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Background

The Maryland Department of the Environment, Air and Radiation Administration (ARA) received an air quality permit application from US Wind, Inc. on November 30, 2023 (electronically), and hardcopies received on December 7, 2023 for the construction and operation of the Maryland Offshore Wind Project (the Project) consisting of up to 121 wind turbine generators (WTG), up to four (4) offshore substations (OSS), and one (1) meteorological tower (Met Tower). The proposed project will be located approximately 10 nautical miles (NM) off the coast of Worcester County, Maryland on the outer continental shelf (OCS).

The application consists of an air quality permit-to-construct application, an application for a New Source Review (NSR) Approval, and an application for a Prevention of Significant Deterioration (PSD) Approval. In accordance with COMAR 26.11.02.11A(1)(b), expanded public participation is required for a permit to construct application subject to PSD requirements.

An informational meeting was held on June 13, 2024 so that citizens could discuss the application and the permit review process with the applicant and the Department.

A Public Hearing was held on January 9, 2025 to receive public comment on the Department's tentative determination and draft permits and approvals. The public comment period on the application initially expired on January 13, 2025, but was extended until March 17, 2025 following public request for a one-time, 60-day extension.

The Department has reviewed the application and the comments received and has determined that the proposed construction and commissioning of the offshore wind project would not cause violations of any applicable air pollution control regulations. The Department has made a final determination to issue the permit-to-construct, the PSD Approval, and the NSR Approval, effective June 6, 2025.

The final determination of the NSR and PSD Approvals may be appealed through the process set forth at 40 CFR 124.19 for appeals of PSD permits, by filing a petition for review with the Clerk of the United State environmental Protection Agency's Environmental Appeals Board within the time prescribed in paragraph 124.19(a)(3).

Pursuant to Section 1-601 of the Environment Article, Annotated Code of Maryland, a final determination of an air quality permit to construct issued by the Department is subject to judicial review at the request of any person that: (1) Meets the threshold standing requirements under federal law; and (2) (i) Is the applicant; or (ii) Participated in a public participation process through the submission of written or oral comments.

Any petition for judicial review must be filed pursuant to Section 1-605 of the Environment Article, Annotated Code of Maryland. The petition shall be filed by July 14, 2025 in the circuit court for the county where the application for the permit states that the proposed activity will occur and otherwise conform to the requirements of Title 1, Subtitle 6 of the Environment Article, Annotated Code of Maryland.

Final Determination and Issued Permits and Approvals