

Attachment 1:

Letter from Richard Ruvo, Director Air and Radiation Division, EPA
Region 2, to Jennifer Daniels, Vice President, Atlantic Shores Offshore
Wind, LLC (Sept. 29, 2024)



REGION 2

NEW YORK, N.Y. 10007

September 29, 2024

VIA ELECTRONIC MAIL

Jennifer Daniels, Vice President
Atlantic Shores Offshore Wind Project 1, LLC
1 Dock 72 Way, Floor 7
Brooklyn, New York 11205
jennifer.daniels@atlanticshoreswind.com

RE: Final Outer Continental Shelf Air Permit for Atlantic Shores Project 1 and Project 2
EPA Permit Number: OCS-EPA-R2 NJ 02

Dear Ms. Daniels:

On September 1, 2022, the U.S. Environmental Protection Agency ("EPA") Region 2 office received from Atlantic Shores Offshore Wind, LLC an Outer Continental Shelf ("OCS") air permit application ("application") for Atlantic Shores Project 1 and Project 2 (collectively referred to as the "Atlantic Shores Project") pursuant to section 328 of the Clean Air Act ("CAA" or the "Act"), 42 U.S.C. § 7627, and 40 C.F.R. Part 55. The application was submitted for an OCS air permit for the construction and operation of the Atlantic Shores Project on the OCS approximately 7.6 nautical miles offshore New Jersey. Atlantic Shores submitted subsequent updates to its application on various dates. The Atlantic Shores application was deemed complete on August 21, 2023. On June 25, 2024, Atlantic Shores Offshore Wind, LLC informed EPA Region 2 that the ownership of this project has been transferred to Atlantic Shores Offshore Wind Project 1, LLC ("Atlantic Shores"). Additional information and updates to the application were submitted to EPA until June 28, 2024 when Atlantic Shores submitted an updated OCS air permit application.

On July 11, 2024, the EPA issued for public review a draft CAA OCS air permit for the Atlantic Shores Project. EPA provided the public with the opportunity to comment on the draft permit from July 12, 2024, through August 16, 2024. In addition to accepting written comments during that time, the EPA held a virtual public hearing on August 12, 2024. A total of approximately 611 commenters submitted written comments to the EPA, including those from Atlantic Shores. In addition, 16 commenters provided oral comments during the virtual public hearing. The majority (over 92%) of the total comments received were supportive of the proposed project. Opposing commenters provided a variety of reasons for opposing the project.

The EPA has carefully reviewed all of the comments submitted by the public and Atlantic Shores, and has prepared responses to those comments. EPA has also made certain changes to permit conditions from the draft to the final permit as a result of the comments. Please see the enclosed Response to Comments ("RTC") document (*see* Enclosure II).

Enclosed with this letter is the signed final OCS air permit for Atlantic Shores Project 1 and Project 2 (Enclosure I), which the EPA determined meets all applicable requirements of the OCS air regulations at 40 C.F.R. Part 55 and the CAA. The final OCS Air Permit and the RTC are also available on the EPA website at <https://www.epa.gov/caa-permitting/caa-permits-issued-epa-region-2#outercontinental>.

Since comments requesting changes to the draft permit were received and changes were made to the draft OCS air permit, this final OCS air permit will become effective thirty (30) days after the service of notice, unless a petition for review is requested under 40 C.F.R. § 124.19. If a petition for review of the final permit is filed, the permit will not become effective until after the Environmental Appeals Board (“EAB”) renders a decision on the petition.

This final permit may be challenged under the Consolidated Permit Regulations, codified at 40 C.F.R. Part 124, that apply to the EPA’s processing of this permit. Specifically, 40 C.F.R. § 124.19 establishes the following procedures for administrative appeal of the final permit. Any person who filed comments on the draft permit or participated in a public hearing on the draft permit may petition the EAB to review conditions of the final permit. Additionally, any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for administrative review of any permit conditions set forth in the final permit, but only to the extent that those final permit conditions reflect changes from the proposed draft permit. Any petition for review under this part must be filed with the Clerk of the EAB within thirty (30) days of the service of notice of the final permit. A petition for review must contain the information and demonstration required by 40 C.F.R. § 124.19(a)(4) and meet the filing and service requirements of 40 C.F.R. § 124.19(i), including service upon the EPA at the following email address:

Richard Ruvo
Director, Air and Radiation Division
Email: ruvo.richard@epa.gov
Phone: (212) 637-4014

Please visit

https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/General+Information/Frequently+Asked+Questions for more information about the EAB, and you may review the full regulatory requirements for EAB appeals at 40 C.F.R. § 124.19.

After any petitions are reviewed by the EAB and a decision is rendered, judicial review of the agency’s final action is available in the United States Court of Appeals under 5 U.S.C. § 704 within 60 days from the date on which notice of the action appears in the Federal Register. A petition to the EAB for administrative review is a prerequisite to seeking judicial review.

If you have any questions, please contact Ms. Suilin Chan, Supervisor, Permitting Section, Air Programs Branch, at 212-637-4019 or at chan.suilin@epa.gov.

Sincerely,

Richard Ruvo, Director
Air and Radiation Division

Enclosures: I and II

cc: Frank Steitz, Director
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francis.steitz@dep.nj.gov

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