwithstanding the provisions of any  
23 other law, or rule or regulation adopted pursuant thereto, to the  
24 contrary, the department may deny a permit application in a  
25 burdened community upon a finding that the approval of the permit  
26 would, together with the cumulative impacts posed by the existing  
27 conditions, including conditions resulting from permitted activities,  
28 in the burdened community, constitute an unreasonable risk to the  
29 health of the residents of the burdened community and to the  
30 environment in the burdened community.

31 c. The department, when evaluating an application for a permit  
32 pursuant to this section, shall assess the community support for the  
33 proposed new facility or expansion of an existing facility, as  
34 demonstrated through the public hearing conducted pursuant to  
35 subsection a. of this section, letters of support for, or opposition to,  
36 the proposed new or expanded facility, and any ordinance or  
37 resolution adopted by the governing body of the municipality in  
38 which the burdened community is located. The department shall  
39 consider community support, or the lack thereof, in its decision to  
40 grant or deny a permit.

41 d. If a permit applicant is applying for more than one permit for  
42 a proposed new facility or expansion of an existing facility, the  
43 permit applicant shall only be required to comply with the  
44 provisions of this section once, unless the department, in its  
45 discretion, determines that more than one public hearing is  
46 necessary due to the complexity of the proposed new or expanded  
47 facility. Nothing in this section shall be construed to limit the

1 authority of the department to hold or require additional public  
2 hearings, as may be required by any other law, rule, or regulation.

3

4 4. a. The Department of Environmental Protection may adopt,  
5 pursuant to the provisions of the “Administrative Procedure Act,”  
6 P.L.1968, c.410 (C.52:14B-1 et seq.) rules and regulations to  
7 implement the provisions of this act.

8 b. The department may issue guidance on how to evaluate  
9 cumulative impacts pursuant paragraph (1) of subsection a. of  
10 section 3 of this act. The department shall publish the guidance  
11 document on its Internet website.

12

13 5. This act shall take effect immediately.

14

15

16

#### STATEMENT

17

18 This bill would require a person seeking a permit for a new  
19 facility, or for the expansion of an existing facility, located in a  
20 burdened community, to meet certain additional requirements  
21 before they can obtain the permit.

22 Under the bill, a “burdened community” is defined as any census  
23 tract, as delineated in the most recent federal decennial census, that  
24 is ranked in the bottom 33 percent of census tracts in the State for  
25 median household income. “Facility” is defined as any: (1) electric  
26 generating facility with a capacity of more than ten megawatts; (2)  
27 resource recovery facility or incinerator; (3) sludge combustor or  
28 incinerator; (4) sewage treatment plant with a capacity of more  
29 than 50 million gallons per day; (5) transfer station, recycling  
30 center, or other solid waste facility with a combined monthly  
31 volume in excess of 25 tons; (6) landfill, including, but not limited  
32 to, a landfill that accepts ash, construction or demolition debris, or  
33 solid waste; (7) medical waste incinerator; or (8) major source of air  
34 pollution, as defined by the federal “Clean Air Act.”

35 The bill would require the Department of Environmental  
36 Protection (DEP), in consultation with the Secretary of State, no  
37 later than 120 days after the date of enactment of the bill, to adopt a  
38 list of burdened communities in the State. The DEP would be  
39 required to update the list of burdened communities periodically as  
40 new data on median annual household income becomes available  
41 and upon promulgation by the federal government of a new federal  
42 decennial census. No later than 60 days after a burdened  
43 community is designated under the bill, the governing body of the  
44 municipality in which the burdened community is located would be  
45 required to designate a representative of the burdened community.

46 Under the bill, beginning 180 days after the date of enactment of  
47 the bill, the DEP would not be permitted to grant certain  
48 environmental permits for any new facility, or for the expansion of

1 an existing facility, located in whole or in part in a burdened  
2 community, unless the permit applicant first:

3 (1) prepares a report assessing the environmental impact of the  
4 proposed new or expanded facility. The report would assess the  
5 environmental impact on the burdened community including  
6 cumulative impacts, any adverse environmental effects that cannot  
7 be avoided should the permit be granted, and the public health  
8 impact on the burdened community of the proposed new or  
9 expanded facility;

10 (2) transmits the report at least 30 days in advance of the public  
11 hearing required under the bill to the DEP, the governing body and  
12 the clerk of the municipality in which the burdened community is  
13 located, and the designated representative of the burdened  
14 community. The permit applicant would be required to make the  
15 report available to the public at least 30 days prior to the public  
16 hearing; and

17 (3) organizes and conducts a public hearing in a location as  
18 convenient as possible to all interested parties. The bill establishes  
19 specific requirements for public notice of the hearing. At the public  
20 hearing, the permit applicant would be required to provide clear,  
21 accurate, and complete information about the proposed new or  
22 expanded facility and its potential environmental and health impacts  
23 in the burdened community. The permit applicant would also be  
24 required to provide an opportunity for meaningful public  
25 participation by residents of the burdened community. Following  
26 the hearing, the DEP would be required to consider testimony  
27 presented at the public hearing, and evaluate any revisions or  
28 conditions to the permit that may be necessary to reduce the adverse  
29 impact to the public health or to the environment in the burdened  
30 community.

31 Under the bill, the DEP would not be permitted to issue a  
32 decision on the permit application until at least 60 days after the  
33 public hearing. The DEP would have the authority to deny a permit  
34 application in a burdened community upon a finding that approval  
35 of the permit, together with the cumulative impacts posed by the  
36 proposed new or expanded facility, would constitute an  
37 unreasonable risk to the health of the residents of the burdened  
38 community and to the environment in that community. The DEP,  
39 when evaluating an application for a permit under the bill, would be  
40 required to assess community support for the proposed new or  
41 expanded facility, and be required to consider such support, or the  
42 lack thereof, in its decision to grant or deny a permit.

43 The bill provides that if a permit applicant is applying for more  
44 than one permit for a proposed new or expanded facility, the  
45 applicant would only be required to comply with the provisions of  
46 the bill once, unless the DEP, in its discretion, determines that more  
47 than one public hearing is necessary due to the complexity of the  
48 new or expanded facility.

# SENATE ENVIRONMENT AND ENERGY COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR SENATE, No. 232

# STATE OF NEW JERSEY

DATED: FEBRUARY 24, 2020

The Senate Environment and Energy Committee favorably reports a committee substitute for Senate Bill No. 232.

This committee substitute would require the Department of Environmental Protection (DEP) to evaluate the environmental and public health impacts of certain facilities on overburdened communities when reviewing certain permit applications.

Beginning 180 days after the effective date of the bill, the DEP would not consider complete for review any application for a permit for a new facility, or for the expansion of an existing facility, located in whole or in part in an overburdened community unless the permit applicant meets certain conditions. Specifically, a permit applicant would be required to:

(1) prepare an environmental justice impact statement that assesses the environmental impact and associated public health risks of the proposed new or expanded facility, including any adverse environmental impacts that cannot be avoided if the permit is granted, and the cumulative environmental or public health stressors already borne by the overburdened community as a result of existing conditions located in or affecting the community;

(2) transmit the environmental justice impact statement to the DEP and to the governing body and the clerk of the municipality in which the overburdened community is located at least 60 days in advance of the public hearing required under the bill (discussed below). The permit applicant would also be required to make the environmental justice impact statement available to the public, including on its Internet website, if applicable; and

(3) organize and conduct a public hearing in the overburdened community. The permit applicant would be required to publish a notice of the public hearing on its Internet website, if applicable, and in at least two newspapers circulating within the overburdened community at least 60 days prior to the public hearing. The permit applicant would also be required to send the notice to the DEP and to the governing body and the clerk of the municipality in which the overburdened community is located. At the public hearing, the permit applicant would be required to provide clear, accurate, and complete information about the proposed new or expanded facility, and the



potential environmental impacts and health risks of the new or expanded facility. The permit applicant would be required to accept written comments from any interested party, and provide an opportunity for meaningful public participation at the public hearing. The permit applicant would also be required to transcribe the public hearing and submit the transcript, along with any written comments received, to the DEP.

Following the public hearing, the DEP would be required to consider the environmental justice impact statement, any testimony presented at the hearing, and any written comments received, and evaluate any revisions or conditions to the permit that may be necessary to avoid or reduce the adverse impact to the environment or to the public health in the overburdened community. Under the bill, the DEP would not be authorized to issue a decision on a permit application for a new or expanded facility located in whole or in part in an overburdened community until at least 45 days after the public hearing held under the bill.

The DEP would be authorized to deny a permit application for a new or expanded facility located in whole or in part in an overburdened community upon a finding that approval of the permit application would, together with the cumulative environmental or public health stressors posed by existing conditions located in or affecting the overburdened community, result in a disproportionate impact to the overburdened community when compared to the impact and risk born by other communities in the State.

Under the bill, “overburdened community” means any census block group in which at least one half of the households qualify as low-income households, and either: (1) at least 40 percent of the residents identify as Black, African American, Hispanic or Latino, or as members of a State-recognized tribal community; or (2) at least 40 percent of the households have limited English proficiency.

No later than 120 days after the effective date of the bill, the DEP would be required to publish on its Internet website a list of overburdened communities in the State. The DEP would also be required to notify a municipality if any part of the municipality is designated an overburdened community under the bill.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

**SENATE, No. 232**

# **STATE OF NEW JERSEY**

DATED: JUNE 25, 2020

The Senate Budget and Appropriations Committee reports favorably a committee substitute for Senate Bill No. 232 SCS.

This committee substitute requires the Department of Environmental Protection (DEP) to evaluate the environmental and public health stressors of certain facilities on overburdened communities when reviewing certain permit applications.

Specifically, beginning 180 days after the effective date of the bill, the DEP would not consider complete for review any application for a permit for a new or expanded facility, or any application for the renewal of an existing facility's major source permit, if the facility is located in whole or in part in an overburdened community, unless the permit applicant meets certain conditions. Specifically, a permit applicant would be required to:

(1) prepare an environmental justice impact statement that assesses the potential environmental and public health stressors associated with the proposed new or expanded facility, or with the existing major source, as applicable, and the environmental and public health stressors already borne by the overburdened community as a result of existing conditions located in or affecting the overburdened community;

(2) transmit the environmental justice impact statement to the DEP and to the governing body and the clerk of the municipality in which the overburdened community is located at least 60 days in advance of the public hearing required under the bill (discussed below). Upon receipt, the DEP would be required to publish the environmental justice impact statement on its Internet website; and

(3) organize and conduct a public hearing in the overburdened community. At least 60 days prior to the public hearing, the permit applicant would be required to publish a notice of the hearing in at least two newspapers circulating within the overburdened community, including one local non-English language newspaper, if applicable.

The permit applicant would also be required to send the notice to the DEP and to the governing body and the clerk of the municipality in which the overburdened community is located. The bill sets forth specific requirements for the notice required under the bill. At the public hearing, the permit applicant would be required to provide clear, accurate, and complete information about the proposed new or expanded facility, or existing major source, and the potential environmental and public health stressors associated with the facility. The permit applicant would be required to accept written and oral comments from any interested party, and provide an opportunity for meaningful public participation at the public hearing. The permit applicant would also be required to transcribe the public hearing and submit the transcript, along with any written comments received, to the DEP.

Following the public hearing, the DEP would be required to consider the environmental justice impact statement, any testimony presented at the hearing, and any written comments received, and evaluate the issuance of, or conditions to, the permit as necessary in order to avoid or reduce the adverse environmental or public health stressors affecting the overburdened community. Under the bill, the DEP would not be authorized to issue a decision on a permit application for a new or expanded facility, or on an application for the renewal of an existing facility's major source permit, if the facility is located, or proposed to be located, in whole or in part in an overburdened community until at least 45 days after the public hearing held under the bill.

The DEP would be required to deny a permit for a new or expanded facility, or apply new conditions to the renewal of an existing facility's major source permit, upon a finding that approval of the permit or permit renewal, as proposed, would, together with other environmental or public health stressors affecting the overburdened community, cause or contribute to adverse cumulative environmental or public health stressors in the overburdened community that are higher than those borne by other communities within the State, county, or other geographic unit of analysis as determined by the department.

The bill would authorize the DEP to charge each permit applicant a reasonable fee to cover the DEP's costs associated with implementation of the bill.

Under the bill, "overburdened community" means any census block group, as determined in accordance with the most recent United States Census, in which: (1) at least 35 percent of the households qualify as low-income households; (2) at least 40 percent of the residents identify as minority or as members of a State recognized tribal community; or (3) at least 40 percent of the households have limited English proficiency.

No later than 120 days after the effective date of the bill, the DEP would be required to publish on its Internet website a list of overburdened communities in the State. The DEP would also be required to notify a municipality if any part of the municipality is designated an overburdened community under the bill.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

ASSEMBLY ENVIRONMENT AND SOLID WASTE  
COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 232**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JULY 20, 2020

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments a Senate Committee Substitute for the Senate Committee Substitute for Senate Bill No. 232 (SCS).

This bill, as amended by the committee, requires the Department of Environmental Protection (DEP) to evaluate the environmental and public health stressors of certain facilities on overburdened communities when reviewing certain permit applications.

The bill defines the term “facility” to mean any: (1) major source of air pollution; (2) resource recovery facility or incinerator; (3) sludge processing facility, combustor, or incinerator; (4) sewage treatment plant with a capacity of more than 50 million gallons per day; (5) transfer station or other solid waste facility, or recycling facility intending to receive at least 100 tons of recyclable material per day; (6) scrap metal facility; (7) landfill, including, but not limited to, a landfill that accepts ash, construction or demolition debris, or solid waste; or (8) medical waste incinerator. The term excludes a facility as defined in section 3 of P.L.1989, c.34 (C.13:1E-48.3), or regulated medical waste processing equipment, including a medical waste incinerator, that is attendant to a hospital or university and intended to process self-generated regulated medical waste.

Specifically, beginning immediately after the DEP adopts the rules and regulations required by the bill, the DEP would not consider complete for review any application for a permit for a new or expanded facility, or any application for the renewal of an existing facility’s major source permit, if the facility is located in whole or in part in an overburdened community, unless the permit applicant meets certain conditions. Specifically, a permit applicant would be required to:

(1) prepare an environmental justice impact statement that assesses the potential environmental and public health stressors associated with the proposed new or expanded facility, or with the existing major source, as applicable, and the environmental and public health stressors already borne by the overburdened community as a result of existing conditions located in or affecting the overburdened community;

(2) transmit the environmental justice impact statement to the DEP and to the governing body and the clerk of the municipality in which the overburdened community is located at least 60 days in advance of the public hearing required under the bill (discussed below). Upon receipt, the DEP would be required to publish the environmental justice impact statement on its Internet website; and

(3) organize and conduct a public hearing in the overburdened community. At least 60 days prior to the public hearing, the permit applicant would be required to publish a notice of the hearing in at least two newspapers circulating within the overburdened community, including one local non-English language newspaper, if applicable. The permit applicant would also be required to send the notice to the DEP and to the governing body and the clerk of the municipality in which the overburdened community is located. The bill sets forth specific requirements for the notice required under the bill. At the public hearing, the permit applicant would be required to provide clear, accurate, and complete information about the proposed new or expanded facility, or existing major source, and the potential environmental and public health stressors associated with the facility. The permit applicant would be required to accept written and oral comments from any interested party, and provide an opportunity for meaningful public participation at the public hearing. The permit applicant would also be required to transcribe the public hearing and submit the transcript, along with any written comments received, to the DEP.

Following the public hearing, the DEP would be required to consider the environmental justice impact statement, any testimony presented at the hearing, and any written comments received, and evaluate the issuance of, or conditions to, the permit as necessary in order to avoid or reduce the adverse environmental or public health stressors affecting the overburdened community. Under the bill, the DEP would not be authorized to issue a decision on a permit application for a new or expanded facility, or on an application for the renewal of an existing facility's major source permit, if the facility is located, or proposed to be located, in whole or in part in an overburdened community until at least 45 days after the public hearing held under the bill.

The DEP would be required to deny a permit for a new facility upon a finding that approval of the permit, as proposed, would, together with other environmental or public health stressors affecting

the overburdened community, cause or contribute to adverse cumulative environmental or public health stressors in the overburdened community that are higher than those borne by other communities within the State, county, or other geographic unit of analysis as determined by the DEP. However, if the DEP determines that a new or expanded facility will serve a compelling public interest in the community where it is to be located, it may grant a permit that imposes conditions on the construction and operation of the facility to protect public health.

The bill provides that the DEP may apply conditions to a permit for the expansion of an existing facility, or the renewal of an existing facility's major source permit, upon a finding that approval of a permit or permit renewal, as proposed, would, together with other environmental or public health stressors affecting the overburdened community, cause or contribute to adverse cumulative environmental or public health stressors in the overburdened community that are higher than those borne by other communities within the State, county, or other geographic unit of analysis as determined by the department.

The bill would authorize the DEP to charge each permit applicant a reasonable fee to cover the DEP's costs associated with implementation of the bill.

Under the bill, "overburdened community" means any census block group, as determined in accordance with the most recent United States Census, in which at least: (1) 35 percent of the households qualify as low-income households; (2) 40 percent of the residents identify as minority or as members of a State recognized tribal community; or (3) 40 percent of the households have limited English proficiency.

No later than 120 days after the effective date of the bill, the DEP would be required to publish on its Internet website a list of overburdened communities in the State. The DEP would also be required to notify a municipality if any part of the municipality is designated an overburdened community under the bill.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 2212 (ACS) as also reported by the committee.

#### COMMITTEE AMENDMENTS:

The committee amendments to the bill:

1) amend the definition of "facility" to exclude a facility as defined in section 3 of P.L.1989, c.34 (C.13:1E-48.3), or regulated medical waste processing equipment, including a medical waste incinerator, that is attendant to a hospital or university and intended to process self-generated regulated medical waste;

2) amend the definition of "major source" to provide that the term includes a major source of air pollution which directly emits, or has the potential to emit, one hundred tons per year or more of any air

pollutant, or other applicable criteria set forth in the federal “Clean Air Act”;

3) amend the definition of “permit” to provide that the term does not include any authorization or approval necessary to perform a remediation at a contaminated site, or any authorization or approval required for a minor modification of a facility’s major source permit for activities or improvements that do not increase emissions;

4) provide that the requirements of section 4 of the bill would apply to applications immediately after the DEP’s adoption of the rules and regulations required by the bill, rather than 180 days after the effective date of the bill;

5) provide an exception from the requirement for the DEP to deny a permit for a new or expanded facility if the DEP determines there is a compelling public interest in the community where it is to be located, and in such a case, the DEP may grant a permit that imposes conditions on the construction and operation of the facility to protect public health; and

6) delete the requirement for the DEP to deny a permit for the expansion of an existing facility, or apply new conditions to the renewal of an existing facility’s major source permit, and instead provide that the DEP may apply conditions to such a permit.



# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 232**

with committee amendments

# STATE OF NEW JERSEY

DATED: AUGUST 24, 2020

The Assembly Appropriations Committee reports favorably Senate Bill No. 232 (SCS/1R), with committee amendments.

This bill, as amended by the committee, requires the Department of Environmental Protection (DEP) to evaluate the environmental and public health stressors of certain facilities on overburdened communities when reviewing certain permit applications.

The bill defines the term “facility” to mean any: (1) major source of air pollution; (2) resource recovery facility or incinerator; (3) sludge processing facility, combustor, or incinerator; (4) sewage treatment plant with a capacity of more than 50 million gallons per day; (5) transfer station or other solid waste facility, or recycling facility intending to receive at least 100 tons of recyclable material per day; (6) scrap metal facility; (7) landfill, including, but not limited to, a landfill that accepts ash, construction or demolition debris, or solid waste; or (8) medical waste incinerator. The term excludes a facility as defined in section 3 of P.L.1989, c.34 (C.13:1E-48.3) that accepts regulated medical waste for disposal, including a medical waste incinerator, that is attendant to a hospital or university and intended to process self-generated regulated medical waste.

Beginning immediately after the DEP adopts the rules and regulations required by the bill, the DEP would not consider complete for review any application for a permit for a new or expanded facility, or any application for the renewal of an existing facility’s major source permit, if the facility is located in whole or in part in an overburdened community, unless the permit applicant meets certain conditions. Specifically, a permit applicant would be required to:

(1) prepare an environmental justice impact statement that assesses the potential environmental and public health stressors associated with the proposed new or expanded facility, or with the existing major source, as applicable, and the environmental and public health

stressors already borne by the overburdened community as a result of existing conditions located in or affecting the overburdened community;

(2) transmit the environmental justice impact statement to the DEP and to the governing body and the clerk of the municipality in which the overburdened community is located at least 60 days in advance of the public hearing required under the bill (discussed below). Upon receipt, the DEP would be required to publish the environmental justice impact statement on its Internet website; and

(3) organize and conduct a public hearing in the overburdened community. At least 60 days prior to the public hearing, the permit applicant would be required to publish a notice of the hearing in at least two newspapers circulating within the overburdened community, including one local non-English language newspaper, if applicable. The permit applicant would also be required to send the notice to the DEP and to the governing body and the clerk of the municipality in which the overburdened community is located. The bill sets forth specific requirements for the notice required under the bill. At the public hearing, the permit applicant would be required to provide clear, accurate, and complete information about the proposed new or expanded facility, or existing major source, and the potential environmental and public health stressors associated with the facility. The permit applicant would be required to accept written and oral comments from any interested party, and provide an opportunity for meaningful public participation at the public hearing. The permit applicant would also be required to transcribe the public hearing and submit the transcript, along with any written comments received, to the DEP.

Following the public hearing, the DEP would be required to consider the environmental justice impact statement, any testimony presented at the hearing, and any written comments received, and evaluate the issuance of, or conditions to, the permit as necessary in order to avoid or reduce the adverse environmental or public health stressors affecting the overburdened community. Under the bill, the DEP would not be authorized to issue a decision on a permit application for a new or expanded facility, or on an application for the renewal of an existing facility's major source permit, if the facility is located, or proposed to be located, in whole or in part in an overburdened community until at least 45 days after the public hearing held under the bill.

The DEP would be required to deny a permit for a new facility upon a finding that approval of the permit, as proposed, would, together with other environmental or public health stressors affecting the overburdened community, cause or contribute to adverse cumulative environmental or public health stressors in the overburdened community that are higher than those borne by other communities within the State, county, or other geographic unit of

analysis as determined by the DEP. However, if the DEP determines that a new facility will serve a compelling public interest in the community where it is to be located, it may grant a permit that imposes conditions on the construction and operation of the facility to protect public health.

The bill provides that the DEP may apply conditions to a permit for the expansion of an existing facility, or the renewal of an existing facility's major source permit, upon a finding that approval of a permit or permit renewal, as proposed, would, together with other environmental or public health stressors affecting the overburdened community, cause or contribute to adverse cumulative environmental or public health stressors in the overburdened community that are higher than those borne by other communities within the State, county, or other geographic unit of analysis as determined by the department.

The bill would authorize the DEP to charge each permit applicant a reasonable fee to cover the DEP's costs associated with implementation of the bill.

Under the bill, "overburdened community" means any census block group, as determined in accordance with the most recent United States Census, in which at least: (1) 35 percent of the households qualify as low-income households; (2) 40 percent of the residents identify as minority or as members of a State recognized tribal community; or (3) 40 percent of the households have limited English proficiency.

No later than 120 days after the effective date of the bill, the DEP would be required to publish on its Internet website a list of overburdened communities in the State. The DEP would also be required to notify a municipality if any part of the municipality is designated an overburdened community under the bill.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 2212 (ACS) as also amended and reported by the committee.

#### COMMITTEE AMENDMENTS:

The committee amendments to the bill:

- 1) amend the definition of "facility" to clarify the exception for certain facilities that accept regulated medical waste for disposal and delete the exclusion of regulated medical waste processing equipment;
- 2) require the DEP to consider a request by a permit applicant to consolidate required public hearings and, if granted, provides that the consolidation of permit hearings would not preclude an application from being deemed complete for review under the bill;
- 3) clarify that the determination in subsection c. of section 4 of the bill concerning the issuance of a permit based on compelling public

interest applies to new facilities, not to both new or expanded facilities; and

4) clarify that the bill would not prohibit from continuing facility operations during the permit renewal process, if such continued operations are otherwise authorized pursuant to law, rule, or regulation.

FISCAL IMPACT:

This bill has not been certified as requiring a fiscal note.

**ASSEMBLY, No. 2212**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex and Morris)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman BRITNEE N. TIMBERLAKE**

**District 34 (Essex and Passaic)**

**Co-Sponsored by:**

**Assemblymen Mazzeo, Armato, Benson, Karabinchak, Calabrese,**  
**Assemblywoman Reynolds-Jackson, Assemblymen Zwicker, Holley,**  
**Mukherji, Conaway, Johnson, Moen, Assemblywomen Jasey, Pintor**  
**Marin and Carter**

**SYNOPSIS**

Concerns environmental permits in burdened communities.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 7/20/2020)**

1 AN ACT concerning environmental permits in certain areas, and  
2 supplementing Title 13 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. As used in this act: “Burdened community” means any  
8 census tract, as delineated in the most recent federal decennial  
9 census, that is ranked in the bottom 33 percent of census tracts in  
10 the State for median annual household income.

11 “Cumulative impacts” means an exposure, public health or  
12 environmental risk, or other effect occurring in a specific  
13 geographical area, including from any environmental pollution  
14 emitted or released routinely, accidentally, or otherwise, from any  
15 source, and assessed based on the combined past, present, and  
16 reasonably foreseeable emissions and discharges affecting the  
17 geographical area. “Cumulative impacts” shall be evaluated based  
18 on any applicable guidance issued by department.

19 “Facility” means any: (1) electric generating facility with a  
20 capacity of more than ten megawatts; (2) resource recovery facility  
21 or incinerator; (3) sludge combustor or incinerator; (4) sewage  
22 treatment plant with a capacity of more than 50 million gallons per  
23 day; (5) transfer station, recycling center, or other solid waste  
24 facility with a combined monthly volume in excess of 25 tons; (6)  
25 landfill, including, but not limited to, a landfill that accepts ash,  
26 construction or demolition debris, or solid waste; (7) medical waste  
27 incinerator; or (8) major source of air pollution, as defined by the  
28 federal “Clean Air Act,” 42 U.S.C.s.7401 et seq.

29 “Permit” means any permit, registration, or license issued by the  
30 Department of Environmental Protection establishing the regulatory  
31 and management requirements for an ongoing regulated activity as  
32 authorized by federal law or the following State laws: R.S.12:5-1 et  
33 seq.; P.L.1975, c.232 (C.13:1D-29 et al.); the “Solid Waste  
34 Management Act,” P.L.1970, c.39 (C.13:1E-1 et seq.); section 17 of  
35 P.L.1975, c.326 (C.13:1E-26); the “Comprehensive Regulated  
36 Medical Waste Management Act,” P.L.1989, c.34 (C.13:1E-48.1 et  
37 al.); P.L.1989, c.151 (C.13:1E-99.21a et al.); the “New Jersey  
38 Statewide Mandatory Source Separation and Recycling Act,”  
39 P.L.1987, c.102 (C.13:1E-99.11 et al.); the “Pesticide Control Act  
40 of 1971,” P.L.1971, c.176 (C.13:1F-1 et seq.); the “Industrial Site  
41 Recovery Act,” P.L.1983, c.330 (C.13:1K-6 et al.); the “Toxic  
42 Catastrophe Prevention Act,” P.L.1985, c.403 (C.13:1K-19 et seq.);  
43 “The Wetlands Act of 1970,” P.L.1970, c.272 (C.13:9A-1 et seq.);  
44 the “Freshwater Wetlands Protection Act,” P.L.1987, c.156  
45 (C.13:9B-1 et al.); the “Coastal Area Facility Review Act,”  
46 P.L.1973, c.185 (C.13:19-1 et seq.); the “Highlands Water  
47 Protection and Planning Act,” P.L.2004, c.120 (C.13:20-1 et seq.),  
48 the “Air Pollution Control Act (1954),” P.L.1954, c.212 (C.26:2C-1

1 et seq.); the “Water Supply Management Act,” P.L.1981, c.262  
2 (C.58:1A-1 et al.); P.L.1947, c.377 (C.58:4A-5 et seq.); the “Water  
3 Pollution Control Act,” P.L.1977, c.74 (C.58:10A-1 et seq.);  
4 P.L.1986, c.102 (C.58:10A-21 et seq.); the “Safe Drinking Water  
5 Act,” P.L.1977, c.224 (C.58:12A-1 et al.); the “Flood Hazard Area  
6 Control Act,” P.L.1962, c.19 (C.58:16A-50 et seq.); except that  
7 “permit” shall not include: (1) any general permit issued by the  
8 department pursuant to subsection h. of section 13 of P.L.1967,  
9 c.106 (C.26:2C-9.2), or (2) any general permit issued by the  
10 department for remedial activity pursuant to subsection d. of section  
11 1 of P.L.1993, c.351 (C.58:10A-7.2).

12

13 2. a. No later than 120 days after the effective date of this act,  
14 the Department of Environmental Protection, in consultation with  
15 the Secretary of State, shall adopt, pursuant to the “Administrative  
16 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), a list of  
17 burdened communities in the State. The department shall update  
18 the list of burdened communities periodically as new data on  
19 median annual household income becomes available and upon  
20 promulgation by the federal government of a new federal decennial  
21 census.

22 b. No later than 60 days after a burdened community is  
23 designated pursuant to subsection a. of this section, the governing  
24 body of the municipality in which the burdened community is  
25 located, in consultation with appropriate community groups, shall  
26 designate a representative of the burdened community.

27

28 3. a. Beginning 180 days after the effective date of this act, the  
29 Department of Environmental Protection shall not grant a permit for  
30 a new facility, or for the expansion of an existing facility, located in  
31 whole or in part in a burdened community unless the permit  
32 applicant first:

33 (1) Prepares a report assessing the environmental impact of the  
34 proposed new facility, or expansion of an existing facility, including  
35 any cumulative impacts on the burdened community, any adverse  
36 environmental effects that cannot be avoided should the permit be  
37 granted, and the public health impact on the burdened community  
38 of the proposed new facility or expansion of an existing facility;

39 (2) Transmits the report required to be prepared pursuant to  
40 paragraph (1) of this subsection at least 30 days in advance of the  
41 public hearing required pursuant to paragraph (3) of this subsection  
42 to the department, the governing body and the clerk of the  
43 municipality in which the burdened community is located, and the  
44 designated representative of the burdened community. The report  
45 shall be made available to the public at least 30 days prior to the  
46 public hearing required pursuant to paragraph (3) of this subsection;  
47 and

1 (3) Organizes and conducts a public hearing in a location  
2 convenient as much as possible to all interested parties. The permit  
3 applicant shall publish public notices of the hearing in at least two  
4 newspapers circulating within the burdened community not less  
5 than 21 days prior to the hearing. At least 14 days prior to the date  
6 set for such hearing, a copy of the public notice shall be sent to the  
7 department, the governing body and the clerk of the municipality in  
8 which the burdened community is located, and the designated  
9 representative of the burdened community. At the public hearing,  
10 the permit applicant shall provide clear, accurate, and complete  
11 information about the proposed new facility or expansion of an  
12 existing facility and the potential environmental and health impacts  
13 of the new or expanded facility. The hearing shall provide an  
14 opportunity for meaningful public participation by residents of the  
15 burdened community. Following the public hearing, the  
16 commissioner shall consider the testimony presented and evaluate  
17 any revisions or conditions to the permit that may be necessary to  
18 reduce the adverse impact to the public health or to the environment  
19 in the burdened community.

20 b. The department shall not issue a decision on the permit  
21 application until at least 60 days after the public hearing held  
22 pursuant to this section. Notwithstanding the provisions of any  
23 other law, or rule or regulation adopted pursuant thereto, to the  
24 contrary, the department may deny a permit application in a  
25 burdened community upon a finding that the approval of the permit  
26 would, together with the cumulative impacts posed by the existing  
27 conditions, including conditions resulting from permitted activities,  
28 in the burdened community, constitute an unreasonable risk to the  
29 health of the residents of the burdened community and to the  
30 environment in the burdened community.

31 c. The department, when evaluating an application for a permit  
32 pursuant to this section, shall assess the community support for the  
33 proposed new facility or expansion of an existing facility, as  
34 demonstrated through the public hearing conducted pursuant to  
35 subsection a. of this section, letters of support for, or opposition to,  
36 the proposed new or expanded facility, and any ordinance or  
37 resolution adopted by the governing body of the municipality in  
38 which the burdened community is located. The department shall  
39 consider community support, or the lack thereof, in its decision to  
40 grant or deny a permit.

41 d. If a permit applicant is applying for more than one permit for  
42 a proposed new facility or expansion of an existing facility, the  
43 permit applicant shall only be required to comply with the  
44 provisions of this section once, unless the department, in its  
45 discretion, determines that more than one public hearing is  
46 necessary due to the complexity of the proposed new or expanded  
47 facility. Nothing in this section shall be construed to limit the



1 authority of the department to hold or require additional public  
2 hearings, as may be required by any other law, rule, or regulation.

3

4 4. a. The Department of Environmental Protection may adopt,  
5 pursuant to the provisions of the “Administrative Procedure Act,”  
6 P.L.1968, c.410 (C.52:14B-1 et seq.) rules and regulations to  
7 implement the provisions of this act.

8 b. The department may issue guidance on how to evaluate  
9 cumulative impacts pursuant paragraph (1) of subsection a. of  
10 section 3 of this act. The department shall publish the guidance  
11 document on its Internet website.

12

13 5. This act shall take effect immediately.

14

15

16

#### STATEMENT

17

18 This bill would require a person seeking a permit for a new  
19 facility, or for the expansion of an existing facility, located in a  
20 burdened community, to meet certain additional requirements  
21 before they can obtain the permit.

22 Under the bill, a “burdened community” is defined as any census  
23 tract, as delineated in the most recent federal decennial census, that  
24 is ranked in the bottom 33 percent of census tracts in the State for  
25 median household income. “Facility” is defined as any: (1) electric  
26 generating facility with a capacity of more than ten megawatts; (2)  
27 resource recovery facility or incinerator; (3) sludge combustor or  
28 incinerator; (4) sewage treatment plant with a capacity of more  
29 than 50 million gallons per day; (5) transfer station, recycling  
30 center, or other solid waste facility with a combined monthly  
31 volume in excess of 25 tons; (6) landfill, including, but not limited  
32 to, a landfill that accepts ash, construction or demolition debris, or  
33 solid waste; (7) medical waste incinerator; or (8) major source of air  
34 pollution, as defined by the federal “Clean Air Act.”

35 The bill would require the Department of Environmental  
36 Protection (DEP), in consultation with the Secretary of State, no  
37 later than 120 days after the date of enactment of the bill, to adopt a  
38 list of burdened communities in the State. The DEP would be  
39 required to update the list of burdened communities periodically as  
40 new data on median annual household income becomes available  
41 and upon promulgation by the federal government of a new federal  
42 decennial census. No later than 60 days after a burdened  
43 community is designated under the bill, the governing body of the  
44 municipality in which the burdened community is located would be  
45 required to designate a representative of the burdened community.

46 Under the bill, beginning 180 days after the date of enactment of  
47 the bill, the DEP would not be permitted to grant certain  
48 environmental permits for any new facility, or for the expansion of

1 an existing facility, located in whole or in part in a burdened  
2 community, unless the permit applicant first:

3 (1) prepares a report assessing the environmental impact of the  
4 proposed new or expanded facility. The report would assess the  
5 environmental impact on the burdened community including  
6 cumulative impacts, any adverse environmental effects that cannot  
7 be avoided should the permit be granted, and the public health  
8 impact on the burdened community of the proposed new or  
9 expanded facility;

10 (2) transmits the report at least 30 days in advance of the public  
11 hearing required under the bill to the DEP, the governing body and  
12 the clerk of the municipality in which the burdened community is  
13 located, and the designated representative of the burdened  
14 community. The permit applicant would be required to make the  
15 report available to the public at least 30 days prior to the public  
16 hearing; and

17 (3) organizes and conducts a public hearing in a location as  
18 convenient as possible to all interested parties. The bill establishes  
19 specific requirements for public notice of the hearing. At the public  
20 hearing, the permit applicant would be required to provide clear,  
21 accurate, and complete information about the proposed new or  
22 expanded facility and its potential environmental and health impacts  
23 in the burdened community. The permit applicant would also be  
24 required to provide an opportunity for meaningful public  
25 participation by residents of the burdened community. Following  
26 the hearing, the DEP would be required to consider testimony  
27 presented at the public hearing, and evaluate any revisions or  
28 conditions to the permit that may be necessary to reduce the adverse  
29 impact to the public health or to the environment in the burdened  
30 community.

31 Under the bill, the DEP would not be permitted to issue a  
32 decision on the permit application until at least 60 days after the  
33 public hearing. The DEP would have the authority to deny a permit  
34 application in a burdened community upon a finding that approval  
35 of the permit, together with the cumulative impacts posed by the  
36 proposed new or expanded facility, would constitute an  
37 unreasonable risk to the health of the residents of the burdened  
38 community and to the environment in that community. The DEP,  
39 when evaluating an application for a permit under the bill, would be  
40 required to assess community support for the proposed new or  
41 expanded facility, and be required to consider such support, or the  
42 lack thereof, in its decision to grant or deny a permit.

43 The bill provides that if a permit applicant is applying for more  
44 than one permit for a proposed new or expanded facility, the  
45 applicant would only be required to comply with the provisions of  
46 the bill once, unless the DEP, in its discretion, determines that more  
47 than one public hearing is necessary due to the complexity of the  
48 new or expanded facility.

ASSEMBLY ENVIRONMENT AND SOLID WASTE  
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 2212**

**STATE OF NEW JERSEY**

DATED: JULY 20, 2020

The Assembly Environment and Solid Waste Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2212.

This committee substitute requires the Department of Environmental Protection (DEP) to evaluate the environmental and public health stressors of certain facilities on overburdened communities when reviewing certain permit applications.

The bill defines the term “facility” to mean any: (1) major source of air pollution; (2) resource recovery facility or incinerator; (3) sludge processing facility, combustor, or incinerator; (4) sewage treatment plant with a capacity of more than 50 million gallons per day; (5) transfer station or other solid waste facility, or recycling facility intending to receive at least 100 tons of recyclable material per day; (6) scrap metal facility; (7) landfill, including, but not limited to, a landfill that accepts ash, construction or demolition debris, or solid waste; or (8) medical waste incinerator. The term excludes a facility as defined in section 3 of P.L.1989, c.34 (C.13:1E-48.3), or regulated medical waste processing equipment, including a medical waste incinerator, that is attendant to a hospital or university and intended to process self-generated regulated medical waste.

Specifically, beginning immediately after the DEP adopts the rules and regulations required by the bill, the DEP would not consider complete for review any application for a permit for a new or expanded facility, or any application for the renewal of an existing facility’s major source permit, if the facility is located in whole or in part in an overburdened community, unless the permit applicant meets certain conditions. Specifically, a permit applicant would be required to:

(1) prepare an environmental justice impact statement that assesses the potential environmental and public health stressors associated with the proposed new or expanded facility, or with the existing major source, as applicable, and the environmental and public health stressors already borne by the overburdened community as a result of

existing conditions located in or affecting the overburdened community;

(2) transmit the environmental justice impact statement to the DEP and to the governing body and the clerk of the municipality in which the overburdened community is located at least 60 days in advance of the public hearing required under the bill (discussed below). Upon receipt, the DEP would be required to publish the environmental justice impact statement on its Internet website; and

(3) organize and conduct a public hearing in the overburdened community. At least 60 days prior to the public hearing, the permit applicant would be required to publish a notice of the hearing in at least two newspapers circulating within the overburdened community, including one local non-English language newspaper, if applicable. The permit applicant would also be required to send the notice to the DEP and to the governing body and the clerk of the municipality in which the overburdened community is located. The bill sets forth specific requirements for the notice required under the bill. At the public hearing, the permit applicant would be required to provide clear, accurate, and complete information about the proposed new or expanded facility, or existing major source, and the potential environmental and public health stressors associated with the facility. The permit applicant would be required to accept written and oral comments from any interested party, and provide an opportunity for meaningful public participation at the public hearing. The permit applicant would also be required to transcribe the public hearing and submit the transcript, along with any written comments received, to the DEP.

Following the public hearing, the DEP would be required to consider the environmental justice impact statement, any testimony presented at the hearing, and any written comments received, and evaluate the issuance of, or conditions to, the permit as necessary in order to avoid or reduce the adverse environmental or public health stressors affecting the overburdened community. Under the bill, the DEP would not be authorized to issue a decision on a permit application for a new or expanded facility, or on an application for the renewal of an existing facility's major source permit, if the facility is located, or proposed to be located, in whole or in part in an overburdened community until at least 45 days after the public hearing held under the bill.

The DEP would be required to deny a permit for a new facility upon a finding that approval of the permit, as proposed, would, together with other environmental or public health stressors affecting the overburdened community, cause or contribute to adverse cumulative environmental or public health stressors in the overburdened community that are higher than those borne by other communities within the State, county, or other geographic unit of analysis as determined by the DEP. However, if the DEP determines

that a new or expanded facility will serve a compelling public interest in the community where it is to be located, it may grant a permit that imposes conditions on the construction and operation of the facility to protect public health.

The bill provides that the DEP may apply conditions to a permit for the expansion of an existing facility, or the renewal of an existing facility's major source permit, upon a finding that approval of a permit or permit renewal, as proposed, would, together with other environmental or public health stressors affecting the overburdened community, cause or contribute to adverse cumulative environmental or public health stressors in the overburdened community that are higher than those borne by other communities within the State, county, or other geographic unit of analysis as determined by the department.

The bill would authorize the DEP to charge each permit applicant a reasonable fee to cover the DEP's costs associated with implementation of the bill.

Under the bill, "overburdened community" means any census block group, as determined in accordance with the most recent United States Census, in which at least: (1) 35 percent of the households qualify as low-income households; (2) 40 percent of the residents identify as minority or as members of a State recognized tribal community; or (3) 40 percent of the households have limited English proficiency.

No later than 120 days after the effective date of the bill, the DEP would be required to publish on its Internet website a list of overburdened communities in the State. The DEP would also be required to notify a municipality if any part of the municipality is designated an overburdened community under the bill.

As reported by the committee, this committee substitute is identical to Senate Bill No. 232 (SCS) (SCS) as amended and also reported by the committee.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 2212

with committee amendments

# STATE OF NEW JERSEY

DATED: AUGUST 24, 2020

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2212 ACS, with committee amendments.

This bill, as amended by the committee, requires the Department of Environmental Protection (DEP) to evaluate the environmental and public health stressors of certain facilities on overburdened communities when reviewing certain permit applications.

The bill defines the term “facility” to mean any: (1) major source of air pollution; (2) resource recovery facility or incinerator; (3) sludge processing facility, combustor, or incinerator; (4) sewage treatment plant with a capacity of more than 50 million gallons per day; (5) transfer station or other solid waste facility, or recycling facility intending to receive at least 100 tons of recyclable material per day; (6) scrap metal facility; (7) landfill, including, but not limited to, a landfill that accepts ash, construction or demolition debris, or solid waste; or (8) medical waste incinerator. The term excludes a facility as defined in section 3 of P.L.1989, c.34 (C.13:1E-48.3) that accepts regulated medical waste for disposal, including a medical waste incinerator, that is attendant to a hospital or university and intended to process self-generated regulated medical waste.

Beginning immediately after the DEP adopts the rules and regulations required by the bill, the DEP would not consider complete for review any application for a permit for a new or expanded facility, or any application for the renewal of an existing facility’s major source permit, if the facility is located in whole or in part in an overburdened community, unless the permit applicant meets certain conditions. Specifically, a permit applicant would be required to:

(1) prepare an environmental justice impact statement that assesses the potential environmental and public health stressors associated with the proposed new or expanded facility, or with the existing major source, as applicable, and the environmental and public health stressors already borne by the overburdened community as a result of existing conditions located in or affecting the overburdened community;

(2) transmit the environmental justice impact statement to the DEP and to the governing body and the clerk of the municipality in which the overburdened community is located at least 60 days in advance of

the public hearing required under the bill (discussed below). Upon receipt, the DEP would be required to publish the environmental justice impact statement on its Internet website; and

(3) organize and conduct a public hearing in the overburdened community. At least 60 days prior to the public hearing, the permit applicant would be required to publish a notice of the hearing in at least two newspapers circulating within the overburdened community, including one local non-English language newspaper, if applicable. The permit applicant would also be required to send the notice to the DEP and to the governing body and the clerk of the municipality in which the overburdened community is located. The bill sets forth specific requirements for the notice required under the bill. At the public hearing, the permit applicant would be required to provide clear, accurate, and complete information about the proposed new or expanded facility, or existing major source, and the potential environmental and public health stressors associated with the facility. The permit applicant would be required to accept written and oral comments from any interested party, and provide an opportunity for meaningful public participation at the public hearing. The permit applicant would also be required to transcribe the public hearing and submit the transcript, along with any written comments received, to the DEP.

Following the public hearing, the DEP would be required to consider the environmental justice impact statement, any testimony presented at the hearing, and any written comments received, and evaluate the issuance of, or conditions to, the permit as necessary in order to avoid or reduce the adverse environmental or public health stressors affecting the overburdened community. Under the bill, the DEP would not be authorized to issue a decision on a permit application for a new or expanded facility, or on an application for the renewal of an existing facility's major source permit, if the facility is located, or proposed to be located, in whole or in part in an overburdened community until at least 45 days after the public hearing held under the bill.

The DEP would be required to deny a permit for a new facility upon a finding that approval of the permit, as proposed, would, together with other environmental or public health stressors affecting the overburdened community, cause or contribute to adverse cumulative environmental or public health stressors in the overburdened community that are higher than those borne by other communities within the State, county, or other geographic unit of analysis as determined by the DEP. However, if the DEP determines that a new facility will serve a compelling public interest in the community where it is to be located, it may grant a permit that imposes conditions on the construction and operation of the facility to protect public health.

The bill provides that the DEP may apply conditions to a permit for the expansion of an existing facility, or the renewal of an existing facility's major source permit, upon a finding that approval

of a permit or permit renewal, as proposed, would, together with other environmental or public health stressors affecting the overburdened community, cause or contribute to adverse cumulative environmental or public health stressors in the overburdened community that are higher than those borne by other communities within the State, county, or other geographic unit of analysis as determined by the department.

The bill would authorize the DEP to charge each permit applicant a reasonable fee to cover the DEP's costs associated with implementation of the bill.

Under the bill, "overburdened community" means any census block group, as determined in accordance with the most recent United States Census, in which at least: (1) 35 percent of the households qualify as low-income households; (2) 40 percent of the residents identify as minority or as members of a State recognized tribal community; or (3) 40 percent of the households have limited English proficiency.

No later than 120 days after the effective date of the bill, the DEP would be required to publish on its Internet website a list of overburdened communities in the State. The DEP would also be required to notify a municipality if any part of the municipality is designated an overburdened community under the bill.

As amended and reported by the committee, this bill is identical to Senate Bill No. 232 (SCS/1R) as also amended and reported by the committee.

#### COMMITTEE AMENDMENTS:

The committee amendments to the bill:

1) amend the definition of "facility" to clarify the exception for certain facilities that accept regulated medical waste for disposal and delete the exclusion of regulated medical waste processing equipment;

2) require the DEP to consider a request by a permit applicant to consolidate required public hearings and, if granted, provides that the consolidation of permit hearings would not preclude an application from being deemed complete for review under the bill;

3) clarify that the determination in subsection c. of section 4 of the bill concerning the issuance of a permit based on compelling public interest applies to new facilities, not to both new or expanded facilities; and

4) clarify that the bill would not prohibit from continuing facility operations during the permit renewal process, if such continued operations are otherwise authorized pursuant to law, rule, or regulation.

#### FISCAL IMPACT:

This bill has not been certified as requiring a fiscal note.



# This Week in New Jersey: June 19, 2020

06/19/2020



## Governor Murphy Announces Support for Key Environmental Justice Legislation

Standing alongside Lieutenant Governor Sheila Oliver, Department of Environmental Protection Commissioner Catherine McCabe, Senator Troy Singleton, Assemblyman John McKeon, and environmental advocates Kim Gaddy, Dr. Nicky Sheats, and Dr. Ana Baptiste, Governor Phil Murphy announced his support for key environmental justice legislation for overburdened communities. The legislation (S232) requires the New Jersey Department of Environmental Protection to evaluate environmental and public health impacts of certain facilities on overburdened communities when reviewing certain permit applications.

“Pursuing an aggressive environmental justice agenda has been a top priority of my Administration,” **said Governor Murphy**. “Decades of inaction have led to environmental disparities throughout the state, creating overburdened communities that are unjustly exposed to significant air and water pollutants. We must prevent further environmental burdens on residents in our urban, rural, and low-income areas, which are predominantly communities of color. By supporting this legislation, we are taking a momentous step forward in achieving that goal.”

“Despite New Jersey’s many environmental gains, our state has a long history of environmental pollutants disproportionately affecting our disadvantaged communities. It has been weighing them down for decades,” **said Lt. Governor Sheila Oliver, who serves as Commissioner of the Department of Community Affairs**. “We have seen the impact that environmental inequality has had on our residents’ quality of life and health. The legislation proposed by

Senator Singleton, Assemblyman McKeon and our Administration would create a new layer of protection for the communities that have paid the price for pollution that is created by us all.”

“In the last fifty years, many federal and state environmental laws have enabled us to make great strides in improving the quality of our air, land and water, but gaps in the law too often prevent us from ensuring environmental justice for our low-income and minority communities,” **said New Jersey Department of Environmental Protection Commissioner Catherine R. McCabe.** “While environmental laws broadly protect public health and the environment, they too often fail to account for the fact that facilities that cause some of the worst pollution tend to be concentrated in low-income and minority communities, leading to disparities in exposure and in public health in those communities. I applaud Senator Singleton and Assemblyman McKeon for their leadership and attention to this injustice. Nowhere else in the country has a commitment to environmental justice been this strong. I hope others will follow New Jersey’s lead, and pledge my support to our communities to help bring this law to Governor Murphy’s desk.”

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## Governor Murphy Announces Plan to Develop the New Jersey Wind Port: First Purpose-Built Offshore Wind Port in the U.S.

Governor Phil Murphy announced plans to develop the New Jersey Wind Port, a first-in-the-nation infrastructure investment that will provide a location for essential staging,

assembly, and manufacturing activities related to offshore wind projects on the East Coast. The Wind Port has the potential to create up to 1,500 manufacturing, assembly, and operations jobs, as well as hundreds of construction jobs in New Jersey. Manufacturing and marshalling projects supported by the Wind Port will drive economic growth in Salem County, in South Jersey, and throughout the state. The State is committed to using union labor to construct the Wind Port and intends to set a new standard for inclusion of minority and women workers and business owners. Construction is targeted to begin in 2021.

“Offshore wind is a once-in-a-generation opportunity to not only protect our environment but also greatly expand our state economy in a way that has immediate impacts and paves the way for long-term growth,” **said Governor Murphy.** “The New Jersey Wind Port will create thousands of high-quality jobs, bring millions of investment dollars to our state, and establish New Jersey as the national capital of offshore wind. This is a vital step forward in achieving our goal of reaching 7,500 megawatts of offshore wind power by 2035 and 100 percent clean energy by 2050.”

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## Governor Murphy Signs Executive Order Allowing Personal Care Service Facilities to Open Effective June 22

Governor Phil Murphy signed Executive Order No. 154, allowing personal care service facilities to reopen to the public on Monday, June 22 at 6:00 a.m., provided the facilities comply with standards issued by the Division of Consumer Affairs and Department of Health.



“We’re able to confidently announce this important step in our restart and recovery because the health metrics tell us we can,” **said Governor Murphy**. “With the proper health and safety protocols in place, personal care business owners who are anxious get back to serving their customers and communities will have the opportunity to do so.”

Under the Governor’s Executive Order, personal care service facilities include:

- Cosmetology shops;
- Barber shops;
- Beauty salons;
- Hair braiding shops;
- Nail salons;
- Electrology facilities;
- Spas, including day spas and medical spas, at which solely elective and cosmetic medical procedures are performed;
- Massage parlors;
- Tanning salons; and
- Tattoo parlors.

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## Governor Murphy Signs Executive Order Allowing for Limited In-Person Instruction at Institutions of Higher Education and Trade and Training Schools Beginning July 1

Governor Phil Murphy signed Executive Order No. 155, which will allow in-person clinical, lab, and hands-on programming at institutions of higher education to resume as of July 1, 2020 with enhanced health and safety protocols. Executive Order No. 155 will also allow trade and training schools to reopen on July 1 provided specific health and safety polices



are in place. As part of this process, the Office of the Secretary of Higher Education has issued Restart Standards for all New Jersey Institutions of Higher Education that can guide the reopening and assist institutions as they prepare for next steps.

“As we move forward in our restart and recovery, these institutions will play a huge role. They are where our future workforce is being created,” **said Governor Murphy.** “While New Jersey continues to face the impacts of the ongoing COVID-19 pandemic, I am pleased that we are able to take this step forward for our students and educators.”



“Sustained positive public health trends have allowed New Jersey to enter stage two on the road back to our ‘new normal,’ and after a period of uncertainty, we are pleased to be at a point where we can safely begin restarting campus operations for students, faculty and staff,” **said Dr. Zakiya Smith Ellis, Secretary of Higher Education.** “An equitable restart of operations must be done carefully through an iterative, staged process that balances the desire to move forward with concerns for public health. We know many students prefer learning in-person, particularly those who experience hardship and whose home environments are not conducive to online education. As we seek to ensure appropriate measures are in place so educational activity can continue, the health and safety of the entire campus community will remain our priority.”

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## **AG Grewal Issues Statewide Order Requiring Law Enforcement Agencies to Identify Officers Who Commit Serious Disciplinary Violations**

Attorney General Gurbir S. Grewal ordered all law enforcement agencies in New Jersey to begin publicly identifying officers who commit serious disciplinary violations. Under the order, going forward every state, county, and local law enforcement agency in New Jersey will be required to annually publish a list of officers who were fired, demoted, or suspended for more than five days due to a disciplinary violation, with the first list to be published no later than December 31, 2020.

“For decades, New Jersey has not disclosed the identities of law enforcement officers who commit serious disciplinary violations,” **said Attorney General Grewal.** “Today, we end the practice of protecting the few to the detriment of the many.

Today, we recommit ourselves to building a culture of transparency and accountability in law enforcement.”

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# Governor Murphy Announces Support for Key Environmental Justice Legislation

06/19/2020

**TRENTON** – Standing alongside Senator Troy Singleton, Assemblyman John McKeon, and environmental advocates Kim Gaddy, Dr. Nicky Sheats, and Dr. Ana Baptiste, Governor Phil Murphy today announced his support for key environmental justice legislation for overburdened communities. The legislation (S232) requires the New Jersey Department of Environmental Protection to evaluate environmental and public health impacts of certain facilities on overburdened communities when reviewing certain permit applications.

“Pursuing an aggressive environmental justice agenda has been a top priority of my Administration,” **said Governor Murphy**. “Decades of inaction have led to environmental disparities throughout the state, creating overburdened communities that are unjustly exposed to significant air and water pollutants. We must prevent further environmental burdens on residents in our urban, rural, and low-income areas, which are predominantly communities of color. By supporting this legislation, we are taking a momentous step forward in achieving that goal.”

“Despite New Jersey’s many environmental gains, our state has a long history of environmental pollutants disproportionately affecting our disadvantaged communities. It has been weighing them down for decades,” **said Lt. Governor Sheila Oliver, who serves as Commissioner of the Department of Community Affairs**. “We have seen the impact that environmental inequality has had on our residents’ quality of life and health. The legislation proposed by Senator Singleton, Assemblyman McKeon and our Administration would create a new layer of protection for the communities that have paid the price for pollution that is created by us all.”

“In the last fifty years, many federal and state environmental laws have enabled us to make great strides in improving the quality of our air, land and water, but gaps in the law too often prevent us from ensuring environmental justice for our low-income and minority communities,” **said New Jersey Department of Environmental Protection Commissioner Catherine R. McCabe**. “While environmental laws broadly protect public health and the environment, they too often fail to account for the fact that facilities that cause some of the worst pollution tend to be concentrated in low-income and minority communities, leading to disparities in exposure and in public health in those communities. I applaud Senator Singleton and Assemblyman McKeon for their leadership and attention to this injustice. Nowhere else in the country has a commitment to environmental justice been this strong. I hope others will follow New Jersey’s lead, and pledge my support to our communities to help bring this law to Governor Murphy’s desk.”

The bill would require the Department of Environmental Protection to evaluate the environmental and public health impacts of the following facilities on overburdened communities when reviewing the following permit applications:

- major sources of air pollution (i.e., gas fired power plants and cogeneration facilities);
- resource recovery facilities or incinerators; sludge processing facilities;
- sewage treatment plants with a capacity of more than 50 million gallons per day;
- transfer stations or solid waste facilities;
- recycling facilities that receive at least 100 tons of recyclable material per day;
- scrap metal facilities;
- landfills; or
- medical waste incinerators.

The bill defines an overburdened community as any community where 35 percent of the households qualify as low-income according to the U.S. Census, 40 percent of households are minority, or 40 percent of households have limited English proficiency. There are approximately 310 municipalities with populations totaling approximately 4,489,000 that have overburdened communities within their municipalities.

Primary sponsors of the legislation include Senator Troy Singleton and Assemblyman John McKeon.

"In order to achieve environmental justice, we must address the most egregious imbalances that result from those with more financial resources and louder political voices crowding out those who are bereft of both," **said Senator Troy Singleton**. "The legislation that we have worked on for the last several years is a longstanding attempt to correct this issue and to finally add some definition and practical action to the fight for environmental justice in our state. The time to act is now – this is our opportunity to turn this pivotal moment in our country's history into a movement that will create a more fair and just society."

"The concentration of energy, water and waste management infrastructure near urban cities has been a longstanding issue; one that has left neighboring communities disproportionately impacted and exposed to pollutants to an unimaginable detriment," **said Assemblyman John McKeon**. "An overhaul of the way infrastructure gets approved and built, and systemic reform that puts people and communities directly at the heart of decision-making is what New Jersey needs. This legislation will help get us there."

"Clean air and clean water shouldn't be luxuries for the privileged, yet every day, communities of color, low income communities, and indigenous communities in New Jersey and across our nation disproportionately face environmental hazards and harmful pollutants," **said U.S. Senator Cory Booker, who introduced sweeping legislation in the U.S. Senate to address environmental injustices**. "We cannot achieve social justice or economic justice in this country without simultaneously addressing environmental justice. I will continue to lead the charge in the U.S. Senate to address these injustices and protect our most vulnerable communities, and I applaud Senator Singleton, Assemblyman McKeon, Governor Murphy, and New Jersey's EJ advocates for their efforts to do the same."

"We need legislation that addresses cumulative impacts in order to protect New Jersey environmental justice communities from disproportionate amounts of pollution," **said Nicky Sheats, Esq., Ph.D., New Jersey Environmental Justice Alliance**. "Cumulative impacts legislation that not only addresses this issue in an appropriate manner, but actually calls for the State to reject applications for pollution permits under certain circumstances, is critically important to the health of environmental justice communities and long overdue."

"The Ironbound Community in Newark has struggled for decades to fight against the unfair pollution burden harming residents' health," **said Maria Lopez-Nuñez, Deputy Director, Organizing and Advocacy, Ironbound Community Corporation**. "S232 gives our communities a fighting chance. It gives us a voice that says no more to the places that make it harder to breathe. This bill is the realization of generations demanding environmental justice. We are proud to stand next to NJEJA and Clean Water Action, and thank Governor Murphy and Senator Singleton for putting S232 forth."

"As we celebrate Juneteenth today and the freedom of Black people, it is necessary to free residents in front line communities, like mine, from the environmental and related health injustices we suffer each and every day," **stated Kim Gaddy, Newark resident and Environmental Justice Organizer, Clean Water Action**. "All three of my children are asthmatic and if S232 becomes law as written, the state will have the power to 'just say no more' polluting facilities in my neighborhood. Governor Murphy and Senator Singleton are not just demonstrating their commitment to S232, but building momentum for its passage, bringing us that much closer to having the strongest EJ law in the nation. Environmental justice communities like mine have suffered for far too long because of the zip code we live in."

# Governor Murphy Signs Historic Environmental Justice Legislation

09/18/2020

## ***Nation's Strongest Measure to Protect Overburdened Communities from Pollutants***

Fulfilling a commitment to enact sweeping protections for environmental justice communities, Governor Phil Murphy today, alongside U.S. Senator Cory Booker, Mayor Ras Baraka, Senator Troy Singleton, Assemblyman John McKeon, and environmental advocates, signed legislation (S232), which requires the New Jersey Department of Environmental Protection to evaluate the environmental and public health impacts of certain facilities on overburdened communities when reviewing certain permit applications. New Jersey is the first state in the nation to require mandatory permit denials if an environmental justice analysis determines a new facility will have a disproportionately negative impact on overburdened communities.

The bill defines an overburdened community as any community where 35 percent of the households qualify as low-income according to the U.S. Census, 40 percent of households are minority, or 40 percent of households have limited English proficiency. There are approximately 310 municipalities with populations totaling approximately 4,489,000 that have overburdened communities within their municipalities.

"Today we are sending a clear message that we will no longer allow Black and Brown communities in our state to be dumping grounds, where access to clean air and clean water are overlooked," **said Governor Murphy**. "This action is a historic step to ensure that true community input and collaboration will factor into decisions that have a cumulative impact for years to come. I'm incredibly proud that New Jersey is now home to the strongest environmental justice law in the nation."

"With this bill that Governor Murphy signed today, we will begin to lift a costly and burdensome weight off the parts of our State that have been dealing with the negative impacts of environmental pollution the most," **said Lt. Governor Sheila Oliver, who serves as Commissioner of the Department of Community Affairs**. "By being more judicious in the application of our environmental permitting laws, we can create more broadly shared prosperity in New Jersey. Because every New Jerseyan deserves a healthier, cleaner and more financially stable place to live, no matter their zip code."

The bill requires the Department of Environmental Protection to evaluate the environmental and public health impacts of the following facilities on overburdened communities when reviewing the following permit applications:

1. Major sources of air pollution (i.e., gas fired power plants and cogeneration facilities);
2. Resource recovery facilities or incinerators; sludge processing facilities;
3. Sewage treatment plants with a capacity of more than 50 million gallons per day;
4. Transfer stations or solid waste facilities;
5. Recycling facilities that receive at least 100 tons of recyclable material per day;
6. Scrap metal facilities;
7. Landfills; or
8. Medical waste incinerators, except those attendant to hospitals and universities.

"Today, New Jersey is leading the way in addressing a critical gap in our nation's environmental protection laws," **said Department of Environmental Protection Commissioner Catherine R. McCabe**. "The signing of New Jersey's environmental justice bill improves protections for some of our most vulnerable New Jerseyans and empowers the DEP to evaluate a facility's specific impact on its neighboring communities. This is not just a landmark advancement for environmental protection in New Jersey, but a roadmap for environmental justice nationally."

"Together, we affirm that New Jersey's government is up to the challenge of furthering environmental justice, within and outside of government," **said Department of Environmental Protection Deputy Commissioner Olivia**



**Glenn**, who oversees the DEP's environmental justice and equity priorities. "Just as today's new legislation requires some businesses to examine their practices when planning new facilities, the new environmental justice guidance document demands that we look at executive branch policies and practices to ensure we account for reducing environmental and public health stressors and improving environmental and public health benefits in environmental justice communities."

"It is long past time that our environmental protections actually protect all of our citizens, especially those communities who have been historically burdened by pollution and environmental injustice," **said U.S. Senator Cory Booker**. "By evaluating the cumulative environmental impacts on communities when it comes to the permitting of certain facilities, we will make better, more thoughtful and inclusive decisions. I could not be more proud that New Jersey is now leading the way on an initiative I've been working on in the Senate, and I applaud Senator Singleton, Assemblyman McKeon, Governor Murphy, and New Jersey's EJ advocates for their efforts to protect our most vulnerable communities."

"For decades, residents living in overburdened communities have had their lives routinely and inconveniently interrupted by the toxic facilities located in their neighborhoods," **said Senator Troy Singleton**. "Their daily routines have been intertwined with the unpleasant smells of industry, unsightly smoke from pollution, and untimely visits to the emergency room for asthma and other respiratory ailments. Now, after years of having no say, these communities will finally have a voice in the siting of these industries. After years of waiting for action, this long overdue law will bring them the environmental justice that they deserve."

"The concentration of energy, water and waste management infrastructure near urban cities has been a longstanding issue; one that has left neighboring communities disproportionately impacted and exposed to pollutants to an unimaginable detriment," **said Assemblyman John McKeon**. "An overhaul of the way infrastructure gets approved and built, and systemic reform that puts people and communities directly at the heart of decision-making is what New Jersey needs. This new law is a productive step in the right direction for New Jersey."

"For decades, our poor and minority residents were more exposed to pollution in urban areas. This has caused significant, multi-generational and chronic health problems among these communities that just don't exist in wealthier, less polluted communities," **said Senate Majority Leader Loretta Weinberg**. "To address the problem of over pollution in poor, urban communities, the important first step is to figure out which communities, exactly, have been the most impacted. I've been privileged to be in this battle for environmental justice for a long time and this is a great step forward"

"For far too long certain parts of New Jersey have been congested with facilities that contribute to the environmental impact of our communities," **said Senator Teresa Ruiz**. "Incinerators, landfills and power plants have created increased noise and poor air quality in some of our most vulnerable neighborhoods. These facilities can contribute pollutants that are not only harmful to the environment but also can lead to long term health issues, such as asthma. I'm proud to have worked with my colleagues, advocates and the administration to create policy that will frame environmental justice for future generations."

"Families living in urban neighborhoods have for too long disproportionately faced the negative effects of pollution, scores of children in these communities being diagnosed with asthma and put at greater risk of experiencing chronic health issues throughout their lifetimes," **said Assemblywoman Valerie Vainieri Huttle**. "With this new law, we are making sure that the voices of these communities, who stand to be impacted the most, are centralized in the permitting process."

"To better invest in our underserved communities, it is beyond critical we address the environmental injustices they have been saddled with for decades," **said Assemblywoman Britnee Timberlake**. "We cannot allow a legacy where your health is dependent on your zip code to persist."

"As a statewide and regional hub of industry, commerce, innovation and energy, the impact of the legacy of environmental contamination is real and present in New Jersey. This historic legislation is a model to show the rest of the Country how to ensure that communities are protected and how by utilizing both activism and leadership simultaneously, you can truly change the status quo," **said Mayor Ras J. Baraka, City of Newark**. "I applaud the leadership of our State policymakers for making this law come to fruition, and we give our thanks to Governor Murphy for making environmental justice central to his administration."

"S232 gives us hope. Hope that our pleas for the right to breathe will be heard next time we face off with polluters who have been targeting Black and brown neighborhoods for decades," **said Maria Lopez-Nuñez, Deputy Director of Organizing and Advocacy at the Ironbound Community Corporation.** "We can't end environmental racism with one bill but we've now taken this historical first step. Newark has a fighting chance to breathe easier thanks to this law."

"This new law gives the state the power to 'just say no more' pollution in my neighborhood. My children can look forward to breathing cleaner air as they recreate in Weequahic Park. Thanks to Senator Singleton, Assemblyman McKeon and Governor Murphy, New Jersey now has the strongest environmental justice law in the nation and demonstrates that Black Lives Matter," **said Kim Gaddy, Newark resident and Environmental Justice Organizer, Clean Water Action.** "Environmental justice communities like mine have suffered far too long. After more than 10 years of fighting for this legislation, our voices have finally been heard. Our communities will receive the right environmental protection for our complexion."

"Environmental Justice communities are well aware of how race and income relate to environmental burdens," **said Melissa Miles, Executive Director, NJ Environmental Justice Alliance.** "Our legislators have answered our call to action and now we must keep the voices of overburdened communities centered in the rule-making process."

## This Week In New Jersey: September 18, 2020

09/18/2020



### Governor Murphy Signs Legislative Package to Strengthen the Resiliency and Preparedness of New Jersey's Long-Term Care Industry

Governor Phil Murphy, Lieutenant Governor Sheila Oliver, Senate President Steve Sweeney, Assembly Speaker Craig Coughlin, Senate Budget Chair Paul Sarlo, and Assembly Budget Chair Eliana Pintor Marin announced that the revised Fiscal Year 2021 (FY2021) budget will raise the state's gross income tax rate on income between \$1 million and \$5 million per year. The rate will increase from the current 8.97% to 10.75% for every dollar earned between \$1 million and \$5 million annually, bringing it in line with the rate for income earned over \$5 million annually and back to the rate paid in 2010. The Governor and legislators also announced a tax cut that will pay an up to \$500 rebate to approximately 800,000 New Jersey families.

"In this unprecedented time, when so many middle-class families and others have sacrificed a great deal, now is the time to ensure that the wealthiest among us are also called to make a modest sacrifice by paying pennies on the dollar more for any income over \$1 million," **said Governor Murphy**. "I am also proud to announce that we are taking the step of providing a \$500 rebate for our middle-class families. I thank the Senate President and Speaker for their partnership as we move forward with these initiatives that will spur resiliency and economic growth in our state."

"I would like to congratulate Governor Murphy, Senate President Sweeney, and Speaker Coughlin for coming together during a very difficult economic time in New Jersey and reaching consensus on a budget that will work for the operations of government, but more importantly for the people of New Jersey," **said Lieutenant Governor Oliver**. "This is a budget that represents having to be frugal based on the revenue deficits we are challenged with, but at the same time, prioritizing what is important."

"Helping middle class families to me, makes all the sense in the world at this time," **said Senate President Sweeney**. "I want to thank the Governor and the Lieutenant Governor for their openness and their willingness to do this a little bit differently than we thought we were going to



do. I am glad to be standing here with my colleagues.”

“The agreement that we reached will provide much needed tax relief for so many who can truly use a break,” **said Assembly Speaker Coughlin.** “It has always been a priority of all of us to help the middle class. I am pleased to join today with the Governor and the Senate President in support of increasing the tax rate on those earning more than a million dollars. The small increase has long been part of Governor Murphy’s plan of tax fairness and it will generate much needed revenue that will allow assistance to those desperately in need.”

“Many middle class families are really struggling because of what the pandemic has done to them,” **said Assemblywoman Pintor Marin, Chair of the Assembly Budget Committee.** “I applaud the Speaker for his leadership, the Governor, and Senate President for being at the forefront and giving families some of the relief that they have been looking for. I am very proud today.”

“What is important for all of us to recognize as we sit here today, during one of the most difficult times in our state and our country’s history is that the leaders have come together and have put together a budget process and put the biggest piece of it together in a time frame that allows it to be done in a transparent manner,” **said Senator Sarlo, Chair of the Senate Budget Committee.** “Thank you Governor, Senate President Sweeney, and Speaker Coughlin for taking the leadership on that.”

**READ MORE:** Governor Murphy, Lt. Governor Oliver, Senate President Sweeney, Assembly Speaker Coughlin, Assembly Budget Chair Pintor Marin, and Senate Budget Chair Sarlo Announce Agreement to Include Millionaire’s Tax and Middle-Class Tax Relief in Revised FY2021 Budget

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## Governor Murphy Signs Legislative Package to Strengthen the Resiliency and Preparedness of New Jersey's Long-Term Care Industry

Acting on a commitment to reform and build a more resilient long-term care industry, Governor Phil Murphy signed a legislative package to address systemic challenges, mitigate the impact of COVID-19, and strengthen preparedness for future outbreaks. The legislative package enacts several recommendations made in Manatt Health's rapid review of the state's long-term care facilities, including wage enhancements for frontline staff, improved response coordination, and robust data reporting procedures. The legislative package received bipartisan support.

"The residents and staff of our long-term care facilities have borne an outsized burden of this pandemic," **said Governor Phil Murphy.** "While we know this has not been a tragedy unique to New Jersey, we will learn from this crisis and emerge as a national model for solving immediate challenges and building future resilience. These measures not only support our ongoing efforts to get things right for our long-term care residents, staff, and families, but also ensure we have strong measures in place to deal with bad actors in the industry who put profit before people."

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## Governor Murphy Signs Legislation Designating the Howell House as the Official New Jersey Harriet Tubman Museum

Governor Phil Murphy signed legislation (A3201), which designates the Howell House on Lafayette Street in Cape May, New Jersey as the official New Jersey Harriet Tubman Museum. The Governor participated in the ribbon-cutting ceremony today for the museum. The Howell House is owned by the Macedonia Baptist Church. In 2018, the church gave Robert, Zach, and Cynthia Mullock permission to renovate the house into a museum honoring Harriet Tubman. Harriet Tubman has a special connection to Cape May, having spent a significant amount of time during the 1850s in the area, gathering funds to support her work through the Underground Railroad. The museum will inform current and future generations of the great sacrifices and efforts that Tubman made on her mission to save enslaved African-Americans and bring them to the free North. The museum opened virtually on June 19, 2020, a date recognized as "Juneteenth" and recently designated an official State holiday in New Jersey.



"It gives me great pride in announcing that the Howell House in Cape May is now the official Harriet Tubman Museum of New Jersey," **said Governor Murphy.** "Harriett Tubman's extraordinary efforts helped establish and run the Underground Railroad, and her fearless actions during



her lifetime led to the freedom of many. I am proud of the role that New Jersey and Cape May were able to play in her mission to free Black men, women, and children from slavery. This is just one small step in acknowledging the plight and struggle of the Black community, and we will continue to recognize and fight against all forms of racism."

"Harriet Tubman was arguably the most well-known activist and abolitionist in US history. Her intellect, determination and iron will saved the lives of many enslaved Americans. She is our North Star. When we fight for equality, we think of her name," **said Lt. Governor Sheila Oliver, who serves as Commissioner of the Department of Community Affairs.** "This museum, which is dedicated to her legacy, will now officially ensure that her name will forever be revered and honored in New Jersey history."

"Our work here in Cape May for the last two years has been dedicated to preserving and creating a space worthy of magnifying Harriet Tubman's life, and the life of so many luminaries who worked with her or followed in her footsteps in the struggle for racial and social justice." **said Cynthia Mullock, Executive Director of the Harriet Tubman Museum.** "Among our many supporters was the Murphy administration. In particular, we want to thank Lieutenant Governor Sheila Oliver, Secretary of State Tahesha Way, the New Jersey State Council on the Arts, the New Jersey State Historical Commission, and the grant programs through the Cape May County Department of Tourism, as well as the State's neighborhood preservation program."

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## Governor Murphy Celebrates Groundbreaking for Raritan River Bridge Replacement Project

Governor Phil Murphy, Department of Transportation Commissioner Diane Gutierrez-Scaccetti, NJ TRANSIT President & CEO Kevin Corbett, Assembly Speaker Craig Coughlin, and local elected officials celebrated a groundbreaking ceremony for construction on the Raritan River Bridge Replacement Project, which will replace the existing swing-span bridge that carries NJ TRANSIT's North Jersey Coast Line trains over the Raritan River between Perth Amboy and South Amboy. The current bridge, originally built in 1908, suffered damage during Superstorm Sandy, and has experienced recurring maintenance issues. The new bridge will integrate resilient structural designs and materials to withstand future storm surges and be significantly less vulnerable to severe weather events.



"Smart infrastructure projects like this are at the heart of building a stronger, fairer, and more resilient post-COVID New Jersey," **said Governor Murphy.** "To recapture our state's mantle as the economic corridor to the nation, we need to ensure that we have the infrastructure in place to get residents to and from work, school, or play. Importantly, this project will also provide an economic stimulus at just the right time and bring with it more than 5,700 good-paying jobs."

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