



REGION 2

NEW YORK, N.Y. 10007

November 21, 2024

VIA ELECTRONIC MAIL

Teddy Muhlfelder
President
Empire Leaseholder LLC
600 Washington Blvd, 8th Floor
Stamford, CT 06901
tmuh@equinor.com

RE: Administrative Amendment to the Outer Continental Shelf ("OCS") Air Permit for Empire Wind Project, EPA Permit Number: OCS-EPA-R2 NY 01, Renewable Energy Lease OCS-A 0512

Dear Mr. Muhlfelder:

This letter concerns the request submitted to the U.S. Environmental Protection Agency ("EPA") Region 2 office by Empire Offshore Wind LLC ("Empire Wind" or "Current Permittee") for an administrative amendment to OCS Air Permit No. OCS-EPA-R2 NY 01 to reflect a change in ownership from Empire Offshore Wind LLC to Empire Leaseholder LLC. This permit was issued by EPA to Empire Offshore Wind LLC on February 15, 2024, for the construction and operation of the Empire Wind Project, comprised of Empire Wind 1 and Empire Wind 2, on the OCS approximately 12 and 17 nautical miles offshore New York and New Jersey, respectively.

Empire Wind initially submitted this request on September 12, 2024. On November 5, 2024, it resubmitted its request along with 1) a written agreement between Empire Offshore Wind LLC and Empire Leaseholder LLC indicating transfer of the responsibility, coverage, and liability for the OCS Air Permit from the former to the latter as of November 1, 2024, and 2) the November 1, 2024 Bureau of Ocean Energy Management ("BOEM") approval of Empire Leaseholder LLC as the new owner of Renewable Energy Lease OCS-A 0512 ("BOEM approval").

Under 40 C.F.R. § 55.6(a)(3), EPA may follow the applicable procedures of 40 C.F.R. part 71 in processing OCS applications. As such, EPA is treating Empire Wind's request as a request for an administrative permit amendment under 40 C.F.R. § 71.7(d)(1)(iv).¹ EPA determined that the requested change in ownership does not require any other change to the permit, and the

¹Under 40 C.F.R. § 71.7(d)(1)(iv), one type of administrative permit amendment is a permit revision that "[a]llows for a change in ownership or operational control of a source where the permitting authority determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the permitting authority."

documentation provided by Empire Wind meets the requirements for such an administrative permit amendment pursuant to 40 C.F.R. § 71.7(d)(1)(iv).

The EPA is administratively amending the current Empire Wind OCS Air Permit to transfer ownership to Empire Leaseholder LLC. A copy of the amended permit is attached to this letter, as well as a document indicating in redline the very limited changes made to the permit (Enclosure I). EPA is not required to provide notice to the public or affected States of these administrative changes. See 40 C.F.R. § 71.7(d)(3)(i).

As specified at 40 C.F.R. § 71.7(d)(3)(iii), a source, such as Empire Wind, may implement the changes addressed in the request for an administrative permit amendment immediately upon submittal of the request, which in this case was when Empire Wind resubmitted its request with adequate documentation on November 5, 2024. Please note that this administrative permit amendment will have the same EPA Permit Number as the current OCS Air Permit and will not change the current OCS Air Permit's effective date of March 16, 2024. The 18-month period specified in Condition XIV.8.a. will continue to be calculated from March 16, 2024.

EPA notes that the BOEM approval also indicates that Empire Offshore Wind LLC is the designated operator for Empire Wind 1, and Empire Wind 2 LLC is the designated operator for Empire Wind 2. As you are aware, these operators must also comply with the requirements of OCS Air Permit No. OCS-EPA-R2 NY 01 and with 40 C.F.R. part 55. See 40 C.F.R. § 55.6.

Empire Wind's amendment requests and supporting documentation, along with this letter, the amended permit, which revises and replaces the current Empire Wind OCS Air Permit, and the document indicating the changes to the permit, are available on the EPA website at <https://www.epa.gov/caa-permitting/caa-permits-issued-epa-region-2#outercontinental>.

If you have any questions, please contact Ms. Viorica Petriman, Environmental Engineer, Permitting Section, Air Programs Branch, at 212-637-4021 or at petriman.viorica@epa.gov.

Sincerely,

Richard Ruvo, Director
Air and Radiation Division

Enclosures: Amended Permit and Enclosure I

cc: Michael Cronin, Director, Bureau of Stationary Source Division of Air Resources, NYSDEC
Francis Steitz, Director, Division of Air Quality, NJDEP
Eva Land, Federal Permitting Manager - Empire Wind, Marine Permitting Compliance Manager,
REN US PER, Equinor US
Joshua Verleun, Director of Permitting, Empire Offshore Wind LLC
Jennifer DuPont, Head of Permitting and Environmental Affairs, Empire Offshore Wind LLC