



Nantucket Land & Water Council

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November 6, 2024

Ken Moraff, Director

Water Division

United States Environmental Protection Agency- Region 1

5 Post Office Square

Boston, Massachusetts 02109

RE: Draft EPA NPDES Permit No. MA0006018 (SouthCoast Wind Farm Offshore Converter Station #1, BOEM Renewable Energy Lease Area OCS-A 0521):

Dear Mr. Moraff,

The Nantucket Land and Water Council (“NLWC”) has been an active non-profit environmental advocacy organization protecting Nantucket since 1974. As a leading land and water conservation steward on Nantucket for the past five decades, NLWC’s interest has always been foremost to protect the unique natural environment of that unique Island. The NLWC serves as the steward of nearly a hundred parcels of land covering over 1500 acres, many along the shoreline of Nantucket.

NLWC also serves as the designated “Nantucket Waterkeeper” of Nantucket Island as part of the Waterkeeper Alliance of over 300 organizations whose mission is protect “fishable, swimmable and drinkable waters for all.” As a Waterkeeper organization, NLWC serves as the eyes and ears of Nantucket to protect the public’s right to clean water. The Nantucket Waterkeeper conducts water quality monitoring and research throughout the Island, educates the public about water quality issues, comments at public meetings, and when necessary, holds polluters accountable in court.

2024 Unauthorized Discharge at Vineyard Wind 1:

The Vineyard Wind project began producing power earlier this year, but its permitting process began a decade ago. The project is subject to numerous federal, state and local laws, rules and regulations that result in a patchwork of permits that govern everything from submarine cable transmission lines to historic views and vistas, from North Atlantic Right Whales to protected shorebird habitat.



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But none of those many permits contemplated the catastrophic collapse of a 107 meter (351') long, 52,000 kilogram (114,640 pound) turbine blade and the debris field it created in the Atlantic Ocean and along the Nantucket coastline.

To date over half (32 of 62) of the planned turbine installations have been completed in the Vineyard Wind 1 project. After a monthlong suspension ordered by the U.S. Bureau of Safety and Environmental Enforcement (BSEE), construction of the other wind turbines resumed. Environmental groups like the NLWC and the Residents of Nantucket were ill prepared to deal with an event of this magnitude and the delayed response of Vineyard Wind and GE Vernova made matters worse. The incident, which occurred in calm weather conditions, went unreported for nearly 48 hours. By then, debris had begun washing ashore. By the fourth day, some 17 cubic yards had washed ashore on Nantucket. Once the debris from that single failed blade has been recovered from the seabed, ocean and beaches, it should amount to some 57 tons, given the gross weight of a Haliade-X 220m blade. But so far only a small percentage of the debris has been recovered. Given the passage of time and tides it seems doubtful most of the blade debris will ever be recovered and disposed of properly.

Ten days after the incident, GE Vernova's consultant, Arcadis US, Inc., issued an Initial Environmental Analysis on July 23, 2024. Arcadis evaluated the Material Safety Data Sheets (MSDS) for the blade materials and concluded that none of the blade debris contains hazardous waste: "The blade materials and debris in their final product state are considered inert, non-soluble, stable, and non-toxic". Arcadis has also been mapping the debris field in a conceptual site model ("CSM") based on a reported tip line. For now, Arcadis has advised that the only potential risk to the public is from physical contact with fiberglass shards on the beach and along the shoreline. To date, any testing on the debris to confirm the MSDS and Arcadis CSM report has not been released to the public.

Request for EPA to amend NPDES Draft Permit Part 1.C.1(a), Part 1.C.4, & Part 1.C.5:

The EPA's initial assertion in drafting this NPDES permit states, "*the SouthCoast Wind offshore wind farm, and the OCS-DC1 in particular, will be located well outside the coastal zone of any state. Accordingly, the OCS-DC1's discharges and water withdrawals regulated by the NPDES permit will all take place well outside the coastal zone of any state and should not directly or indirectly affect the resources or use of the coastal zone of any state.*"

While this was a logical conclusion prior to July 13th, 2024, the Vineyard Wind blade failure and subsequent discharge of hazardous debris into the coastal waterways of Nantucket, Tuckernuck, and Muskeget has made clear that accidental discharges during the construction or operational phases may indeed be carried by currents into the coastal zones of nearby states, creating direct and indirect impacts to the resources and uses of coastal zones.

These accidental discharges, due to the nature of the point source facility being at sea, must also include the actual materials used in construction of the converter facility itself; The Vineyard Wind 1 incident occurred during stable conditions and had widespread debris impacts in coastal areas. Thus, the wind facility itself may during an adverse weather event or even under ideal conditions due to operator error or manufacturing defect become an unauthorized hazardous discharge, and federal permits must reflect the requirements for dealing with unexpected failure at the facility.

Part 1.C.1(a) states "*The discharge of any chemical or additive, including chemical substitution, that was not reported in the application submitted to EPA or provided through a subsequent notification to EPA is prohibited.*" The materials and relevant MSDS data for construction of the OCS-DC1 must be submitted

prior to issuance of a final permit in case of facility failure and subsequent discharge into the surrounding waters.

Part 1.C.4 states that “*The permittee shall design, install, and implement control measures to minimize the discharge of pollutants from the operations at the facility to the receiving water.*” An NPDES permit for a facility sited offshore must also include Best Management Practices (BMPs) for an accidental discharge event in which a portion or entire facility is damaged or lost so that hazardous materials discharged during the event are contained in the project area, and to the best of the permittee’s ability, not allowed to spread into the surrounding coastal waters.

Part 1.C.5 states that “*The Permittee shall develop a Stormwater Pollution Prevention Plan (SWPPP) to document the selection, design and installation of control measures, including BMPs, selected to meet the applicable requirements in this permit, and, consistent with the 2021 MSGP, to minimize the discharge of pollutants from the operations at the facility to the receiving water. The SWPPP shall be a written document and consistent with the terms of this permit.*” The written SWPPP BMP(s) must contain detailed procedures on how to handle a significant facility failure at sea, where discharge of facility debris will immediately begin spreading and impacting receiving water and its resources.

As defined in NPDES PART II Standard Conditions, *Pollutant* means *dredged spoil, solid waste, incinerator residue, filter backwash, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, **wrecked or discarded equipment**, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. (emphasis added)* Given the unique location of offshore facilities, NPDES permits must pay additional attention to the special conditions in regard to unforeseen events which discharge pollutants, including materials from the facility itself, into the receiving water.

Request for EPA to Promulgate Regulations specific to Offshore Wind Facilities such as Offshore Converter Stations, which clearly define them as a “New Source” and “New Facility” under the Clean Water Act:

The 2024 Fact Sheet for this Draft Permit states, “*Despite satisfying these basic terms of the New Facilities Rule, EPA has determined that the proposed SouthCoast Wind OCS-DC1 is not covered by the New Facilities Rule and, therefore, that CWIS requirements for the Facility should be developed based on a case-by-case, BPJ application of CWA § 316(b). See 40 CFR § 125.90(b). As explained in more detail below, EPA reaches this conclusion because siting a CWIS well offshore in ocean waters, as will be the case for the SouthCoast Wind OCS-DC1, poses distinct issues that were not considered by EPA when it developed and promulgated the New Facilities Rule. EPA has consistently addressed offshore facilities differently from other facilities and takes the same approach for SouthCoast Wind’s OCS-DC1. SouthCoast Wind proposes to locate the wind farm’s OCS-DC1 (and its CWIS) well offshore in relatively deep ocean waters. The potential use of various impingement and entrainment reduction technologies, such as traveling screens, barrier nets, and closed-cycle cooling, at this type of offshore location would face potential engineering challenges, environmental considerations, and economic effects that were not considered during EPA’s development of the New Facilities Rule. Consistent with this fact, EPA explicitly excluded the offshore and coastal oil and gas extraction point source category from coverage under the New Facilities Rule. 40 CFR § 125.81(d). EPA explained that it was “deferring regulation of these facilities due to the unique engineering, cost, and economic issues associated with offshore and coastal drilling rigs, ships, and platforms.” 66 Fed. Reg. 65311. EPA later addressed these facilities in the New Offshore Oil and Gas Facilities Rule, as mentioned above. 71 Fed. Reg. 35005.4 In that rulemaking, EPA recognized that there are inherent differences in the design and operation of land-based and offshore facilities, and that these*

differences may limit the use of certain CWIS technologies in offshore settings. As a result, the Agency adopted a regulatory approach that provides new offshore oil and gas extraction facilities additional flexibilities in complying with the Rule.”

NLWC agrees that offshore facilities pose unique engineering and environmental challenges, and we believe that makes development and promulgation of rules specific to these types of facilities while the offshore wind industry is in its early stages even more critical. The blade failure at Vineyard Wind 1 during stable conditions has highlighted the need for regulations specifically catered to the realities of harnessing offshore wind as the incredible renewable energy resource it is. We request that this process commence immediately, and that offshore wind structures be defined as *New Facilities* with their own specific requirements under the CWA.

Conclusion:

While we acknowledge the potential for renewable energy production along the coastal areas in our region, the blade failure at the Vineyard Wind 1 Project, and inadequate response of Vineyard Wind to the unauthorized discharge of the pollutants which washed ashore in our community within hours, has led NLWC to look to permitting authorities to be proactive and include permit conditions which minimize environmental impacts in the future.

Therefore, we are formally requesting both amendments to the Draft NPDES Permit (MA0006018) as detailed above to Parts 1.C.1(a), 1.C.4, and 1.C.5, *and* the development and promulgation of regulations specifically addressing the offshore facilities required for successful operation of the offshore wind industry. It is critical to address these issues and learn from incidents such as the July blade failure to build trust with neighboring communities as we work to mitigate climate change and meet our energy goals while protecting the numerous natural resources found in coastal regions.

Thank you for your attention to these matters.

Sincerely,



RJ Turcotte

Nantucket Waterkeeper

Nantucket Land & Water Council