Maryland Offshore Wind Project/New Source Review: U.S. EPA Environmental Appeals Board Challenge Filed



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The Mayor and City Council of Ocean City and the Commissioners of Worcester County, Maryland (collectively, "Petitioners") filed on July 8th before the United States Environmental Protection Agency's Environmental Appeals Board ("Board") a document styled:

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 ("Petition").

Petitioners are challenging the Maryland Department of the Environment ("MDE") issuance on June 6th of what is described as:

…a Permit to Construct, a Prevention of Significant Deterioration Approval, and a Nonattainment New Source Review Approval authorizing construction and early operations for the Maryland Offshore Wind Project (Project)—an industrial-scale offshore wind facility to be built just 10 miles off their coastline.

The Project is further described as a 79,707-acre wind facility that will include:

- 114 turbine generators.
- 4 offshore electric power substations.
- A meteorological tower.
- Inter-array and interlink cables.
- 4 export cables.

The Petitioners allege that the Project fails to comply with the following requirements of the Clean Air Act:

1. The Maryland Department of the Environment approved operations before an Operations Permit was issued;
2. The permit was approved after the statutory one-year deadline for issuing the permit;
3. The Maryland Department of the Environment failed to complete the alternatives analysis required under the Clean Air Act;
4. There was no notice and comment on the final permit approved;
5. The Maryland Department of the Environment did not require any offsets for emissions; and

6. The Maryland Department of the Environment issued the permit without obtaining complete and accurate information on the emissions that would be generated by vessels to construct and maintain the Project.

The Board is asked to reverse MDE's decision to grant permit and approvals and remand them back to the state agency.

A copy of the Petition can be downloaded here.