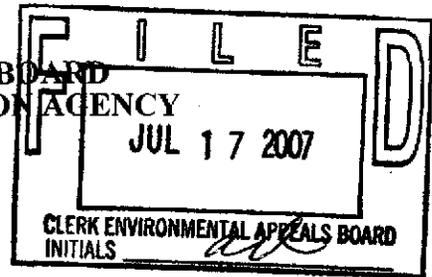


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:

Shell Offshore, Inc.,
Kulluk Drilling Unit and
Frontier Discoverer Drilling Unit

OCS Permit Nos. R10OCS-AK-07-01
R10OCS-AK-07-02

OCS Appeal Nos. 07-01 & 07-02

**AMENDED ORDER SETTING SCHEDULING CONFERENCE
AND ORDER CONSOLIDATING PETITIONS FOR REVIEW**

On June 16, 2007, The North Slope Borough ("NSB") and EARTH JUSTICE ("EJ") filed petitions for review¹ from two Outer Continental Shelf Air Regulation ("OCS") minor-source permits issued by U.S. EPA Region 10 (the "Region") to Shell Offshore, Inc. ("SOI"). For administrative purposes, the Board hereby consolidates these Petitions. Among other things, the permits authorize air emissions from two drill ships that will attach to the sea floor off the North Slope of Alaska for the purpose of oil exploration. The issuance of OCS permits is governed by 40 C.F.R. part 55 and the procedural rules set forth in 40 C.F.R. part 124. *See* 40 C.F.R. § 55.6(a)(3).

¹ NSB's Petition for Review is designated as OSC Appeal No. 07-01. *See* Petition for Review (June 16, 2007) ("NSB Petition"). EJ's Petition for Review is designated as OCS Appeal No. 07-02. *See* Petition for Review (June 16, 2007) ("EJ Petition"). EJ's Petition indicates that it has been filed on behalf of the following: Resisting Environmental Destruction on Indigenous Land, a Project of the Indigenous Environmental Network ("REDOIL"), Northern Alaska Environmental Center, Alaska Wilderness League, Center for Biological Diversity, and Natural Resources Defense Council.

By letter dated July 5, 2007, filed with the Board on July 6, 2007,² SOI has requested that the Board expedite its consideration of any petitions that challenge the OCS permits issued to SOI.

Letter from John C. Martin, Counsel to SOI, to Eurika Durr, Clerk of the Board, (July 6, 2007) (“SOI’s Letter”). SOI’s Letter states, in part, that:

[T]he timing of these permits and the unique circumstances surrounding oil exploration off the North Slope of Alaska are such that expediting these appeals as soon as possible is critical to SOI’s long-planned exploration project. In order for this project to proceed, SOI must have these final minor source air permits. In addition, the project can only proceed during the extremely limited open-water season in the Beaufort Sea. That period lasts approximately 14-16 weeks beginning in late July. Any appeals would therefore coincide with the open-water season. While SOI believes that EPA properly issued these permits and that they would be upheld through summary disposition of any appeals, under a standard timetable for the Board’s review, SOI’s 2007 exploration season could well be completely lost, irrespective of the merits of any such appeals. Accordingly, SOI seeks advance, emergency relief expediting the schedule for any appeals.

SOI’s Letter at 1-2. Under these circumstances, the Board has determined to deem SOI’s Letter to be a motion filed in the above-captioned matter. SOI is hereby directed to serve a copy of the Letter on the Region, The North Slope Borough, its attorneys, EARTH JUSTICE, and any other person who files a petition seeking review of the OCS permits issued to SOI by the Region. Such service shall be by telecopier, hand delivery, or any other method designed to effect actual delivery as soon as possible. SOI shall file a certificate of service identifying who was served, when service was effected, and the method of service used.

The Board has also determined to set a teleconference for the purpose of establishing a briefing schedule and addressing related matters in this case. The teleconference will be held on Thursday, July 19, 2007, at Noon, Eastern Daylight Savings Time. Interested persons wishing to participate in the teleconference must send an e-mail identifying themselves and their interest in the

² Documents are “filed” with the Board on the date they are received.

case no later than 4:00 pm, Eastern Daylight Savings Time, on Wednesday, July 18, 2007, to the Board's staff attorney, Timothy R. Epp, at epp.timothy@epa.gov.

Participants in the teleconference should be aware that the Board's practice under the Part 124 procedural rules is to request that the permit issuer file with the Board: 1) a response to the petition for review; 2) a certified index of the administrative record for the permit issuer's permitting decision; and 3) copies of relevant documents from the administrative record, including all documents cited by the parties in the petition or responses to the petition. In addition, the Board typically will allow the permit applicant to file a response if the applicant requests the opportunity. In this case, the Board also observes that NSB has requested an opportunity to file a reply to any responses to its petition, and NSB has requested an opportunity to present oral argument. Discussion and scheduling of these requests will be addressed during the teleconference.

So ordered.

Dated:

July 17, 2007

ENVIRONMENTAL APPEALS BOARD

By:

Kathie A. Stein

Kathie A. Stein

Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Amended Order Setting Scheduling Conference and Order Consolidating Petitions, in the matter of Shell Offshore, Inc., OCS Appeal No. 07- 01, were sent to the following persons in the manner indicated:

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Dated: **JUL 17 2007**



Annette Duncan
Secretary