

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re US Wind Inc. (for the Maryland Offshore Wind Project))
)
Maryland Permit-to-Construct No. 047-0248; PSD Approval No. PSD 2024-01; NSR Approval No. NSR-2024-01)
)

EPA REGION 3's UNOPPOSED MOTION FOR EXTENSION OF TIME

Pursuant to 40 C.F.R. § 124.19(g), the U.S. Environmental Protection Agency's ("EPA") Region 3, in consultation with the Office of General Counsel ("OGC"), respectfully requests that the Environmental Appeals Board ("EAB") grant an extension of time, as detailed below, for the opportunity to file a brief pursuant to the EAB's December 16, 2025 Order Affirming Board Jurisdiction ("December 16 Order") in the above-captioned permit appeal. In the December 16 Order, the EAB indicated that Region 3, in consultation with OGC, may file a brief addressing the substantive matters raised in the July 7, 2025 petition by Friday, January 9, 2026. The December 16 Order also directed the Maryland Department of the Environment ("MDE") to re-issue its notice of permit issuance and provide the correct procedures for appeal pursuant to 40 C.F.R. § 124.19 by Friday, January 9, 2026. Specifically, Region 3, in consultation with OGC, respectfully requests that the EAB extend the January 9, 2026 deadline for the opportunity to file a brief to 60 days from the time that MDE re-issues its notice of permit issuance consistent with the December 16 Order.

At the time of the issuance of the EAB's December 16 Order, several key staff and managers in Region 3's Office of Regional Counsel and OGC were scheduled to be on approved

leave through much of the time leading up to the current January 9, 2026 deadline. In addition, as the December 16 Order indicates, the EAB will accept any petitions timely filed (within 30 days pursuant to 40 C.F.R. § 124.19(a)(3)) after MDE re-issues the permit notice. In determining whether to file a brief addressing the substantive matters of the current petition and for governmental efficiency, Region 3 and OGC believe it to be critical to know whether additional petitions raising substantive concerns are filed following MDE's re-issuance of notice. This will not be known for 30 days after re-issuance. To accommodate these preexisting leave schedules and ensure adequate time for internal deliberations and briefings based on a complete picture of current and potential substantive challenges to the permit, Region 3, in consultation with OGC, respectfully requests that the EAB extend the deadline for the opportunity to file a brief to 60 days after MDE re-issues notice of the permit.

Pursuant to 40 C.F.R. § 124.19(f)(2), Region 3 contacted counsel for the Petitioners, the Respondent (MDE), and the permit applicant (US Wind). The Petitioners and U.S Wind responded that they do not oppose this motion. MDE responded that they consent to this motion. Region 3, in consultation with OGC, seeks to file this motion expeditiously and well in advance of the current due date, consistent with 40 C.F.R. § 124.19(g).

For the reasons stated above, Region 3, in consultation with OGC, respectfully requests that the EAB extend the deadline for the opportunity to file a brief addressing the substantive matters raised by the current July 7, 2025 petition and potential future petitions pursuant to the EAB's December 16 Order from January 9, 2026, to 60 days from the date that MDE re-issues its permit notice detailing the appeal procedures of 40 C.F.R. part 124.

DATE: December 23, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that copies of the foregoing EPA Region 3's Unopposed Motion for Extension of Time in the matter of US Wind, Inc. (for the Maryland Offshore Wind Project), OCS Appeal No. 25-01, were filed with the Environmental Appeals Board through its e-filing system on December 23, 2025, and were sent to the following persons by email in accordance with the Environmental Appeals Board's September 21, 2020 Revised Order Authorizing Electronic Service of Documents in Permit and Enforcement Appeals:

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