



News ▶ [Circular Economy](#)

Day 2 of NERC's Fall Conference Talks New Jersey's Environmental Justice Law, Communities and Solar Panel Recycling

Posted
October 14, 2021

The second day of NERC's Virtual Fall Conference kicked off once again with a welcome from Lynn Rubinstein, Executive Director of NERC, and a callout to the Government Recycling Demand Champions, including the Advocates (City of Middletown, CT, and R4 New Hampshire) and the State Recycling Organization Advocates (Association of New Jersey Recyclers, Louisiana Recycling Coalition, NYSAR and OSD).

New Jersey's Environmental Law

Then the discussion turned to Environmental Law, a session moderated by Terri Goldberg, Executive Director, NEWMOA. Matthew Karmel, Environmental Lawyer for Riker Danzig Scherer Hyland & Perretti LLP covered the *Content of NJ's Environmental Justice Law*. Providing an overview of the law, he said that it requires the submission of environmental justice impact statement and public hearing for any application for a permit to expand, construct or renew the authorization to operate a covered facility. Environmental justice impact statement identifies existing public health and environmental stressors in the community, The New Jersey DEP reviews the environmental justice impact statement, along with the other relevant information, to determine whether there is a disproportionate impact from environmental and public health stressors that cannot be avoided through additional controls. And if there is a disproportionate impact that cannot be avoided for a new facility, DEP will deny the application unless there is a compelling public interest. If compelling public interest, permit may be granted with conditions. For renewals and expansions, DEP can only apply additional conditions but cannot deny a permit. In other words, do you have a covered facility? Is it located in an overburden community? It looks at existing environmental health and justice and sees if there is a disproportionate impact for a new facility and if so, the DEP will deny the permit because of the negative impact. They can apply conditional conditions if needed. Karmel also went over the timeline of the New Jersey Environmental Justice law: September 2020 law signed into effect and from October 2020 to June 2021 DEP held a series of stakeholder meeting to discuss implementing regulations. They needed to understand what is at stake and created detailed regulations and proposals to allow the complicated law to be put into place. September 2021 – DEP issues Administrative Order to implement spirit of law pending regulations. The adoption process is likely to take 6 to 12 months, at which time law is full effective.

SPONSOR

The key concepts protect the overburdened communities. They are usually low-income, minority, limited English proficiency; subject facilities; covered permit or renewing. One in eight types of facilities are major sources of air pollution, incinerators or resource recovery facilities, large sewage treatment plants, transfer stations and solid waste facilities, recycling facilities receiving at least 100 tons of recyclable material per day, scrap metal facilities, landfills, or medical waste incinerators. There are 31 different stressors to be evaluated as part of EJ Impact Statement. These can include air pollution, water pollution, industrial sites, other (drinking water quality, age of housing, lack of open space, impervious cover, lack of tree canopy) Disproportionate impact determination based on multi-level statistical analysis, but analysis is holistic. Potential Permit Conditions – Hierarchy is to Avoid (instead of cutting down trees could make no change or plant additional trees, instead of paving a new parking lot could make no change or building lot using permeable paves, remove impervious elsewhere onsite), Minimize (all electric fleet and state of the art/best available control technology) and Go Offsite (facilitate electrification somewhere else, another facility/transit, other stressors including from highest to lowest – impervious trees, contaminated sites, CSO, net environmental benefit – address other stressors). He covered how long the process is going to take, which is a minimum of 105 days in parallel with other process. Public hearing is 60 days in advance notice, Permit decision – NJDEP can issue permit 45 days after public hearing, but timing may depend on information provided by facility. In the meantime,

there are six bullets that the DEP is going to try to implement. This applies to covered facilities in overburdened communities. 1) Strongly encourages each facility to engage directly with individuals in the overburdened community in advance of, and in addition to, formal public comment, including providing relevant information related to facility-wide impacts, 2) Authorizes the department to apply special permit conditions as it may be necessary to avoid or minimize environmental or public health stressors, 3) The order takes effect immediately and applies to all existing permit applications with open and unexpired public comment periods. The order also reserves the Department Authority to apply terms of the order to permit applications with closed or expired public comment periods, 4) Requires the facility to respond to and address the concerns raised by individuals in the overburdened community and to conduct any additional analysis that the department deems necessary for review, 5) Strongly encourages each facility to engage directly with individuals in the overburdened community in advance of, and in addition to, formal public public comment, including providing relevant information related to facility-wide impacts and 6) Authorizes the department to apply special permit conditions as may be necessary to avoid or minimize environmental or public health stressors . There are questions about the legality such as how will the order be applied: is it a legal exercise of DEP's authority, when will regulations be adopted to replace the order, importance of best management practice?

Next Dr. Nicky Sheats, Esq., Director, Center for Urban Environment, John S. Watson Institute for Urban Policy & Research at Kean University and Board Member of the New Jersey Environmental Justice Alliance started the discussion on *Environmental Justice and Cumulative Impacts*. He said that risks and impacts are caused by multiple pollutants, both in isolation and through their interaction with each other and social vulnerabilities. The pollutants are usually emitted by multiple sources located in the community. He said the problem is that we attempt to regulate pollutant by pollutant through individual standards, but there can be a detrimental health effects even if no individual standard is violated. There is a relationship between cumulative impact and percent minority/poverty. The issue has been worked on for a long time: in 2001-2002 – DEP proposed rule; 2007 – 2008 – the first meeting is held. Municipal policy and statewide policy were developed. NJEJA Statewide Cumulative Impacts Policy identifies environmental justice and/or overburdened communities and protects them from new sources by not allowing new permits that increase pollution, reduces existing pollution by not allowing permit renewals unless pollution would be decreased, and provide quality of life incentives for green space, nutritious and affordable food, non-polluting businesses, etc. Cumulative impacts in legislation include S1700 (Sen. Singleton), Environmental Justice Act of 2017, 2019 (Senator Booker and Rep. Ruiz), Environmental Justice for all Act of 2020 (Reps Grijalva and McEachin). National EJ Bills cover the cumulative impacts section of the EJ Act of 2017 and 2019 came from NJEJA's state policy but is slightly modified. It also mandates that applications for pollution permits be denied if there is not a reasonable certainty of no harm if the permit is granted. New Jersey's Statewide Cumulative Impacts Law key features include: 1) Definition of Over-Burdened (EJ) Communities (40% of color, 35% low income, 40% limited English proficiency); 2) If facility seeking permit would cause higher cumulative environmental and public health stressors – new permit (denied), Expansion (conditions), Renewal (conditions). He said regulations are being developed that determine the universe of stressors, determine how to compare stressors between communities, determine the geographic units of comparison.

Finally, Maria Lopez-Nunez, Director of Environmental Justice & Community Development, Ironbound Community Corporation talked about the *Role of a Community Organization in Developing New Jersey's Environmental Justice Law*. Speaking from personal experience, she said that Newark has the country's longest superfund site and largest incinerator, burning less than a mile away from the elementary school. They also have a storage treatment plant that process waste of 3,000,000 households (Newark only has 350,000 residents). There is a natural gas plant across the street, two power plants, and fat rendering plant. From the Port of Newark/Elizabeth, thousands of delivery trucks go through the neighborhood. You can stand on corner of neighborhood and see all the smokestacks. She stressed that Ironbound Community Corporation and the community cares about these impacts. We need to change the way we look at regulations – every permit was allowed to go up to its limit and exceeding it. The area is experiencing things on an industrial scale. Therefore we need cumulative law. However, we need more to be done, the law just stops the bleeding, and we need to get to the root of things, so we are not harming people, particularly low-income communities. We are seeing these concepts that we are dealing with in New Jersey on a national stage. We need to change the way industry operates so it is not just one community that is being impacted. New Jersey's law asks if you are adding to the problem and, hopefully, it stops new industry that will harm communities and prevent them from coming in.



SPONSOR

Transportation Issues

Next the conversation switched to ocean transportation issues and the impacts on recycling markets. Moderated by Reagan Bissonnette, Executive Director of the Northeast Resource Recovery Association, Bill Rooney, Vice President Strategic Development at Kuehne & Nagel, Inc. spoke about the history of the current shipping issues. He said that container shipping is 'rational' but structurally challenged: 1) commodity service, 2) capital intensive, 3) fragmented, 4) family and government ownership (close to 100 percent) prevents a shake out, 5) artificially low cost of capital, 6) largest clients well organized and exploit weakness. At the beginning of COVID everyone stopped spending thinking that the world was coming to an end. When people realized this wasn't the case, spending jumped back up, but services stayed low. Suddenly, there was a set of assets that were overcome by an increase in cargo moving—29.6 increase in volume. Inventory is way down, contributing is low inventories in imports. These things, regardless of import/export, affects entire network. Companies are still struggling to get inventory back up. He observed that the global network congestion and asset shortages continue, record rates but have they peaked? Cargo volumes expect to continue at high levels for the rest of the year into 2022 especially U.S., the U.S. is in a critical network congestion situation for vessels, ports, ramps,

trucking, chasses, and rail. It is a perfect storm and no improvement yet. COVID still an issue but on the downswing globally, nothing in the market on either supply or demand side points to any significant improvement in conditions until after Lunar New Year 2022 and probably not until mid-year 2022. Cost to buy a steel box has doubled. Truck wait times at U.S. facilities can be hours to days/weeks. Train network is also slow. This is not going away anytime soon. Factors to consider are economic activity, government spending and support, retail investor continue to be low, and rebuilding continues, inflation and supply chain issues, product spending and others.

Solar Panel Reuse and Recycling

The final talk of the day was on solar panels and how to think about their possible reuse. Moderated by Joseph Ferrante, Jr., Attorney at Law, he expressed that as of March, solar panels have been installed in New Jersey with 3.3 million watts, which means we are talking installed capacity weighs 264,000 tons—that is the scale of what we might be looking at in the next 10 to 20 years. Globally, this could be 78 million tons. There are some states that are beginning to look at this challenge, such as the New Jersey legislature in 2020.

Emmanuel Nyaleté, Board of Director at Fair Trade Recycling talked about illegal dumping in Africa and the typical e-waste problems, showing an image of boys standing on waste on the water. He stated that they are two ways to look at them: Hypothesis 1 – the junk the kids are standing on probably arrived days earlier in a sea container. The percentage of junk in the load must be very high. Import must be restricted. Hypothesis 2 – the sea junk arrived decades ago in a sea container paid for by Africa's tech sector and businesses. They claim the percentage of junk is low – even better than brand new cheap imports. Tech sector importers are Africa's best and brightest and should be encouraged to play a role in recycling, through 'takeback' and 'WEEE offsets'. There are more cell phones in Africa than in the U.S. because people are able to import the electronics that we use daily. They will buy phones and use them for 10 years. He points out that one thing Ghana has is that the supply of electricity has been lacking in demand to business and households; this includes in surrounding areas as well. Ghana started rationing electricity as a result. There is a huge demand as a result of an electronics economy—the explosion of Internet growth and used electronics equipment. Ghana is still heavily dependent on oil and waterpower, while other countries are implementing solar panels. Demand will only continue to rise in the future, and this cannot be sustained. We need to move away into cleaner energy, such as solar panels. The country is doing its best to make this achievable by providing power to more than ½ of the population by 2030 in order to drive education, healthcare, unemployment, etc. He stresses that they need to have electricity accessible and solar is the way to this. However, how do we achieve that when it is so expensive? He says the solution to this is reuse and repair. Let's not miss this opportunity to do this. Create access to electricity.



SPONSOR

Finally, Robin Ingenthron, CEO and Trevor de Young, Solar Panel Repurposing Expert at Good Point Recycling closed out the day with a discussion on upgrading and reusing solar panel materials to give them more benefit. Ingenthron says things are constantly changing. The problem that they see coming (compared to flat panel screen use) is that there is no exiting infrastructure for panel upgrades. Even when hit with hammers, they can produce more kilowatt hours in a country like Ghana than a little bit of production in Vermont. The projected life of panels is year and there is no evidence that they were deteriorating; however, they are being replaced because it is hard to site a new greenfield and people don't want to live next to solar farms, so panels get more expensive. That is going to cause the existing ones to need to be upgraded, and this results in more investment opportunities. The solar hierarchy is to 1) replace exiting panels with more efficient panels contradict REUSE, 2) expanding demand for electricity in emerging markets will increase REUSE, 3) Cost to recycle is very high so we need #2 to offset costs. End markets are industrial mineral, aluminum and ferrous metals, some German and Japanese investments in chemical recovery, currently too costly, subpanel recovery (for smaller solar panel devices). We do not want to repeat the same mistakes as 20 years ago, when we didn't understand that we could re-use cathode ray tubes. However, don't misapply TCLP test, not intended for outdoor safe solids, don't racially profile the export for reuse economy, do review solar panel procurement RFPs for 'reuse safe' language. The opportunity won't last forever and eventually these panels must be dealt with. Most of the environmental harm occurs at mining and manufacture, not disposal and extending product life to make tech affordable in emerging markets is a very good thing.

The final day of the conference will cover global re-use markets, empowering communities, and a final discussion on environmental justice. We look forward to continuing to hear these great sessions!

For more information, visit <https://nerc.org/conferences-and-workshops/agenda>.

See Day 1 wrap-up at <https://wasteadvantagemag.com/day-1-of-northeast-recycling-councils-virtual-fall-conference-covers-environmental-justice-recycling-policies-and-compostable-packaging/>.

Related News



Wake County, NC Offers Grant Funds to Keep Waste Out of the Landfill
October 13, 2021



E-Waste Recycling Company Igneo Technologies to Open First U.S. Facility at SeaPoint in the Port of Savannah, GA
October 13, 2021

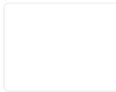


OSHA Reveals Top 10 Safety Violations for Fiscal Year 2021
October 14, 2021

SPONSOR

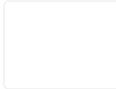


SPONSOR



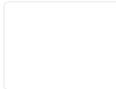
Burlington, VT Eyes Potential New Waste Drop-Off Center

October 15, 2021



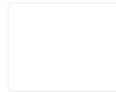
Sioux Falls, SD Survey Reveals Most Residents Want Curbside Trash Pickup, While 30% Want it Prohibited

October 15, 2021



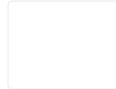
Top 5 Growth Opportunities in the Global E-waste Recycling Market

October 14, 2021



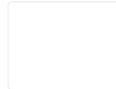
NWRA Hits Another Dead-End in Its Federal Efforts to Have Cell Phones Regulated

October 14, 2021



NWRA Files Comments with CA Agency on Proposed Rules that would Affect Permit Decisions

October 13, 2021



SWANA Congratulates Adam Ortiz on Appointment as EPA Regional Administrator

October 13, 2021

More from [Recycling](#) ▶

More from [Government & Regulations](#) ▶

Waste Advantage magazine
The Advantage in the Waste and Recycling Industry

Boasting a circulation of more than 60,000 100% qualified subscribers, **Waste Advantage Magazine** is an independent publisher with staff that has more than 100 years of experience in publishing. Printed 12X annually, **Waste Advantage Magazine** is solely dedicated to covering the solid waste and recycling industry with one publication and one price.

Our circulation delivers a blanket coverage of the industry, focusing on our key audience that consists of municipal and private sector executives and operations managers in the areas of collection, transfer stations, recycling, landfills, waste conversion and C&D activities throughout North America. Diverse content helps our audience stay informed through the latest news, best practices, equipment and technology, and a dedicated MarketPlace connects buyers and sellers of new and used equipment and services.

Pages

- Home
- MarketPlace
- Magazines
- News
- Supplier Directory

- Videos
- Subscribe
- Webinars
- Advertise
- Contact

Contact Us

Phone
1-800-358-2873

Email
info@wasteadvantagemag.com

Address

Waste Advantage Magazine

PO BOX 30126
PALM BEACH GARDENS, FL 33420

Social Media

