Notice of Approval of Clean Air Act Outer Continental Shelf Permits Issued to Shell Offshore, Inc. for the Kulluk Conical Drilling Unit

AGENCY: United States Environmental Protection Agency (EPA) Region 10.

ACTION: Notice of final action.

SUMMARY: This notice announces that EPA Region 10 has issued a final permit decision granting a Clean Air Act Outer Continental Shelf (OCS) permit to construct and Title V air quality operating permit to Shell Offshore, Inc. ("Shell") for operation of the Kulluk conical drilling unit in the Beaufort Sea off the north coast of Alaska.

DATES: EPA Region 10 issued a final permit decision on the OCS permit for Shell’s operation of the Kulluk drilling unit in the Beaufort Sea on April 12, 2012. The permit also became effective on that date. Pursuant to section 307(b)(1) of the Clean Air Act, 42 U.S.C. 7607(b)(1), judicial review of this permit decision, to the extent it is available, may be sought by filing a petition for review in the United States Court of Appeals for the Ninth Circuit by July 9, 2012.

ADDRESSES: The documents relevant to the above-referenced permits are available for public inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue Suite 900, Seattle, WA 98101. To arrange for viewing of these documents, call Dan Meyer at (206) 553–4150.

FOR FURTHER INFORMATION CONTACT: Dan Meyer, Office of Air Waste, and Toxics, U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101. Anyone who wishes to review the EPA Environmental Appeals Board (EAB) decision described below can obtain it at http://www.epa.gov/eab/.

Notice of Final Action and Supplementary Information: EPA Region 10 issued a final permit decision to Shell authorizing air emissions associated with the operation of the Kulluk conical drilling unit to conduct exploratory drilling operations in the Beaufort Sea, OCS Permit No. R10OCS300000 ("Kulluk permit"). The Kulluk permit was initially issued by EPA Region 10 on October 21, 2011. The EPA’s Environmental Appeals Board (EAB) received three petitions for review of the Shell Kulluk permit from the following entities: (1) The Inupiat Community of the Arctic Slope; (2) Resisting Environmental Destruction of Indigenous Lands, Alaska Wilderness League, Center for Biological Diversity, Natural Resources Defense Council, Northern Alaska Environmental Center, Ocean Conservancy, Oceana, Pacific Environment, Sierra Club, and the Wilderness Society; and (3) Mr. Daniel Lum. On March 30, 2012, the EAB issued an order denying review of all three petitions. See In re Shell Offshore, Inc., OCS Appeal Nos. 11–05, 11–06 & 11–07 (EAB, Mar. 30, 2011) (Order Denying Petitions for Review). All conditions of the Kulluk permit, as initially issued by Region 10 on October 21, 2011, are final and effective. Pursuant to 40 CFR 71.11(l)(5) and 124.19(f)(1), final agency action by EPA has occurred because agency review procedures before the EAB have been exhausted and EPA has issued final permit decisions.


Richard Albright, Director, Office of Air, Waste, and Toxics.

ENVIRONMENTAL PROTECTION AGENCY

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. This action may, however, be of interest to those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under FOR FURTHER INFORMATION CONTACT.

B. What should I consider as I prepare my comments for EPA?

1. Submitting CBI. Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, markthe outside(194,593),(806,661) of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. Environmental justice. EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help