

EPA REGION 2

Internal deliberative pre-decisional - FOR USE BY 2024 PRESIDENT-ELECT TRANSITION TEAM MEMBERS ONLY

ISSUE SUMMARY:

The Bureau of Ocean Energy Management (BOEM) is the lead federal agency for all offshore wind projects located within federal waters. Federal, state, and local regulations govern many aspects of outer continental shelf (OCS) wind energy development. To date, offshore wind project developers have opted into their projects being covered by the Fixing America's Surface Transportation Act (FAST-41) for enhanced coordination and oversight of the Federal reviews and permitting required for authorizing OCS offshore wind projects. To date EPA has served as a cooperating agency and reviews all environmental impact statements (EISs) in accordance with our review authority under Section 309 of the Clean Air Act (CAA). EPA is also responsible for issuing OCS air permits pursuant to section 328 of the CAA, and National Pollution Discharge Elimination System (NPDES) permits.

KEY POINTS:

Offshore wind projects typically consist of three phases: construction and commissioning, operations and maintenance (O&M) and decommissioning. The projects involve offshore components including the installation and operation of wind turbine generators, offshore substations, and infrastructure to support and transport the electricity generated. Onshore components include landfall cables and areas, onshore substations where electricity is transmitted to the existing grid, as well as staging ports and O&M facilities.

Within EPA Region 2, there are currently 11 active lease areas secured off the coast of New York and New Jersey.

- EPA has provided comments on several EISs (Empire Wind, Ocean Wind, Atlantic Shores South) which have articulated concerns related to (1) the broad metrics used for impacts characterization, (2) unsubstantiated claims to support the air quality impacts determination, (3) lack of consideration of ports improvements to support wind development and (4) addressing cumulative impacts in the determination of high and adverse impacts to communities with environmental justice concerns.
- EPA has issued OCS permits for Empire Wind and Atlantic Shores South. On October 16, 2024, a group called Save Long Beach Island filed a petition with the EPA Environmental Appeals Board, seeking review of the Atlantic Shores South permit. The permit review is currently suspended for Ocean Wind. EPA has not yet received permit applications for any other project.

In addition to the Federal directives to support offshore wind energy production, states have legislation to establish renewable energy goals, including:

- New York State Climate Leadership and Community Project Act (2019): Requires NY to achieve a 100% carbon free electricity system by 2040 and reduce greenhouse gas emissions 85% below 1990 levels by 2050. The law mandates that at least 70% of New York's electricity come from renewable energy sources by 2030 and calls for the development of 9,000 megawatts of offshore wind energy by 2035.
- New Jersey Executive Orders: Established the goal of setting New Jersey on the path to 100% clean energy by 2050 and increased the state's offshore wind goal to 11,000 megawatts (MW) by 2040.

ONGOING/UPCOMING REVIEWS FOR FY2024:

- BOEM has developed a Draft Programmatic Environmental Impact Statement (PEIS) for the six New York Bight Lease Areas. The PEIS explores the changes in potential impacts resulting from the application of programmatic avoidance, minimization, mitigation, and monitoring measures over all six lease areas should construction and operations proceed. We anticipate individual NEPA documents will be submitted for each of these lease areas in the future.
- Additionally, EPA anticipates receiving OCS air permit applications for Atlantic Shores North in November 2024 and for other wind projects in the New York Bight in 2025-2027, as well as NPDES permits.

KEY EXTERNAL STAKEHOLDERS:

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| <input type="checkbox"/> Congress | <input checked="" type="checkbox"/> Industry | <input checked="" type="checkbox"/> States | <input type="checkbox"/> Tribes | <input type="checkbox"/> Media | <input checked="" type="checkbox"/> Other Federal Agency |
| <input type="checkbox"/> NGO | <input checked="" type="checkbox"/> Local Governments | <input checked="" type="checkbox"/> Public | | | |

MOVING FORWARD:

- EPA will continue to coordinate with BOEM in reviewing EISs for the offshore and onshore components of the wind projects and will continue processing permit applications for the offshore components of the wind projects as they are received.