

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.