

New Jersey Environmental Justice Alliance Comments on the 2011 Draft New Jersey Energy Master Plan

The New Jersey Environmental Justice Alliance (NJEJA) is the only statewide environmental organization in New Jersey that focuses solely on environmental justice issues. It is also the only statewide New Jersey environmental organization in which a majority of both its membership and leadership are people Of Color. NJEJA attempts to improve the health and quality of life in communities Of Color and low-income neighborhoods by reducing pollution in these areas and ensuring their residents are involved in decisions that affect their communities. We also believe that protecting the most vulnerable from environmental harm is the most effective way of protecting everyone.

NJEJA is submitting these comments on New Jersey's draft energy master plan (EMP) because it has concerns with both what *is* and *is not* included in the plan. NJEJA does not agree that natural gas and nuclear energy should be considered clean energy sources. We also oppose the suggestions that the use of natural gas to generate electricity for New Jersey, and the use of waste incineration techniques, should both be expanded. But perhaps more importantly NJEJA decries the fact that the EMP presents no vision for a coherent energy policy that could help revitalize the urban areas of our state. These concerns are discussed in more detail in these comments.

Natural Gas and Nuclear Energy Should Not Be Considered Clean Energy Sources

NJEJA supports the goal of supplying 70% of New Jersey's electricity through the use of clean energy by 2050 and opposes including natural gas and nuclear energy as

clean energy, which is advocated by the EMP.¹ The primary reason for our opposition to defining natural gas and nuclear energy as clean energy is very simple: both produce pollution when utilized to generate electricity. The toxic radioactive waste produced by nuclear energy and our inability to safely dispose of this waste is well documented.² The recent nuclear accident in Japan is also a vivid reminder of the dangers that nuclear energy presents beyond the unresolved waste disposal issues. Although a natural gas power plant would be significantly less polluting than a traditional coal fired power plant it would still produce pollution such as nitrogen oxides and small amounts of sulfur dioxide³ that could be harmful to the health of residents living in communities near and downwind of the plant, especially if these communities already suffer from significant levels of air pollution. A natural gas plant would also produce a significant amount of carbon dioxide.⁴

Since nuclear energy and natural gas are not, in reality, “clean”, defining them as such would defeat the purpose of setting the 70% goal. The goal was meant to provide an incentive for the development and use of truly clean energy sources such as solar and wind, and by doing so move us away from energy sources that produce toxic by-products. Allowing nuclear energy and natural gas to be defined as clean energy sources would be a significant step towards the elimination of the 70% goal.

¹ See draft EMP pp. 3 and 74.

² See Ewing, R.C. and F.N. von Hippel. 2009. Nuclear Waste Management in the United States – Starting Over. *Science* 325:151-152.

³ See U.S. Environmental Protection webpage at <http://goo.gl/At6xw>.

⁴ See U.S. Environmental Protection webpage at <http://goo.gl/At6xw>.

NJEJA Opposes the Expanded Use of Natural Gas to Produce Electricity for New Jersey

The draft EMP advocates for the expanded use of natural gas to produce electricity for New Jersey citizens.⁵ NJEJA opposes this expansion of natural gas utilization at this time due to the potential it has to harm communities where it is extracted and where it is used to generate electricity. It seems that a significant amount of the natural gas that would be used to fuel its expansion as a New Jersey energy source would come from Marcellus shale.⁶ This would involve our state in the very controversial issue of hydraulic fracturing,⁷ a process used to extract the natural gas. The potential of hydraulic fracturing to harm communities where natural gas is extracted using this procedure is hotly contested and unresolved.⁸ The draft EMP makes no effort to account for the potential harm caused by hydraulic fracturing in its calculation as to whether the expanded use of natural gas to produce electricity in New Jersey is a reasonable and beneficial proposition. NJEJA cannot support the expanded use of natural gas in our state due to the possibility it will cause significant environmental injustices in the communities where it is extracted, even though those communities are not in New Jersey.

But we know that the expanded use of natural gas in our state will also cause environmental injustice in New Jersey due to the proposed location of a new natural gas power plant. The draft EMP mentions the intent to site a plant in Newark⁹ and we have information that indicates the exact location of the plant will be the Ironbound section of

⁵ See draft EMP pp. 67, 75 and 78-79.

⁶ See draft EMP pg. 58.

⁷ See draft EMP pg. 73.

⁸ See U.S. Environmental Protection webpage at <http://water.epa.gov/type/groundwater/uic/class2/hydraulicfracturingindex.cfm>.

⁹ See draft EMP pp. 67 and 79.

the city. The Ironbound community has numerous polluting facilities already located within its borders.¹⁰ The siting of another polluting facility in this neighborhood could harm the health of residents and would be a clear environmental injustice. New Jersey Department of Environmental Protection data show that the amount of pollution in the state's communities is positively correlated with race and negatively correlated with income.¹¹ In other words, the more people Of Color who live in a community, and/or the more people of low-income who live in a community, the more pollution it is likely to have. The EMP must make sure that the state's energy policy does not perpetuate this injustice. Siting a natural gas power plant in an Ironbound community that already has more than its fair share of polluting facilities would certainly perpetuate this injustice and the EMP should be changed so this can not occur.

NJEJA Opposes Additional Waste Incineration or Plasma Gasification

The draft EMP seems to endorse an expansion of the use of waste incineration or initiating the use of plasma gasification. The plan notes that these technologies can be operated "with state-of-the-art pollution control systems in conformance with strict emission limits."¹² But even with strict emission limits incineration,¹³ and possibly gasification,¹⁴ will still place additional pollutants in the air. Once again we worry that much of this incineration or gasification will occur in communities already overburdened

¹⁰ See draft EMP comments submitted by the Ironbound Community Corporation.

¹¹ New Jersey Department of Environmental Protection. 2009. A Preliminary Screening Method to Estimate Cumulative Environmental Impacts, pg. 5. Available at http://www.state.nj.us/dep/ej/docs/ejc_screeningmethods20091222.pdf.

¹² Draft EMP pg. 101.

¹³ See Thompson, J. and H. Anthony. 2005. The Health Effects of Waste Incinerators, 4th Report of the British Society for Ecological Medicine.

¹⁴ Mottola-Jaborska, D., M. Elliott, D., Pringle, J., Tittel and M. Pisauro. 2008. Letter to Members of the Assembly Telecommunications and Utilities Committee.

with pollution such as the Ironbound community in Newark and the Waterfront South community in Camden, both of which are homes to municipal waste incinerators. Communities like these need a reduction in air pollution, not additional air pollution, even if that pollution is legal.

The Draft EMP Should Include a Coherent Urban Energy Policy

A glaring and critical omission from the draft EMP is a coherent energy policy for urban areas of New Jersey. Over the next several decades energy policy has the potential to significantly transform New Jersey and our state must ensure that its urban areas and the residents who live in them share the benefits of this transformation. In fact, NJEJA urges the state to make our urban areas the focus of New Jersey's energy policy. In this way the state's energy policy will improve the public health and economic health of urban communities where so many of New Jersey's most vulnerable citizens live. A coherent urban energy policy would contain at least three elements:

- Energy efficiency techniques and renewable energy sources should be used extensively in urban areas.
- A strategy should be developed and implemented that ensures a fair share of jobs produced by energy policy go to residents in urban areas of our state.
- New electricity producing facilities should not be sited in communities Of Color and/or low-income neighborhoods that are already overburdened with pollution.

Using renewable energy sources and energy efficiency extensively in urban areas would benefit our cities and state in at least three ways: 1) It would reduce emissions of fine particulate matter (PM) and its precursors, sulfur dioxide and nitrogen oxides; 2) It would reduce emissions of carbon dioxide; and 3) It would provide jobs and other economic opportunities to urban residents. Reducing emissions of fine PM could

significantly improve the health of residents in urban areas since this deadly pollutant is responsible for tens of thousands of premature deaths in the United States and is a health threat in New Jersey.¹⁵ Reducing emissions of carbon dioxide would, of course, help to fight climate change.

The economic opportunities connected to the extensive use of renewable energy sources and energy efficiency should not be limited to jobs. It should also include entrepreneurial opportunities and the chance for urban areas to be centers for research and development. However, in recognition of the importance of a job to life in our society the state should develop a policy that ensures employment opportunities created by the use of renewable energy sources, energy efficiency, and other energy policies will be accessible to urban residents. The combination of jobs, entrepreneurial opportunities, and being a nexus for research and development could economically revitalize urban areas that are in desperate need of an economic boost.

One way to catalyze the use of renewable energy and energy efficiency in urban areas would be to create sustainable energy utilities for our inner city neighborhoods. These non-profit organizations would gather capital to make renewable energy sources and energy efficiency techniques economically accessible to urban residents, and they would also provide education for, and reach out to, urban residents regarding these two critical

¹⁵ For example the California Environmental Protection Agency estimated that fine PM caused 14,000 to 24,000 premature deaths per year in California alone and the New Jersey Department of Environmental Protection estimated that it caused at least 1,900 deaths per year in New Jersey. However, it should be noted that fine PM concentrations in New Jersey have probably decreased since this document was issued. *See* California Environmental Protection Agency, Air Resources Board. 2008. Methodology for Estimating Premature Deaths Associated with Long-term Exposures to Fine Airborne Particulate Matter in California, Draft Staff Report, May 22, 2008, 49 pp., at pg. 34 and New Jersey Department of Environmental Protection. 2008. State Implementation Plan (SIP) for the Attainment and Maintenance of the Fine Particulate Matter (PM_{2.5}) National Ambient Air Quality Standard, PM_{2.5} Attainment Demonstration Proposal, June, 16, 2008, at pg. 1-7.

topics.¹⁶ The sustainable utilities and the other elements of an urban energy plan could be funded through use of the societal benefit charge.

As explained above, New Jersey has a significant environmental justice problem because the amount of pollution in neighborhoods is correlated with the race and income of residents. Communities Of Color and low income neighborhoods in New Jersey and the rest of our country are too often over-burdened with pollutants due to multiple sources of pollution that are disproportionately sited in these areas. The cumulative impacts of these pollution sources can be detrimental to the health of residents living in these communities. New Jersey must establish a siting policy for power producing facilities that does not perpetuate or exacerbate this injustice. If this type of siting policy was implemented and it was coupled with the extensive use of renewable energy sources and energy efficiency in urban areas that would produce little or no pollution, then energy policy might help reverse the troubling relationship that now exists in New Jersey between pollution, race and income.

If the Board of Public Utilities (BPU) created and implemented a coherent urban energy plan it would also help the state to attain its goal of producing 70% of New Jersey's electricity from renewable energy sources by 2050 since our cities would be using their energy more efficiently and increasing their use of renewables.

Conclusion

NJEJA stands ready to help the Board of Public Utilities (BPU) develop and implement the ideas contained in these comments. The BPU should actively seek input from community residents in urban areas, community-based organizations, and social

¹⁶ A program similar to the one being advocated here was created in Delaware. Information is available at <http://www.seu-de.org>.

justice organizations and then revise the draft EMP so that it will help transform urban areas in our state.

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