

Environmental Justice/Cumulative Impacts Ordinance (EJCI)

FAQ

What is the purpose of the EJCI ordinance?

- To provide environmental information that is not currently required be submitted to the City as a necessary part of applications for any Commercial or Industrial use in a Commercial or Industrial zone that require state or federal environmental permits. This enhanced information will assist the Planning and Zoning Boards, the Environmental Commission, and City Departments in their review of the application.

What does the EJCI ordinance require?

- The City is required to develop of an Environmental Resource Inventory (ERI), which will establish a baseline of environmental assets (resources) and hazards. (Many communities throughout New Jersey currently have such inventories.) This is instrumental in understanding how a new proposal might benefit/harm the existing environment we live in. The ERI will be developed with resources from the USEPA Region 2, Ironbound Community Corporation, New Jersey Environmental Justice Alliance, and the Association of NJ Environmental Commissions under the leadership of the Newark Environmental Commission
- The EJ Form (Checklist) created, as a part of the ordinance, will be filled out by a development applicant. Any proposed Commercial or Industrial use in a Commercial or Industrial zone who also requires a federal, state or county environmental permit(s) would need to submit this form along with their development application to the city. There are two Forms, an abbreviated form for commercially zoned projects and a longer form for industrial zoned proposals.
- This information required on the EJ Form is standard information that is typically shared with the New Jersey Department of Environmental Protection or the US EPA when applying for environmental permits. Applicants preparing the short or long EJ Form can also reference the City's Environmental Resource Inventory.
- EJ Forms are submitted to the Environmental Commission and the Planning Board or Zoning Boards for review.
- The EJ Form is an opportunity for applicants to share information about their proposed project. Again, this information is standard information that is typically shared with the New Jersey Department of Environmental Protection or the US EPA when applying for environmental permits. The forms provide an opportunity for the City to also have access to this basic information about the proposed development.

How does the ordinance impact community and economic development for Newark?

- The ordinance is an information tool for the City and the community to be better informed about the kinds of development being proposed and better inform the Environmental Commission, the Zoning and Planning Boards' decision making processes. This is not a deterrent to development, but rather an additional level of public transparency and accountability.
- The Form will help to highlight the potential environmental impacts both positive and/or negative that new industrial development might bring to the area, so that the Environmental Commission and the Zoning and Planning Boards are able to make well-informed decisions
- The Form is particularly useful at the level of the Zoning Board for conditional and prohibited uses – where the zoning board can consider it as part of their beneficial vs. burden calculation in weighing the merits of a proposed project as well as utilize the ERI as a resource in decision making

Who is responsible for carrying out the ordinance?

- The Form will become part of the zoning/planning board application package for applicable development projects (Commercial and Industrial zone applicants with Environmental Permitting).
- The Environmental Commission will review the EJ forms, offer applicants the opportunity to make presentations and subsequently submit their letter recommendations to the Planning or Zoning Boards' consideration. This increases transparency and community participation. The Commission will issue their recommendations to the planning/zoning board with regards to the proposals.
- The US EPA Region 2 Environmental Justice Office, the New Jersey Environmental Justice Alliance, the Clean Water Fund, the Ironbound Community Corporation, and the New School University have all agreed to lend technical support to the Environmental Commission in the review of applicant forms and the development and update of the ERI.

Where does the city stand on the ordinance?

- July 2014: Mayor Baraka supports the passing of the cumulative impacts ordinance in his 100 Day report
- May 2015 Newark City Council Presentation and support given
- June 3, 2015 Newark Environmental Commission votes to support
- Support from the Department of Economic Development and the Health Department

What the ordinance does or does not?

- The ordinance requires environmental information for the purpose of informing the public and supporting decision-making by Boards.

- It does not mandate, require, or set any thresholds that would trigger a “YES” or “NO” vote.
- The ordinance does not impact residential application
- The ordinance requires only Commercial or Industrial use in a Commercial or Industrial zone applicants that also require a federal, state or county environmental permit(s) to fill out the Form(s)
- The ordinance does compliment the newly implemented Master Plan and Zoning Ordinance for Newark as it aligns with the goals of creating sustainable development opportunities and increased transparency in the development and planning process within the City.
- The ordinance will not slow down the development process. Many development applications are currently reviewed by the Environmental Commission without set guidelines for the review process. This ordinance can help streamline and standardize the existing ad hoc review process and ensure that all parties involved, particularly applicants, have a clear set of guidelines and rules. Certainty is always good business.