



# New Jersey's Environmental and Energy Future Under Governor Phil Murphy

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New Jersey's environmental and energy policies are headed in a precise, new direction under Governor Phil Murphy. In fact, following his election in November, Governor Murphy set a series of policy goals, which include: (1) enhancing usage of clean energy; (2) combating climate change; (3) addressing environmental hazards that disproportionately impact low-income communities and communities of color; and (4) safeguarding New Jersey's natural resources. Governor Murphy also formed a committee to advise him on environmental issues as he prepared to take office. This committee wasted little time and, on January 1, 2018, published an extensive report (the "Environment and Energy Report") that provides recommendations for achieving Governor Murphy's environmental and energy goals. In the short time since his inauguration, Governor Murphy has begun to implement these recommendations through executive orders and key appointments to the NJDEP. As New Jerseyans and the regulated community wait to see what this means for them, the Environment and Energy Report and Governor Murphy's actions to date may shed some light on what lies ahead.

As noted above, the Environment and Energy Report covers many topics. During his campaign, Governor Murphy focused on promoting the use of clean energy, and the Environment and Energy Report specifically identifies a goal of achieving 100% clean energy by 2050. Members of the New Jersey Legislature, including Senators Bob Smith and Richard Codey and Assemblyman Tim Eustace, have been discussing similar goals in connection with proposed legislation but, notably, some of this legislation has set its sights on achieving 100% clean energy usage by a much earlier date, perhaps even as early as 2025. The Energy and Environment Report also contains a multitude of specific recommendations for enhancing usage of clean energy including, among others, revising New Jersey's Energy Master Plan, updating building codes, and removing restrictions placed on the solar power market by former-Governor Chris Christie. The executive summary of the Environment and Energy Report also suggests that

the centerpiece of New Jersey's clean energy future is offshore wind, and Governor Murphy appears to have adopted this recommendation as evidenced by the passage of one of his first executive orders, which directs various state agencies to collaborate on the planning and implementation of "offshore wind projects for the generation of 1,100 megawatts of electric power, the nation's largest such solicitation to date." It will be interesting to see how the implementation of this project progresses, as it will involve significant logistical issues and the intersection of numerous State and federal laws.

The Environment and Energy Report also focuses on "safeguarding" New Jersey's natural resources through a variety of activities, including reconsidering recent revisions to environmental regulations, ensuring public access to beaches, promoting smart growth, and supporting the listing of the Hackensack River as a Superfund site. For instance, the report specifically suggests that Governor Murphy direct the NJDEP to reconsider recent revisions to regulations impacting the waters of New Jersey. The Environment and Energy Report also recommends that the Governor and the NJDEP conduct a thorough review of New Jersey's Licensed Site Remediation Professionals ("LSRP") program, which allows private, licensed consultants to supervise the remediation of contaminated sites. The report does not advocate for the elimination of this program, as some had feared, but it does suggest that there is room for improvement to ensure public health is protected and to make the program more efficient. New Jersey Legislators and interested stakeholders already had been discussing improvements to the LSRP program prior to Governor Murphy's election, and these talks are expected to result in proposed legislation in the coming year. Separately, the Environment and Energy Report also previews a potential shift in policy relating to Natural Resource Damages ("NRD"), recommending that the State "aggressively pursue" NRD cases to compensate for the loss of natural resources as a result of contamination and to direct monies for restoration of affected communities.

In order to carry out some of these goals, Governor Murphy has nominated Catherine McCabe as the Commissioner of the NJDEP. McCabe is a veteran public administrator and environmental lawyer who has spent more than twenty years working on environmental issues at the federal level for the United States Department of Justice and Environmental Protection Agency. Debbie Mans, a veteran environmental advocate and lawyer who most recently served as the head of NY/NJ Baykeeper, a water rights group focusing on the NY/NJ Harbor, has been tapped as Deputy Commissioner.

Governor Murphy and his appointees will shape the future of New Jersey's environmental and energy policy over at least the next four years. The topics discussed in the Environment and Energy Report, including the examples noted above, suggest a new direction for New Jersey, as well as the potential for expansion of environmental regulation and enforcement activities.

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