

The Edward J. Bloustein School of Planning and Public Policy,
Office of the Chancellor, Rutgers University–Newark
and the Joseph C. Cornwall Center for Metropolitan Studies
present

Addressing Cumulative Impacts of Pollution Through Local Land Use Policy Tools

*A case study of the
Newark Environmental Justice and Cumulative Impacts Ordinance*

The Robert A. Catlin Memorial Lecture at the Edward J. Bloustein School of Planning and Public Policy

Newark's Environmental Justice and Cumulative Impacts Ordinance seeks to create stronger environmental and land use policy tools at the local level to prevent and mitigate additional pollution associated with a variety of development and redevelopment projects. It also addresses environmental justice by helping to prevent Newark, which has a disproportionate number of low-income and residents of color, from having a disproportionate number of polluting projects placed within its borders. Three panelists will discuss the various components and impacts of the ordinance. A light reception will follow the panel.

Dr. Nicky Sheats, Esq., Director, Center for the Urban Environment, John S. Watson Institute for Public Policy, Thomas Edison State University

Dr. Ana Baptista, Assistant Professor of Professional Practice in Environmental Policy and Sustainability Management and Associate Director, Tishman Environment & Design Center, The New School

Cynthia Mellon, Co-chair, City of Newark Environmental Commission and Coordinator, Newark Environmental Resource Inventory

Tuesday, March 28, 2017

5:00 p.m.

Gov. James J. Florio Special Events Forum

33 Livingston Avenue

New Brunswick, NJ

on the campus of Rutgers University-New Brunswick

RUTGERS
UNIVERSITY

Free and open to the public.

Visit <http://bit.ly/catlin-2017> to register.



Addressing Cumulative Impacts of Pollution Through Local Land Use Policy Tools: Newark Environmental Justice & Cumulative Impacts Ordinance



Photo Courtesy of Ironbound Community Corp, Artist Cece Carpio.

The Robert A. Catlin Memorial Lecture

Edward J. Bloustein School of Planning and Public Policy

MARCH 28, 2017

Nicky Sheats, Esq. PhD, Director, Center for the Urban Environment, Thomas Edison State College
Ana Isabel Baptista, PhD, Assistant Professor of Professional Practice, The New School
Cynthia Mellon, MA, Co Chair, City of Newark Environmental Commission

Nicky Sheats, Esq. PhD, Director,
Center for the Urban Environment,
Thomas Edison State College
New Jersey Environmental Justice Alliance

Overview

Nicky:

Motivation for developing ordinance.
History and content of original ordinance.



Ana:

Cumulative impacts and land use law and policy
with a focus n Newark.
Contents of adopted ordinance.



Cynthia:

But there can be detrimental health
effects even if no individual standard
is violated.



Cumulative Impacts

Definition:

How do we address multiple pollutants emitted by multiple sources of pollution in a community and their interaction with each other and social vulnerabilities?

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.



NJ Cumulative Impacts Timeline

Phase One

- 2001-2002(?): NJ Department of Environmental Protection proposed rule
- 2007-2008(?): NJ Environmental Justice Alliance (NJEJA) Camden meeting
- 2008-2009: NJEJA Cumulative Impacts Committee formed (NJEJA, Ironbound Community Corporation (ICC), Clean Water Action (CWA), Eastern Environmental Law Center (EELC), etc.)
- Spring 2009: Environmental Justice Advisory Council (EJAC) cumulative impacts report (NJEJA and EELC advising) and hearing

Phase Two

- 2010: NJEJA Cumulative Impacts Committee formed
- March 2011: Cumulative Impacts and EJ Model Municipal Ordinance completed
- April 2011: New Jersey Clean Air Council cumulative impacts hearing
- March 2011: NJEJA cumulative impacts workshop (Trenton)
- May 2011: Statewide cumulative impacts policy developed
- October 2011: NJEJA Newark community cumulative impacts ordinance workshop
- 2012: NJEJA and Sustainable Jersey Cumulative impacts workshops
- 2013-2016: ICC/NJEJA/CWA refine and move ordinance through Newark

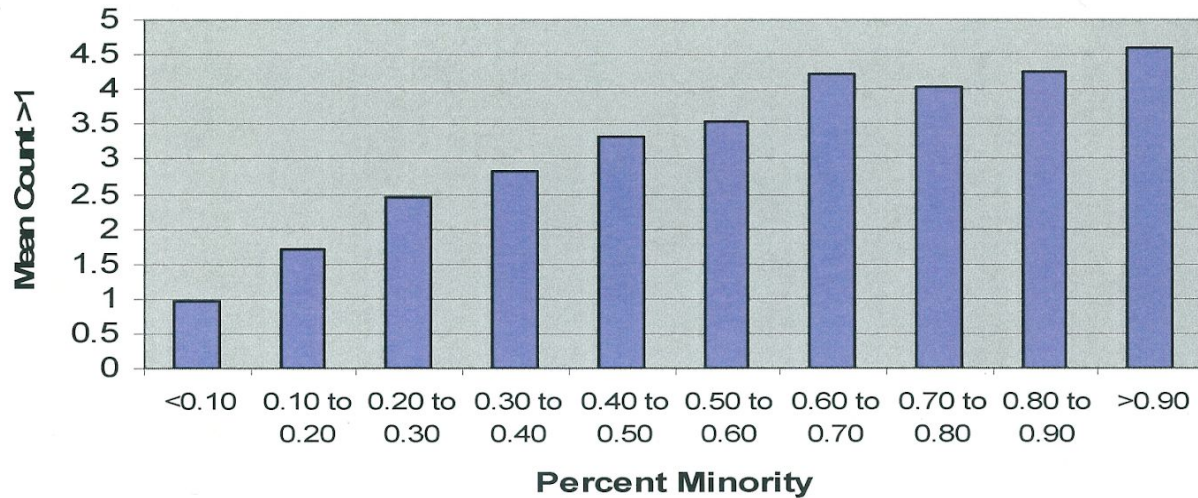
Guts of the Ordinance

- Environmental Resource Inventory
- Pollution Checklist
- Health Impact Assessments
- Right to say NO



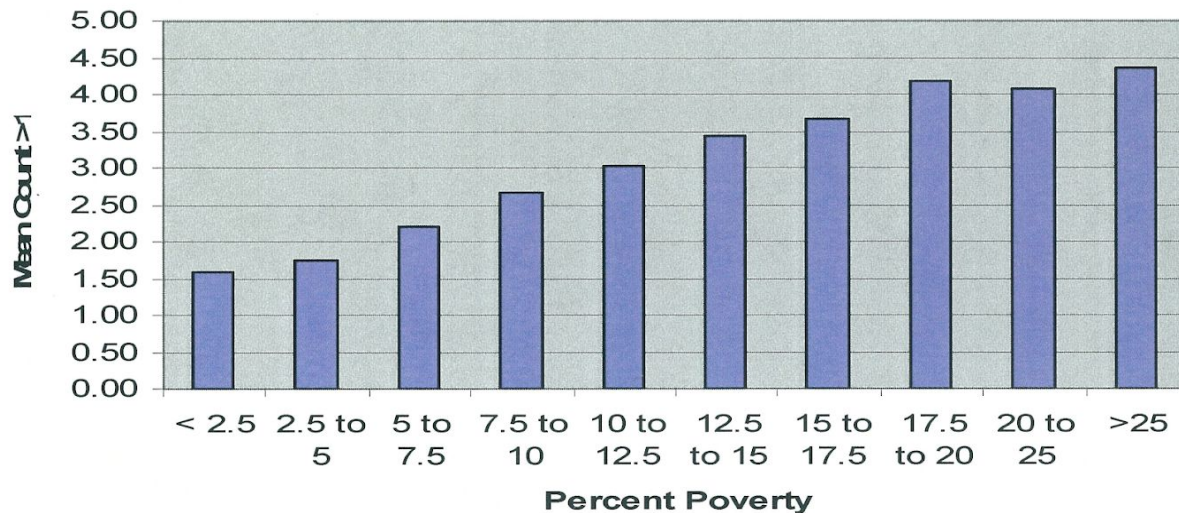
Ana Isabel Baptista, PhD,
Assistant Professor of Professional Practice
Chair, Environmental Policy & Sustainability Management Program
Milano School of International Affairs, Management & Urban Policy
The New School

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

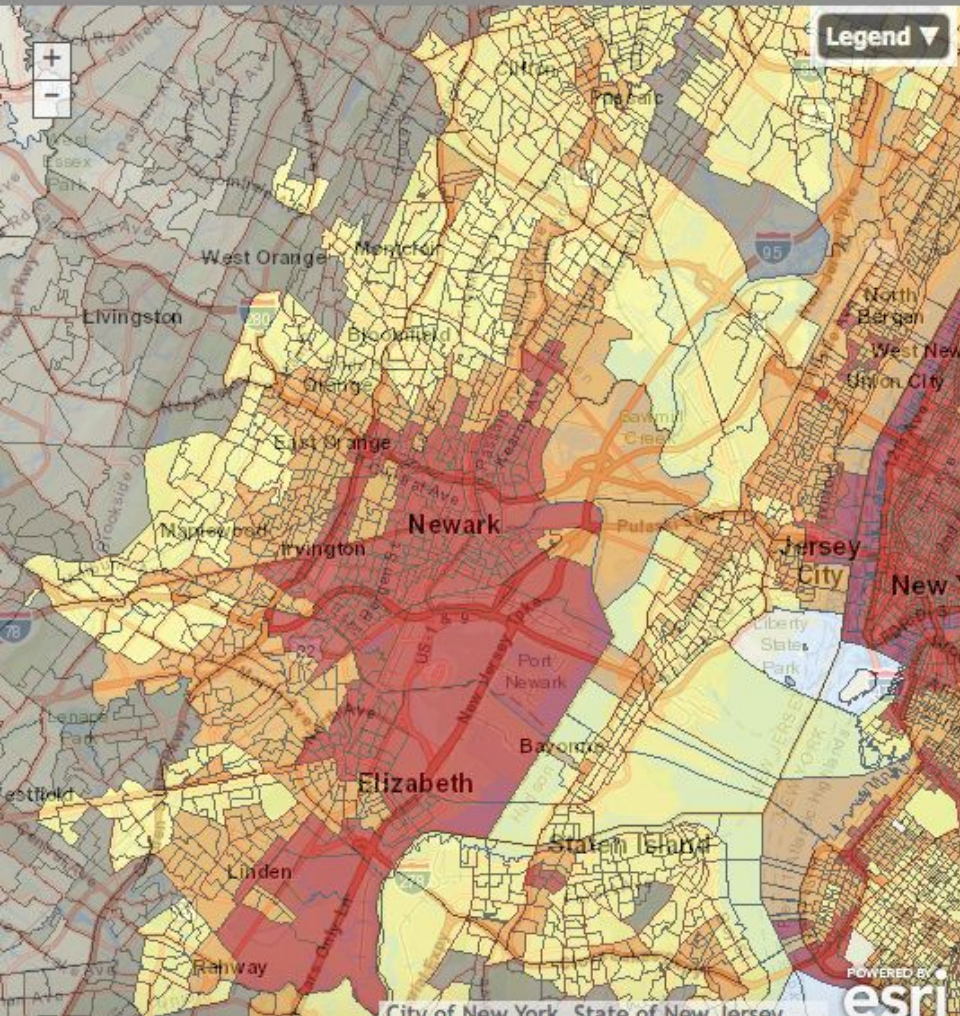


EJ & Cumulative Impacts in Newark

EPA EJSCREEN Map Comparisons

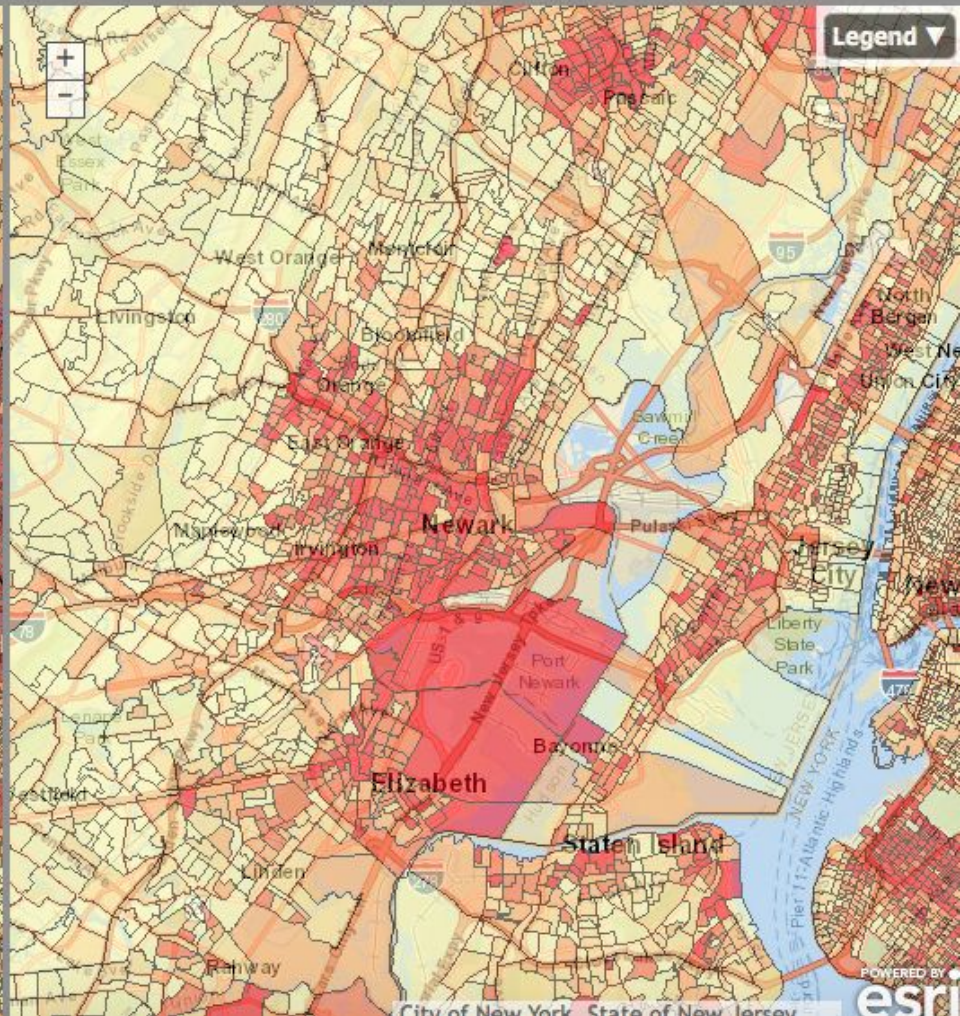
Map Data ▾

NATA* Respiratory Hazard Index National Percentiles



Map Data ▾

Pct. Ratio of Income to Poverty Level < 2 -- 2010-2014 ACS

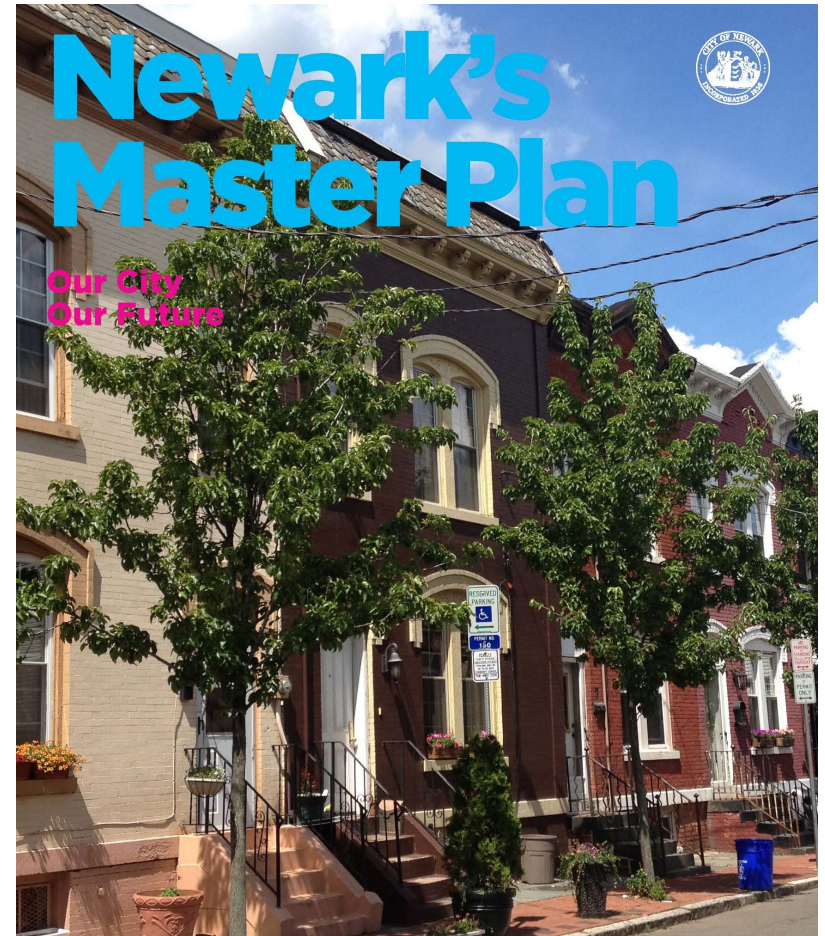


Role of Municipal Zoning & Planning for EJ

“to encourage municipal action to guide the appropriate use or development of all lands, in a manner which will promote the public health, safety, morals & general welfare.”

Power of Municipal Planning & Land Use Approaches :

- ❖ Development process – new and modified uses
- ❖ Existing uses – amortization phase outs, code enforcement
- ❖ Affirmative planning & development – master & community plans, green zones, overlays, rezoning

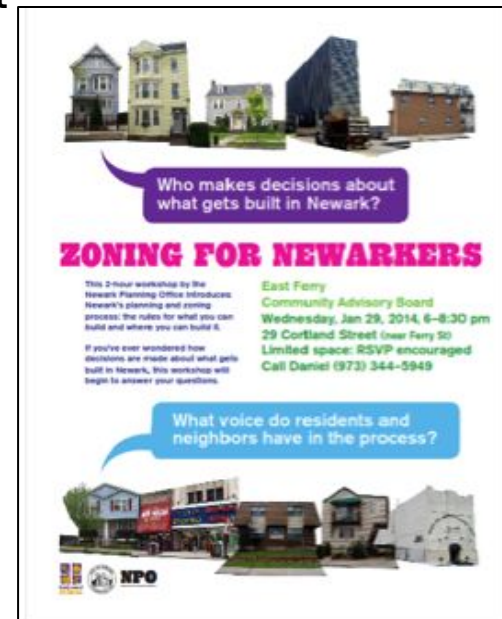
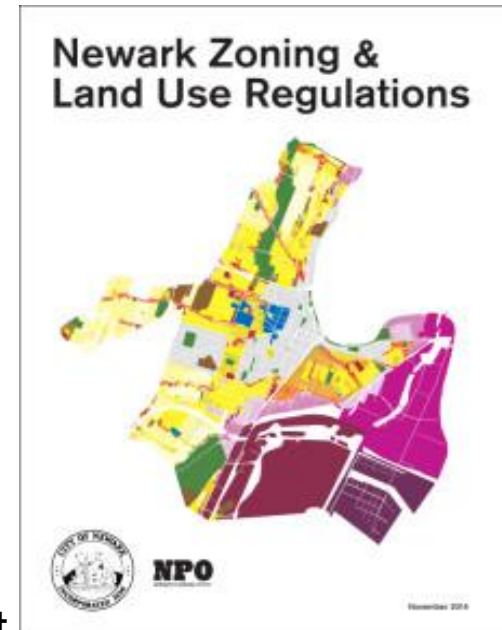


What's in Newark's Zoning Code?

- ✓ Newark's Zoning & Land Use Regulations (NZLUR) enacted March 2015 – Updated from 1954
- ✓ Two years of public process to update
- ✓ Regulates uses, design of buildings & other parts of the built environment

Some Highlights:

- Increased & modernized the conditional use list of uses
- Creates heightened noticing requirements for development applications to better inform the public
- Creates buffer zones between to protect residences from noxious industrial uses.
- Increases minimum required landscaping for parking lots & industrial sites.
- Limits on impervious coverage to lessen CSOs.
- Permits desirable uses such as community gardens & Prohibits noxious uses

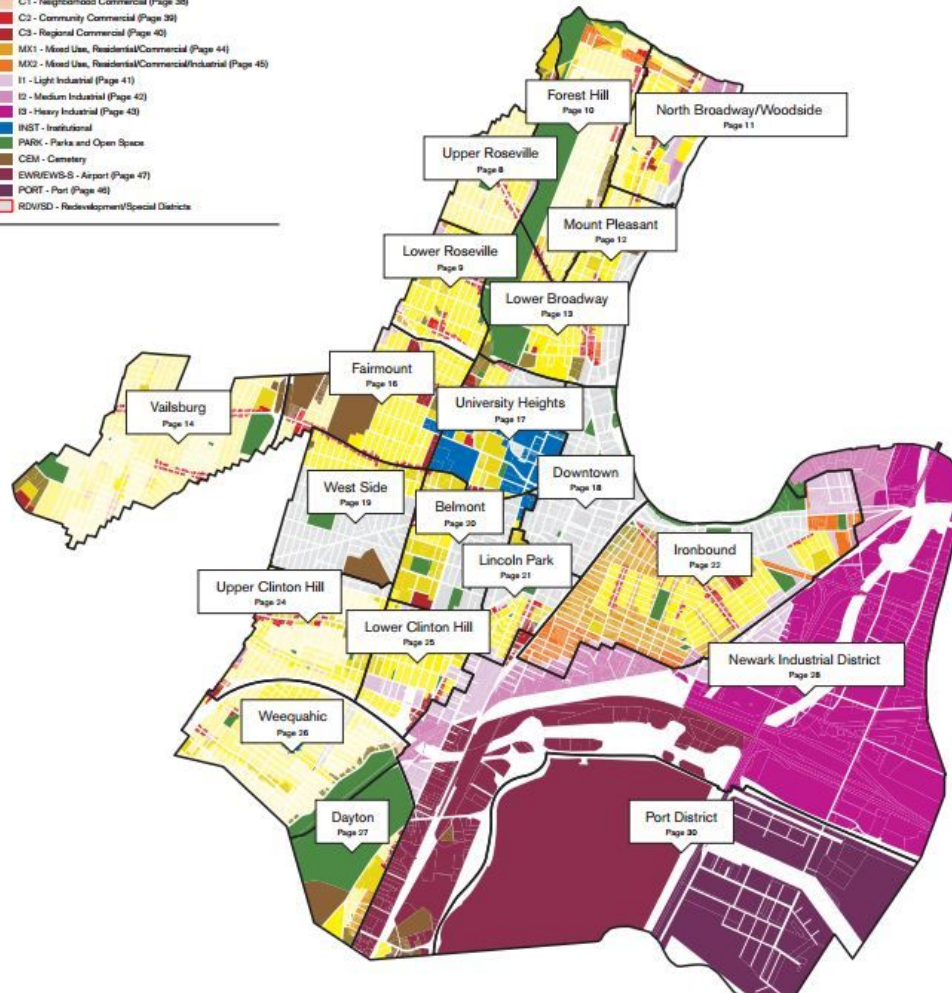


Designed to Complement Master Plan & Strengthen Newark's Zoning Ordinance

Newark Zoning Maps

Newark Zoning & Neighborhoods

R1 - Detached Single-Family Residential (Page 32)
R2 - Single- and Two-Family Residential (Page 33)
R3 - One- to Three-Family and Townhouse Residential (Page 34)
R4 - Low-Rise Multifamily Residential (Page 35)
R5 - Mid-Rise Multifamily Residential (Page 36)
R6 - High-Rise Multifamily Residential (Page 37)
C1 - Neighborhood Commercial (Page 38)
C2 - Community Commercial (Page 39)
C3 - Regional Commercial (Page 40)
MX1 - Mixed Use, Residential/Commercial (Page 44)
MX2 - Mixed Use, Residential/Commercial/Industrial (Page 45)
I1 - Light Industrial (Page 41)
I2 - Medium Industrial (Page 42)
I3 - Heavy Industrial (Page 43)
INST - Institutional
PARK - Parks and Open Space
CEM - Cemetery
EWREWS - Airport (Page 47)
PORT - Port (Page 48)
ROVSD - Redevelopment/Special Districts



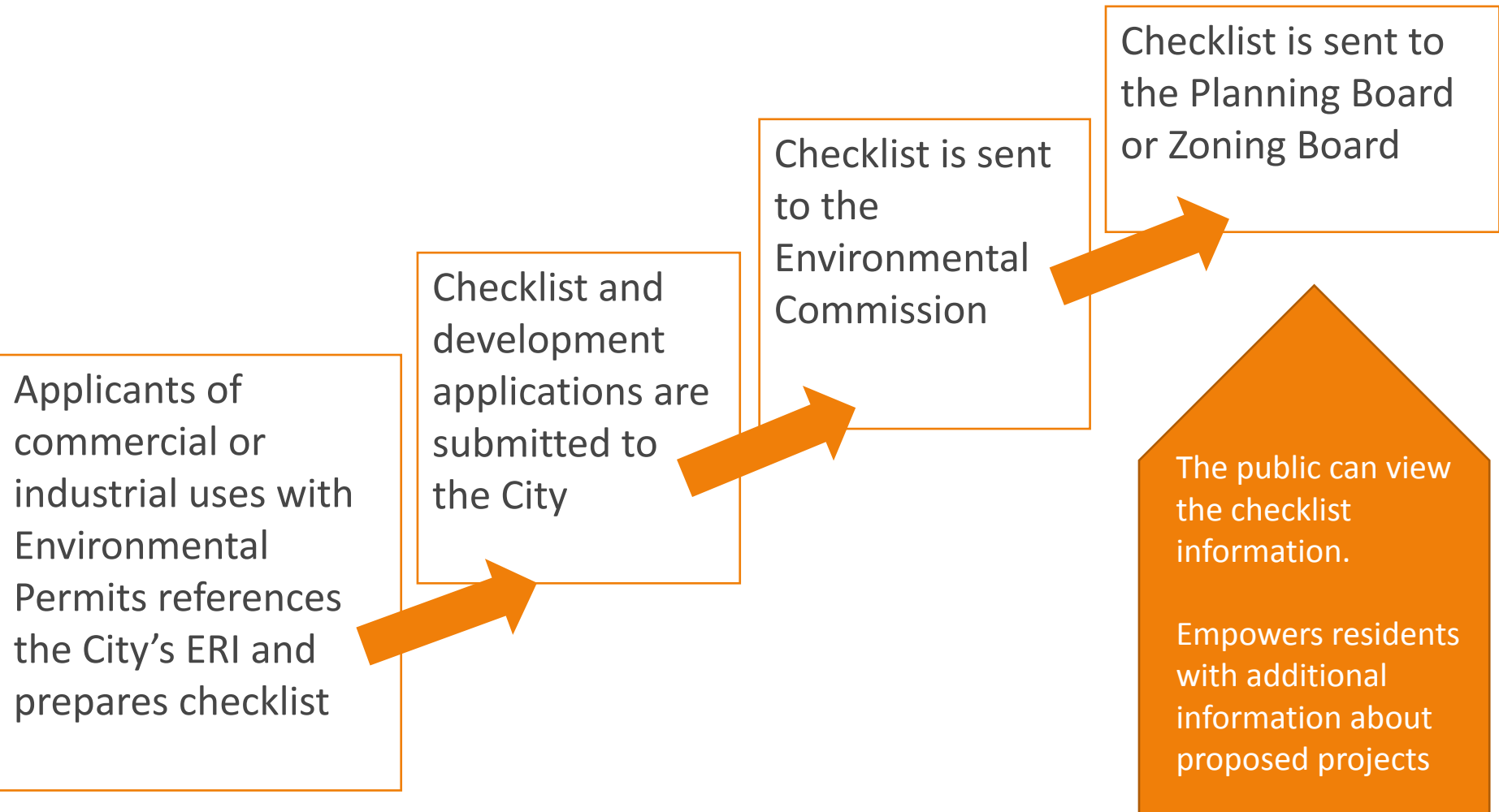
Three pronged approach:

1. Master plan, Re Zoning, Development Process
2. Inclusion of EJ in Master Plan Sustainability Element
3. Strengthen Zoning to make unwanted land uses prohibited, conditional

"No variance or other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance."
N.J.S.A. 40:55D-70(d).

How does the Ordinance Work?

Empowers planning and zoning boards with additional information pertaining to the proposed development's potential environmental impact within the context of existing neighborhood conditions.



Cynthia Mellon, MA
Co-Chair Newark Environmental Commission

Advancing Policy Through Advocacy & Community Organizing

- ❖ The Transition Committee on Environment and Sustainability recommended ***Cumulative Impacts*** be passed in the Mayor's first 100 days.
- ❖ Support from the **Environmental Commission**
- ❖ Organized residents around Problem & Policy
- ❖ Advocated & Educated City Agencies
- ❖ Tensions between development & environmental review



100 Days
of Believing in
NEWARK
Report and Documentary

Promotes Transparency & Greater Input from Community



- ❖ It allows the public and city officials to be fully informed of a proposed projects' potential and burdens on the local community.
- ❖ The Ordinance requires new industrial or commercial projects with environmental permits to provide a detailed set of information about their potential to impact the local environment & quality of life

Priority EJ Issues For Newark

Snapshot of Checklist

- Truck Trips (Diesel Pollution)
- Particulate from other sources
- Vehicle Idling
- Tree Cover
- Impervious Surface

Cover Sheet:

- Name of applicant entity
- Contact information
- Location of proposed project
- Summary project description
- Existing land use at project site
- Requested variance (if any)

Basic Environmental Checklist:

- List of permits & approvals needed
- Dimensions (size of operation)
- Total project cost
- Activities with environmental impact
 - Type and quantity of air emissions
 - Type and quantity of groundwater emissions
 - Type and quantity of substances used/stored
 - Estimated truck trips per day
- Environmental Mitigation Activities
 - Pollution reduction technology
 - Stormwater management
 - Waste minimization or re-use programs
 - Etc.

Resources

Model Cumulative Impacts Ordinance,

- <http://www.tesu.edu/watson/institute/documents/>

Newark EJCI Ordinance (Ordinance #16-0803),

- <https://newark.legistar.com/>

New Jersey Environmental Justice Alliance,

- <http://njeja.org>

Ironbound Community Corporation,

- <http://ironboundcc.org>

Newark Environmental Commission,

- <http://planning.ci.newark.nj.us/environmental-commission/>



Photo Courtesy of Ironbound Community Corp.