



Environmental Justice Law

NJ's landmark Environmental Justice Law requires DEP to evaluate environmental and public health impacts of certain facilities on overburdened communities (OBCs) when reviewing certain applications. NJ is the first state required to issue denials for new facilities that cannot avoid disproportionate impacts on OBCs or serve compelling public interest. Regulations to implement the law are effective.

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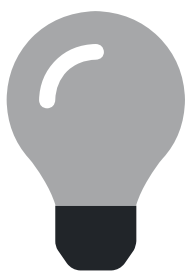
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Environmental Justice Impact Statement (EJIS) Guidance (coming soon)

[Where are Overburdened Communities \(OBCs\)?](#)

EJ Rule Procedural Overview

① Determination of Applicability



Proposed or existing facility is one of the 8 facility types

Applicant seeks DEP specific permit or approval

Facility is located, or proposes to be located, in whole, or in part, in an overburdened community (OBC)



② Initial Screen



Once DEP receives permit application subject to EJ Rules, DEP provides initial screening information for the OBC including:

1. identification of environmental and public health stressors
2. appropriate geographic point of comparison
3. adverse environmental or public health stressors
4. whether OBC is subject to adverse cumulative stressors

Applicant may obtain information directly from EJMAP or analyze stressor data independent from EJMAP. OPPN will verify applicant's results with the data in EJMAP.



③ Determination of Application Requirements



Where OBC is not subject to adverse cumulative stressors or applicant can demonstrate avoidance of disproportionate impact, applicant would only be required to provide the information required pursuant to N.J.A.C. 7:1C-3.2

OR

Where OBC is already subject to adverse cumulative stressors or applicant cannot demonstrate disproportionate impact would be avoided, applicant would be required to include both the information required pursuant to N.J.A.C. 7:1C-3.2 and the supplemental information required pursuant to N.J.A.C. 7:1C3.3



④ Preparation and Review of EJIS and any Additional Supplemental Information



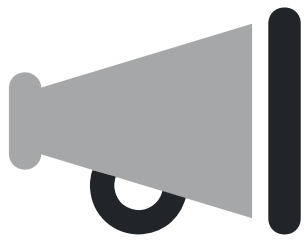
Applicant submits EJIS and supplemental information, as applicable, along with public notice documents to DEP

Upon DEP approval, applicant proceeds with meaningful participation process

DEP posts EJIS and public notice online



⑤ Meaningful Public Participation



Applicant holds meaningful public participation pursuant to N.J.A.C. 7:1C-4 including public hearing in host overburdened community and minimum 60-day public comment period.

Minimum 60 day public comment period



⑥ Department Review



Applicant provides EJIS with response to comments to Department for review.

DEP considers EJIS, response to comments other relevant information to determine whether the facility can avoid a disproportionate impact.

Minimum 45 day review



⑦ Department Decision







If facility can avoid disproportionate impact, DEP will authorize the applicant to proceed and impose conditions to ensure disproportionate impact is, and remains, avoided.

Where the facility cannot avoid disproportionate impact, DEP would:

New: deny application for new facility unless it demonstrates it will serve a compelling public interest in OBC

Expanded facilities/Major source renewals: authorize applicant to proceed with DEP permitting subject to appropriate conditions to address facility impacts to environmental and public health stressors



Historical Overview of DEP's Environmental Justice Program 	2018/08
Executive Order No. 23  – Addresses Environmental Justice Issues in New Jersey's Urban Communities	2018/04/20
Furthering the Promise  – A Guidance Document for Advancing Environmental Justice Across State Government	2020/06/29
Administrative Order No. 2020-02  – Regarding the Environmental Justice Advisory Council	2020/02/03

Environmental Justice Archives

To learn about Environmental Justice in NJ, including the development of the EJ Law and rulemaking process, explore the Archived Information page.

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Last Update: May 4th, 2023