



REGION 2

NEW YORK, N.Y. 10007

February 15, 2024

VIA ELECTRONIC MAIL

Mr. Scott Lundin
Head of US Permitting and Environmental Affairs
Equinor Wind US LLC
600 Washington Blvd, Suite 800
Stamford, CT 06901
sclu@equinor.com

RE: Final Outer Continental Shelf Air Permit for Empire Wind Project
EPA Permit Number: OCS-EPA-R2 NY 01

Dear Mr. Lundin:

On August 10, 2022, Empire Offshore Wind, LLC ("Empire Wind") submitted an Outer Continental Shelf ("OCS") air permit application ("application") to the U.S. Environmental Protection Agency ("EPA") Region 2 office 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. In its application, Empire Wind requested an OCS air permit for the construction and operation of the Empire Offshore Wind: Empire Wind Project ("Empire Wind Project") on the OCS approximately 12 and 17 nautical miles offshore New York and New Jersey, respectively. Subsequently, Empire Wind submitted updates to its application on various dates. The Empire Wind application was deemed complete on April 21, 2023.

On December 1, 2023, the EPA issued for public review a draft CAA OCS air permit for the Empire Wind Project. EPA provided the public with the opportunity to comment on the draft permit from December 1, 2023, to January 5, 2024. In addition to accepting written comments during that time, the EPA held a virtual public hearing on January 3, 2024. Attendees raised no verbal or written comments during the public hearing. The only comments received during the public comment period were written comments from Empire Wind itself.

The EPA has carefully reviewed the Empire Wind comments, prepared responses to those comments, and made changes to certain draft permit conditions. Since the Empire Wind comments did not raise any substantial questions, those comments resulted only in minor revisions and/or updates that the EPA made to a limited number of the draft permit conditions. In addition to the permit conditions updated due to the comments received, EPA made one administrative correction to one permit condition, which is meant to clarify that condition and make it consistent with the application and the Fact Sheet. As a result, the final OCS air permit is substantially the same as the draft permit that was

available for public comment. The Empire Wind comments, the EPA's responses, and changes the EPA has made to certain permit conditions can be found in the enclosed Response to Comments document (see Enclosure II).

Enclosed with this letter is the signed final OCS air permit for the Empire Wind Project (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 Response to Comments 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 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 any condition 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 call 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: Michael Cronin, Director, Bureau of Stationary Source Division of Air Resources, NYSDEC
Eva Land, Federal Permitting Manager Empire Wind, Equinor US