



NEW YORK STATE SENATOR

Jen Metzger

## Senator Metzger Introduces Bill to Deny DEC Permits for Corrupt Corporate Behavior as Department Weighs CPV Permit Application

JEN METZGER March 3, 2020

| ISSUE: **CPV**



**Albany, NY...** Senator Jen Metzger (SD-42) today announced the introduction of a bill ([S7895](#)) seeking to deny environmental permits to companies if corruption was involved in the permitting process, even if related to an earlier permit. The Wawayanda-based power plant owned by Competitive Power Ventures, Inc. (CPV) is currently between air quality permits and awaiting a decision by the NYS Department of Environmental Conservation (DEC) on a Title 5 air quality permit.

The legislation authorizes the DEC to suspend or deny a permit if a company's directors or officers have been convicted of a criminal offense relating to the permitting process that involved fraud, bribery, perjury, an offense against public administration, or conspiracy to commit any such offense.

In 2018, a high-level company official, Peter Galbraith Kelly, Jr., who served as Vice President for External Affairs, was convicted for giving a low-show job to the wife of a state official, Joseph Percoco, during the permitting process for the power plant. Kelly was given a 14-month prison sentence for his role in the corruption case. Percoco received a six-year sentence.

That same year, the DEC denied renewal of CPV's state air quality permit, requiring instead that the company apply for the more stringent federal Title 5 permit. At the July 2019 public hearing on the permit application in Middletown, Senator Metzger called on the Department to deny the new permit on the basis of the corruption that tainted the original permitting process, as well as on the impacts of the power plant's operation to public health and the environment. The DEC is currently reviewing public comments on CPV's application and has yet to make a decision on the permit.

"CPV engaged in corrupt behavior to win favorable treatment from the government, and must be held accountable for its actions," **said Senator Metzger.** "A company whose executives violate the public trust cannot be counted on to provide accurate information or adhere to the letter and spirit of regulations. I urge my colleagues in the State Legislature to support this legislation and make it crystal clear that New York does not reward corrupt behavior by companies seeking to do business here."

In February and March 2019, Senator Metzger's office undertook a health impacts survey of

residents living near the power plant, and based on findings, requested an independent monitoring regime by DEC. The Department has, to date, not agreed to meet this request.

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#### RELATED LEGISLATION

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### 2019-S7895

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
- - Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
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Relates to denial or suspension of permits due to certain criminal actions of a permittee or its directors, officers or senior management

February 28, 2020

In Senate Committee [Environmental Conservation](#)

Sponsored by **Jen Metzger**

Do you support this bill?