



State of New Jersey

Department of Environmental Protection

Air Quality, Energy and Sustainability

Division of Air Quality

Bureau of Stationary Sources

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ACTING COMMISSIONER

March 23, 2021

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Andrew Urquhart

Manager

Competitive Power Ventures

50 Braintree Hill Office Park, #300

Braintree, MA 02184

Re: FOURTH NOTICE OF TECHNICAL DEFICIENCIES: TITLE V SIGNIFICANT MODIFICATION

Woodbridge Energy Center (Keasbey Energy Center Project)

Permit Activity Number: BOP160004

Program Interest Number: 18940

Application Submitted August 21, 2016

Dear Mr. Urquhart:

The Department received your December 18, 2020 letter in response to the Department's Third Notice of Technical Deficiencies ("Third Notice") for the above referenced Title V Significant Modification application submitted by Woodbridge Energy Center ("WEC"). The Department's Third Notice identified three areas where your application is incomplete: the emission offset demonstration, air dispersion modeling, and miscellaneous information in the project's RADIUS application. The Department required WEC to correct these deficiencies within 30 days. At your request, the Department granted a 90-day extension to provide the required information.

Regarding the required emission offset demonstration, the Department in its Third Notice said:

Submit a complete emission offset demonstration in compliance with N.J.A.C. 7:27-18. As noted above, the CER02 form requests the information necessary. If you choose not to utilize the CER02 form, please provide all equivalent information so that the Department can determine compliance with the emission offset rules. In addition to the specific, technical information requested, the CER02 form includes signature lines for both the buyer and seller of credits identified on the transfer form. These signatures are required to ensure that the credits specified to be applied have been committed to the project and prior to operation,

will be secured. This requirement may be satisfied if you provide a certification by a responsible corporate official that the specified offsets are to be and will be applied to the project and will be secured prior to operation.

The Department's October 29, 2020 letter extending the deadline for CPV to respond the Third Notice (Extension Letter) further said:

If you choose not to utilize the CER02 form, you must provide all equivalent information so that the Department can determine compliance with the emission offset rules. If you choose to submit a certification by a responsible corporate official, the official must certify to the equivalent information in the CER02 form. In lieu of the seller's signature, the responsible corporate official must specify the offsets, and must certify that the specified offsets are to be and will be applied to the project and will be secured prior to operation.

Your December 18, 2020 letter in response said:

Prior to the air permit being issued draft for public comment, CPV will provide certification by a responsible corporate official that specifies the offsets that the project will secure prior to operation.

This response is deficient. As stated in the Department's October 29, 2020 letter, if WEC chooses not to use the CER02 form, "you must provide all equivalent information so that the Department can determine compliance with the emission offset rules." Since it appears that WEC will seek to comply by submitting a certification by a responsible corporate official, please be advised again that "the official must certify to the equivalent information in the CER02 form. In lieu of the seller's signature, the responsible corporate official must specify the offsets, and must certify that the specified offsets are to be and will be applied to the project and will be secured prior to operation." The certification, with all information required, must be provided for your application to be deemed complete.

Additionally, the required modeling remains pending. In your December 18, 2020 letter, you proposed to submit the final modeling to the Department by June 15, 2021, pursuant to the following schedule:

- Submit Single Source Air Quality Protocol to NJDEP: February 15, 2021 (submitted February 18, 2021)
- Submit Single Source Air Quality Modeling Analysis and Report to NJDEP: March 15, 2021
- Submit Multisource Air Quality Modeling Protocol to NJDEP: April 30, 2021
- Submit Multisource Air Quality Modeling Analysis and Report: June 15, 2021

WEC's request to again extend the date for completing the application is hereby granted. Under this final extension, WEC has until September 30, 2021 by which to provide all required information in the three areas determined to be incomplete in the Third Notice. The difference between WEC's proposed June 15, 2021 date to September 30, 2021 is the time needed by the Department to review and approve each of the submissions. As the application has been pending and incomplete since August 21, 2016, it is subject to closure pursuant to N.J.A.C 7:27-22.3(ff) if all outstanding information is not supplied by September 30, 2021. If WEC believes it will be unable to supply all information by September 30, 2021, the application may be withdrawn and resubmitted when all information is available, with no prejudice to WEC.

If you have any questions regarding this matter, please call me at (609) 633-1129.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Owen". The signature is fluid and cursive, with the first name "David" and last name "Owen" clearly distinguishable.

David J. Owen
Bureau of Stationary Sources

C: A. Khan
 J. Leon
 D. Wong
 Central Regional Office
 C. Bergeron, Woodbridge Energy Center