

New Jersey Board of Public Utilities
44 S. Clinton Avenue
Trenton, NJ 08625

RE: New Jersey Energy Master Plan

October 12, 2018

Via electronic submission to EMP.Comments@bpu.nj.gov

To Whom It May Concern:

New Jersey's 2019 Energy Master Plan is of critical importance to the health and well-being of New Jersey's residents and for the state to meet ambitious climate mitigation goals. Therefore it is of utmost importance that the BPU do more to substantively engage with the majority of residents and organizations that are impacted by this plan. I want also to strongly support the integration and prioritization of environmental justice goals within the Energy Master Plan in accordance with Governor Murphy's [Executive Order 23](#), which directs the BPU and all Executive branch departments and agencies to "consider the issue of Environmental Justice and make evaluations and assessments in accordance with that guidance, to the extent not inconsistent with law."

The State's Energy Master Plan is an essential element in determining both impacts and investments in communities of color and low income communities overburdened by disproportionate pollution in the state. Environmental justice communities contribute relatively less to the problem of climate change due to lower levels of energy consumption overall, but suffer higher rates of energy insecurity, and bear a disproportionate share of the burden of the pollution emanating from our current energy infrastructure while reaping the least benefit from the current systems of renewable energy and energy efficiency investments. These inequalities must be addressed to achieve a transition to 100% renewable energy goals. The future direction of energy policy in New Jersey will weigh heavily on these communities and for these reasons, their concerns and input should be considered in a meaningful way as part of this process.

In accordance with the Governor's executive order on environmental justice as well as the federal executive order on environmental justice, meaningful opportunities and input from the communities directly impacted by the EMP policies should be prioritized. The original roll out of stakeholder meetings defined stakeholders in a narrow sense by scheduling four mid-day, sector specific meetings in Mercer County. There are few low income or working class residents of the state able to access stakeholder meetings held in the middle of workdays in locations inaccessible to most. Additionally, even representatives of environmental justice communities have limited access to these venues for meaningful input due to the constraints on staff capacity.



ADMINISTRATION
317 Elm Street
Newark, NJ 07105
973-465-0555

EARLY LEARNING CENTER
1 New York Avenue
Newark, NJ 07105
973-589-6873

**FAMILY SUCCESS CENTER-
WEST**
317 Elm Street
Newark, NJ 07105
973-465-0555

COMMUNITY CENTER
432 Lafayette Street
Newark, NJ 07105
973-465-0947

**FAMILY SUCCESS CENTER-
EAST**
29 Cortland Street
Newark, NJ 07105
973-344-5949

PROGRAMS & SERVICES
*Early Head Start
Pre School
After School
Summer Arts & Recreation
Family Services
Economic Empowerment
Adult Education
Essex County College
-Ironbound Extension Center
Environmental Justice
Community Development
Community Gardens
Down Bottom Farms*

www.ironboundcc.org
info@ironboundcc.org

Only after members of the public, the environmental and the environmental justice sectors raised concerns, were two additional meetings held, neither of which were hosted in the evening and with little lead time to prepare and raise participation of ordinary residents.

The EMP will benefit significantly, both in substance and democratic terms, if it opens up this process to more residents, and invites the meaningful participation of organizations that can share insights about the needs and gaps of energy policies as they relate to low income and communities of color. In addition to public stakeholder meetings, individual sectoral meetings are also being held and this informal briefing process should include opportunities for environmental justice organizations to also weigh in during this time. Overall, a more transparent, equitable and accessible process is required from the inception all the way through the final development phases of the EMP. Simple best practices like hosting evening meetings, in venues that are easy to access, making materials publicly accessible in multiple languages and working directly with community-based organizations will help ensure a more meaningful public process.

The following are specific points of recommendation as you draft the next EMP:

- The EMP should ensure that there is an effort to mitigate the disproportionate emissions from the existing fossil fuel derived energy infrastructure located in EJ communities like Newark. A moratorium should be enacted for any new or proposed fossil fuel installations in NJ, particularly in EJ communities that are already overburdened. In Newark, plants like the Newark Energy Center and the Newark Bay Cogen plant as well as the PSEG Peaker station, emit millions of pounds of criteria air pollutants like PM and CO₂ in an area that has been recognized by the USEPA as an area already severely overburdened by multiple, cumulative and disproportionate emissions. The irony of this burden is that residents of Newark and surrounding areas represent the relatively least consumptive parts of our society yet they play host to the state's energy infrastructure and bear the brunt of that infrastructure with health impacts of these emissions.
- You should ensure that the EMP makes significant investments in EJ communities both in the form of renewable energy (RE) investments and also energy efficiency (EE) to help reduce energy burden systemically. The six programs funded by the SBC are regressive in that they tax Low and Moderate Income (LMI) communities who pay into these funds disproportionately relative to the benefits they receive back in the form of RE and EE programs. There should be specific carve outs and incentives

that ensure that EJ communities that have historically not benefited can access these programs.

- Devote at least 33% of clean energy fund to EJ communities;
 - Set aside 40% of community solar to low-and moderate-income customers.
 - Use factors or multipliers that would incentivize projects to serve low-income residential customers, low-income service organizations, and affordable housing facilities.
- The EMP should include opportunities for community based energy planning which included bottom up needs assessments of the energy needs of LMI communities. This type of assessment can ensure that we understand the incentives that would make the most difference in EJ communities.
 - The EMP should eliminate harmful and false sources of energy like Incineration, biomass, nuclear – which pollute EJ communities. Furthermore, the BPU should make clear that there should be no allowances of RECs or net metering to garbage incinerators in the state.
 - Garbage incineration is not clean or renewable. The Covanta garbage facility in Newark emits hundreds of pounds annually of criteria pollutants as well as HAPs in an already overburdened community. This facility in particular is not compliant with their current air permit, due to numerous and consistent violations of their air emissions limits. Facilities like this, which currently qualify for Class II Renewable Energy Credits, are simply being given the incentive to continue to burn waste. Waste burning is not renewable, in fact upwards of 50% of the municipal waste stream consists of petroleum based products like plastics. The US EPA has warned of the dangers of incentivizing waste burning for energy because of the potential to dis-incentivize the diversion of waste to more beneficial uses like composting or the overall goal of waste reduction recommended by the US EPA’s Waste Disposal Hierarchy. Burning garbage for energy also creates more pollution per unit of energy produced, both in terms of greenhouse gases and air toxics like mercury.¹ Incinerators endanger the health of New Jersey’s most vulnerable communities and are uneconomic energy

¹ See Comments of the New York State Department of Environmental Conservation Regarding the Verified Petition of Covanta Energy Corporation. August 19, 2011.
<http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7BDDEEA097E-A9A6-4E53-898C-0BC2F4C60CC4%7D>.

sources, emitting more pollutants per KWH than coal and more harmful pollutants like dioxins, furans, and lead.

- The EMP should ensure that RE & EE investments like solar installations include opportunities for local employment, community ownership, distributed generation and storage, and energy independence. In places like DE and MN, communities have taken steps to create community owned or municipal utilities, community owned solar projects and, cooperative power programs. New Jersey should be leading the way on these innovative efforts.
- Ensure that the new EMP plan includes explicit measures and evaluation metrics to track the accessibility and funding distribution in LMI and EJ communities. The public should be informed of the contributions that LMI households are paying into these programs and how much proportionately they are accessing in terms of benefits.

Thank you for taking our comments into consideration. If you have any questions please feel free to contact Melissa Miles at mmiles@ironboundcc.org or (973) 817.7013 x 212.

Respectfully,

Joseph Della Fave
Executive Director

Ana Isabel Baptista, PhD
Chair Environmental Policy & Sustainability Management Program
Assistant Professor of Professional Practice
Associate Director, [Tishman Environment & Design Center \(TEDC\)](#)