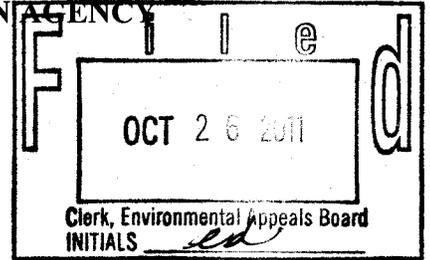


**ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



In re:)
)
Shell Gulf of Mexico, Inc.)
OCS Permit No. R10OCS/PSD-AK-09-01)
)
&)
)
Shell Offshore, Inc.)
OCS Permit No. R10OCS/PSD-AK-2010-01)
)
Noble Discoverer Drillship)
)

OCS Appeal Nos. 11-02 & 11-03

**ORDER CONSOLIDATING PETITIONS FOR REVIEW AND
ESTABLISHING WORD LIMITATIONS FOR RESPONSES**

On September 19, 2011, Region 10 (“Region”) of the U.S. Environmental Protection Agency (“Agency”) issued two Outer Continental Shelf (“OCS”) Prevention of Significant Deterioration (“PSD”) permits to Shell Gulf of Mexico, Inc. and Shell Offshore, Inc. (collectively, “Shell”) authorizing Shell to construct and operate the Noble Discoverer drillship and its air emissions units, and to conduct other air pollutant emitting activities, within Shell’s lease blocks in the Chukchi and Beaufort Seas.¹ The Environmental Appeals Board (“Board”) received two petitions for review (collectively “Petitions”) of the permits from the following:

¹ The Region initially issued the two OCS PSD permits in March and April of 2010. Several groups filed petitions for review of the permits before the Environmental Appeals Board (“Board”), and in December 2010 the Board remanded the permits to the Region for further consideration of specific issues. *See In re Shell Gulf of Mexico Inc. & Shell Offshore Inc.*, OCS Appeal Nos. 10-01 to 10-04 (Order Denying Review in Part and Remanding Permits) (EAB Dec. 30, 2010), 15 E.A.D. ___; *see also In re Shell Gulf of Mexico Inc. & Shell Offshore Inc.*, OCS Appeal Nos. 10-01 to 10-04 (Order on Four Additional Issues) (EAB Mar. 14, 2011), 15 E.A.D. ___. Upon completion of remand proceedings the Region issued the revised permits that are the subject of the current appeals.

(1) Earthjustice, on behalf of several conservation groups (“EJ Petitioners”),² and; (2) Inupiat Community of the Arctic Slope and Alaska Eskimo Whaling Commission (“AEWC”).³

The Board hereby consolidates review of these Petitions for administrative convenience and requests that the Region submit a single response to the Petitions that does not exceed 14,000 words.⁴ Should Shell choose to respond to the consolidated Petitions, Shell’s consolidated response brief also may not exceed 14,000 words.⁵

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: *October 26, 2011*

By: *Anna L. Wolgast*
Anna L. Wolgast
Environmental Appeals Judge

² The Petition for Review filed by EJ Petitioners is designated as OCS Appeal No. 11-02. *See* Petition for Review (October 24, 2011) (“EJ Petition”). The EJ Petitioners include Native Village of Point Hope, Resisting Environmental Destruction of Indigenous Lands (“REDOIL”), 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.

³ AEWC’s Petition for Review is designated as OCS Appeal No. 11-03. *See* Petition for Review (October 24, 2011) (“AEWC Petition”).

⁴ The Board recently issued a standing order in which it adopted certain procedures intended to facilitate expeditious resolution of petitions requesting review of permits issued under the Clean Air Act New Source Review (“NSR”) Program, including OCS PSD permits. *See* Order Governing Petitions for Review of Clean Air Act New Source Review Permits at 1-2 (Apr. 19, 2011) (“Standing Order”); *see also* 40 C.F.R. § 124.19. Among other things, the Board’s order states that petitions for review as well as any response brief in NSR appeals may not exceed 14,000 words. *See* Standing Order at 4 & n.5 (explaining that a petition or response brief should include a statement of compliance with the word limitation, and that in lieu of a word limitation, parties may instead comply with a 30-page limit).

⁵ The Standing Order states that if a permittee in an NSR appeal chooses to respond to a petition for review, the permittee will be required to file a response by the same deadline as the permit issuer. *See* Standing Order at 3.

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Consolidating Petitions for Review and Establishing Word Limitations for Responses in the matter of Shell Gulf of Mexico Inc., and Shell Offshore Inc., OCS Appeal Nos. 11-02 & 11-03, were sent to the following persons in the manner indicated:

By First Class U.S. Mail:

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Colin O'Brien
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By EPA Pouch Mail:

Dennis McLerran
Regional Administrator
U.S. EPA, Region 10, Suite 900
1200 Sixth Avenue (RA-140)
Seattle, WA 98101

Dated: OCT 26 2011


Annette Duncan
Secretary

Courtesy copies of the forgoing Order Consolidating Petitions for Review and Establishing Word Limitations for Responses in the matter of Shell Gulf of Mexico Inc., and Shell Offshore Inc., OCS Appeal Nos. 11-02 & 11-03, were sent to the following persons in the manner indicated:

By EPA Pouch Mail:

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