

In a recent meeting of the EJ Internal Work Group (IWG) with Secretary McGinty, she approved a request to begin preliminary discussions toward development of EJ regulations. The purpose of the meeting was to ensure that the Secretary would like to proceed in this direction, and to get an initial idea of what she felt was most achievable. Prior to the meeting the IWG provided Sec. McGinty with a memo outlining potential directions that the regulations could take and some fundamental questions that will have to be answered in the regulation development process. Below is a summary of those questions. Please come to the meeting with your thoughts ready to participate in a discussion.

Regulatory Issues

1. How should impacts be addressed?

-A cumulative impacts, disparate impacts, multi-media risk or harms/benefits assessment could take a variety of shapes or forms. What factors should be considered in an impacts analysis? Should nuisance concerns be included in a cumulative effects analysis, and if so, how should they be measured?

-Should this assessment be written as one general assessment, applying across the various programs regulated by DEP or should the assessment be tailored specifically to each program (air, water, waste, mining)

2. How should regulations regarding public participation in the permitting process be developed?

-The recently published EJ policy contained language suggesting that applicants take a large role in the public participation process. This was a good first step, however, the policy does not provide the tools to require applicants to meet with the public early and often in the process or address public concerns. Would you support the development of regulations that sought to accomplish this?

3. Who should these regulations be targeted towards?

-Should the regulation be expressly based on racial and economic classifications such as minority or low-income populations? Alternatively, should the program (cumulative impacts assessment and/or early public involvement by applicant) be implemented for all permitting activities, such as an enhanced harms/benefits test?

4. What permits should this apply to?

-Should this be linked to the list of trigger permits developed by the EJWG? Should that list be expanded or decreased? Should the opt-in language remain?

Non-Regulatory Issues

In the meeting with Secretary McGinty, she mentioned the possibility of trying to address some of the historic environmental issues through programs currently administered by the DEP.

1. What are the needs of an EJ community that the department might be able to help with?

-Some suggestions are included in the EJ Work Group Report (p. 15), but could include grant distribution and BAT involvement.

2. Any other ideas on what could be addressed outside of the regulatory process?