

Exhibit 5

EPA Region 10, Public Notice, Shell Discoverer Air Permit,
Beaufort Sea, Final air permit issued (Sept. 19, 2011)



Region 10: the Pacific Northwest

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Shell Discoverer Air Permit - Beaufort Sea

Final air permits issued

On September 19, 2011, EPA issued final Outer Continental Shelf/Prevention of Significant Deterioration Clean Air Act permits to Shell Gulf of Mexico Inc. and Shell Offshore Inc. for oil and gas exploration in the Beaufort Sea and the [Chukchi Sea](#). The permits authorize air emissions from Shell's exploration drilling with the Discoverer drillship and a support fleet of icebreakers, oil spill response vessels, and supply ships for up to 120 days each year. Shell plans to begin exploration drilling in 2012, as authorized by the U.S. Bureau of Ocean and Energy Management and Regulatory Enforcement.

The public comment period on the draft air permits began July 6 and ended August 5, 2011. EPA received numerous [written and oral comments on the permits](#). EPA Region 10 has carefully reviewed and considered the comments, federal statutes and regulations, and additional relevant material contained in the administrative record. EPA Region 10 has decided to issue final OCS/PSD permits to Shell Gulf of Mexico Inc. and Shell Offshore Inc. in accordance with 40 CFR 52.21 and 40 CFR Part 55.

Petitions for review of these permits must be submitted to the [Environmental Appeals Board](#) no later than **October 24, 2011**. See below for more information about appeals.

Shell 2011 Final Air Permit Documents

- **New!** Final Shell Discoverer Beaufort Air Permit (PDF) (100 pp, 630K, About PDF)
- **New!** EPA's Response to Public Comments (PDF) (125 pp, 700K)
- 2011 Supplemental Statement of Basis for Shell Discoverer Chukchi and Beaufort Permits (PDF) (70 pp, 842K)

Draft Permit and Other Related Documents

- Shell Beaufort Final OCS PSD Air Permit redline strikeout version (PDF) (101 pp, 724K) *This redline/strikeout version of the final permit is provided only to show the changes to the final permit as compared to the draft permit.*
- 2011 Shell Discoverer Beaufort Revised Draft Permit (PDF) (101 pp, 711K, About PDF)
- 2011 public comments on draft permits for Shell Discoverer (as of August 12, 2011)
- Review of Ambient Air Quality Impact Analysis (PDF) (35 pp, 1.7MB)
- Supplemental Environmental Justice Analysis (PDF) (21 pp, 688K)
- 2011 Supplemental Application Documents for Shell Discoverer Chukchi and Beaufort Permits
- 2011 Shell Discoverer Beaufort Revised Draft Permit - Redline/Strikeout Version (PDF) (106 pp, 819K) *This redline/strikeout version of the permit is provided only to show the changes to the 2011 Revised Draft Permit as compared to the 2010 Permit.*
 - 2010 Final Air Permit
 - 2010 Proposed Air Permit
 - 2010 Permit Application Materials and EPA Responses
 - 2010 Public Comments

Environmental Appeals Board - Petitions Due by October 24, 2011

EPA Region 10 issued the original permits to Shell for this project in March and April 2010. The permits were appealed and overturned on some issues by the Environmental Appeals Board (EAB). EPA appealed for reconsideration and these revised final permits address the concerns raised by the EAB.

Any person who commented on the proposed permits may petition the EAB to review any condition of the final permits. The petition must include a statement of the reasons for requesting review by the EAB including a demonstration that any issues being raised were raised during the public comment period and, when appropriate, a showing that the conditions are based on 1) a finding of fact or conclusion of law which is erroneous, or 2) an exercise of discretion or an important policy consideration which the EAB should review. Any person who did not file comments or did not participate in the public hearing on the draft permits may petition for administrative review only on changes from the proposed permit to the final permits.

Any person who failed to file comments or failed to participate in the public hearing on the draft permits may petition for administrative review only to the extent of the changes from the proposed permits to the final permits decisions.

Contact Us

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Join our mailing list to receive updates about Arctic water and air permits.

Related Information

- Alaska Outer Continental Shelf (OCS) Permits
 - Shell Discoverer Air Permit (Chukchi Sea)
 - Shell Kulluk Air Permit (Beaufort Sea)
 - ConocoPhillips Air Permit (Chukchi Sea)
- Arctic Oil & Gas Wastewater General Permits
- New Source Review/Prevention of Significant Deterioration Permits

What is the Outer Continental Shelf?

The Outer Continental Shelf (OCS) refers to federal submerged lands that lie seaward of the states' jurisdiction (generally three nautical miles from the shoreline).



Per the EAB Orders, appeals of the revised final permits are limited to issues addressed by EPA Region 10 in the revised permits and to issues otherwise raised in the petitions on the 2010 permits but not addressed by EPA Region 10 in the revised final permits. No new issues may be raised that could have been raised but were not raised in appeals of the 2010 permits. This permit becomes effective 35 days after the service of notice of the final permits decisions, unless the permits are appealed to the EAB.

Petitions for review of these permits must be submitted to the EAB no later than **October 24, 2011**. For more information about the procedures for appeal to the EAB:

- Environmental Appeals Board
- 40 CFR 124.19 (PDF) (2 pp, 40K) - Appeal of RCRA, UIC, NPDES, and PSD Permits.

Where to Review Hard Copy Documents

The permit record includes Shell's applications and supplemental application materials, the final permits, supplemental statement of basis, EPA Region 10's response to public comments, and all other materials relied on by EPA.

The permit record is available for review at **EPA Region 10, 1200 6th Ave, Seattle, Washington, 9am-5pm Monday-Friday (206-553-1200)**.

The final permits, supplemental statement of basis, and response to public comments will also be available at these locations in Alaska:

EPA, Federal Building, 222 West 7th Ave, Anchorage (907-271-5083); **Barrow City Office**, 2022 Ahkovak Street, Barrow (907-852-4050); **Nuiqsut City Office**, 2230 2nd Avenue, Nuiqsut (907-480-6727); **Kaktovik City Office**, 2051 Barter Avenue, Kaktovik (907-640-6313); **Wainwright City Office**, 1217 Airport Road, Wainwright (907-763-2815); **Kali School Library**, 1029 Ugrak Ave, Point Lay (907-833-2312); **Point Hope City Office**, 530 Natchiq Street, Point Hope (907-368-2537); **Atkasuk City Office**, 5010 Ekosik Street, Atkasuk (907-633-6811); **Anaktuvuk Pass City Office**, 3031 Main St, Anaktuvuk Pass (907-661-3612).

For more information or to request a copy of permit documents, contact Suzanne Skadowski, 206-553-6689.