

**BEFORE THE 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	)	

UNOPPOSED MOTION FOR EXTENSION OF TIME

Pursuant to 40 CFR § 124.19(g), the U.S. Environmental Protection Agency’s (“EPA”) Office of General Counsel (“OGC”) and Region 3 respectfully request that the Environmental Appeals Board (“EAB”) grant a one-week extension of time to file the joint brief that the EAB directed OGC and Region 3 to file in the above-captioned permit appeal. In its August 4, 2025, Order Regarding Briefing Schedule (“August 4 Order”), the EAB directed OGC and Region 3 to file, on or before August 18, 2025, a joint brief limited to responding to the Maryland Department of the Environment’s (“MDE”) and US Wind, Inc.’s (“US Wind”) arguments about the EAB’s jurisdiction. OGC and Region 3 respectfully request that the EAB extend the August 18, 2025 deadline for this brief to August 25, 2025 and provide corresponding extensions of time for all other filings addressed in the August 4 Order.

This case involves an appeal of a permit issued by MDE on June 6, 2025, under a delegation of federal authority to implement and enforce Outer Continental Shelf air regulations under the Clean Air Act. On July 7, 2025, Ocean City, Maryland, and Worcester County, Maryland (“Petitioners”) filed a petition for review with the EAB of MDE’s permit decision. On July 30, 2025, MDE filed a Response to Petition for Review and Motion for Summary

Disposition arguing, *inter alia*, that the EAB lacks jurisdiction to review this petition. On August 1, 2025, US Wind filed a response to the petition for review also arguing, *inter alia*, that the EAB lacks jurisdiction to review this petition. On August 4, 2025, the EAB directed OGC and Region 3 to file a joint brief, and directed Petitioners to file a brief, limited to responding to MDE's and US Wind's arguments about the EAB's jurisdiction on or before August 18, 2025. The EAB's August 4 Order states that MDE and US Wind will have 10 days after service of the response to file replies addressing jurisdiction.

At the time of the EAB's August 4 Order, several key staff and managers in OGC and Region 3's Office of Regional Counsel were either on approved leave or scheduled to be on approved leave through August 18, 2025. To accommodate these preexisting leave schedules and ensure adequate time for internal deliberations and briefings, OGC and Region 3 request that the EAB extend the deadline to file the joint brief by one week, from August 18 to August 25, 2025.

Consistent with 40 CFR § 124.19(f)(2), OGC and Region 3 contacted counsel for the Petitioners, the Respondent (MDE), and the permit applicant (US Wind). The Petitioners do not oppose this motion provided their August 18, 2025 deadline to file a brief responding to the EAB's August 4 Order is likewise extended to August 25, 2025. MDE does not oppose this motion. US Wind does not oppose this motion provided that the deadline for its reply, if any, has a corresponding extension of time.

For the reasons stated above, OGC and Region 3 respectfully request that the EAB extend the deadline for OGC and Region 3 to file a joint brief responding to the EAB's August 4 Order from August 18 to August 25, 2025, and provide corresponding extensions of time for all other parties' filings in response to the EAB's August 4 Order in the above-captioned permit appeal.

DATE: August 7, 2025

Respectfully submitted,

/s/ Ryan Stephens

Ryan Stephens

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CERTIFICATE OF SERVICE

I certify that copies of the foregoing 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 August 7, 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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