



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

In re Atlantic Shores Offshore Wind, LLC)
Permit No. OCS-EPA-R2 NJ 02)
OCS Appeal No. 24-01

ORDER SETTING DEADLINE FOR RESPONSE TO EPA REGION 2'S MOTION FOR VOLUNTARY REMAND

On October 15, 2024, Save Long Beach Island, Inc. ("SLBI") filed a petition with the Environmental Appeals Board ("Board") seeking review of an Outer Continental Shelf ("OCS") Clean Air Act permit ("Permit") that U.S. Environmental Protection Agency Region 2 ("Region") issued to Atlantic Shores Offshore Wind Project 1, LLC ("Atlantic Shores") pursuant to the provisions of section 328 of the Clean Air Act, 42 U.S.C. § 7627. The OCS permit authorizes Atlantic Shores to construct and operate two wind energy generation projects off the coast of New Jersey. See Region 2, U.S. EPA, OCS Air Permit Issued to Atlantic Shores Offshore Wind Project 1, LLC for the Atlantic Shores Project 1 and Project 2, EPA Permit No. OCS-EPA-R2 NJ 02, at 1 (Sept. 30, 2024). The Region and Atlantic Shores each filed a response to the petition on November 5, 2024.

On February 28, 2025, the Region filed a motion requesting that the Board remand the Permit back to the Region for reevaluation in light of the Presidential Memorandum entitled Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government's Leasing and Permitting Practices for Wind Projects

issued on January 20, 2025. EPA Region 2’s Motion for Voluntary Remand (Feb. 28, 2025) (“Motion”) at 1; *see* Presidential Memorandum, 90 Fed. Reg. 8363 (Jan. 29, 2025). The Motion states that SLBI does not oppose the Motion but notes that Atlantic Shores objects to the Motion and plans to file a response with the grounds for their objection. Motion at 5.

Regulations governing this appeal provide that a response to a motion must be filed within fifteen days after service of the motion unless the Board shortens or extends the time for filing the response. 40 C.F.R. § 124.19(f)(3); *see also id.* § 124.19(n) (“[T]he Environmental Appeals Board may do all acts and take all measures necessary for the efficient, fair, and impartial adjudication of issues arising in an appeal under this part.”); *In re Gasco Energy, Inc.*, UIC Appeal No. 14-191, at 2 (EAB Jan. 14, 2015) (Order Shortening Deadline for Filing Opposition Briefs and Holding in Abeyance Deadline for Filing Response Briefs).

In this case the Board finds that shortening the time for response to the Motion will promote administrative efficiency. Accordingly, the Board **ORDERS** the parties to file any response to the pending Motion as soon as possible but no later than **Friday, March 7, 2025**. Furthermore, for administrative efficiency, the Board will not accept the filing of a reply to any filed responses. *See* 40 C.F.R. § 124.19(f), (n).

So ordered.

Dated: March 3, 2025

ENVIRONMENTAL APPEALS BOARD

By: 
Mary Kay Lynch
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Setting Deadline for Response to EPA Region 2's Motion for Voluntary Remand* in the matter of Atlantic Shores Offshore Wind, LLC, OCS Appeal No. 24-01, were sent to the following persons in the manner indicated:

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Dated: Mar 03, 2025

Tommie Madison

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