

Dear Environmental Appeals Board, Environmental Protection Agency,

I petition you for review of conditions of permit for the Kulluk Drill Rig Air Permit(s). I am an original commenter on the subject and have done my best to maintain my involvement as a citizen through the Lease Sale 193 process with written and oral comments. There are two unresolved issues with the Lease sale, within the air permit(s) of the Kulluk, which I have continually asked the E.P.A. to acknowledge and address:

- 1) The lack of proven actual proven physical oil spill response drills supporting the physical base and exhaust tubes of these air permits.
  - a) The E.P.A., in my limited understanding, does not issue air permits that have negative impacts on minority populations, yet there is no clearer situation where this is about to occur. These air permits, through the industrial activities that they exhaust, complete a project that will threaten or destroy an intact minority subsistence culture through air contamination of food source while operating without prior proven actual spill response ability support.
  - b) These giant exhaust tubes do not have demonstrated, actual proven oil spill response surrounding them or supporting them. No test drills in varied conditions have been established. No real data of spill response capability is yet documented on location(s) proposed to be drilled in any, much less various, ocean conditions.
  - c) Issuing this air permit, by association, will open massive liability in an intact system from a company with recent worldwide documented environmental failing on the ocean and on land. The spill response is relevant because the operation of such air permitting activities is based within a project lacking any demonstrated actual physical containment capability. The base of the permit, the facility itself and related exhaust equipment, has failed to physically demonstrate in any way they have spill response abilities supporting them, and thus the air permit portion is failing by association through physical connection to the project through its operation.
  - d) The only documented spill response drill in our icy waters was a complete failure. The boom failed, and even the workers discuss on video to chalk it up as a failure. This is what I know to be their ability. If industry could actually respond in a drill, wouldn't they have demonstrated that?
  - e) Shell itself recovered single digit percentages of their recent North Sea spill. That is free of ice. How could they ever respond in our waters? They propose a 95% recovery rate, which is both ridiculous and impossible, and if the E.P.A. is to believe this absolutely unproven and exaggerated claim, where else are there *reality* gaps in the Lease Sale? Can we see it first, please?

Throughout the entire commenting period I have repeatedly asked why the E.P.A. does not, in the very least, require a demonstration of proposed response capabilities. The industry must demonstrate their response and THEN model industrial activity according to their true capabilities. Yet the EAB, through its issuance of this air permit, trusts the oil industry on paper, and not from proven physical demonstrations. We must see their response ability!

The United States Coast Guard, government's greatest practical expert on the subject, is saying publicly the industry has no containment ability in our Arctic waters. The EAB, by issuance of this air permit, dismisses the Coast Guard.

Does the EAB want to remain ignorant of the true physical oil spill response abilities of the exhaust tube platforms from which you are about to give air permits? Why would you choose not to know the true response abilities of the industry, and doesn't your position require you to ethically explore the truth?

The truth lies within the response drills.

Test drills simply would end the debate over whether they can or cannot respond to a large oil spill. What more real, undeniable data could there be than test drills?

If you, the EAB, believe that they can safely operate in our waters, then issue this air permit – but for the sake of thousands of Inupiat subsistence users, you **MUST** have them first demonstrate their true response levels in clear, windy, broken ice and sheet ice conditions, and then model allowable activity accordingly.

**The truth is within the drills. EAB must know the truth.**

- 2) The introduction of toxins through the Kulluk air permits via exhaust and/or other methods of byproduct release are physiologically threatening and culture changing through diet. Again, the EAB through the EPA does not (or is compelled not to) issue permits that have negative impacts on minority populations, yet there is a direct large release of hundreds of thousands of pounds of fine or small particulate into our ocean via the exhaust that settles down onto it, a result of the air permits before you.

Through the process of biomagnification (the concentration of toxins up the food chain), released toxins manifest in higher and higher amounts at each level of the food chain. The immense amount of exhaust through this air permit will introduce unprecedented levels of toxins into our digestive tracts. These toxins will manifest in our bodies through our consistent consumption of marine mammals and fish from the ocean. Introducing emissions into our subsistence zones means introducing it into our bodies. Period.

I ask the board to again consider that our main food source, the Bowhead Whale, swims while it opens its giant mouth filled with baleen and filters out the ocean. Filters it. And then we eat them. So whatever they filter we end up ingesting through consumption. These are facts – they will exhaust, the animals will absorb it, and we will ingest it.

What amounts are acceptable? What levels in our food blubber will cause illness? Where are the specific studies of chronic toxic effects of those specific toxins in blubber? What are the long term effects of this amount of toxins to an indigenous marine mammal diet? What are the long term effects of breathing this amount of toxins in our cold climate? What are the long term effects?

Why haven't the cumulative effects of both Chukchi and Beaufort operations within Lease Sale 193 ever been explored? Wouldn't that give a total (real) understanding of the impacts of the air permit(s) to be issued? Should not the board require industry to give our People a complete perspective on the amounts (cumulatively) of toxins they will expose us to, and should not that be studied and explained to us?

How will the eventual displacement of traditional food sources of our People affect us financially? Our groceries cost the most of anywhere in the United States. Our food from the stores is supplemental. \$10 gallons of milk and \$7 loaves and loads of other ridiculous prices will force the migration of our People to urban centers through displacement if contamination of food source occurs. Where are the studies about our changing food sources and the affects if/when contamination occurs.

These are simple questions that require simple, clear answers.

When you go to the grocery store in Washington D.C., you have the option of buying your family free range, hormone free and organic fruits, vegetables and even meats. By allowing this permit, you restrict our intact freedom to eat our clean foods from the ocean – a condition I would never impose upon your children. I beg you to reconsider and review conditions of permit for the Kulluk. I ask you to take an honest look at the unproven spill response in the Arctic and to consider the variable of unknown contaminant ingestion that will to occur.

\*The industry releases huge amounts of toxins, our animals ingest and absorb those toxins, and we eat and thus absorb the toxins through those animals we consume, changing our health, diet, location and culture.

\*The real truth of the spill response ability supporting the air permit activities is in the drills – industrial activity should be modeled after true response capability is demonstrated.

These are two real, unresolved reasons to reconsider conditions of permit. The EAB must resolve these two issues.

Respectfully,

Daniel Lum

\*I, Daniel Lum, hereby certify that on November 28, 2011 this request for review of conditions of permit was emailed to counsel for all parties\*