



Welcome to

Environmental Justice in Planning and Zoning



***102nd Annual NJ
League of Municipalities
Conference:***

***Environmental Justice in
Planning and Zoning Session***

***Atlantic City Convention Center
November 15, 2017***



***Environmental Justice
and
Cumulative Impacts
Municipal Ordinance***

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John S. Watson Institute for Public Policy of
Thomas Edison State University and member
of the NJ Environmental Justice Alliance*

Environmental Justice:



**At the intersection of the civil rights
and environmental movements.**





Environmental Justice:

Concerned with:

- **The disproportionate burden of pollution inflicted upon communities Of Color and poor neighborhoods.**
- **Participation in decision-making by Environmental Justice communities.**
- **Access to benefits produced by improving the environment.**



Who I Am and What I do:

- **Member of EJ community;**
- **Use science and legal background to develop EJ policy;**
- **Write different types of comments;**
- **Help build capacity.**



EJ Organizations:

- **NJ EJ Alliance;**
- **EJ leadership Forum on Climate Change;**
- **EJ and Science Initiative;**
- **NE EJ Attorneys.**

**Mostly led by People Of Color;
Mostly under-resourced.**

Cumulative Impacts:



Risks and impacts caused by multiple pollutants, both individually and by their interaction with each other and with social vulnerabilities.



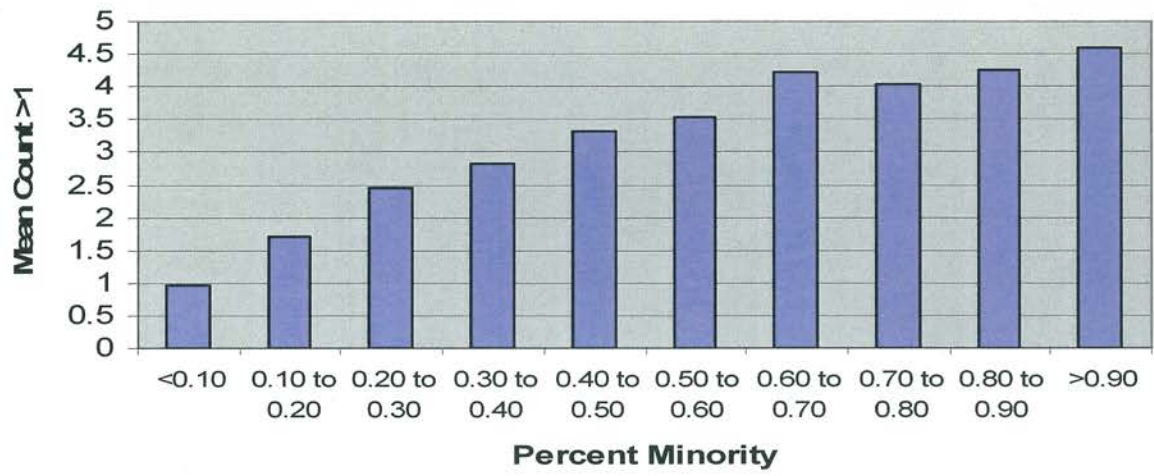
The multiple pollutants are usually emitted by multiple sources of pollution in a community.

Problem:



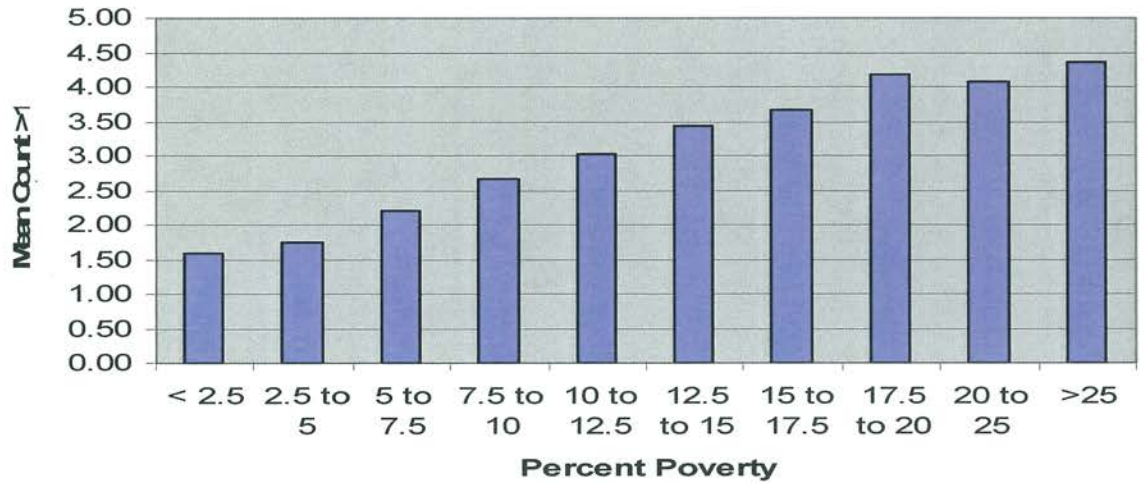
- **We attempt to regulate pollutant by pollutant through individual standards.**
- **But there can be detrimental health effects even if no individual standard is violated.**

Figure 1: Relationship Between Cumulative Impact and Percent Minority



- Grouped all block groups based on percent minority and poverty
- Calculated average cumulative impact score for combined groups
- Cumulative impact scores increase steadily with increasing percent minority and poverty

Figure 2: Relationship Between Cumulative Impact and Poverty





A Preliminary Screening Method to Estimate Cumulative Environmental Impact

**Presentation by the New Jersey Department of Environmental Protection
to the Environmental Justice Advisory Council**

December 2, 2009

Indicators:



- **NATA diesel (1999)**
- **NATA cancer risk**
- **NJDEP benzene estimates**
- **Traffic (all)**
- **Traffic (trucks)**
- **Density of major regulated sites**
- **Density of known contaminated sites**
- **Density of dry cleaners**
- **Density of junkyards**

NJDEP on Newark



“Newark is an area where the NJDEP has recognized there are disproportionate impacts from multiple sources of air pollution.”

(NJDEP Fact Sheet on Hess Power Plant application, 2012)

NJ EJ Alliance Cumulative Impacts Policy



- **Municipal Policy: Model Ordinance;**
- **Statewide Policy: Integrating cumulative impacts into NJDEP permitting.**

NJEJA EJ and Cumulative Impacts Ordinance



An Ordinance to Protect Public Health and the Environment and Promote Environmental Justice;

to

City of Newark Cumulative Impacts Ordinance;

to

Environmental Justice and Cumulative Impacts Ordinance

NJEJA EJ and Cumulative Impacts Ordinance



Requires city to create an “environmental resource inventory”.

NJEJA EJ and Cumulative Impacts Ordinance



Applies to:

- **Entities seeking a site plan approval or variance for commercial or industrial use;**
- **Any use that requires a permit related to environmental standards or performance.**

NJEJA EJ and Cumulative Impacts Ordinance



Covered entities must fill out either a:

Short checklist: what type of and how much pollution are you going to generate (commercial use);

or

Full checklist: pollution generated and estimated health, economic, or social impacts.

NJEJA EJ and Cumulative Impacts Ordinance



Newark zoning ordinance has been amended to prohibit certain uses and make others conditional;

EJ and Cumulative Impacts ordinance further amends zoning ordinance;

Provides more information to residents, city staffers and city officials.

NJEJA EJ and Cumulative Impacts Ordinance



Collaboration of:

**NJ EJ Alliance, Ironbound Community Corporation,
Center for the Urban Environment, Clean Water Action,
Environmental Research Foundation, League of
Women Voters of NJ**



Color Scheme

END



Nicky Sheats, Esq., Ph.D.

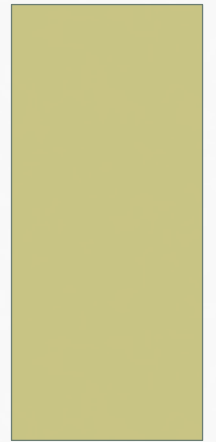
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WHAT IS SOCIAL JUSTICE IN PLANNING?

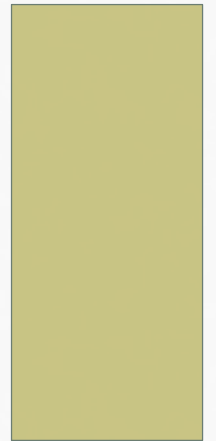
LEARNING FROM ASBURY PARK

TRACY ROGERS



THREE ESSENTIAL INGREDIENTS TO SURVIVAL

HOUSING , FOOD/WATER AND HEALTH



ASBURY PARK, NEW JERSEY

- | | |
|--------------------|--|
| Police Department | Visitor Center |
| Fire Department | Stephen Crane House |
| Municipal Offices | Farmers Market |
| Post Office | VFW Harold Daley Post 1333
<small>DIAMOND OF COMMERCE</small> |
| Train Station | Springwood Ave Center
<small>POLICE SUBSTATION / SENIOR CENTER /
SMALL BUSINESS INCUBATOR /
PUBLIC URBAN PARK</small> |
| Library | Points Of Interest |
| Taxi Stand | |
| Dog-Friendly Areas | |



- | | |
|--|---------------|
| DOWNTOWN BUSINESS DISTRICT | OCEAN FRONT |
| MAIN STREET BUSINESS DISTRICT | BOARDWALK |
| WEST SIDE / SPRINGWOOD AVE BUSINESS DISTRICT | PARKS |
| | LAKES & OCEAN |



COMPLETE STREETS

Urban Transportation Design

- Complete Streets Benefits:
 - Improves safety
 - Lowers transportation costs
 - Provide “green” transportation alternatives
 - Encourage health through walking and biking
 - Stimulate local economies – Noone goes shopping at 65mph
 - Improve social interaction
 - Improve adjacent property values & quality of life.

ASBURY PARK COMPLETE STREETS

120 Accidents per year

on average on Rt. 71/Main Street in Asbury Park

including one per month involving
a bicyclist or pedestrian



A safer Main Street leads to
49-172% increase
in retail sales

with dedicated bike lanes,
improved buss transit and public
space



A road diet will diet
will reduce accidents
by 1/3



A road diet
would NOT
increase traffic



Create Equity
for all Asbury
Park residents

Complete Streets Work!

Rt. 71/Main Street Avon, Rt. 9 Ocean County, Rt. 29 Blvd. Trenton

<http://www.state.nj.us/transportation/works/njfit/casestudies.shtml>

Sources:

- 1) NYCDOT Measuring the Street: New Metrics for 21st Century Streets
- 2) <https://www.fhwa.dot.gov/publications/publicroads/11septoct/05.cfm>
- 3) SRI=0000071_ July, 2014



Asbury Park Complete
Streets Coalition

ASBURY PARK'S MAIN STREET "ROAD DIET"



Main St. & 5th Avenue
(2017)

Main St. & 5th Avenue
(2018)

AFFORDABLE HOUSING

- The New Jersey Supreme Court, in *Mount Laurel I* (1975) and *Mount Laurel II* (1983), declared that municipal land use regulations that prevent affordable housing opportunities for the poor are unconstitutional and ordered all New Jersey municipalities to plan, zone for, and take affirmative actions to provide realistic opportunities for their “fair share” of the region’s need for affordable housing for low and moderate-income people.

THE *MOUNT LAUREL DOCTRINE*

- The *Mount Laurel Doctrine*, which prohibits economic discrimination against the poor by the state and municipalities in the exercise of their land use powers, was the first case of its type in the nation and is widely regarded as one of the most significant civil rights cases in the United States since *Brown v. Board of Education* (1954).

THE FAIR HOUSING ACT

- Fair Housing Act of 1985
 - Response to Mount Laurel II & growing pressure from municipalities to create a predictable process by which municipalities could predictably meet their Mount Laurel obligations outside of the court system.
 - Created the Council on Affordable Housing (COAH), a state agency which allowed municipalities to voluntarily devise a plan to comply with Mount Laurel and, by doing so, receive protection from further builder's remedy lawsuits.

FAIR SHARING HOUSING ACT

- The History of the 32 years after the Act
- COAH
- R C A Regional Contributions Agreement
- Fair Share Housing Center Lawsuits
- N J Supreme Courts Decisions
- Decision: 270,000 Affordable houses should be built in NJ



Camden, New Jersey



New Jersey State League of Municipalities

Caroline Gray
Project Manager
Cooper's Ferry Partnership

11.15.17



**COOPER'S FERRY
PARTNERSHIP**
LIVE | WORK | INVEST | CAMDEN



Camden's History





CAMDEN COLLABORATIVE INITIATIVE

The Camden Collaborative Initiative (CCI) is a **solutions-oriented partnership** between governmental, non-profit, private, and community-based agencies formed to plan and implement innovative strategies to improve the environment and the quality of life of Camden's residents.





Air

Camden
SMART

Environmental
Education

Get Healthy
Camden

Green Team

Land &
Brownfields

Waste &
Recycling



AIR

The Air Working Group developed and implemented a truck route for the North Camden community that diverts large tractor trailers from the residential portions of the neighborhood. This effort has reduced the number of large trucks traveling through North Camden while also minimizing air pollution impacts stemming from diesel vehicles.



ENVIRONMENTAL EDUCATION

The Environmental Education Working Group has engaged 30 Camden City high school-students in the Green Jobs Summer Ambassadors Program since 2014! The Green Jobs Summer Ambassadors Program engages the City's youth by providing a paid-service learning opportunity. In 2017, the program will expand to engage an additional 20 City youth.



GREEN TEAM

Green Team partners are consistently working to ensure that Camden City continues to be acknowledged by Sustainable Jersey as an urban sustainability leader in New Jersey. Since 2013, the City of Camden has been recognized by Sustainable Jersey as a Silver Certified Sustainable Community which makes Camden eligible for a variety of environmentally-focused grants offered through the program.



Waste &
Recycling

Case Study: Camden Laboratories



Focus:

Illegal Dumping

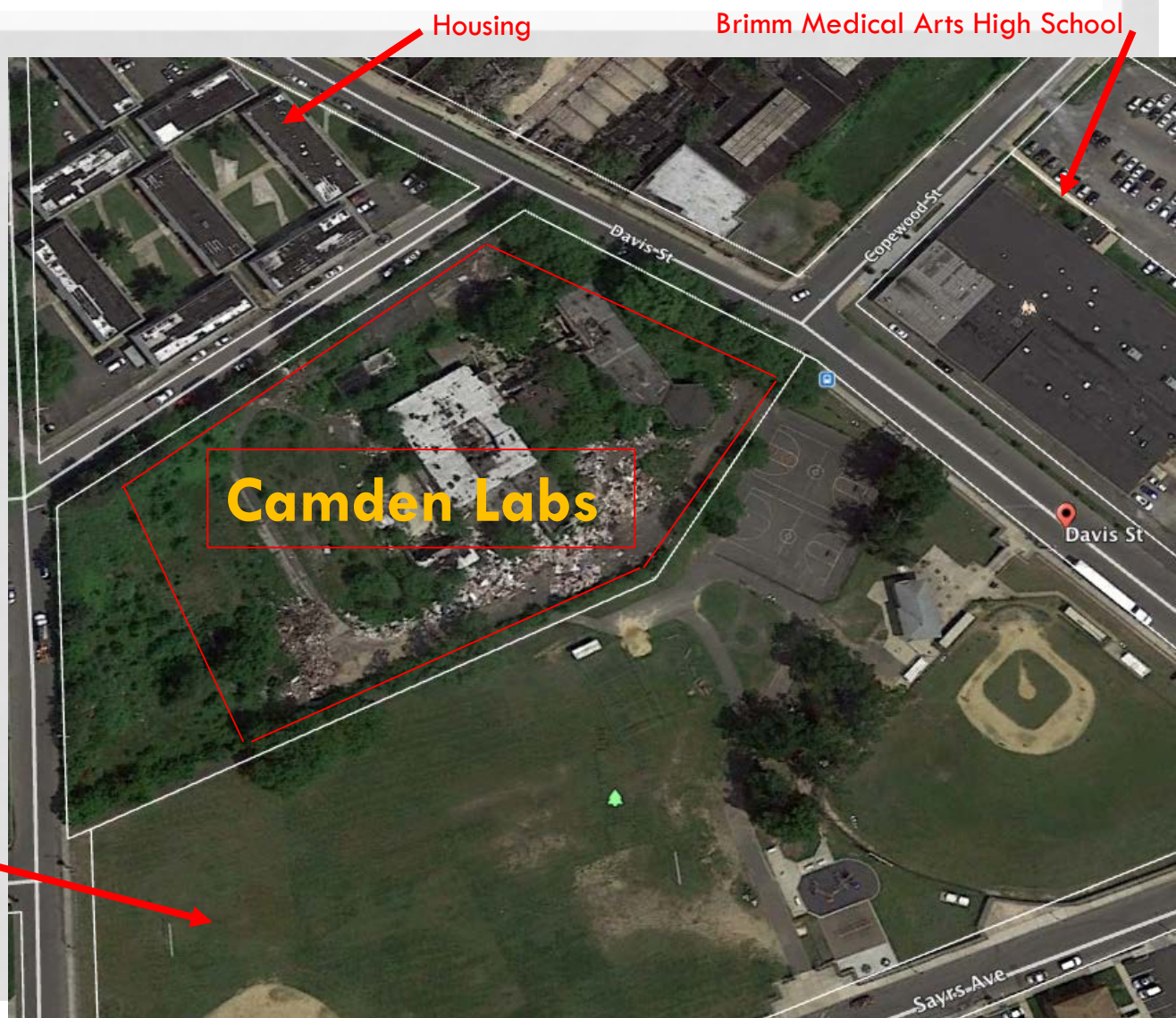
Partners:

- City of Camden
 - Department of Public Works
- Camden County Municipal Utilities Authority
- Camden County Office of Environmental Affairs
- Camden County Police Department
- Cooper's Ferry Partnership
- New Jersey Department of Environmental Protection
- Q-Star
- United States Environmental Protection Agency



CAMDEN LABS

- Formerly occupied as a laboratory for nearby hospitals.
- Contaminated soil and groundwater.
- Vacant for decades.
- Site of illegal dumping hotspot.



Housing

Brimm Medical Arts High School

Camden Labs

Playing Fields







MULTI-PRONGED APPROACH:

- Collaboration
- Enforcement
- Outreach
- Education





RESULT

488.43 TONS
OF SOLID
WASTE
REMOVED
FROM SITE!

- DOES NOT INCLUDE
VEGETATIVE DEBRIS OR BRUSH

EPA Site Specific Grant for Solid
Waste Removal







ACCOMPLISHMENTS

- More than 20 cameras installed throughout the City to assist with illegal dumping enforcement efforts
- Residents are engaged and educated through Camden Reports
- City is planning a press event in 2018 to share the success of the effort





PICK UP YOUR TRASH



**CAUSE AIN'T NOBODY
GOT TIME FOR THAT**

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**COOPER'S FERRY
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Sustainable Jersey Equity Initiative

Melanie McDermott

Senior Researcher, Sustainable Jersey

15 November 2015

Why is equity essential to sustainability?

- Because it works...
- Sustainability is holistic:
 - Planet- Prosperity- People
 - Environment- Economy- Equity
- Need all three legs for stool to be stable

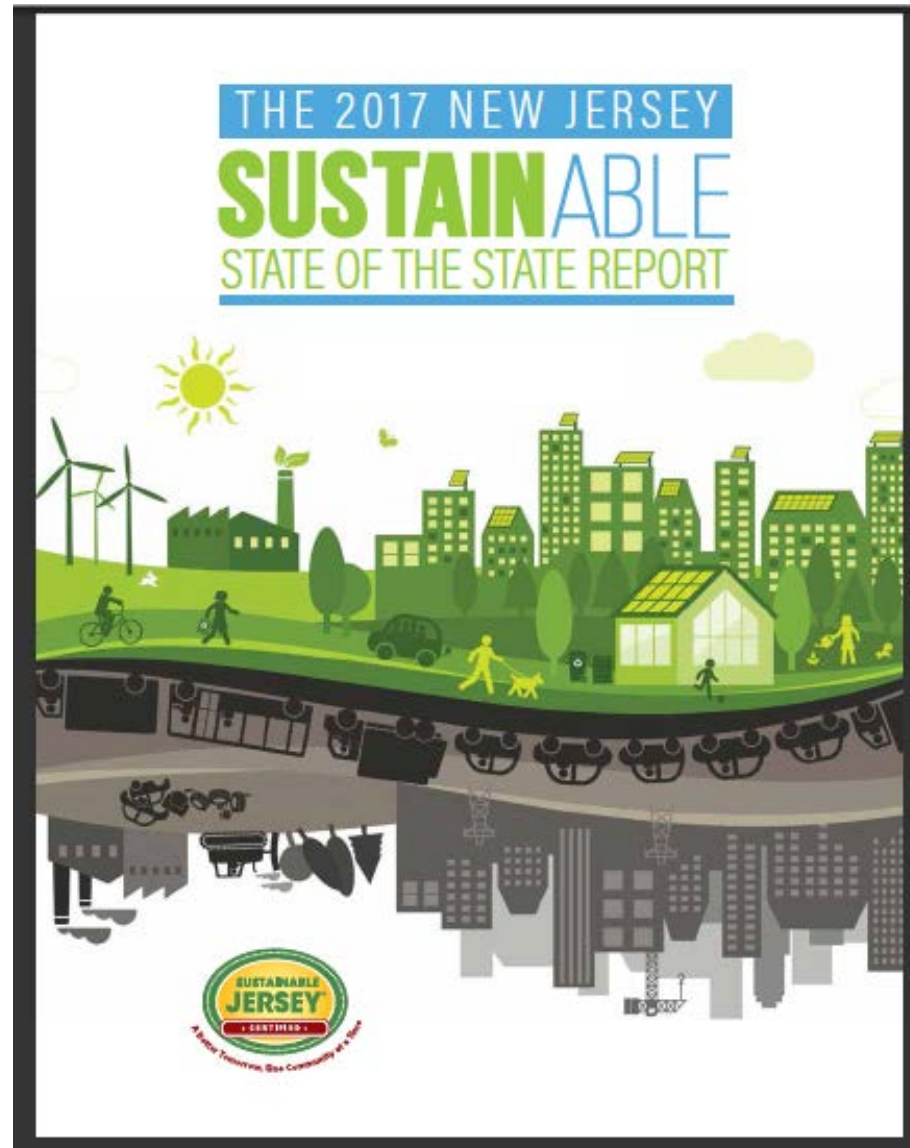


Why is equity essential to sustainability?

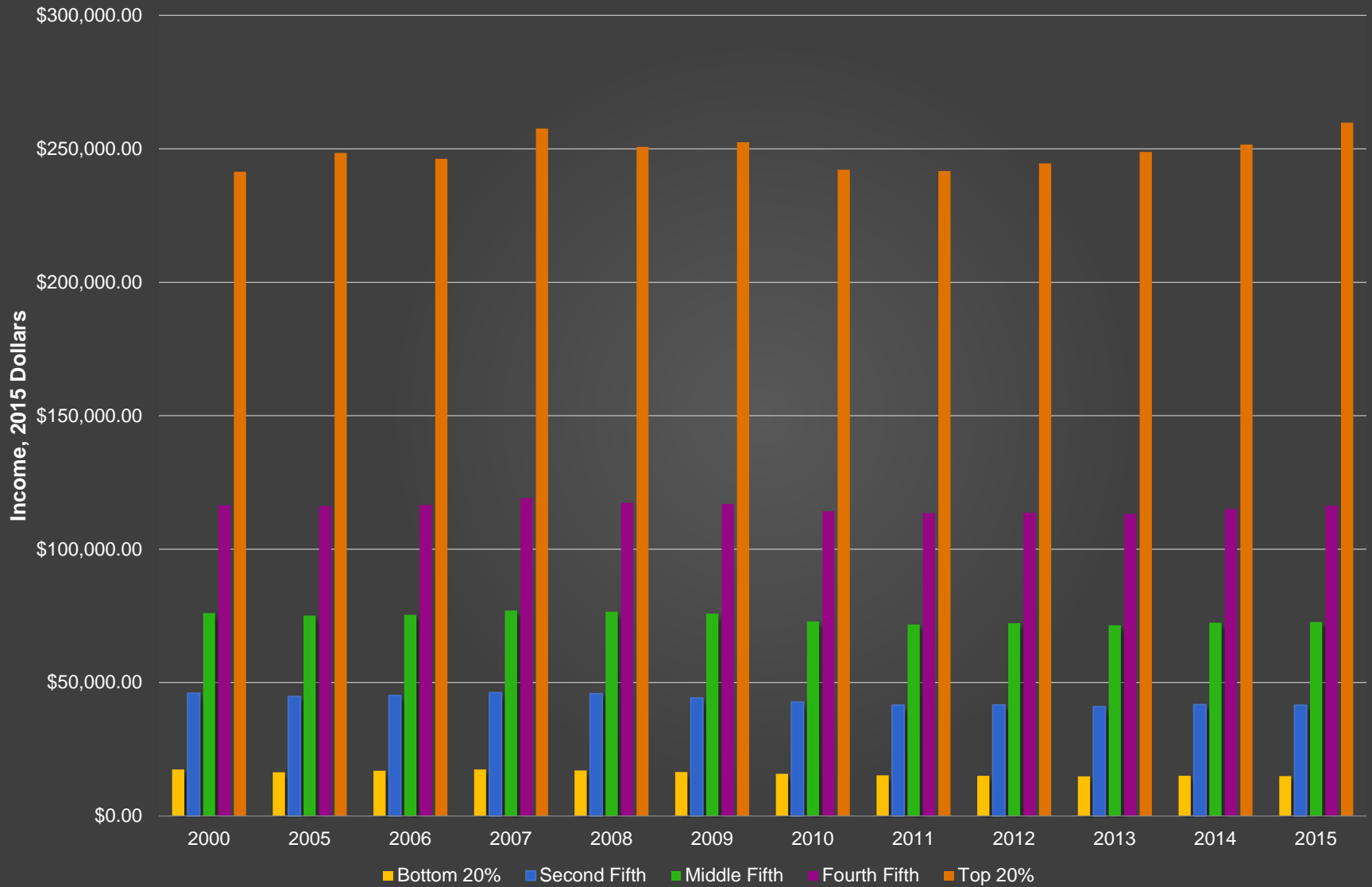
- Because it is *just* ...
- We are not just concerned with the sum *total* of environmental & social burdens and benefits...but with their *fair distribution*.
- Sustainability for *all*.



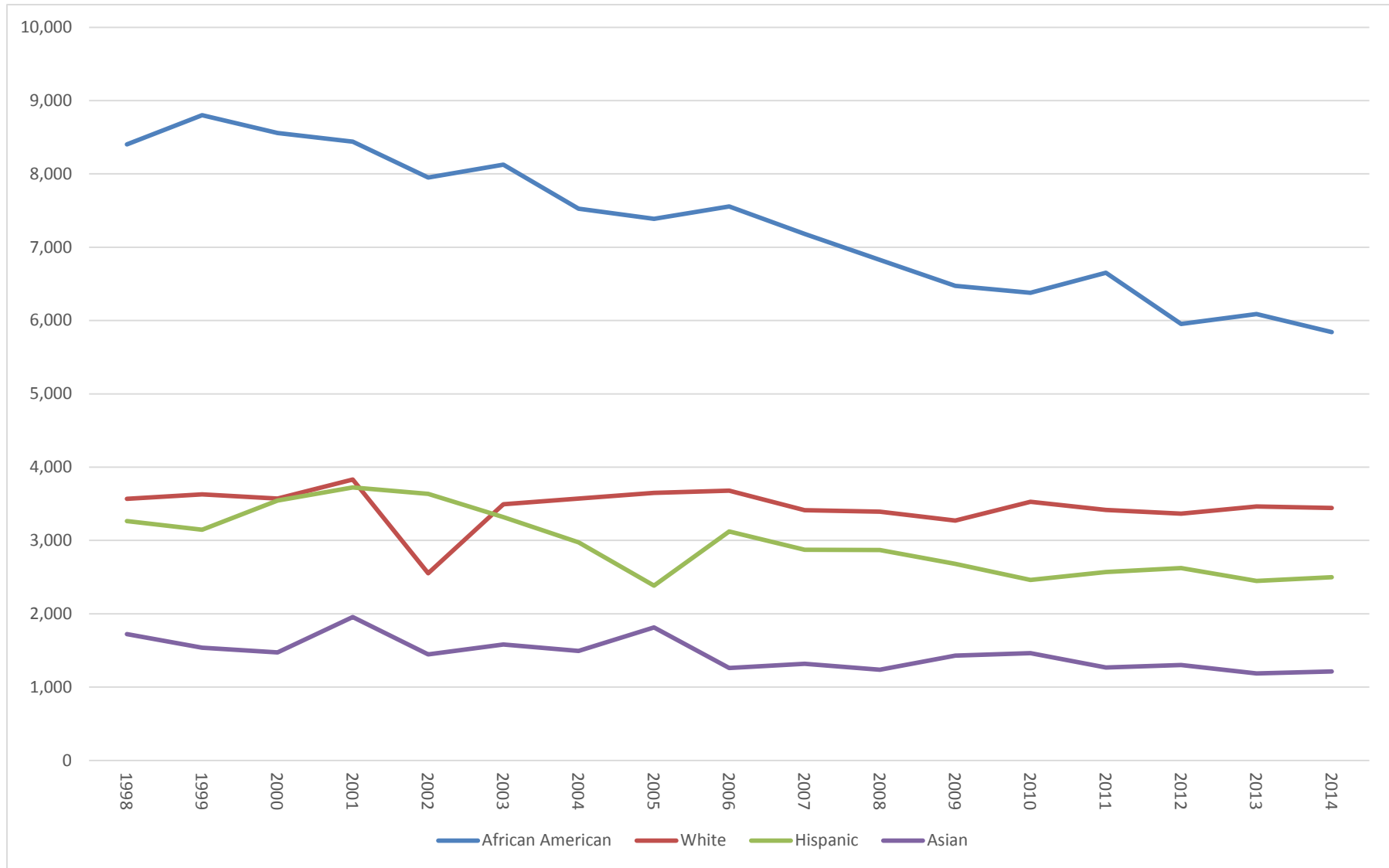
How's New Jersey doing on equity?



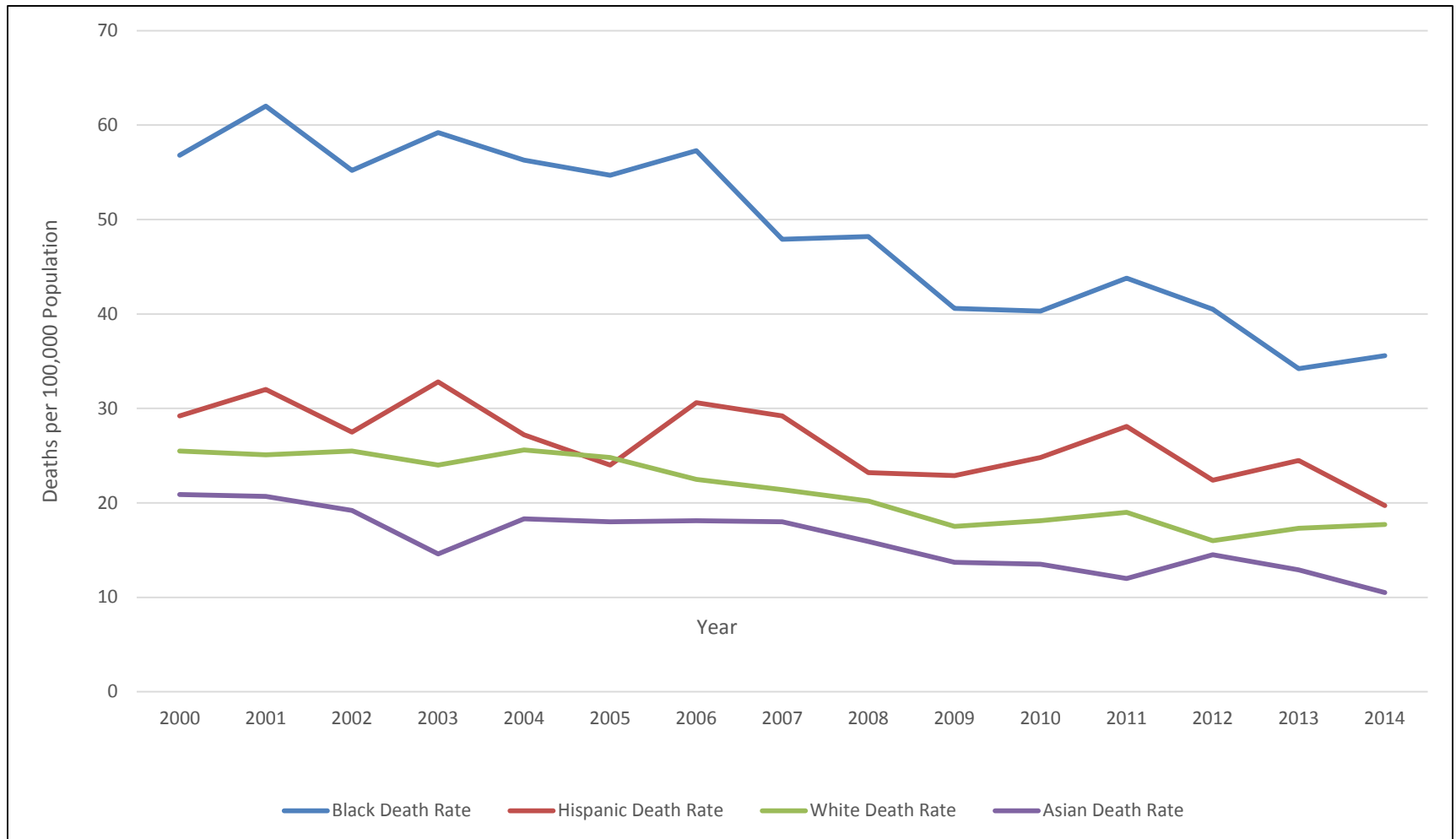
Income Inequality by Quintile, NJ 2000-2015



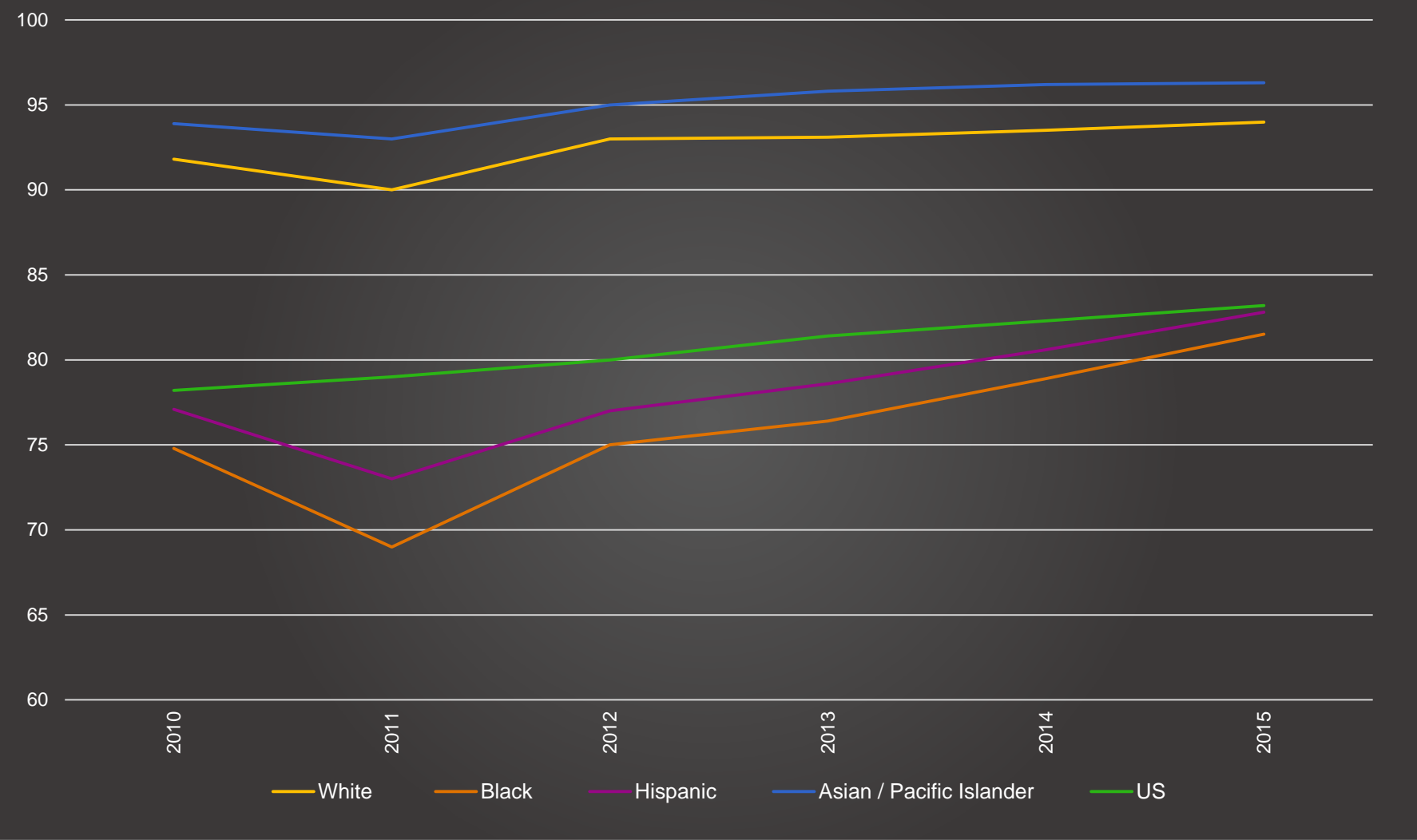
Years Life Lost due to preventable causes - by Race



Death Rate Due to Diabetes - by Race



Racial Disparity in Graduation Rate



Environmental Injustice

- Co-location of communities of color & poverty & environmental risk:
 - Pollution-diesel exhaust, incinerators, lead in water (Newark)
 - toxic & unsightly trash (Camden)
 - lack access to green space/ recreation (Asbury Park)
 - lack of voice and decision-making power
- ... means that one's **zip-code** predicts life expectancy and life chances.

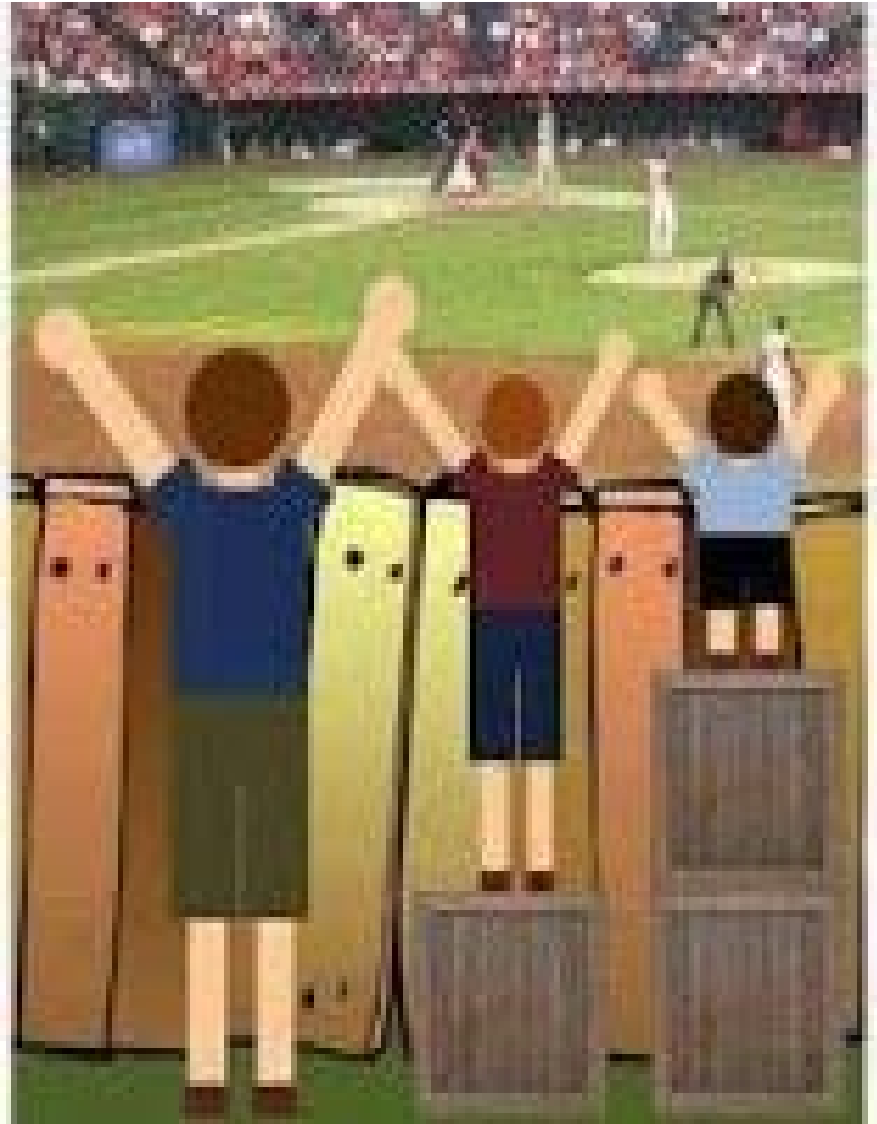
Sustainable Jersey Equity Initiative

1. **Define** equity: Co-develop shared understanding and equity 'lens'
2. **Test** for (in)equity: Apply lens to review Sustainable Jersey certification and actions; **conduct a system-wide assessment to identify how program could make more impact in promoting equity.**
3. **Integrate** equity: Fill gaps (e.g., new actions) and pursue other opportunities (e.g., training, regional collaboration)

SJ Equity initiative: Step 1

- Diversity and Equity Task Force meets to co-develop equity definition (framework) and lens
- Draft definition and lens circulated for comment among SJ constituency: staff, other committees, task forces, audiences (*such as you!*)
- Iterative revision of equity definition and lens
 - >> So far Task Force has agreed...

Equality is not Equity



To make NJ municipalities more **equitable**:

- Increase **opportunity**
- Reduce **disparity** in **environmental quality, health and well-being** based on
 - *who you are**, where you live, or where you were born...

Social (group) determinants

- **Who you are* - by virtue of *group membership*
- **Race** = key group predictor of disadvantage
- Other forms of disadvantage also matter:
poverty, ethnicity, nativity/immigration status, gender, and disability.
- All of these forms of disadvantage interact with, and are amplified by, race

Equity is not only about ...

- **Distribution** of environmental goods (access) and bads (harms)



Equity is also about...

- Participation in decision-making (**power**)
 - Voice
 - **Recognition** & respect for social difference & group identity
 - **Inclusion** – intentional effort to accommodate marginalized groups



Step 2: Apply the lens to the SJ program

- Screen existing actions for:
 - any unintended inequitable **consequences**?
 - certain groups left out of **benefits**?
 - certain groups left out of **participation**?
- Identify **gaps** and new approaches and **municipal actions** that could remove obstacles to equity and improve participation and benefit-distribution

Gap suggesting improved action (ex.)

- **Environmental Justice in Planning and Zoning**

Take a leaf from the progressive example of the Newark ordinance – can the model be adapted for other (especially smaller) municipalities?

In conclusion...

Municipalities can do a lot to improve social equity... *Let's do it!*

Comments and correspondence invited:
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AMERICAN WATER

