



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

In re US Wind Inc. (for the Maryland)	
Offshore Wind Project))	
)	OCS Appeal No. 25-01
Maryland Permit-to-Construct No. 047-)	
0248; PSD Approval No. PSD-2024-01;)	
NSR Approval No. NSR-2024-01)	
)	

ORDER REGARDING BRIEFING SCHEDULE

On June 6, 2025, the Maryland Department of the Environment (“MDE”) Air and Radiation Administration, acting under a delegation of federal authority to implement, administer, and enforce Outer Continental Shelf air regulations, issued a “Final Determination Concerning a Permit-to-Construct, PSD Approval, and NSR Approval Application Submitted by US Wind, Inc. for the Construction and Commissioning of the Maryland Wind Offshore Project.” Petition for Review of Permit to Construct, Prevention of Significant Deterioration Approval, and Nonattainment New Source Review Approval for US Wind, Inc.’s Maryland Offshore Wind Project 1 & attach. 1 (July 7, 2025). On July 7, 2025, Ocean City, Maryland, and Worcester County, Maryland filed a petition for review with the Environmental Appeals Board of MDE’s US Wind permit decisions. On July 30, 2025, MDE filed a Response to Petition for Review and Motion for Summary Disposition. On August 1, 2025, US Wind filed a response to the petition for review.

In light of the issues raised by the appeal and MDE’s Response to Petition for Review and Motion for Summary Disposition, and consistent with prior practice, the Board believes that the views of EPA’s Office of General Counsel (“OGC”) and Region 3 would assist in resolving

this matter. In the interest of administrative and judicial efficiency, the Board will first consider MDE's position that the Environmental Appeals Board lacks jurisdiction to review this petition as set forth in its motion for summary disposition. Accordingly, the Board directs OGC and Region 3 to file a joint brief and directs Petitioner to file a brief limited to responding to MDE's and US Wind's arguments about the Board's jurisdiction on or before **Monday, August 18, 2025**. MDE and US Wind will have 10 days after service of the response to file replies addressing jurisdiction. 40 C.F.R. § 124.19(f)(3). Thereafter, and as appropriate, the Board will establish a briefing schedule for procedural and substantive issues raised in the petition.¹

So ordered.

Dated: August 4, 2025

Per Curiam
Environmental Appeals Board²

¹ Nothing in this order should be interpreted as representing a judgment or determination by the Board on the merits of the case.

² The three-member panel issuing this order is composed of Environmental Appeals Judges Aaron P. Avila, Mary Kay Lynch, and Ammie Roseman-Orr.

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Regarding Briefing Schedule* in the matter of US Wind Inc. (for the Maryland Offshore Wind Project), OCS Appeal No. 25-01, were sent to the following persons in the manner indicated:

By Email:

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Dated: Aug 04, 2025

Tommie Madison

Tommie Madison
Clerk of the Board