



New Jersey Judiciary
Superior Court - Appellate Division
Civil Case Information Statement

Please type or clearly print all information.

Title in Full IN THE MATTER OF PASSAIC VALLEY SEWERAGE COMMISSION, AIR POLLUTION CONTROL OPERATING PERMIT SIGNIFICANT MODIFICATION, BOP 210002	Trial Court or Agency Docket Number N/A
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Appellant's Attorney * Email Address: **jjsmith@earthjustice.org**
dcooper@earthjustice.org (*)

☐ Plaintiff ☐ Defendant ☒ Other (Specify) **NEW PARTY**

Name JONATHAN JAMES SMITH, Esq.	Client IRONBOUND COMMUNITY CORPORATION*			
Street Address 48 WALL ST	City NEW YORK	State NY	Zip 10005	Telephone Number 212-845-7376

Respondent's Attorney Email Address: **dol.appeals@law.njoag.gov**
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☐ Plaintiff ☐ Defendant ☒ Other (Specify) **STATE AGENCY**

Name SOOKIE BAE-PARK, Esq.	Client ENVIRONMENTAL PROTECTION			
Street Address 25 MARKET ST PO BOX 112	City TRENTON	State NJ	Zip 08625-0112	Telephone Number 609-984-3900

Give Date and Summary of Judgment, Order, or Decision Being Appealed and Attach a Copy:
The New Jersey Department of Environmental Protection's April 2, 2025 Final Air Pollution Control Operating Permit Significant Modification, Permit Activity Number BOP 210002, Program Interest Number 07349 allowing the Passaic Valley Sewerage Commission to construct and operate a gas-fired power plant.

Have all the issues as to all the parties in this action, before the trial court or agency, been disposed? (There may not be any claims against any party in the trial court or agency, either in this or a consolidated action, which have not been disposed. These claims may include counterclaims, cross-claims, third-party claims, and applications for counsel fees.) ☒ Yes ☐ No

If outstanding claims remain open, has the order been properly certified as final pursuant to R. 4:42-2? ☐ Yes ☐ No ☒ N/A

A) If the order has been properly certified, attach copies of the order and the complaint and any other relevant pleadings to the order being appealed. Attach a brief explanation as to why the order qualified for certification pursuant to R. 4:42-2.

B) If the order has not been certified or has been improperly certified, leave to appeal must be sought. (See R. 2:2-4; 2:5-6.) Please note that an improperly certified order is not binding on the Appellate Division.

If claims remain open and/or the order has not been properly certified, you may want to consider filing a motion for leave to appeal or submitting an explanation as to why you believe the matter is final and appealable as of right.

(*) truncated due to space limit. Please find full information in the additional pages of the form.

Were any claims dismissed without prejudice?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If so, explain and indicate any agreement between the parties concerning future disposition of those claims.	
Is the validity of a statute, regulation, executive order, franchise or constitutional provision of this State being questioned? (<i>R. 2:5-1(b)(4)</i>)	
Give a Brief Statement of the Facts and Procedural History: This appeal arises from the New Jersey Department of Environmental Protection's ("NJDEP's") permitting of a new gas-fired power plant at the wastewater treatment facility of the Passaic Valley Sewerage Commission ("PVSC"). On July 27, 2019, NJDEP sent notice to Petitioner Ironbound Community Corporation ("ICC") that the Department had received PVSC's air permit renewal application. On January 21, 2021, NJDEP sent notice to Petitioner ICC that the Department had received a subsequent application from PVSC to modify its air permit to allow the construction and operation of the gas plant. On August 29, 2024, NJDEP published a draft of the modified permit to allow the gas plant, and NJDEP published the final permit modification on April 2, 2025. PVSC's 2019 permit renewal application remains pending.	
To the extent possible, list the proposed issues to be raised on the appeal as they will be described in appropriate point headings pursuant to <i>R. 2:6-2(a)(6)</i> . (Appellant or cross-appellant only.):	
<ol style="list-style-type: none"> 1. NJDEP exceeded its statutory authority under New Jersey's Environmental Justice Law when approving the PVSC permit modification; 2. NJDEP's decision to approve the PVSC permit modification was arbitrary, capricious, and unreasonable; and 3. NJDEP failed to renew PVSC's air permit within the 12-month deadline in NJDEP's regulations. 	
If you are appealing from a judgment entered by a trial judge sitting without a jury or from an order of the trial court, complete the following:	
<ol style="list-style-type: none"> 1. Did the trial judge issue oral findings or an opinion? If so, on what date? _____ <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 2. Did the trial judge issue written findings or an opinion? If so, on what date? _____ <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 3. Will the trial judge be filing a statement or an opinion pursuant to <i>R. 2:5-1(d)</i>? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown 	
Caution: Before you indicate that there was neither findings nor an opinion, you should inquire of the trial judge to determine whether findings or an opinion was placed on the record out of counsel's presence or whether the judge will be filing a statement or opinion pursuant to <i>R. 2:5-1(d)</i> .	
Date of Your Inquiry:	
1. Is there any appeal now pending or about to be brought before this court which:	
(A) Arises from substantially the same case or controversy as this appeal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(B) Involves an issue that is substantially the same, similar or related to an issue in this appeal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If the answer to the question above is Yes, state:	
Case Title	Trial Court Docket#
Party Name	
2. Was there any prior appeal involving this case or controversy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If the answer to question above is Yes, state:	
Case Name and Type (direct, 1st PCR, other, etc.)	Appellate Division Docket Number
Civil appeals are screened for submission to the Civil Appeals Settlement Program (CASP) to determine their potential for settlement or, in the alternative, a simplification of the issues and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question. A negative response will not	

necessarily rule out the scheduling of a preargument conference.

State whether you think this case may benefit from a CASP conference.

☐ Yes ☒ No

Explain your answer:

This appeal involves an agency final permit action that is unlikely to be resolved through settlement.

Whether or not an opinion is approved for publication in the official court report books, the Judiciary posts all Appellate Division opinions on the Internet.

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

IRONBOUND COMMUNITY CORPORATION

Name of Appellant or Respondent

JONATHAN JAMES SMITH, Esq.

Name of Counsel of Record
(or your name if not represented by counsel)

05/14/2025

Date

s/ JONATHAN JAMES SMITH, Esq.

Signature of Counsel of Record
(or your signature if not represented by counsel)

356682021

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New Jersey Judiciary
Superior Court - Appellate Division
CIVIL Case Information Statement

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☐ Plaintiff ☐ Defendant ☒ Other (Specify) **NEW PARTY**

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Additional respondents continued below

Additional parties continued below

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