

1 PUBLIC HEARING - FEDERAL CLEAN AIR ACT PERMIT AND
2 PUBLIC COMMENT PERIOD

3
4 EPA-R01-OAR-2023-0527

5
6 Moderated by Robert Lim
7 Thursday, January 25, 2024
8 5:19 p.m.

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11 U.S. EPA Region 1
12 5 Post Office Square, Suite 100
13 Boston, MA 02109
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24 Reported by: Mary Horwath

25 JOB NO.: 6360110

A P P E A R A N C E S

List of Attendees:

Robert Lim, Hearing Officer, Environmental Protection Agency (by videoconference)

Morgan McGrath, Engineer, Environmental Protection Agency (by videoconference)

Rini Maiti, Engineer, Environmental Protection Agency (by videoconference)

Andre Turner, Physical Scientist, Environmental Protection Agency (by videoconference)

Rosa Beato, IT Support, Environmental Protection Agency (by videoconference)

Lynne Hamjian, Director, Environmental Protection Agency (by videoconference)

Daniel Myers, IT Support, Environmental Protection Agency (by videoconference)

Abbegail Nack, Public Member (by videoconference)

Michael Curley, Public Member (by videoconference)

Michael Clayton, Public Member (by videoconference)

Cynthia Greene, Public Member (by videoconference)

Mark Roll, Public Member (by videoconference)

Patrick Bird, Public Member (by videoconference)

P R O C E E D I N G S

THE HEARING OFFICER: Good evening. My name is Bob Lim, and I am the hearing officer for today's public hearing. With me is Morgan McGrath, Rini Maiti, Rosa Beato, and Daniel Meyers, the Environmental Protection Agency's Region 1 office.

We're here today on January 25, 2024, on a virtual platform to accept comments concerning EPA's two draft Outer Continental Shelf Clean Air Act preconstruction permits to Park City Wind, LLC for the New England Wind 1 offshore Wind Farm and New England Wind 2 Offshore Wind Farm.

The estimated maximum production capacity for New England Wind 1 is up to 804 megawatts. And for New England Wind 2, 1,232 Megawatts of renewable energy.

On October 7, 2022, Park City Wind submitted to EPA Region 1 initial applications requesting a Clean Air Act preconstruction permit under Section 328 of the Clean Air Act for the construction and operation of their New England Wind 1 Offshore Wind Farm project in the Bureau of Ocean Energy Management. Renewable Energy Lease Area OCS-A 0534 and potentially occupying a portion of BOEM Lease Area OSC-A 0501. And the New England Wind 2 Offshore

1 Wind Farm project also in the BOEM Renewable Energy
2 Lease Area OCS-A 0534. After a review of these
3 initial permit applications, EPA requested
4 supplemental information for New England Wind 1 and
5 New England Wind 2 on November 4, 2022, and December
6 16.

7 On January 13, 2023, EPA received two
8 revised OCS Air permit applications, which replaced
9 the initial applications. EPA determined the
10 applications to be administratively complete on
11 February 13, 2023.

12 The wind development area for New
13 England Wind 1 project will be located approximately
14 28 nautical miles from the nearest Massachusetts
15 shoreline. And for New England Wind 2 project will be
16 located approximately 16 nautical miles from the
17 nearest Massachusetts shoreline. For both New England
18 Wind 1 and New England Wind 2, offshore explore cables
19 will transmit electricity from the electric service
20 platforms to a land site in the town of Barnesville,
21 Massachusetts.

22 Based on the information provided in
23 the applications, supplemental submittals from Park
24 City Wind for New England Wind 1 and New England Wind
25 2 and our own professional expertise, EPA has drafted

1 two air permits for the deployment and operation of
2 the wind farm projects. In brief, the draft permits
3 established the best available control technology and
4 lowest achievable emission rate to control air
5 pollution from the OCS sources in the wind development
6 area. This includes limits on vessels servicing the
7 wind development area when those vessels meet the
8 definition of a OCS source. And the draft permits
9 require the permittee to obtain emissions offsets for
10 nitrogen oxides and volatile organic compounds.

11 Pursuant to Section 328 of the Clean
12 Air Act, any source meeting the definition of a OCS
13 source must comply with the applicable federal, state,
14 and local air quality regulations of the corresponding
15 onshore area. For the purpose of this action,
16 Massachusetts has been designated the corresponding
17 onshore area.

18 Federal rules require an opportunity
19 for public comment on the permitting agency's draft
20 Air permits. In accordance with these requirements,
21 EPA published notices in the Boston Globe and the
22 Providence Journal on December 19, 2023, that included
23 the following: A description of the proposed project
24 and draft permit, notice of the public comment period,
25 and the date of this public hearing. The notice also

1 included information about EPA's Boston office and
2 website addresses where copies of the proposed
3 permits, the permit application, the permit fact
4 sheets, and other supporting documents can be found.

5 Today's hearing is a non-adversarial
6 hearing to provide interested parties the opportunity
7 to make oral comments and/or to submit written
8 comments on the proposed permits. There will be no
9 cross-examination from myself or any commenter. Any
10 question directed to a commenter to myself or vis
11 versa will be for clarification purposes only.

12 The public hearing is being transcribed
13 and will become part of the official administrative
14 record for these permitting actions. However, to
15 ensure the record's accuracy, we recommend that all
16 parties provide written statements as well as oral
17 comments. EPA will end the public hearing after one
18 hour or if there are no more comments.

19 The public comment period will close at
20 midnight today on January 25, 2024. After the close
21 of the public comment period, EPA will review and
22 consider all written and oral comments received today
23 and during the public comment period.

24 EPA will prepare a document known as
25 the response to comments for each of the projects,

1 which will briefly describe and address the
2 significant issues raised during the comment period
3 and what provisions if any the draft permits have been
4 changed and the reasons for the changes. The response
5 to comments document for each project will accompany
6 the corresponding final permit for New England Wind 1
7 and New England Wind 2. EPA will provide the response
8 to comments document and the final permit to everyone
9 who commented on the draft permit or who requests a
10 copy.

11 After the final permits have been
12 issued, anyone who wishes to contest either of the
13 final permits must file a petition for review, which
14 is an appeal with the Environmental Appeals Board,
15 also known as the EAB, in Washington D.C.

16 Here are a couple of important things
17 to remember if you are considering appealing the final
18 permits: First, the petition review must be received
19 by the EAB within 30 days of the date that the final
20 permit is issued. More information on how exactly to
21 calculate this period will be included in an
22 attachment to each of the final permits.

23 Second, only persons who filed comments
24 on the draft permit during the public period or who
25 have provided comments during the public hearing may

1 petition the EAB to review final permit conditions.

2 Third, any person seeking review of the
3 permit decision must raise all reasonably
4 ascertainable issues and submit all reasonably
5 available arguments supporting their position during
6 the comment period, including but not limited to the
7 public hearing.

8 Issues or arguments that are not raised
9 during the comment period will not be considered by
10 the EAB on appeal. There is one exception to this
11 rule. Any person to failed to file comments or failed
12 to participate in the public comment period may
13 petition the EAB only to the extent of the changes
14 from the draft to the final permit.

15 Before we begin, I ask anyone who
16 wishes to comment verbally during this public hearing
17 should indicate their intention to do so now in the
18 chat. Morgan McGrath will call on individuals
19 sequentially to provide their verbal comments. If
20 you're calling by phone, you can raise your hand by
21 dialing star-nine.

22 So as Morgan had mentioned, although we
23 are combining the opportunity to comment on New
24 England Wind 1 and New England Wind 2, EPA views these
25 projects as separate, which is discussed in the

1 project fact sheets. With that, let's begin with the
2 comments.

3 Morgan, could you please call forward
4 the first commenter.

5 Commenters, I ask that at the beginning
6 of your marks for the record, clearly state your name,
7 affiliation, and the project on which you are
8 commenting.

9 MS. MCGRATH: Not seeing anyone just
10 yet, Bob. I'm not seeing any hands or comments being
11 made in the chat. So we will continue to monitor the
12 chat and the participant list to see if anyone has any
13 comments. Bob, would you like to recommend to check
14 back in within a certain amount of time?

15 THE HEARING OFFICER: Yeah. I think
16 that's a good idea. I think as we did last time, we
17 can pause for ten minutes just in case someone's
18 arriving or thought the public hearing was 6:30
19 instead of six. So you know, that should hopefully
20 cover anyone who is arriving late. So I guess I agree
21 with your recommendation.

22 MS. MCGRATH: Okay. We'll take a brief
23 pause and check back in in ten minutes.

24 (Off the record.)

25 MS. MCGRATH: Anyone indicated in the

1 chat that they want to make a verbal comment.

2 THE HEARING OFFICER: Okay. And given
3 that it's now 6:40, and if anyone who was arriving
4 late, you know, I think they could have mistaken it
5 for 6:30. You know, I think that we have kept this
6 hearing going.

7 So I guess I'm going to recommend,
8 Morgan, that we close the hearing since we're, you
9 know, well past 6:30.

10 And note that the comment period still
11 has a few more hours to go. And if anyone had planned
12 to attend this virtual hearing, you know, hasn't made
13 it, they still are able to make a comment.

14 MS. MCGRATH: All right. So again,
15 written comments will be accepted until midnight
16 tonight through regulations.gov, or you can send them
17 to my direct email, mcgrath.morgan@epa.gov. and then
18 after that, EPA will begin preparing the response to
19 comment document for final permit issuance, so.

20 THE HEARING OFFICER: Okay.

21 MS. MCGRATH: Thanks for joining.

22 THE HEARING OFFICER: Good night,
23 everyone.

24 (Whereupon, the meeting concluded at
25 5:43 p.m.)

CERTIFICATE

I, MARY HORWATH, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



MARY HORWATH

Notary Public in and for the

State of Michigan

1 CERTIFICATE OF TRANSCRIBER

2 I, ELIZABETH FERGUSON, do hereby certify
3 that this transcript was prepared from the digital
4 audio recording of the foregoing proceeding, that said
5 transcript is a true and accurate record of the
6 proceedings to the best of my knowledge, skills, and
7 ability; that I am neither counsel for, related to,
8 nor employed by any of the parties to the action in
9 which this was taken; and, further, that I am not a
10 relative or employee of any counsel or attorney
11 employed by the parties hereto, nor financially or
12 otherwise interested in the outcome of this action.

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15 ELIZABETH FERGUSON
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[u.s. - yeah]

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