



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

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In re Atlantic Shores Offshore Wind, LLC)	OCS Appeal No. 24-01
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Permit No. OCS-EPA-R2 NJ 02)	
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**ORDER GRANTING UNOPPOSED MOTION TO SET SCHEDULE FOR
CONSOLIDATED REPLY**

Atlantic Shores Offshore Wind, LLC filed a motion for reconsideration of the Board’s March 14, 2025 Order Granting Motion for Voluntary Remand of the Outer Continental Shelf Clean Air Act permit at issue in this appeal. Atlantic Shores Offshore Wind, LLC’s Motion for Reconsideration (Mar. 24, 2025). Petitioner Save Long Beach Island, Inc. (“SLBI”) and U.S. Environmental Protection Agency Region 2 filed responses in opposition to the motion for reconsideration. Petitioner Save Long Beach Island’s Brief in Opposition to Atlantic Shores Offshore Wind LLC’s Motion for Reconsideration (Mar. 31, 2025) (“SLBI Response”); EPA Region 2’s Response to Atlantic Shores Offshore Wind, LLC’s Motion for Reconsideration (Apr. 3, 2025) (“Region Response”). Atlantic Shores now seeks an order setting a schedule for Atlantic Shores to file a consolidated reply to the two responses. Unopposed Motion to Set Schedule for Consolidated Reply (Apr. 3, 2025) (“Unopposed Motion”). For the reasons set forth below, the Board grants the Unopposed Motion.

Pursuant to 40 C.F.R. § 124.19(f)(4), a reply to a response to a motion “must be filed within 10 days after service of the response.” SLBI filed and served its response on March 31, 2025, and Region 2 filed and served its response on April 3, 2025. SLBI Response at 10-11;

Region Response at 6. Atlantic Shores proposes to file a consolidated reply to both responses on April 10, 2025, within 10 days after service of SLBI's response and fewer than 10 days after service of Region 2's response. Unopposed Motion at 2. Furthermore, Atlantic Shores states that it conferred with counsel for SLBI and Region 2 and neither opposes the request. *Id.*


The Board can rule on a motion seeking a procedural order at any time. *See* 40 C.F.R. § 124.19(f)(6). The Board, however, finds that granting Atlantic Shores' request to file a consolidated reply will promote administrative efficiency and is in accordance with 40 C.F.R. § 124.19(f) and (n).¹ Accordingly, the Board hereby **GRANTS** the Unopposed Motion.

Atlantic Shores may file a consolidated reply to SLBI's and Region 2's responses to the motion for reconsideration on or before **Thursday, April 10, 2025**. The consolidated reply "must not introduce any new issues or arguments and may respond only to matters presented in the response." *Id.* § 124.19(f)(4); *see also In re Deseret Generation and Transmission Co-operative Bonanza Power Plant*, CAA Appeal No. 24-01, at 2 (Sept. 26, 2024) (Scheduling Order on Motion for Reconsideration).

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: April 7, 2025

By: 
Mary Kay Lynch
Environmental Appeals Judge

¹ The Board notes that the motion for reconsideration does not stay the effective date of the Order Granting Motion for Voluntary Remand and the permitting decision is already before the Region for review. *See* 40 C.F.R. § 124.19(m) (noting that a motion for reconsideration does not stay the effective date of an order unless the Board specifically orders otherwise).

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Granting Unopposed Motion to Set Schedule for Consolidated Reply* in the matter of Atlantic Shores Offshore Wind, LLC, OCS Appeal No. 24-01, were sent to the following persons in the manner indicated:

By Email:

For Petitioner:

Thomas Stavola Jr. Esq.
Law Office of Thomas Stavola, Jr., LLC
tstavolajr@stavolalaw.com

For Atlantic Shores Offshore Wind, LLC:

Hilary Tompkins
Hogan Lovells US LLP
hilary.tompkins@hoganlovells.com

Brian Malat
Hogan Lovells US LLP
brian.malat@hoganlovells.com

Hayley Fink
Hogan Lovells US LLP
hayley.fink@hoganlovells.com

For EPA Region 2:

Liliana Villatora
Air Branch Manager
Office of Regional Counsel
U.S. EPA Region 2
Villatora.Liliana@epa.gov

Sara Froikin
Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA Region 2
Froikin.Sara@epa.gov

Robert DeLay
Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA Region 2
Delay.Robert@epa.gov

Brian Doster
Air and Radiation Law Office
EPA Office of General Counsel (MC
2344A)
Doster.Brian@epa.gov

Dated: Apr 07, 2025

Tommie Madison

Tommie Madison
Clerk of the Board