



# State of New Jersey

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

OFFICE OF THE COMMISSIONER  
Office of Permitting & Project Navigation  
401 East State Street

P.O. Box 402, Mail Code 401-07  
Trenton, New Jersey 08625-0402  
Tel. (609) 292-2885 • Fax (609) 292-7695  
[www.nj.gov/dep](http://www.nj.gov/dep)

**PHILIP D. MURPHY**  
*Governor*

**SHAWN M. LATOURETTE**  
*Commissioner*

**SHEILA Y. OLIVER**  
*Lt. Governor*

February 24, 2023

Mr. Jimmy Dabrowski  
NAACP Perth Amboy Area Branch  
PO Box 675  
Perth Amboy, NJ 08862

RE: Competitive Power Ventures, Inc. (CPV)  
Proposed Keasbey Energy Center, Woodbridge Twp., NJ  
Title V Air Permit Application  
AO2021-25 Hearing Concerns

Dear Mr. Dabrowski,

The Department of Environmental Protection (Department) is in receipt of your letter dated January 31, 2023, concerning the above-referenced matter, appreciates your engagement on behalf of local community members, and acknowledges your concerns with the notice provided by CPV of the public hearing to be held on February 28, 2023, in accordance with the Administrative Order 2021-25 (AO 2021-25).

Although the Title V air permit application for the proposed project (which was submitted on August 31, 2016 and deemed administratively complete on October 15, 2017) predates the 2020 enactment of New Jersey's Environmental Justice Law, N.J.S.A. 13:1D-157, and its implementing regulations that are pending final adoption, the Department is reviewing this application under AO 2021-25. This review includes Departmental consideration of environmental and public health stressors that could result in adverse impacts upon the overburdened community were the regulated activity approved.

Under AO 2021-25, the applicant is required to: (1) hold a dedicated public hearing, with at least thirty (30) days advance notice, to present a summary of project to members of the host community; (2) provide a written comment period of no less than sixty (60) days with a minimum of thirty (30) days post-hearing; and (3) provide to the Department a written transcript and recoding of the public hearing and a written response to all comments received both at the public hearing and during the public comment period. Upon review of this information, the Department would assess compliance with regulatory standards and any additional measures proposed by the applicant to reduce potential adverse impacts to environmental and public health

stressors in the host community. This information and review will aid the Department in determining whether to approve, subject to appropriate conditions, or deny the application.

Additionally, the Department has reviewed the concerns outlined in your letter and provides the following clarifications:

1.) Incorrect years listed on the notice:

The Department recognizes that the originally posted notice contained a typographical error listing the date of the hearing as 2/28/22 rather than 2/28/23. This issue was identified and corrected on the date of issuance of the notice on the Department's website. In addition, the notice that was published by the applicant contained the correct hearing date. Please see corrected notices at: <https://cpv.com/2023/01/18/public-notice/> and <https://dep.nj.gov/ej/meetings/>.

2.) The link provided does not direct user to the document:

The Department confirmed that the link provided within the body of the public notice does direct users to the notice, which then contains links to the air permit application and its associated appendices, which can be found here <https://www.cpv.com/2023/01/18/public-notice/>.

3.) Printed copies of application not available:

CPV informed the Department that hard copies were made available at the Woodbridge Municipal Building; however, all copies were distributed at the time of your inquiry. CPV has informed the Department that, as of February 3, 2023, additional copies were sent to the Woodbridge Municipal Building. Per CPVs Public Notice, "[p]rinted copies are also available upon written or electronic request from: External Affairs Competitive Power Ventures 50 Braintree Hill Office Park #300 Braintree, MA 02184." Additionally, copies of the air permit application are available online at the links noted above.

4.) Time period for notice of the hearing (41 days):

The Department recognizes the concern raised; however, AO 2021-25 does not require 60-days' notice prior to a hearing. Rather, AO 2021-25 ensures at least a 60-day public comment period. At this time, the written comment period extends until March 31, 2023.

5.) Newspaper Notices – two newspapers/non-English newspaper

Although CPV could not identify a Spanish newspaper in general circulation in the overburdened community, CPV published the notice in the Courier News and on its own website. In addition, a Spanish translation of the notice were published on the Department's webpage. <https://dep.nj.gov/wp-content/uploads/ej/cpv-keasbey-notice-esp-20230228.pdf>

6.) Software Platforms:

The Department recommended that CPV utilize either Microsoft Teams or ZOOM to conduct the public hearing. These platforms have been used successfully for numerous virtual sessions over the last several years.



7.) In-person hearing:

While the proposed rules would require both in-person and virtual hearing options be provided, the Department has allowed applicants to conduct virtual hearings under AO 2021-25.

8.) Non-English virtual options:

The Department recognizes non-English options for listening or commenting during the virtual hearings. Both ZOOM and MS Teams offer closed captioning in multiple languages. In addition, written comments are accepted in multiple languages to assure all in the community can voice their concerns.

9.) Meeting Request Denied:

The Department was unaware of NAACP's meeting request. The Department is always willing to accommodate reasonable requests for engagement from community members and their representatives. However, given the current procedural posture, we respectfully request that NAACP first attend the public hearing and, as appropriate, submit written comments so its concerns are lodged in the record.

Should you have further concerns following the conclusion of the public comment period, we invite you to contact the undersigned or our Office of Environmental Justice at 609-292-2908 or [environmentaljustice@dep.nj.gov](mailto:environmentaljustice@dep.nj.gov).

Sincerely,



David Pepe, P.G., Director  
Office of Permitting & Project Navigation

c: Kandyce Perry, Director, NJDEP Office of Environmental Justice  
Frank Steitz, Director, NJDEP Division of Air Quality

