



Best Practices for Developing a Corporate Environmental Justice Program

July 20, 2022

10:00 AM EST-11:30 AM EST



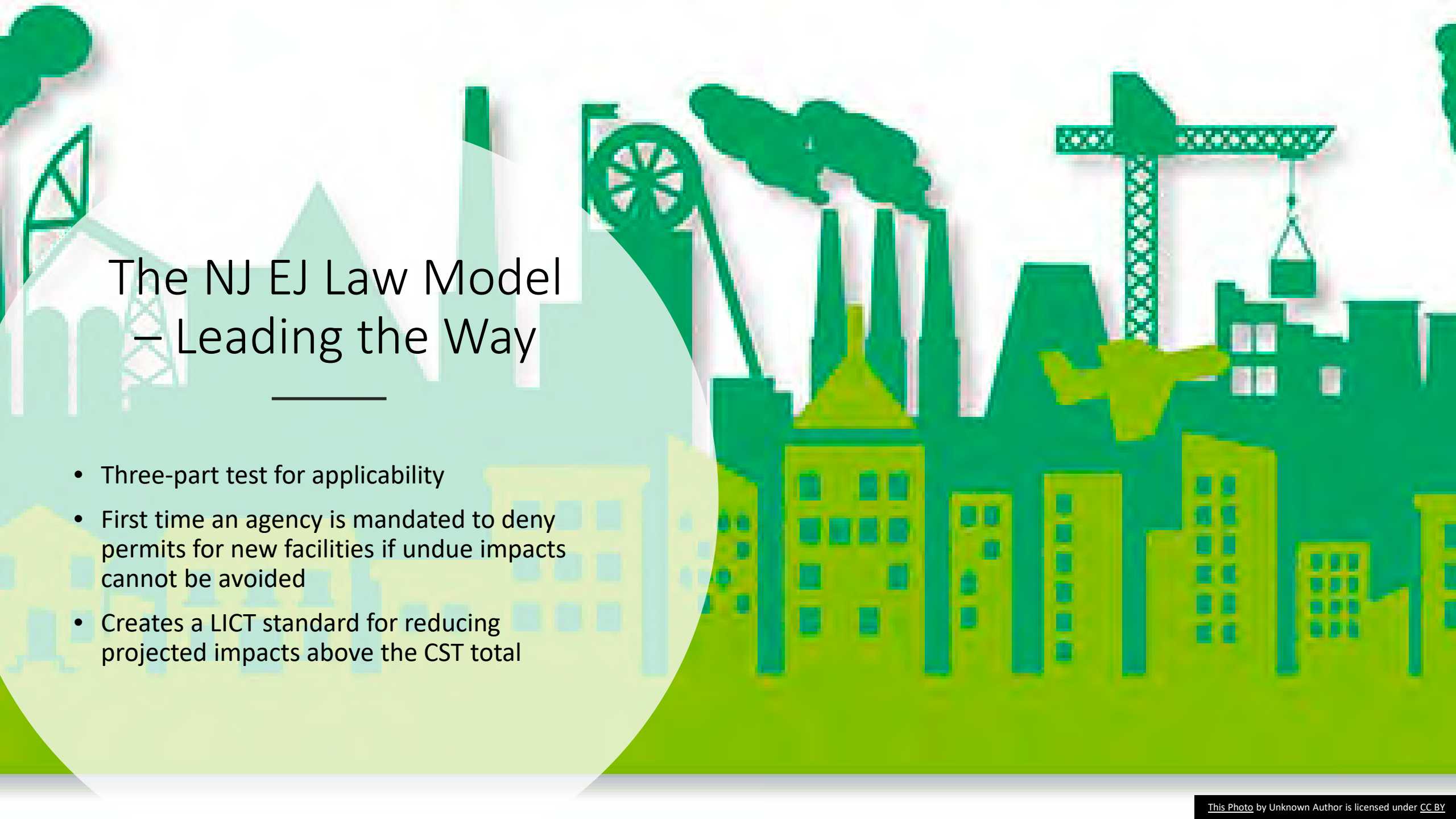
Chris Whitehead – ESI, Air Practice Lead

- 15+ years of environmental compliance experience
- National CAM for multiple large industrial clients
- Qualified Environmental Professional and Certified Environmental Systems Manager
- M.S. – Environmental Management and Policy – American University
- Certificate – Sustainability Program Management – M.I.T.
- Published six times on environmental justice and offshore wind project development



Meet the Panelists

- Arielle King, EJ Staff Attorney, Environmental Law Institute
- Hilary Jacobs, Environmental Law Associate, Beveridge & Diamond
- Jack Bernardino, Area Asset Manager, Covanta



The NJ EJ Law Model

– Leading the Way

- Three-part test for applicability
- First time an agency is mandated to deny permits for new facilities if undue impacts cannot be avoided
- Creates a LICT standard for reducing projected impacts above the CST total

NJ EJ Law – Critical Dates



Sep 18, 2020 – Governor Murphy signs NJ EJ law



Sep 22, 2021 – NJDEP Releases AO25



June 6, 2022 – NJDEP proposes EJ implementation regs



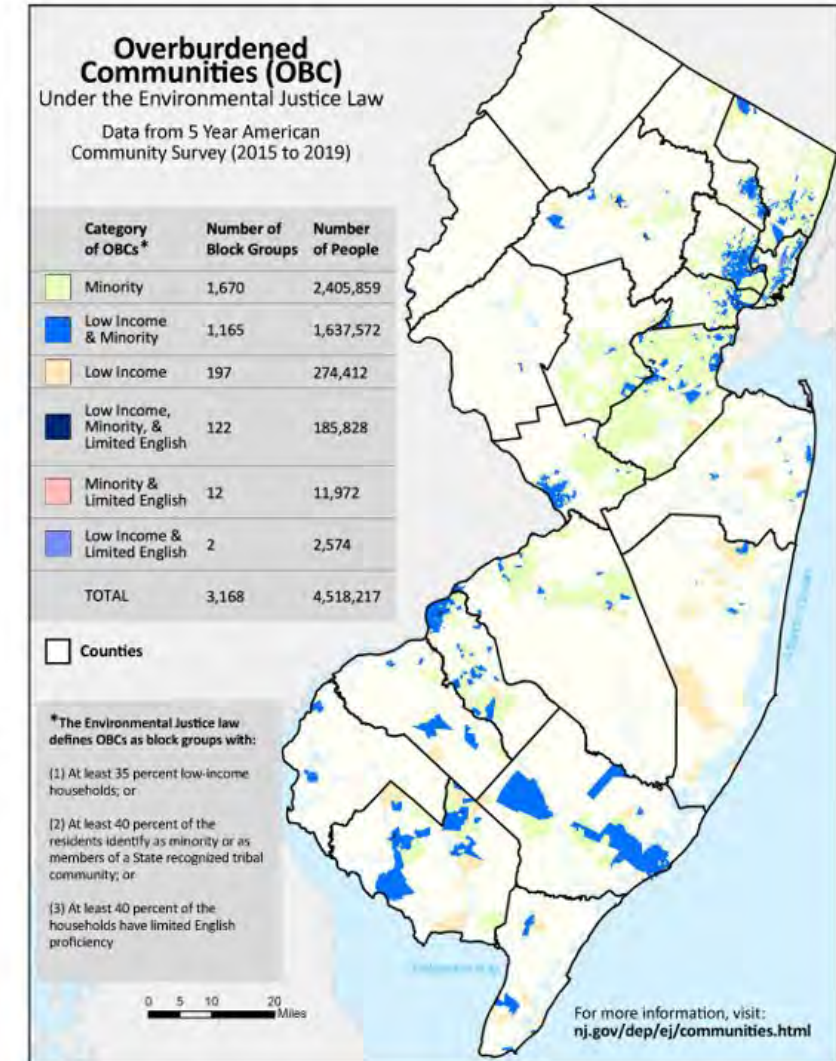
Sep 4, 2022 – Comment period ends on rule proposal after multiple public hearings across the state

Defining 'Overburdened Community'

Includes any census block group, as determined in accordance with the most recent U.S. Census, in which:

- a) at least 35% of the households qualify as low-income households; OR
- b) at least 40% of the residents identify as minority or as members of a state-recognized tribal community; OR
- c) at least 40% of the households have limited English proficiency.

Overburdened Community Criteria	# Block Groups	Population
Minority	1,670	2,405,859
Low Income and Minority	1,165	1,637,572
Low Income	197	274,412
Low Income, Minority, and Limited English	122	185,828
Minority and Limited English	12	11,972
Low Income and Limited English	2	2,574
	3,168	4,518,217



Facilities Subject to the NJ EJ Law

One of eight (8) types of facilities:

1. Major sources of air pollution (e.g., power plants, cogeneration facilities);
2. Incinerators or resource recovery facilities;
3. Large sewage treatment plants (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 hospital and universities.

Covered Permits

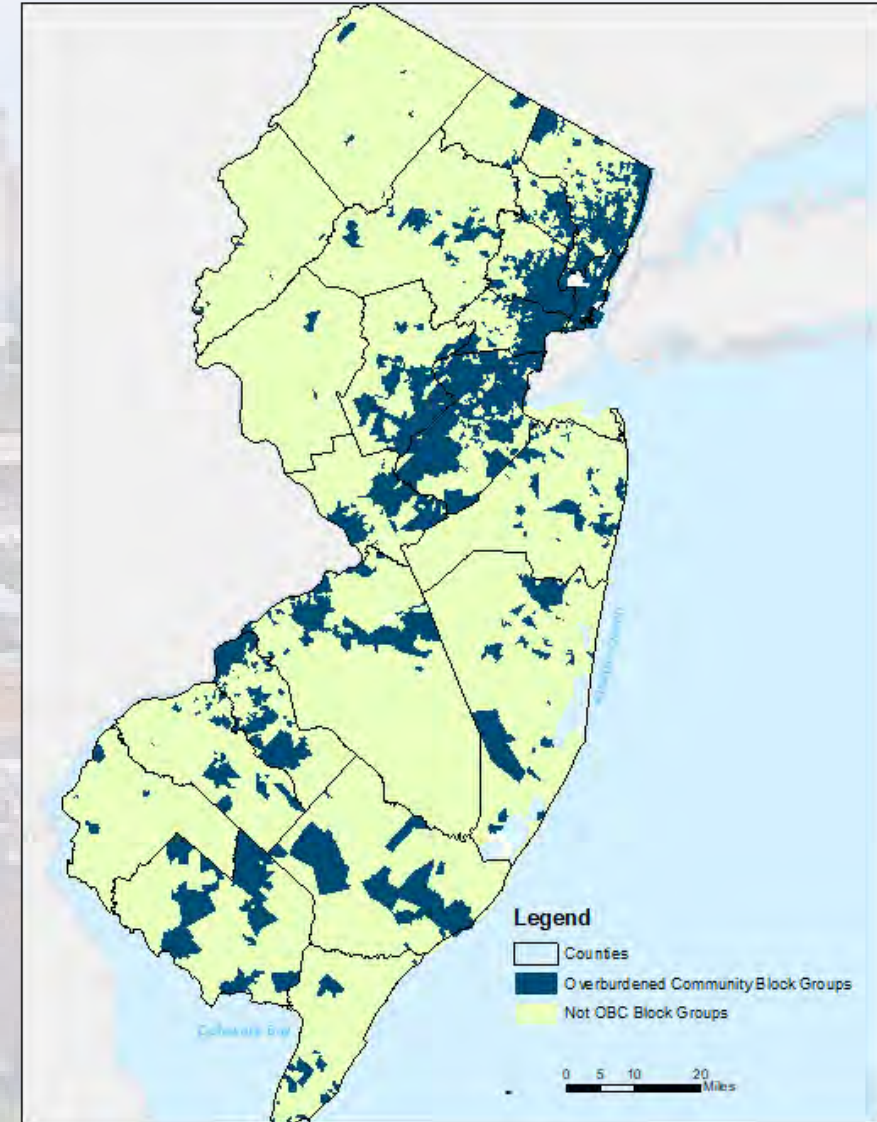
- **Air Quality, Energy & Sustainability Permits**
 - N.J.S.A. 26:2C-1 (Air Pollution Control Act)
- **Solid Waste Permits**
 - N.J.S.A. 13:1E-1, 13:1E-26 (Solid Waste Management Act)
 - N.J.S.A. 13:1E-99.11 (New Jersey Statewide Mandatory Source Separation and Recycling Act)
- **Water Resources Management Permits**
 - N.J.S.A. 58:1A-1, 58:4A-5 (Water Supply Management Act)
 - N.J.S.A. 58:10A-1, 58:10A-21 (Water Pollution Control Act)
- **Watershed & Land Management Permits**
 - N.J.S.A. 12:5-1 (Waterfront Development)
 - N.J.S.A. 13:1D-29 (Construction Permits)
 - N.J.S.A. 13:9B-1 (Freshwater Wetlands Protection Act)
 - N.J.S.A. 13:19-1 (Coastal Area Facility Review Act)
 - N.J.S.A. 13:20-1 (Highlands Water Protection and Planning Act)
 - N.J.S.A. 58:16A-50 (Flood Hazard Control Act)
 - N.J.S.A. 13:9A-1 (The Wetlands Act of 1970)
- **Other Permits**
 - N.J.S.A. 13:1F-1 (Pesticide Control Act of 1971)
 - N.J.S.A. 13:1E-48.1, 13:1E-99.21a (Comprehensive Regulated Medical Waste Management Act)

Geographic Points of Comparison

- The EJ Law requires the DEP to determine whether environmental or public health stressors are higher than those borne by other communities within the state, county or other geographic unit of analysis as determined by the department.

Proper Comparison Percentile

- 50th (higher than)
- NJ-specific GIS mapping tool



Environmental & Public Health Stressors



-Ground-level ozone - PM2.5 - Air Toxics Cancer Risk (Including Diesel PM) - Air Toxics Cancer Risk (Excluding Diesel PM)-Air Toxics Non-Cancer Risk - Mobile Sources - Traffic (Heavy-duty trucks) - Contaminated Sites - Soil Contamination Deed Restrictions - Ground water classification exemption areas - Transfer Stations/Solid waste facilities/Recycling Facilities/Scrap metal facilities - Point-sources of water pollution - Combined sewer overflows (CSOs) - Drinking water - Lead exposure - Lack of recreational open space - Lack of tree canopy - Impervious Surface - Flooding (Land use cover) – Permitted Air Sites - NJPDES Sites - Emergency Planning Sites - Unemployment Rate in OBC - Education Rates in OBC

Requirements for DEP and Applicants

- Requires the submission of an environmental justice impact statement and public hearing for any application for a permit to expand, construct or renew the authorization to operate a covered facility.
- NJDEP reviews the environmental justice impact statement, along with other relevant information, to determine environmental and public health stressors' impact on overburdened communities that cannot be avoided through additional controls.
- If there is a disproportionate impact that cannot be avoided for a new facility, DEP shall deny applications for new facilities in overburdened communities unless there is a compelling public interest.
- For renewals and expansions, DEP may apply additional conditions to satisfy Local Impact Control Technology (LICT) standards, but cannot deny a permit
- See ESI Summary of the NJ EJ Rule Proposal in the chat box for a detailed breakdown of this process!

Themes to Remember



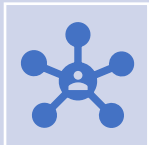
Know the Regulations



Know your project/site and its environmental impacts.

Reassess potential impacts annually

Even if your site is SOTA making emissions and effluent reductions difficult, you may be able to reduce impacts elsewhere in related processes.

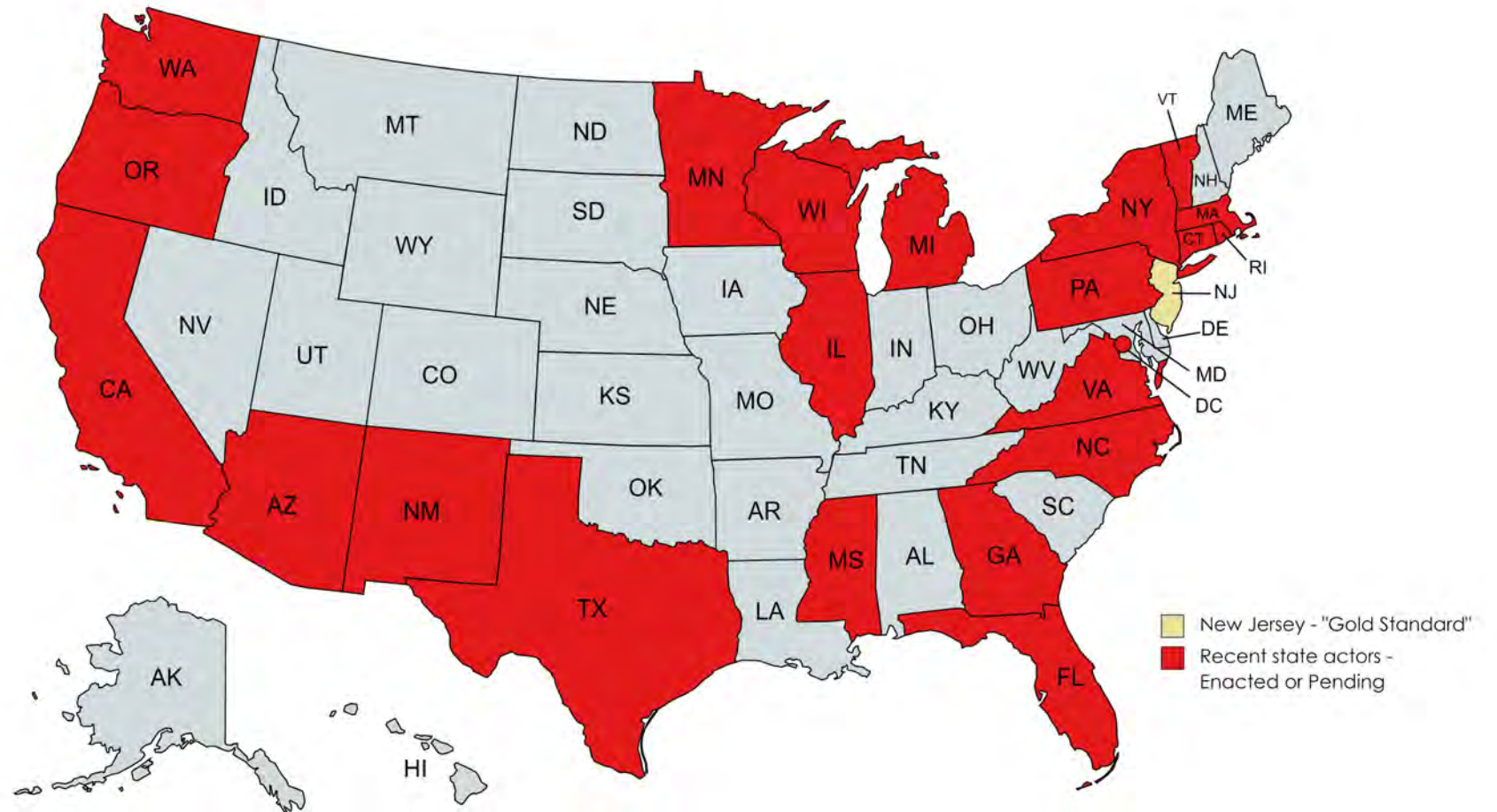


Have ongoing community outreach that is not just linked to a project

Listen more than you speak at these events

When possible, hire from within the community

Other States Following Suit



Contact Info

<https://www.enviro-sciences.com/webinars/>

- Chris Whitehead, QEP, CESM,
cwhitehead@envirosciences.com, 732-484-1968





Environmental Justice Law & Policy Trends

Arielle King

Environmental Justice Staff Attorney,
Environmental Law Institute

Environmental Law Institute

Making the law work for people, places, and planet



Pro Bono Clearinghouse

For Attorneys

We help you find new pro bono opportunities to tackle environmental challenges. Whether it's helping a local community form a new organization to deal with environmental problems, arguing in front of the local zoning board, or filing impact litigation, this Clearinghouse offers numerous ways to engage in subject-matter relevant environmental pro bono work to support communities in need.



GET STARTED

For Communities And Organizations

We offer a simple way for you to tell us what environmental matters you need pro bono legal support for and we help to connect you with attorneys who can provide those legal services. For now, we only connect our members with matters that have first come through an [environmental law clinic](#). So, if you have an environmental matter, we encourage you to first find a clinic near you and connect with them.



GET STARTED

BRIGHT Guide (thebrightguide.com)

An Interactive Guide to Area Wide Planning



1: Introduction



2: Stakeholder Management



3: Mapping the Project



4: End Uses



5: Brownfields



6: Funding Sources



7: Case Studies



8: Additional Resources

National EJ Trends

HHS Launches Office of Environmental Justice, Tackles Health Inequity

The office is a part of the Biden Administration's commitment to protecting underserved populations against environmental inequity, a driving force of health inequity.



Biden Administration's "whole of government approach to advancing EJ"

Management

A New Office of Environmental Justice is Announced

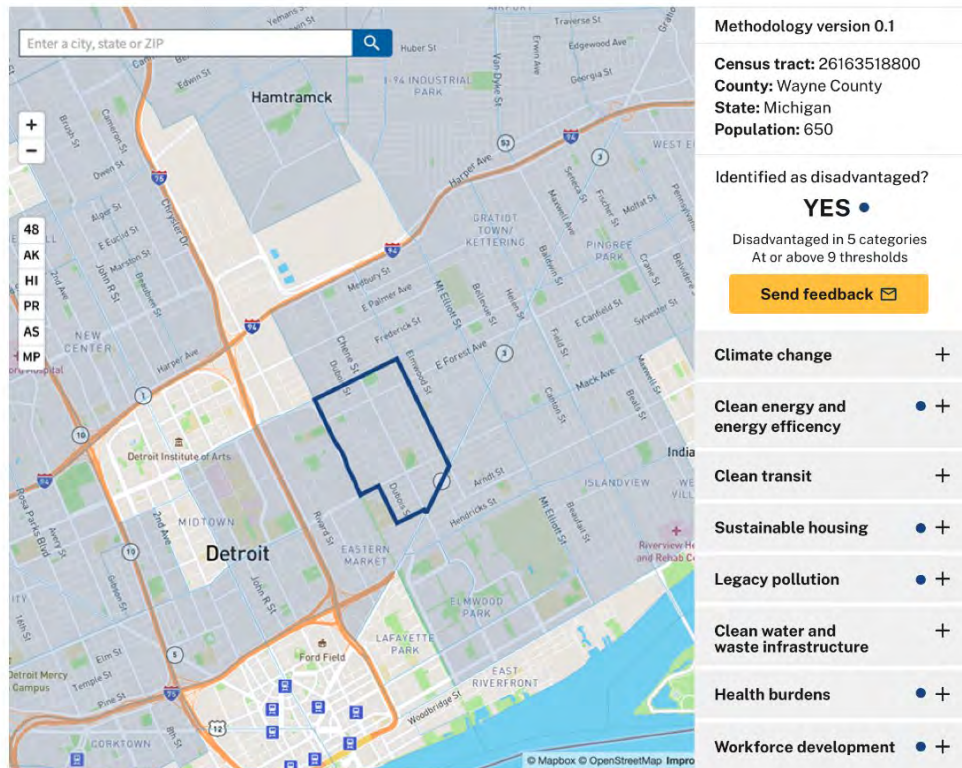
New Justice Dept. office will take on polluters in hard-hit communities

MAY 7, 2022

Justice40 & Intentional Investments

Explore the map

Use the map to see communities that are identified as disadvantaged. The map uses publicly-available, nationally-consistent datasets. Learn more about the methodology and datasets that were used to identify disadvantaged communities in the current version of the map on the Methodology & data page.



At least 40% of overall benefits of certain federal investments to flow to disadvantaged communities that are marginalized, underserved, and overburdened by pollution

Mapping Tools to Advance EJ



Best Practices

1. Indicators in an EJ screening or mapping tool should be selected based on relevance to the communities of the state, region, or locality
2. Community and stakeholder input should inform what indicators are considered relevant in these screening and mapping tools.
3. Climate indicators should be included



State EJ Laws & Constitutional Amendments

State Constitutions:

- Pennsylvania, Illinois, and Hawai'i guarantee a right to a clean or healthful environment
- Pennsylvania's ERA is in its bill of rights
- Illinois and Hawai'i's stipulate legal enforcement of their right against any party: public or private
- Last year, NY added a "Green Amendment" to ensure the right to clean air and water, and a healthful environment

State Laws

- Permitting
- Cumulative Impacts
- Title VI considerations

Best Practices for Developing a Corporate Environmental Justice Program

July 20, 2022

Hilary T. Jacobs, *Associate*



Why should my company consider environmental justice?

Get ahead of an continuously **evolving regulatory landscape** and **mitigate risk** associated with the currently unprecedented federal emphasis on EJ.

Avoid **permitting challenges** and **costly roadblocks** by collaborating with communities and proactively seeking their meaningful involvement throughout the project

Avoid reputational harm from overlooking vulnerable communities and **enhance corporate brand** by considering historically marginalized communities.

***Don't overlook the opportunity for leadership –
The private sector can play a powerful role in addressing
historic injustices in our society***

Real-Life Examples

***Friends of
Buckingham
v. State Air
Pollution
Control Board***
(4th Circ. 2020)

***Chicago
Housing
Discrimination
Complaint***
(2020)

***Penick
Corporation
Site***
(2020)

***Limetree Bay
Refinery***
(Year)

***“[E]nvironmental
justice is not merely a
box to be checked, and
the Board’s failure to
consider the
disproportionate
impact on those
closest to the
compressor station
resulted in a flawed
analysis.”***

*Friends of Buckingham v. State
Air Pollution Control Board (4th
Cir. 2020)*

Developing Your Corporate Environmental Justice Program

Enterprise-
Wide EJ Policy

EJ
Accountability
Mechanisms

EJ Risk
Assessment

Baseline
Setting

Closing Thoughts & Discussion

- *Don't run* from environmental justice.
- Build a program that makes sense for *your organization*.
- *Use the tools* that are available.
- *Engage the community* before you need to.
- Just because someone describes themselves as a community leader, does not mean that they are – *all opinions matter*.
- You are in the best position to tell your own story. Don't let others, including regulators, place your company at risk.
- At the facility level, local matters – hire locally, invest locally, engage locally, and consider state/local laws that define EJ in unique ways.

Thank you!



Hilary Jacobs

Associate

Washington, D.C.

[hjacobson@bdlaw.com](mailto:hjacobs@bdlaw.com)

This presentation is not intended as, nor is it a substitute for, legal advice. You should consult with legal counsel for advice specific to your circumstances. This presentation may be considered lawyer advertising under applicable laws regarding electronic communications.

Sustainable Materials Management to Protect Tomorrow

COVANTA

ESI – Environmental Justice

Best Practices for Developing a Corporate Environmental Justice Program

July 20, 2022

World Leader In Waste-to-Energy



39 modern WtE facilities in North America



Annually recycle approximately **600,000 tons of metal**
the equivalent amount of steel can build six Golden Gate Bridges



Annual capacity to process **21 million tons** of waste



3,800 professionals employed in North America



Generate 10 million megawatt hours—enough clean energy to power **over 1 million homes**



High focus on improving **sustainability** and encouraging a **circular economy**

Community Outreach & Environmental Justice Policy

Covanta is committed to engage with and support the communities in which we have or will have facilities. Covanta believes in the meaningful opportunity for all people, regardless of race, ethnicity, color, income, national origin or education level to be knowledgeable and have the right to participate in public decisions and actions which have an impact on their environment and neighborhoods.

To implement this policy consistent with our sustainability objectives, we commit to:

- Reduce discharges and minimize emissions from our facilities and to reduce other potential impacts of our operations, taking into account cumulative impacts
- Identify and engage with individuals and organizations in the communities in which we operate, or in which we may operate, that are interested in our operations
- Have open, two-way communication with communities on issues which may be of interest or concern to them, including environmental and quality of life issues in the community. Such communication shall include participation in meetings with community members or affected groups
- Have an enhanced public participation strategy with communities on major facility permit actions and engage in substantive conversations with community members during the early stages of the permitting process
- Work diligently to respond to issues identified by communities in which we operate
- Promptly and effectively notify the community in the event of situations that may adversely impact the environment or their health

Community Outreach & Environmental Justice Policy

We are committed to:

Identify and **engage** with individuals and organizations in the communities in which we operate, or in which we may operate, that are interested in our operations.

Having **open, two-way communication** with communities on issues which may be of interest or concern to them...

Having an **enhanced public participation** strategy with communities on major facility permit actions and engage in substantive conversations with community members during the early stages of the permitting process.

EJ for Covanta: Not just words BUT ACTION!

New Baghouses

- Newark, NJ
- Huntsville, AL
- Hillsborough, FL
- SEMASS, MA

New NOx Controls

- Newark, NJ
- Fairfax, VA (WIP)
- Huntsville, AL
- Alexandria, VA (WIP)
- Stanislaus, CA (in planning)

In Planning/Permitting

- Camden, NJ - Baghouse
- Chester, PA - NOx Reduction

Our 2019 Sustainability Goals include – “We’ve committed to implement five projects by 2023 to further reduce emissions in EJ communities. We will also set a science-based GHG reduction target by 2022 to drive further reductions.”



Open, Two-Way Communication

1

COVANTA

ESSEX OPEN MEETING



JUNE 16 5 - 7PM

The Blue Print Cafe – 369 Raymond Blvd, Newark, NJ 07105

Rain or Shine | Light Refreshments Will Be Served

Register at: info.covanta.com/essex-open-meeting

Learn about New Jersey's largest Waste-to-Energy facility and find out how our industry-leading technology safely:



Processes approximately 970,000 tons of local, post-recycled waste every year



Generates enough clean electricity to continually power over 45,000 Newark homes



Recycles enough metal to build more than 12,000 cars on an annual basis

With questions, please contact:
Theresa Boyd: (973) 817.8307 | Trish Earls: (973) 817.7322

To learn more about our facility and connect with us further, visit:
www.covanta.com/essex

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Air Quality
June 8, 2022
11:00am-12:00pm
Zoom



Join Zoom Meeting
<https://us06web.zoom.us/j/88293830698?pwd=VVVUWXBGVGVqanp6TXR4OE0UEN0dz09>

Meeting ID: 882 9383 0698
Passcode: 694314
Call in: +1 (646) 558-8656

Agenda
I. Welcome and Introductions
II. Hot Topics
a. CCMUA: Envirosuite air monitoring system overview
b. Covanta Baghouse Project Presentation; Community Benefits Agreement
c. Yaffa & Sons Property – Soil Pile
d. Block 1 lot 1
e. Open Permits:

- Camden Iron & Metal: Air Pollution Control Permit Construction of New Source Application, Front & Pine Streets, New Facility (Umbrella facility is EMR)
- GP Gypsum permit

f. Recent Energy Democracy/ Energy Transitions recent funding applications

- [PSEG neighborhood grant](#)

3



1

Newark:
2x/yr Open Meetings with the Public

2

Camden:
Provide updates at the monthly CCI Meetings.

3

Rahway:
Monthly Covanta Community Collaborative (CCC) Meetings with residents, local organizations, and elected officials.

COVANTA

CEMS Data Online

Superior Environmental Performance

We care about our communities and operate well below emissions limits. Over 99.9 percent of what comes out of our plant's stack is what you'd typically find in air - water vapor, nitrogen, oxygen, and carbon dioxide. The remaining constituents are well below federal and state standards.

The following data is presented in units required by the facility's permit as averaged emissions.

06/03/2022



Reference Info		Carbon Monoxide (CO)	Sulfur Dioxide (SO ₂)		Nitrogen Oxides (NO _x)	Opacity (stack)
		Maximum 4Hr	Daily (24Hr) or Removal Efficiency		Daily (24Hr)	Maximum 6min
Permit Limit		100	29	>= 75%	150	10
Actual Data						
06/03/2022	Unit 1	37	1	99.9	110.2	1
06/03/2022	Unit 2	16	1.3	99.9	109.4	2
06/03/2022	Unit 3	20	1.3	99.9	116.1	1

- a. Permit Limits are derived from USEPA standards for Large Municipal Waste Combustors (40 CFR 60, Subparts A, Cb and Eb).
- b. CO values are the maximum 4-hour block average for that day.
- c. SO₂ and NO_x values are the daily (24-hour) block averages for that day.
- d. Opacity values are the maximum 6-minute average for that day.
- e. All emission values reported in units consistent with the permit. CO, SO₂ and NO_x reported as parts per million, dry gas basis at 7% O₂ (ppmdv7), Opacity as %, Removal Efficiency as %.
- f. SO₂ compliance is based on concentration (ppm) or removal efficiency (% reduction between inlet and outlet emissions).
- g. The dash symbol (-) indicates that a unit is off-line, has insufficient data for a compliance period or is in an exempted period.

* Results are provided for informational purposes only. Data is posted 24 hours after completion of each day to allow for quality assurance/quality control (QA/QC) review.

<https://www.covanta.com/where-we-are/our-facilities/essex>

Hire Local!



Sign up for our newsletter here!

NewsContact



About Us ▾Our Work ▾The Camden Story ▾Get Involved ▾Job Opportunities

COVANTA

Covanta

Covanta is a world leader in providing sustainable waste and energy solutions. Annually, Covanta's modern Waste-to-Energy ("WtE") facilities safely convert approximately 21 million tons of waste from municipalities and businesses into clean, renewable electricity to power one million homes and recycle 500,000 tons of metal. Through a vast network of treatment and recycling facilities, Covanta also provides comprehensive industrial material management services to companies seeking solutions to some of today's most complex environmental challenges.

FIND JOBS



Rahway Special Improvement District



#RahwayIsHappening



Job Postings

– Covanta — Back Plant Operator



Powering Today. Protecting Tomorrow.

Position: Back Plant Operator

Hours: Full time

Location: Rahway, NJ

Position Requirements:
HS Diploma/GED is required.

- Willingness to work a 12 hour shift, rotating nights/days on a monthly basis, including every other weekend and holidays.
- The facility operates 7 days per week/365 days of the year. Overtime is available during scheduled outages, PTO coverages, etc.
- At least one year previous experience with high pressure boilers, electric generating equipment and the operation of heavy industrial equipment.
- Formal technical or utility training is preferred.

Sign up for SID updates!

Email :

First Name :

Last Name :

By submitting this form, you are consenting to receive marketing emails from: Rahway Special Improvement District, 1 City Hall Plaza, Rahway, NJ, 07065. <http://www.rahwayishappening.com>. You can revoke your consent to receive emails at any time by using the SafeUnsubscribe® link, found at the bottom of every email. [Emails are serviced by Constant Contact](#)

← Tweet



New Jersey Reentry Corporation
@NJ_Reentry

Come and join us as our Newark site hosts a Career Fair! Visit us this coming Friday, May 20th, at 10 am to meet with employers from FedEx, UPS, Covanta, Wakefern, and more. Let us help you take the next step!

936 Bergen Street, Newark, NJ



New Jersey Reentry Corporation
cordially invites you to participate in our

Career Fair

NOW HIRING

Friday, May 20, 2022 at 10 am



Newark Reentry Site
936 Bergen St, Newark, NJ



For more information please contact Cynthia Rojas at crojas@njreentry.org, 973.982.6887 or Grace Moran at gmoran@njreentry.org, 973.982.6884



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Enhanced Public Participation Strategy

Camden Air Quality Control (AQC) System Upgrade

Prior to submitting the permit modification,

- Met with two local communities
- Mayor, Council
- School district
- Non-profits
- County officials
- NJ legislators
- NJDEP

Our goal is to ensure that residents know what we are planning **BEFORE** we submit the application to regulators.

More info on the project at:

Info.covanta.com/cgi

Hey Waterfront South!
Hola Waterfront South!

Please attend a community meeting on: Por favor asista a una reunion comunitaria el:

Thursday (Jueves), June 9th
6:30pm to 7:30pm
Heart of Camden
1840 Broadway
Camden, NJ

We have some exciting updates on our facility we would like to share with you.

Light refreshments will be served and all in attendance will receive a free reusable grocery bag!

See you there!

Tenemos algunas actualizaciones emocionantes en nuestra instalacion para compartir contigo.

Se serviran bebidas refrescantes y todos los asistentes recibiran una bolsa de compras reutilizable gratis.

Nos vemos ahi!

COVANTA
Powering Today. Protecting Tomorrow.

Creative Arts Morgan Village Academy
@CreativeCMD

Hey CAMVA Family! 😊 Have you ever heard of a business in Camden City, but didn't know their purpose? Check out this video from @Covanta that briefly teaches you how they create #ENERGY ⚡ from #WASTE! 🗑️ #CCSDPartner #COVANTA #TogetherWeCan ❤️
m.youtube.com/watch?v=CSl7i8...

YOUTUBE.COM
Covanta Energy-from-Waste - How it works



Wholesome Riches
42 followers

Thank you everyone for another great turnout Monday at both of our food distribution events! Another outstanding team from Covanta in Camden helped us serve more than 100 families at H.B. Wilson Family School, and we received additional support at Veterans Memorial Family School from a group of students there and from Tricia and Silvana of the Food Bank of South Jersey! Thank you to the Food Bank and Covanta for your dedication to the community!
 #CamdenNJ #FairviewCamden #MorganVillage #CentervilleCamden #EastCamden #CramerHill #CamdenCountyNJ #SouthJersey #ServingCamden #Food #Community #CommunityResources #FoodDistribution #FoodBankOfSouthJersey #SchoolPantryProgram #MobileMinistry #Covanta

You and 10 others

Like Comment Share Send

Engagement with the Community



Thank You

Jack Bernardino

Area Asset Manager

jbernardino@covanta.com

(732) 956-1436

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