Environmental Justice in Planning & Zoning *Retires 12/31/27*

10 Points

Action Retires 12/31/27: *For municipalities currently approved for this action, the points will remain in your application until the action expires. Municipalities applying for certification in 2028 and beyond will no longer be able to submit for this action. Questions can be directed to 609-771-2938 or info@sustainablejersey.com.*

Communities have long considered the environmental impacts of their planning and zoning decisions in their comprehensive planning programs.Master plan documents typically contain a conservation element or some discussion of community environmental goals and objectives.Land development regulations and zoning ordinances then serve as the implementation tools to address environmental issues related to site development, protection of threatened or endangered species, wetlands, water quality, waste management, stormwater management, and transportation impacts that land development and redevelopment activities could produce.Yet few communities have considered the "environmental justice" consequences and opportunities that could be addressed and mitigated through comprehensive community planning programs.The United States Environmental Protection Agency (EPA)'s Office of Environmental Justice defines environmental justice as follows:

"Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.EPA has this goal for all communities and persons across this Nation.It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.Meaningful involvement means that: (1) people have an opportunity to participate in decisions about activities that may affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) their concerns will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected."[1]

Communities can earn 10 points for implementing one of the following options:

Option 1: Assess opportunities for integrating environmental justice issues into the community master plan and land development ordinances and policies **from within 10 years of the submission deadline**.

Option 2: Develop and implement an education and outreach program on environmental justice issues **from within 2.5 years of the submission deadline**.

For certified communities, this action can count toward a Gold Star in Health. See the Gold Star Standard section of this action for more information.

Why is it important?

Communities have the opportunity to assure the fair treatment of people of all races, cultures, and incomes with respect to development, adoption, implementation, and enforcement of environmental regulations and planning policies.Municipal Boards and Commissions should use information about public health and environmental impacts, including cumulative impact and risk assessment data sources, to inform community planning, zoning, and permitting decisions.To address environmental justice issues effectively, local officials must have access to reliable information and sound science.A wide range of information exists in federal and state databases that can help communities make land use planning decisions that consider environmental justice issues.Training and educational programs will build awareness and technical expertise among elected officials, municipal board and commission members, municipal consultants, and staff and community residents.It will help them to understand environmental justice data and decide how best to utilize data and regulatory frameworks to support informed community planning and enforcement initiatives.

Who should lead and be involved with this action?

Strong leadership from both elected and appointed community leaders is vital to the success of this type of initiative.The appointment of an Advisory Committee or Task Force by the Mayor and Council can lend credibility and purpose to this important work.Committee members might be drawn from the Planning Board and Zoning Board of Adjustment, Environmental Commission, Green Team, Economic Development Council, Health and Welfare Boards, and Urban Enterprise Zone Board members.

Communities should also consider seeking committee members from environmental justice groups, faith-based organizations, civic groups, health organizations, and from cultural organizations that represent the community's diversity.

Timeframe

The timeframe depends on the tasks undertaken.The time to establish a Task Force to evaluate issues and provide recommendations could be 9-12 months. Education, outreach and training programs could take 2-3 months to develop and an additional 3 months to deploy.

Project costs and research needs

Municipal staff time, including participation of the municipal Planner or other key staff, will be needed to coordinate the work of the Environmental Justice in Planning and Zoning Advisory Committee/Taskforce.

What to do, and how to do it ("How to")

Below we have listed the requirements for earning points for this action.

1) For Option 1, you must have submitted your recommendations, and/or an action plan and presented findings at a public meeting to the Municipal Leadership, Planning Board, and Zoning Board of Adjustment and Public Health committees, and demonstrate that your recommendations were incorporated into the Master Plan, ordinances and zoning regulations and public health regulations **from within 10 years of the submission deadline**.

2) For Option 2, you must have conducted Education and Outreach activities **from within 2.5 years of the submission deadline**.

We have provided extensive guidance and recommendations for implementing the action. You do not need to follow this guidance exactly as long as your final product meets the requirements.

Communities earn 10 points for implementing one of the following options.

Option 1: Assess opportunities for integrating environmental justice issues into the community master plan and land development ordinances and policies.

I.Establish a Task Force/Advisory Committee to evaluate the adequacy of municipal planning and zoning to address environmental justice issues.Task Force members may be drawn from municipal boards and commissions, community groups and organizations, faith-based groups, and environmental justice organizations, and should include residents from a broad cross section of community neighborhoods and cultures.A plan for incorporating community input into the assessment process should be an integral part of the review process.

II.Assess opportunities to incorporate environmental justice issues into the master plan, zoning ordinances, municipal administrative procedures, police power ordinances, regulatory coordination and permitting issues, public health programs,and zoning enforcement activities.

III. Develop recommendations, prepare an action plan and present findings at a public meeting to the Municipal Leadership, Planning Board, and Zoning Board of Adjustment and Public Health committees.

Option 2: Develop and implement an education and outreach program on environmental justice issues.Training and outreach could be directed at municipal planning and zoning boards, the Environmental Commission, the Green Team, and the Town Council, as well as at municipal staff.This process will help local boards and commissions understand how these issues affect their community.Communities may want to seek assistance from statewide environmental justice organizations and state agencies when developing education programs.

What to submit to earn points for this action

In order to earn points, your submission must meet the following standards:

1) For Option 1, you must have submitted your recommendations, and/or an action plan and presented findings at a public meeting to the Municipal Leadership, Planning Board, and Zoning Board of Adjustment and Public Health committees, and demonstrate that your recommendations were incorporated into the Master Plan, ordinances and zoning regulations and public health regulations **from within 10 years of the submission deadline**.

2) For Option 2, you must have conducted Education and Outreach activities **from within 2.5 years of the submission deadline**.

3) For details on Option 1 and Option 2, see the “What to Do” section.

Submit the following documentation to verify the action was completed to the above standards.** (Log in to the password protected webpage where you submit your online application for certification to write in the text box and upload documents).

1) In the text box, please provide a short narrative (300 word max) to summarize what was accomplished and the general steps taken to accomplish it.**

Option 1:

1). Describe the process you used to evaluate opportunities to incorporate environmental justice issues into the master plan, zoning ordinances, municipal administrative procedures, police power ordinances, regulatory coordination and permitting issues, public health programs, and zoning enforcement activities.Describe efforts of your Task Force to incorporate and respond to community input.Assess what worked and what could be improved, and identify next steps for incorporating environmental justice into land use planning and zoning. For Option 2: Describe your efforts for conducting Education and Outreach activities such as who was involved in developing the outreach, who the target audiences were and assess what worked or could be improved.

You must complete at least one of the two options outlined in this toolkit.

- Upload: List of your Task Force Members.
- Upload: Copy of the final Environmental Justice Recommendations and Action Plan which includes the date(s) these were presented to the municipal government.
- Upload: Copy of the relevant portions of the Master Plan, ordinances, municipal administrative procedures, etc. which you have implemented.

Option 2:

- Upload: Summary of the Training and Outreach Program implemented for municipal Boards, Commissions and staff. This should include an Agenda.
- Upload: Any relevant materials, or advertising or articles that demonstrate that you have conducted Training and Outreach Programs for municipal Boards, Commissions and staff.

IMPORTANT NOTES:

There is a limit of six uploaded documents per action and individual files must not exceed 50 MB. Excerpts of relevant information from large documents are recommended.

All action documentation is available for public viewing after an action is approved. Action submissions should not include any information or documents that are not intended to be viewed by the public.

Gold Star Standard

Successful completion of this action will meet the requirement of an Additional action for earning a Gold Star in Health. For more information on earning a Gold Star in Health see the Gold Star Standards section of the website.

Spotlight: What NJ municipalities are doing

In 1996, residents of South Orange and Maplewood came together to dialogue and develop constructive solutions to address issues related to changing demographics and negative perceptions based on stagnant property values, perceived white flight, and a belief that the school system was in decline.Discussions among a group of concerned residents led to the formation of an intergovernmental task force.The Task Force, later incorporated as the South Orange/Maplewood Community Coalition on Race, was able to draw on work done by earlier organizations – Maplewood Friends, South Orange Neighbors, and the combined Friends and Neighbors – that provided important historical data and indicated community willingness to explore important issues around race, economics, and housing.Additionally, the Task Force drew upon the expertise of the Fund for an OPEN Society, a national organization, which works with communities on intentional integration efforts. The Coalition adopted as its goals the development and implementation of three key strategies: to promote strong and sustained robust demand by all racial groups for housing in every area of the community; to take proactive steps to ensure involvement of persons of color in the civic life of the community; and to promote dialogue and understanding on race-related issues.

http://www.twotowns.org

Resources

The following resources demonstrate how pervasive at the local level are environmental issues related to equity, environmental justice, and inclusion.

Environmental Justice Data Resources

AIRNow

is a government-backed program.The EPA, the U.S. National Oceanic and Atmospheric Administration (NOAA), the U.S. National Park Service (NPS), news media, tribal, state, and local agencies work together to report conditions for ozone and particle pollution through the program. The Air Quality Index (AQI) is an index for reporting daily air quality. It provides information on how clean or polluted outdoor air is in any given location, and what associated health effects might be a concern. The AQI focuses on health effects that may be experienced within a few hours or days after breathing polluted air. EPA calculates the AQI for five major air pollutants regulated by the Clean Air Act: ground-level ozone, particle pollution (also known as particulate matter), carbon monoxide, sulfur dioxide, and nitrogen dioxide. For each of these pollutants, EPA has established national air quality standards to protect public health

(http://www.airnow.gov/).

Air Quality Partnership of the Delaware Valley

is a public / private coalition dedicated to improving air quality in the Delaware Valley through air quality initiatives and advisories.The Partnership implements the Air Quality Action program to notify the public when air quality is forecast to be unhealthy and encourage the public to take action to reduce air pollution.Forecasts are provided on the AQP website and also by calling the Air Quality Partnership Information Line at 1.800.872.7261.The website provides a daily forecast that allows individuals and community health advocates to take the proper actions to reduce pollution exposure and protect health.http://www.airqualitypartnership.org/

Environmental Defense Fund's "Scorecard"

was originally developed in 1998.It is the ultimate source for free and easily accessible local environmental information on the Internet.Users can type in a zip code to obtain information about local air pollution, and to explore state-of-the-art interactive maps.Scorecard delivers accurate information on the toxic chemicals released by manufacturing facilities and the health risks of air pollution .

http://www.scorecard.org/.

Using Scorecard, the following reports can be generated:

- Distribution of Environmental Burdens uses easy-to-understand bar charts to illustrate which demographic group bears the burden of different pollution problems.Four problems are evaluated: releases of toxic chemicals (http://www.scorecard.org/general/tri/tri_gen.html),cancer risks from hazardous air pollutants (http://www.scorecard.org/env-releases/def/hap_gen.html), Superfund sites (http://www.scorecard.org/env-releases/def/land_superfund_overview.html), and facilities emitting criteria air pollutants (http://www.scorecard.org/env-releases/def/cap_gen.html).

Scorecard analyzes the distribution of these problems using seven demographic categories.

- The Environmental Justice Locator provides maps at the national, state, county, and census tract levels that illustrate estimated cancer risks from outdoor hazardous air pollution and the location of three types of pollution-generating facilities: manufacturing firms reporting to the Toxics Release Inventory, facilities emitting Criteria Air Pollutants, and Superfund sites.The maps show whether a property is located in an area where estimated cancer risks are higher, comparable, or lower than in other communities.Charts associated with the maps provide demographic information about an area, including the percentage of people of color, percentage of families living in poverty, and percentage of homeownership.Scorecard's mapper allows access to environmental data at the most local level i.e., for each individual census tract in the U.S. (http://www.scorecard.org/env-releases/def/ej_local.html).
- Environmental Justice Reports integrate information about different kinds of pollution problems with census data to identify geographic areas or demographic groups that may be disparately affected by pollution (http://www.scorecard.org/env-releases/def/ej_measures.html). Summary environmental justice reports examine the distribution of four environmental burdens: releases of toxic chemicals, cancer risks from hazardous air pollutants, Superfund sites, and facilities emitting criteria air pollutants (http://www.scorecard.org/env-releases/def/ej_burdens.html). Detail pages illustrate the distribution of cancer risks by race and income, and provide geographic comparisons of environmental hazards and demographic characteristics.

(DEP) - NJ Department of Environmental Protection's Environmental Justice

On Feb. 18, 2004, New Jersey's first-ever Statewide Environmental Justice Policy, Executive Order #96 was signed

into law (http://www.nj.gov/dep/ej/eo.html).The policy was a call to action for all government agencies to consider urban-environmental and public-health concerns and to increase public participation in the environmental decision-making process.Under the Executive Order, the Environmental Justice Task Force provides the collaborative mechanism necessary to effectively address environmental justice concerns.Additionally, the Executive Order created a process whereby communities may petition the Environmental Justice Task Force to have potential environmental justice concerns proactively addressed.

http://www.nj.gov/dep/ej/index.html

Also see: Environmental Justice Task Force - http://www.nj.gov/ejtaskforce/tfrole.html

The Environmental Justice Advisory Council (EJAC)

to the NJDEP is appointed by and serves as an advisory body to the NJDEP Commissioner.http://www.nj.gov/dep/ej/ejcouncil.html

NJDEP's i-MapNJ

is an online, interactive mapping tool that provides neighborhood-, county- and state-level environmental information.With i-MapNJ, the public can access a wide range of environmental data, including the location and severity of toxic sites in New Jersey based on information in NJDEP's New Jersey Environmental Management System (NJEMS).With this easy-to-use application, users can view and query the best of the NJDEP's Geographic Information System (GIS) data.Homeowners can find out what's in their backyard; environmental organizations, planners, realtors, and builders can identify open space, various regulatory boundaries, sensitive lands, watersheds, known contaminated sites list, contaminated ground water locations, well head locations and other state data.

http://www.nj.gov/dep/gis/depsplash.htm

NJ Department of Environmental Protection Division of Compliance & Enforcement

plays a critical role within the DEP by deterring violations that would otherwise threaten our environment and the health of the state's citizens.This division focuses on violation to ensure that all NJ citizens and groups are protected equally and businesses are on a level playing field.

http://www.nj.gov/dep/enforcement/index.html

NJ Department of Environmental Protection Data Miner

A variety of reports that provide up-to-the-minute results are included within DEP's Data Miner.This database is searchable by municipality or can be queried by individual facility name.http://www.nj.gov/dep/enforcement/reports-list.html

NJ Department of Transportation (DOT) Environmental Justice Policy

supports the DOT's philosophy regarding Context Sensitive Design (CSD), which is a condition of federal funding.The Environmental Justice Guideline (EJG) should be followed for all NJ Division of Project Planning and Development (DPPD) planning and scoping projects.At the earliest stages of project planning and development, it is important to ask whether the community has been adequately considered as part of the project's purpose and need.http://www.state.nj.us/transportation/eng/documents/DPPD/pdf/Environmental_Justice_Assesment_Guideline.pdf

(EPA) - The U.S. Environmental Protection Agency's Office of Environmental Justice Website

offers many resources.This website features major EPA environmental justice publications as well as links to regional environmental justice offices.Concern that minority populations and/or low-income populations bear a disproportionate level of adverse health and environmental effects led President Clinton to issue Executive Order 12898 (http://www.epa.gov/fedreg/eo/eo12898.htm) in 1994, focusing Federal agency attention on these issues.EPA responded by developing the Environmental Justice Strategy which focuses on the Agency's efforts in addressing these concerns.EPA makes available numerous databases and tools related to emergency management.

EPA databases can be searched to learn more about environmental conditions in any given community.This database is searchable by zipcode for information on:

> Envirofacts: Pollution, hazardous waste sites, and other regulatory information:http://www.epa.gov/enviro/.

> Enforcement and Compliance History Online (ECHO): EPA ECHO focuses on facility compliance and EPA/state enforcement of environmental regulations. Use ECHO to determine whether:

- Compliance inspections have been conducted by EPA or State/local governments
- Violations were detected

- Enforcement actions were taken and penalties were assessed in response to environmental law violations

> EPA Region 2 is responsible for ensuring that facilities in New Jersey, New York, Puerto Rico, and the U.S. Virgin Islands, whether public or private, are complying with environmental requirements.This is accomplished by successfully combining enforcement with compliance incentives and environmental assistance activities.

http://www.epa-echo.gov/echo/index.html

> Facility Registry System: Search for facilities, sites or places subject to environmental regulations:http://www.epa.gov/enviro/html/fii/fii_query_java.html

> The EPA Toxics Release Inventory (TRI) is a publicly available EPA database that contains information on toxic chemical releases and waste management activities reported annually by certain industries as well as federal facilities:http://www.epa.gov/tri/

http://www.epa.gov/epahome/commsearch.htm

Compliance & Enforcement EJ Website

http://www.epa.gov/enforcement/index.html

EJVIew, formally EPA Environmental Justice Geographic Assessment Tool,

provides information relevant to assessing adverse health or environmental impacts, aggregate or cumulative impacts, unique exposure pathways, vulnerable or susceptible populations, or lack of capacity to participate in the decision making process.http://epamap14.epa.gov/ejmap/entry.html

EPA’s EnviroMapper

enables individuals to access a wealth of environmental information including air releases, drinking water, toxic releases, hazardous wastes, water discharge permits, and Superfund sites.http://www.epa.gov/enviro/html/em/em_openlink.html

Emergency Management Databases

http://www.epa.gov/emergencies/tools.htm#landview

EJ in Waste Programs

http://www.epa.gov/oswer/ej/index.html

(FHA) The U. S. Federal Highway Administration’s Community Impact Assessment (CIA)

is an important part of transportation planning and project implementation.The inclusion of CIA allows for a community's concerns (mobility, safety, employment effects, relocation, isolation, etc.) to be addressed in transportation decision making.The CIA Web site serves as an information clearinghouse for transportation officials, regional development professionals, and the general public interested in evaluating the effects of transportation planning and project implementation on a community and its quality of life.The resources include the relevant federal legislation, publications, conferences, and training courses as well as links to other related Web sites.http://www.ciatrans.net/index.shtml

(FHA) --The U.S. Federal Highway Administration's – Environmental Justice and Transportation Planning

website posts environmental justice case studies and an extensive listing of topical resources, relating to governmental, academic, and non-governmental websites.Additionally, guidance for environmental justice training is also provided for those interested in implementing its principles.http://www.fhwa.dot.gov/environment/ej2.htm

Planning Resources and Articles on Environmental Justice

Addressing Community Concerns: “How Environmental Justice Relates to Land Use Planning and Zoning”

is a comprehensive report by the National Academy of Public Administration designed to help the public understand how land use planning and zoning relate to environmental justice, both in terms of resolving current issues and preventing future problems.

http://www.epa.gov/compliance/ej/resources/reports/annual-project-reports/napa-land-use-zoning-63003.pdf

AIR QUALITY HANDBOOK ON LAND USE California Air Resources Board April 2005.

The purpose of the Air Quality Handbook on Land Use is to provide local agencies with a general framework and reference guide for addressing potential site-specific or cumulative impacts of air pollution associated with land use planning and decision-making.

www.arb.ca.gov/ch/handbook.pdf

Beyond the Environment: Socio-Economic Sustainability & Meaningful Community Input in Land Use Decisions by Robin Kniech

http://law.du.edu/images/uploads/rmlui/rmlui-sustainable-Socio-EconomicSustainability.pdf

Environmental Justice for All: A Fifty-State Survey of Legislation, Policies, and Initiatives

Steven Bonorris, Editor. A summary on NJ initiatives is provided on pages 39-40.

http://www.abanet.org/irr/committees/environmental/statestudy.pdf

“Intersection between Environmental Justice and Land Use Planning”

by Patricia E. Salkin, Albany Law School, Government Law Center –This article discusses the various tools in land use planning and zoning that can be used to promote and implement environmental justice principles.

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1029861

State of California, General Plan Guidelines

Chapter 2 Sustainable Development and Environmental Justice, provides guidance on incorporating environmental justice into comprehensive plans and zoning. 2003 General Plan Guidelines (PDF): General_Plan_Guidelines_2003.pdf

http://www.waterplan.water.ca.gov/docs/cwpu2005/vol4/vol4-environmentaljustice-generalplanguidelines.pdf

Advocacy and Nonprofit Environmental Justice Organizations

NJ Environmental Federation

has a link on the **Cleanwater Action** website that provides resources and information on environmental justice programs in NJ.

http://www.cleanwateraction.org/ejvoice

The New Jersey Environmental Justice Alliance (NJEJA)

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.

http://www.njeja.org/

New Jersey Work Environment Coalition (WEC)

is a membership alliance of labor, environmental, and community organizations working for safe, secure jobs and a healthy, sustainable environment.http://www.njwec.org/environmentaljustice.cfm Brochure on EJ

http://www.njwec.org/PDF/EnvironmentalJusticeBrochure.pdf

Fund for an OPEN Society (OPEN) is America's only national nonprofit whose sole purpose is working to promote thriving racially and ethnically integrated communities. OPEN provides the technical assistance and experience of how to intentionally integrate an increasingly diverse community at the local level.

http://www.soros.org/regions/united_states

South Jersey (SJ) Environmental Justice Alliance

is an environmental justice group with a diverse membership of community and environmental activists, scientists, educators, and concerned citizens from all over the SJ region, including many members from Camden City.South

Jersey Environmental Justice Alliance works to identify, prevent, and reduce and/or eliminate environmental injustices that exist in communities of color and low-income communities.

http://www.sjenvironmentaljustice.org/about.htm

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[1] http://www.epa.gov/environmentaljustice/resources/faqs/index.html .