

August 6, 2024

VIA EMAIL AND CERTIFIED MAIL

The United States Environmental Protection Agency
Michael S. Regan, Administrator
Office of the Administrator
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460
Mail Code 1101A
Regan.Michael@epa.gov

Lisa F. Garcia, Region 2 EPA Administrator
290 Broadway
New York, New York 10007-1866
garcia.lisa@epa.gov

Shawn M. LaTourette,
NJ DEP Commissioner
401 E. State St.
7th Floor, East Wing
P.O. Box 402
Trenton, NJ 08625-0402
Phone: (609) 292-2885

Governor Phil Murphy
Office of Governor Phil Murphy
225 W State St
Trenton, NJ 08625

Attn: Joris Veldhoven, CEO
Atlantic Shores Offshore Wind LLC
3711 Boardwalk
Atlantic City, NJ 08401

Attn: Joris Veldhoven, CEO
Atlantic Shores Offshore Wind LLC
Dock 72 Way
Brooklyn, NY 11205

**Re: Notice of Intent to Sue for Proposed Approval of EPA Air Permit, OCS-EPA-R2 NJ 02,
violations of the Class I Area PM 2.5 24-hour standard**

Dear Administrator Regan:

This Law Office represents Dr. Robert Stern and Save Long Beach Island, Inc. (“SLBI”), whose members live and/or own property in New Jersey, and particularly on and within close proximity to Long Beach Island. The members of SLBI will be affected by the proposed Atlantic Shores Offshore Wind, LLC wind energy project (“Atlantic Shores”). This proposed permit approval is of particular concern to SLBI because many of its members frequent the Brigantine National Wilderness Area, in particular the area on southern Long Beach Island. They do not want to see its unique environment degraded by air contaminants.

Dr. Robert Stern and SLBI hereby provides notice of its intent to sue the Environmental Protection Agency (“EPA”) and Atlantic Shores Offshore Wind LLC (“Atlantic Shores”) pursuant to 42 U.S.C. § 7604(a)(1) of the Clean Air Act. Accordingly, this Notice of Intent to Sue and its attachment provide the requisite information stipulated by 40 CFR 54.3(b). When EPA approves Atlantic Shores’ Clean Air Act permit, OCS-EPA-R2 NJ 02, such approval will be arbitrary and capricious because Atlantic Shores pile driving related emissions will contravene the Class I Area PM 2.5 24-hour standard for the Brigantine Wilderness Area in NJ. Dr. Robert Stern of SLBI has delineated the details of these violations in the **attached report**, which has already been submitted as a public comment in connection with this air permit proposal. **All of the contents of that attached report should be deemed incorporated by reference into this Notice of Intent to Sue cover letter.**

In short, the Brigantine National Wilderness Area (“BWA”) is a unique, unspoiled area with stringent limits on air-quality related degradation, including a 24-hour fine particulate, PM 2.5, incremental limit of 2 micrograms per cubic meter (2ug/m³) concentration. That limit is based on a three-year average of the higher concentrations for each year. Inter alia, the permit application erroneously performs the emission averaging, and due to improper methodology, arrives at a result that underestimates the emissions on a daily and yearly basis. Rather than asserted average of 0.69 µg per cubic meter (ug/m³) in Atlantic Shores’ documents, the actual value should be at least 2.1 µg / m³, which exceeds the upper limit of 2 µg / m³ stipulated by the regulations. 40 CFR 52.21. When EPA approves the aforesaid CAA permit for Atlantic Shores, such permit will be violative of the PM 2.5 standards. Atlantic Shores will be in violation of the CAA, as will EPA, for arbitrarily approving the permit.

In accordance with 40 CFR 54.3(b), the full name and address of the individual giving the notice is:

Dr. Robert Stern – President, Save Long Beach Island
Save Long Beach Island, Inc.
P.O. Box 2087
Long Beach Township, NJ 08008



LAW OFFICE OF
THOMAS STAVOLA JR, LLC

Law Office of Thomas Stavola, Jr., LLC
209 County Road 537, Colts Neck, NJ 07722
P: 732-539-7244 E: tstavolajr@stavolalaw.com

Moreover, pursuant to 40 CFR 54.2, this notice and its attachment will be served on: 1) the EPA Administrator, 2) the EPA Region 2 Administrator, 3) the Commissioner of the NJ DEP, 4) the Governor of the State of NJ, and 5) Atlantic Shores.

Be advised that if EPA approves the aforesaid air permit for Atlantic Shores, Dr. Stern on behalf of SLBI will commence a lawsuit in the appropriate jurisdiction. Thank you for your careful attention to this matter.

Respectfully submitted,

/s/ Thomas Stavola, Jr. Esq.

Thomas Stavola, Jr., Esq.
Law Office of Thomas Stavola, Jr., LLC
209 County Road 537
Colts Neck, NJ 07722
E: tstavolajr@stavolalaw.com
P: 732-539-7244

CC: Dr. Robert Stern; David Hubbard, Esq.