

Comments on the Draft 2019 New Jersey Energy Master Plan

Submitted by the New Jersey Environmental Justice Alliance

9/16/2019

Introduction

The New Jersey Environmental Justice Alliance (NJEJA)¹ would like to submit the following comments on the 2019 New Jersey Draft Energy Master Plan (EMP).

While NJEJA welcomes the inclusion in the EMP of a section on environmental justice (EJ) that discusses the concept of community energy planning, electrifying buses that serve EJ communities and several other items, NJEJA also believes that EJ should be infused more extensively in other areas of the document. In these comments, NJEJA suggests specifically that the EMP should also commit to: 1) adopting a mandatory emissions reductions policy for power plants located in EJ communities;² 2) supporting existing job training programs, and developing new programs as necessary, that focus on preparing residents of EJ communities for employment and entrepreneurship opportunities in the energy field including wind; 3) incorporating equity into the Grid and Integrated Energy Plan; and 4) creating urban community utilities, and a coherent urban and EJ energy strategy for the State.

The comments will also discuss aspects of community energy planning that NJEJA believes should be prioritized.

Community Energy Planning

NJEJA has discussed community energy planning in prior comments it submitted to BPU.³ This is a concept created by the Center for Earth, Energy and Democracy in Minnesota.⁴ Although the EMP does discuss community energy planning,⁵ here NJEJA wants to emphasize several aspects of community energy planning it believes are particularly important.

¹ The NJEJA mission statement reads as follows: “The New Jersey Environmental Justice Alliance is an alliance of New Jersey-based organizations and individuals working together to identify, prevent, and reduce and/or eliminate environmental injustices that exist in communities Of Color and low-income communities. NJEJA will support community efforts to remediate and rebuild impacted neighborhoods, using the community’s vision of improvement, through education, advocacy, the review and promulgation of public policies, training, and through organizing and technical assistance.”

² NJEJA defines EJ communities as Indigenous communities, communities Of Color and low-income communities.

³ See New Jersey Environmental Justice Alliance, *Comments on the Community Solar Pilot Program (Docket Number: QO18060646)*, prepared by Nicky Sheats, at 6 (July 31, 2018); New Jersey Environmental Justice Alliance, *Responses to Questions Posed by the Board of Public Utilities Regarding New Jersey’s Next Energy Master Plan*, prepared by Nicky Sheats, at 4-5 (October 12, 2018), New Jersey Environmental Justice Alliance, *Comments on the New Jersey Community Solar Energy Pilot Program Proposed Rules, Docket No. QO18060646, Proposal Number: PRN 2018-090*, prepared by Nicky Sheats, at 8 (November 30, 2018).

⁴ The organization’s website can be accessed at ceed.org.

⁵ See Draft 2019 New Jersey Energy Master Plan, at 81-82.

Perhaps the most important aspect of community energy planning is ensuring there is input from community residents, community groups and EJ groups into key decisions about both energy production and consumption in their community. One of these key decisions is where energy efforts should be focused in the community. The EMP did capture this idea when it stated that the community must be involved in identifying energy needs.⁶ However, much is still left unsaid about the planning process. For example, a needs assessment should be performed in a “bottom up” manner with extensive community involvement. If these needs include energy infrastructure such as solar power then the community should play a critical role in deciding where that infrastructure is located and which co-benefits derived from that infrastructure should be emphasized. Possible co-benefits are economic opportunities that include jobs and entrepreneurship; educational opportunities that could include links to the local school system and research; and opportunities to participate in ownership of the infrastructure.

To facilitate this type of planning there needs to be governmental grants that support community energy planning not only on a municipal level but, perhaps more importantly, also on a community level and that contain incentives for the involvement of local citizens and community groups. If community energy planning is performed widely and in the correct manner it could play an important role in ensuring that EJ communities have access to energy efficiency and renewable energy.

Mandatory Emissions Reductions in EJ Communities

The EMP indicates both that electricity generating power plants emit significant amounts of criteria air pollutants⁷ and that they are often located in and near EJ communities.⁸ For these and other reasons,⁹ NJEJA and allied EJ organizations recommend that, in addition to combatting global warming, climate change mitigation policy should be used to ensure emissions reductions of locally harmful air pollution from power plants that are located in or that significantly impact EJ communities.¹⁰ Because carbon trading does not guarantee emissions reductions in EJ communities, or from plants located at any particular location,¹¹ NJEJA has opposed the State of New Jersey re-entering the Regional Greenhouse Gas Initiative (RGGI).¹² However, since the state decided to re-enter RGGI over EJ objections, NJEJA has advocated that New Jersey should make the carbon-trading system a bit more EJ friendly by mandating that power plants located in EJ communities, or whose emissions significantly impact EJ communities, must reduce their emissions. This recommendation is discussed in previous NJEJA documents including prior

⁶ *Id.* at 81.

⁷ *Id.* at 43 and 81.

⁸ *Id.* at 82.

⁹ One other reason is that, as we have noted in previously submitted EMP comments, EJ communities have been found by a number of investigations to be disproportionately exposed to air pollution. (For example, *see* New Jersey Environmental Justice Alliance (October 12, 2018), *supra* note 3, at 1 fn #2). This exposure is extremely worrisome since air pollution has been linked to an array of health problems including premature death. (*Id.* at 2-3 and citation contained therein.)

¹⁰ *See* Nicky Sheats., *Achieving Emissions Reductions For Environmental Justice Communities Through Climate Change Mitigation Policy*, 41(2) WILLIAM AND MARY ENVIRONMENTAL LAW AND POLICY REVIEW 377, 386-388 (winter 2017); *New Jersey Environmental Justice Climate Change and Energy Policy Platform*, NEW JERSEY ENVIRONMENTAL JUSTICE ALLIANCE (2017). (This platform is available from the author of these comments)

¹¹ *See* Nicky Sheats, *supra* note 10, at 391.

¹² *See New Jersey Environmental Justice Climate Change and Energy Policy Platform, supra* note 10, at 1.

EMP comments and a position paper,¹³ and in much more detail in a law review article.¹⁴ NJEJA urges the State to officially adopt this policy through the EMP.

In its previous EMP comments, NJEJA also urged the state to develop siting policy that would protect New Jersey EJ communities from new polluting energy infrastructure.¹⁵ We do so again in these comments since every effort must be made to stop energy infrastructure from contributing to the disproportionate amount of pollution that appears to endanger New Jersey EJ communities.¹⁶

We also again oppose incineration, including waste to energy incineration,¹⁷ and biomass burning¹⁸ since either they have already inflicted, or have the potential to inflict, negative impacts on EJ communities.

Reducing Emissions from Transportation

The EMP discusses reducing emissions from buses in EJ communities through electrification which NJEJA supports. However, it also indicates that electrifying trucks is a more difficult proposition.¹⁹ It must be noted that local air pollution generated by trucks in EJ communities is a major problem that must be addressed. The state must develop innovative strategies to reduce diesel emissions not only from buses but also from trucks that frequent EJ neighborhoods and that are part of the state's private truck fleet.

Job Training and Entrepreneurship Opportunities

¹³ See New Jersey Environmental Justice Alliance (October 12, 2018), *supra* note 3, at 2-3; *New Jersey Environmental Justice Climate Change and Energy Policy Platform*, *supra* note 10, at 2-3.

¹⁴ See Nicky Sheats, *supra* note 10.

¹⁵ See New Jersey Environmental Justice Alliance (October 12, 2018), *supra* note 3, at 3.

¹⁶ A nascent cumulative impacts tool developed by the New Jersey Department of Environmental Protection provides evidence that as the number of low-income or Of Color residents increases in New Jersey neighborhoods so does the amount of cumulative impacts. In this context, cumulative impacts can be thought of as a very rough estimate of the total amount of pollution in a neighborhood. A more formal definition for cumulative impacts is the risks and impacts caused by multiple pollutants, which are usually emitted by multiple sources of pollution in a neighborhood, and their interaction with each other and any social vulnerabilities that exist in the neighborhood. See *Cumulative Impacts: Building a Scientific Foundation*, CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY, at 3 (2010); *Ensuring Risk Reduction In Communities With Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts*, NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL, at 5 (2004). (*Id.* at 2 fn #6). The relationship between cumulative impacts and race and income in New Jersey is contained in two figures that are in a report and a power point which are both entitled "A Preliminary Screening Method to Estimate Cumulative Environmental Impacts". They can be found on page five of the report and slide 19 of the power point, and the report and power point can be found at http://www.state.nj.us/dep/ej/docs/ejc_screeningmethods20091222.pdf and http://www.state.nj.us/dep/ej/docs/ejc_screeningmethods_pp20091222.pdf, respectively.

¹⁷ In previous comments NJEJA has opposed incineration and stated it should not be classified as clean energy. (See New Jersey Environmental Justice Alliance (October 12, 2018), *supra* note 3, at 5-6). For a brief discussion of the problems with incineration from an EJ perspective see New Jersey Environmental Justice Alliance, *New Jersey Environmental Justice Alliance Comments on the 2011 Draft New Jersey Energy Master Plan*, prepared by Nicky Sheats, at 4-5.

¹⁸ For insight into biomass combustion see A. I. Baptista and K.K Amarnath, *Garbage, Power and Environmental Justice: The Clan Power Plan Rule*, 41(2) WILLIAM AND MARY ENVIRONMENTAL LAW AND POLICY REVIEW 403 (winter 2017).

¹⁹ See Draft 2019 New Jersey Energy Master Plan, at 27-41, 83.

The EMP notes in several places the need to develop and train a clean energy workforce in New Jersey. It also discusses existing job training programs that it indicates will present opportunities for residents of EJ communities.²⁰ NJEJA is concerned that the EMP does not state that any of the apprenticeships, labor partnerships or other job training programs focus on, or specialize in, training residents of low-income or Of Color communities. It could be that some do, but it is not apparent from the EMP. NJEJA would like to urge the State to support effective existing clean energy job training programs that focus on EJ communities and to consider developing new programs of this type in areas of the state that lack them. These communities may have unique challenges that should be addressed during a job training program. Supporting existing programs and creating new programs that include, as part of their mission, addressing challenges in EJ communities would seem to be a good and necessary idea.

The EMP should also support existing programs, or create new ones, that train and educate EJ community residents on how to take advantage of entrepreneurship, design and research opportunities in the energy field.

Equity and Justice Should Be Incorporated into the Grid (and IEP)

An important idea whose development and implementation are long overdue but badly needed, is that equity and justice should be incorporated into the operation of the Grid. Currently, as far as we understand its operation, equity and EJ concerns are not taken into account by the Grid. From an EJ perspective, this is an obvious problem since, as noted above, the EMP acknowledges that electricity generating power plants contribute significantly to local air pollution and are often located in or near New Jersey EJ communities.²¹ The section of the EMP that discusses updating the Grid²² refers to efficiency and cost effectiveness but does not discuss equity.²³ However, modernization of the Grid presents an important opportunity to integrate equity into its operation and to establish New Jersey as a leader in equity and energy policy.

Similarly, equity and EJ should also be incorporated into the Integrated Energy Plan (IEP).²⁴ IEP modeling should include equity as a major goal to be achieved and also as a constraint to other goals. Incorporating equity and EJ into this modeling would, of course, require extensive consultation with the EJ community and EJ energy experts.

Urban Community Energy Utilities and a Coherent New Jersey Urban and EJ Energy Strategy

Another idea NJEJA discussed in prior comments is that of urban community energy utilities.²⁵ These utilities would be non-profit organizations that would make capital available to EJ communities that can be used to address energy issues. This capital could be invested a variety of

²⁰ *See Id.* at 83, 86 -93.

²¹ *See* notes 7 and 8, *supra*.

²² *See* Draft 2019 New Jersey Energy Master Plan, at 73-80.

²³ *Id.* at 74.

²⁴ *Id.* at 21-22.

²⁵ For example, *see* New Jersey Environmental Justice Alliance (October 12, 2018), *supra* note 3, at 6.

ways including energy infrastructure, training programs and educational workshops. Combined with community energy planning, the utilities could provide multiple opportunities for EJ community residents, community groups and EJ groups to be involved in energy issues on a community level. The utilities are another idea from the Center for Earth, Energy and Democracy

If the ideas in these comments are all combined they could form a nascent coherent urban and EJ energy strategy for New Jersey, something that is lacking in the EMP. Instead of addressing EJ energy issues piecemeal, a coherent strategy that has parts that work together would be far more desirable, efficient and effective.

Conclusion

NJEJA welcomes the opportunity to discuss the ideas contained in these comments with BPU.

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