Message

From: Montanez, Jessica [Montanez.Jessica@epa.gov]
Sent: 2/24/2022 1:09:30 PM
To: Wortman, Eric [Wortman.Eric@epa.gov]
CC: Bird, Patrick [Bird.Patrick@epa.gov]; Dain, Gregory [Dain.Greg@epa.gov]; Howlett, Careyanne [Howlett.Careyanne@epa.gov]; Kipka, Undine [kipka.undine@epa.gov]; Curley, Michael [Curley.Michael@epa.gov]
Subject: RE: Offshore Wind

Eric,

Ex. 5 Deliberative Process (DP)

Jessica

From: Wortman, Eric <Wortman.Eric@epa.gov>
Sent: Thursday, February 24, 2022 7:14 AM
To: Montanez, Jessica <Montanez.Jessica@epa.gov>
Cc: Bird, Patrick <Bird.Patrick@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>; Howlett, Careyanne <Howlett.Careyanne@epa.gov>; Kipka, Undine <kipka.undine@epa.gov>; Curley, Michael <Curley.Michael@epa.gov>
Subject: FW: Offshore Wind

Jessica – I have been working separately on engine compliance / ZZZZ implementation issue for Orsted. There had been difficulty scheduling a meeting, and I received an interesting response. See highlight below. - Eric

From: Morrison, Matthew W. <matthew.morrison@pillsburylaw.com>
Sent: Wednesday, February 23, 2022 8:22 PM
To: Wortman, Eric <Wortman.Eric@epa.gov>
Subject: RE: Offshore Wind

Thanks, Eric, and my apologies for not getting back to you sooner. The issue of concern has evolved a bit since I last reached out to you, and while we would still like to meet with you, I think we need some time to look further into the latest area of concern.

In short, we're aware that the construction vessel emissions might be enough to throw an offshore facility into a major source category because of aggregation, but we're interested in whether and how aggregation would apply in the operations phase, when the turbines do not have diesel generators and there are no jack-up vessels regularly used that would attach to the seabed. We would not think it would be appropriate to include those other sources in that post-construction phase.

Again, we hope to do some homework on this before we take up your time and attention, but if you have any immediate thoughts or suggestions, I would welcome them.

All the best,

Matt

From: Wortman, Eric <Wortman.Eric@epa.gov>
Sent: Wednesday, February 23, 2022 1:37 PM
To: Morrison, Matthew W. <matthew.morrison@pillsburylaw.com>
Subject: RE: Offshore Wind

Hi Matt,

I never heard back on this and had to remove the holds from EPA staff calendars. If Orsted would still like to meet to discuss this issue, please provide me with of available times and I will check EPA calendars for availability. It's best to provide meeting options that are a minimum of 1 week in advance.

Thanks,

Eric

From: Morrison, Matthew W. <matthew.morrison@pillsburylaw.com>
Sent: Thursday, February 17, 2022 11:28 PM
To: Wortman, Eric <Wortman.Eric@epa.gov>
Subject: RE: Offshore Wind

Thanks, Eric – I'm checking with Orsted.

Best,

Matt

From: Wortman, Eric <Wortman.Eric@epa.gov>
Sent: Thursday, February 17, 2022 6:40 AM
To: Morrison, Matthew W. <matthew.morrison@pillsburylaw.com>
Subject: RE: Offshore Wind

Matt,

Let me know if any of the times below work and I will hold the time on EPA calendars. Also, please let me know who from Orsted will be attending. Thanks, Eric

- Thurs, 2/24 from 9-9:45, 10-11, 11-12
- Monday 2/28 from 10-11 or 1-2

From: Morrison, Matthew W. <matthew.morrison@pillsburylaw.com>
Sent: Tuesday, February 15, 2022 3:47 PM
To: Wortman, Eric <Wortman.Eric@epa.gov>
Subject: Re: Offshore Wind

Thanks very much, Eric. I apologize for the delay. I was awaiting feedback from the client, who wanted to join our call. Please let me know what time and date would be best for you.

Thanks again,

Matt

Sent from my iPhone

On Feb 15, 2022, at 2:57 PM, Wortman, Eric <Wortman.Eric@epa.gov> wrote:

Hi Matt,

We are now unavailable at 11am on Friday. Let me look for some more open times and I'll get back to you.

Eric

From: Wortman, Eric
Sent: Tuesday, February 15, 2022 10:33 AM
To: Morrison, Matthew W. <matthew.morrison@pillsburylaw.com>
Subject: RE: Offshore Wind

Hi Matt,

I never received an invite for this meeting. Pat is now unavailable on Thursday. Can we reschedule for 11:00 on Friday?

Thanks,

Eric

From: Morrison, Matthew W. <matthew.morrison@pillsburylaw.com>
Sent: Thursday, February 10, 2022 3:28 PM
To: Wortman, Eric <Wortman.Eric@epa.gov>
Subject: RE: Offshore Wind

Thanks, Eric – will do. Would you like me to include Patrick Bird on the invite, too? I may ask someone from the client's office to join me as well.

Thanks again,

Matt

From: Wortman, Eric <Wortman.Eric@epa.gov>
Sent: Thursday, February 10, 2022 1:37 PM
To: Morrison, Matthew W. <matthew.morrison@pillsburylaw.com>
Cc: Bird, Patrick <Bird.Patrick@epa.gov>
Subject: RE: Offshore Wind

Let's do Thursday at 1:00. Thanks.

From: Morrison, Matthew W. <matthew.morrison@pillsburylaw.com>
Sent: Thursday, February 10, 2022 11:42 AM
To: Wortman, Eric <Wortman.Eric@epa.gov>
Cc: Bird, Patrick <Bird.Patrick@epa.gov>
Subject: RE: Offshore Wind

Thanks, Eric – that sounds like a plan. All of those times work for me except Friday from 9-10. Please let me know what would work best for you and I will send an invite.

All the best,

Matt

From: Wortman, Eric <Wortman.Eric@epa.gov>
Sent: Thursday, February 10, 2022 9:53 AM
To: Morrison, Matthew W. <matthew.morrison@pillsburylaw.com>
Cc: Bird, Patrick <Bird.Patrick@epa.gov>
Subject: RE: Offshore Wind

Hi Matt,

I'm tied up today and need to get some more information still. Can we meet next week? I'm free Thursday from 11-12 or 1-2, as well as Friday morning from 9-10 or 11-12.

Thanks,

Eric

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Boston, Massachusetts 02109
Telephone: (617) 918-1624 | Email: wortman.eric@epa.gov

From: Morrison, Matthew W. <matthew.morrison@pillsburylaw.com>
Sent: Tuesday, February 8, 2022 10:55 PM
To: Wortman, Eric <Wortman.Eric@epa.gov>
Cc: King, Melanie <King.Melanie@epa.gov>; Lancey, Susan <lancey.susan@epa.gov>; Bird, Patrick <Bird.Patrick@epa.gov>; Howlett, Careyanne <Howlett.Careyanne@epa.gov>
Subject: RE: Offshore Wind

Thanks very much, Eric. It would be great to touch base. Do you have any time between 12:00 and 3:00 on Thursday? Friday from 3:00 to 5:00 would also work.

I look forward to touching base with you soon.

All the best,

Matt

From: Wortman, Eric <Wortman.Eric@epa.gov>
Sent: Tuesday, February 8, 2022 4:06 PM
To: Morrison, Matthew W. <matthew.morrison@pillsburylaw.com>
Cc: King, Melanie <King.Melanie@epa.gov>; Lancey, Susan <lancey.susan@epa.gov>; Bird, Patrick

<Bird.Patrick@epa.gov>; Howlett, Careyanne <Howlett.Careyanne@epa.gov>
Subject: RE: Offshore Wind

Good afternoon Matthew,

I'm a good contact in EPA Region 1 for questions related to the OCS permitting program and the offshore wind industry. I'm looking into some of your questions regarding ZZZZ below, but may need to have a call and get more information.

Can you provide more information regarding your question about "whether and how facilities are grouped together?" Also, you mention "floating wind turbines", but I the South Fork project does not have floating wind turbines to my knowledge.

Thanks,

Eric

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From: King, Melanie <King.Melanie@epa.gov>
Sent: Monday, February 7, 2022 4:02 PM
To: Morrison, Matthew W. <matthew.morrison@pillsburylaw.com>
Cc: Lancey, Susan <lancey.susan@epa.gov>
Subject: RE: Offshore Wind

Hi Matthew,
I'm definitely not an expert on how requirements for OCS sources are applied, so for these questions I think the safest thing is to reach out to the Regional Office staff who do have expertise on these topics. I'm copying Susan Lancey who is my contact at Region 1 for subpart ZZZZ implementation questions. Susan, who at Region 1 could help with these questions?

Melanie King (she/her)
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Sector Policies and Programs Division
Office of Air Quality Planning and Standards
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From: Morrison, Matthew W. <matthew.morrison@pillsburylaw.com>
Sent: Monday, February 7, 2022 3:42 PM
To: King, Melanie <King.Melanie@epa.gov>
Subject: Offshore Wind

This is very helpful, Melanie – thank you!

I will reach out to Region 1 for the aggregation issues.

Here is the question I had for you. Our permit requires the engines on our wind turbines to comply with the RICE MACT at Quad Z:

An "OCS Source Vessel" is further defined as any vessel that:

(a) Emits or has the potential to emit any air pollutant;
(b) Is regulated or authorized under the Outer Continental Shelf Lands Act ("OCSLA") (43 U.S.C. §1331 et seq.); and
(c) Is located on the OCS or in or on waters above the OCS.
(d) Additionally, **an OCS Source Vessel must be permanently or temporarily attached to the seabed and erected thereon** and used for the purpose of exploring, developing or producing resources therefrom, within the meaning of section 4(a)(1) of OCSLA (43 U.S.C. § 1331 et seq.) **or physically attached to an OCS facility,** in which case only the stationary source aspects of the vessels will be regulated.

This definition implies that a vessel may be considered an OCS Source Vessel only if it is "permanently or temporarily attached to the seabed", such as through the use of anchor or "physically attached to an OCS facility." I'm not sure whether or how this would apply to floating wind turbines.

The requirement to comply with Subpart ZZZZ affected equipment aboard offshore vessels indicates that an owner or operator must comply with maintenance requirements (e.g., oil changes, belt checks, etc.) that are required to be completed according to hours of use or annually, whichever comes first (see 40 CFR 63.6603(c)) . This time requirement presents a few challenges for interpreting the application of the rule in the offshore environment.

1. For a vessel that attaches and detaches from an OCS facility, are the hours for Subpart ZZZZ maintenance intervals to be tracked only while the vessel is connected? Once a vessel disconnects from an OCS Source, it may lose its qualification as an OCS Source Vessel and would therefore no longer be subject to Subpart ZZZZ under Permit Condition VI.B.1.

2. How is the annual requirement to be implemented for a vessel that only attaches for minutes at a time and for most of the time it operates it is not associated with an OCS facility? A vessel that only attaches once to an OCS Source will not have to comply with Subpart ZZZZ if it never associates with the project again, but this is not entirely clear.

I'm happy to discuss these issues over the phone with you if it's more expedient.

Thanks again!

Matt

Matthew W. Morrison | Partner

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pillsbury

From: King, Melanie <King.Melanie@epa.gov>
Sent: Monday, February 7, 2022 10:06 AM
To: Morrison, Matthew W. <matthew.morrison@pillsburylaw.com>
Subject: RE: Offshore Wind

I'm probably not the best point of contact for questions about how facilities are grouped together. For site-specific questions like that, you're better off talking with the EPA Regional Office since they usually deal more directly with facilities and have more expertise in that topic. We have a list of contacts here: https://www.epa.gov/stationary-engines/epa-regional-contacts. If there are other general questions about subpart ZZZZ, I'm happy to answer what I can.

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From: Morrison, Matthew W. <matthew.morrison@pillsburylaw.com>
Sent: Friday, February 4, 2022 7:15 PM
To: King, Melanie <King.Melanie@epa.gov>
Subject: Offshore Wind

Hi Melanie, and happy Friday.

I am reaching out on behalf of Orsted, the offshore wind company, to see if you might have a few minutes early next week to touch base on a couple of issues that have arisen as we attempt to figure out how Quad Z applies to its facilities, and whether or how the facilities are grouped together. Would you be the right point of contact for such questions?

Many thanks, and enjoy the weekend,

Matt

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