

RECORD OF DECISION

U.S. Environmental Protection Agency Adoption of Final Environmental Impact Statement for the Gulf of Mexico OCS Oil and Gas 2017-2022 Multisale

This document serves as the EPA's Adoption and Record of Decision of the Final Environmental Impact Statement (EIS) for the Bureau of Ocean and Energy Management's *Gulf of Mexico Outer Continental Shelf Oil and Gas 2017-2022 Multisale*. The BOEM prepared and released the Final EIS on March 10, 2017 (82 FR 1338). The BOEM issued its Record of Decision on July 27, 2017. The Final EIS and Record of Decision are available on the BOEM's website at: <https://www.boem.gov/GOM-Multisale-EIS/>.

1.0 Introduction

In accordance with Section 102 of the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR parts 1500-1508) and the EPA's Procedures for Implementing NEPA (40 CFR part 6), the EPA has conducted an independent review and evaluation of the BOEM's EIS for the *Gulf of Mexico OCS Oil and Gas 2017-2022 Multisale*. As a cooperating agency with responsibility for the reissuance of the National Pollutant Discharge Elimination System (NPDES) General Permit No. GMG290000 for existing and new sources and new dischargers in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category, located in and discharging to the OCS offshore Louisiana and Texas, the EPA provided subject matter expertise to the BOEM during the environmental review process. Based on its independent review and evaluation, the EPA has determined the EIS, including all supporting documentation, as incorporated by reference, adequately assesses and discloses the environmental impacts for the reissuance of the NPDES general permit, and that adoption of the EIS by the EPA is authorized under 40 CFR 1506.3. Accordingly, the EPA adopts the Final EIS for the *Gulf of Mexico OCS Oil and Gas 2017-2022 Multisale* and takes full responsibility for the scope and content that evaluates the discharges under the NPDES general permit.

2.0 Background

The purpose of the federal action is to offer for lease certain OCS blocks located in the Gulf of Mexico that may contain economically recoverable oil and gas resources. Under the BOEM's *2017-2022 Outer Continental Shelf Oil and Gas Leasing Program* (Five Year Program), two region-wide Gulf of Mexico lease sales are scheduled to be held annually. Five region-wide lease sales are tentatively scheduled in August of each year from 2017 through 2021, and five region-wide lease sales are tentatively scheduled in March of each year from 2018 through 2022. Lease Sale 249 is the first lease sale being held under the Five Year Program.

On September 28, 2015, the EPA requested cooperating agency status for the *Gulf of Mexico OCS Oil and Gas 2017-2022 Multisale* EIS. On December 16, 2015, a Memorandum of Agreement between the EPA and the BOEM was initiated to define the roles and responsibilities for each agency. The EPA regulates all waste streams generated from OCS oil- and gas-related activities through permits issued by

the EPA Region that has jurisdictional oversight. The current EPA Region 6 permit (GMG290000) was reissued with an effective date of October 1, 2012, expiring at midnight on September 30, 2017.

As the lead agency, the BOEM conducted a thorough and rigorous review of all comments received on the Draft EIS, responded to those comments as appropriate in the Final EIS, and considered substantive comments submitted on the Final EIS. The BOEM received two comments on the Final EIS that did not present any new information and did not substantially affected the analysis presented in the *Gulf of Mexico OCS Oil and Gas 2017-2022 Multisale EIS*.

3.0 Proposed Federal Action

The Proposed BOEM Action is to offer Lease Sale 249. The BOEM analyzed its federal action to offer for lease certain OCS blocks in the Gulf of Mexico in the *2017-2022 OCS Oil and Gas Leasing Program Final Programmatic EIS* that analyzed the potential environmental impacts of the lease sale schedule put forward in the *2017-2022 Five Year Program*, including the 10 proposed region-wide Gulf of Mexico lease sales. The *Gulf of Mexico OCS Oil and Gas Lease Sales: 2017-2022; Gulf of Mexico Lease Sales 249, 250, 251, 252, 253, 254, 256, 257, 259, and 261; Final Gulf of Mexico OCS Oil and Gas 2017-2022 EIS* tiers from and incorporates by reference information in the *Five Year Program EIS*. The *Gulf of Mexico OCS Oil and Gas 2017-2022 Multisale EIS* evaluates the potential environmental effects of a proposed region-wide Gulf of Mexico oil and gas lease sale, and is the NEPA analysis informing the decision on whether and how to hold Lease Sale 249.

The Proposed EPA action for this ROD is solely on the reissuance of the NPDES General Permit (GMG290000) for existing and new sources and new discharges in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category, located in and discharging to the OCS offshore of Louisiana and Texas. The discharge of produced water to that portion of the OCS from Offshore Subcategory facilities located in the territorial seas of Louisiana and Texas is also authorized by this permit. This permit would retain, with certain modifications, the limitations and conditions of the existing 2012 issued permit. The permit limitations conform with the Oil and Gas Offshore Subcategory Guidelines and contain additional requirements to assess impacts from the discharge of produced water to the marine environment, as required by section 403(c) of the Clean Water Act.

4.0 Purpose and Need

The purpose of the EPA's Proposed Action is to reissue the NPDES general permit (GMG290000) for the new and existing sources in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category for the Western Portion of the OCS of the Gulf of Mexico. The purpose of the BOEM's Proposed Action is to offer for lease certain OCS blocks located in the Gulf of Mexico that may contain economically recoverable oil and gas resources.

5.0 Alternatives

The final EIS analyzed the potential environmental effects of five alternatives.

- **Alternative A (BOEM's preferred alternative)** is to hold the Gulf of Mexico region-wide oil and gas Lease Sale 249. This alternative would offer for lease all available unleased blocks in the

proposed region-wide lease sale area for the oil and gas operations with the following exceptions:

- Whole and portions of blocks deferred by the Gulf of Mexico Energy Security Act of 2006;
 - Blocks that are adjacent to or beyond the United States' Exclusive Economic Zone in the area known as the northern portion of the Eastern Gap;
 - Whole and partial block within the current boundary of the Flower Garden Banks National Marine Sanctuary; and
 - The following blocks, whose lease status is currently under appeal: Keathley Canyon (Leasing Map NG15-05) Blocks 290, 291, and 292 and Blocks 246 and 247.
- **Alternative B** would have offered for lease all available unleased blocks within the Central Planning Area (CPA) and Eastern Planning Area (EPA) portions of the proposed lease sale area for oil and gas operations, with the following exceptions: whole and portions of blocks deferred by the Gulf of Mexico Energy Security Act of 2006; and blocks that are adjacent to or beyond the United States' Exclusive Economic Zone in the area known as the northern portion of the Eastern Gap. Available blocks within the Western Planning Area (WPA) would not be offered for lease under this alternative.
 - **Alternative C** would have offered for lease all available unleased blocks within the WPA portion of the proposed lease sale area for oil and gas operations, except for whole and partial blocks within the current boundary of the Flower Garden Banks National Marine Sanctuary.
 - **Alternative D** would have offered for lease all available blocks under either Alternatives A, B, or C, but excluded from the lease sale all blocks subject to either Topographic Features, Live Bottom (Pinnacle Trend), and/or Blocks South of Baldwin County, Alabama, Stipulations, precluding economic benefits of oil and gas that could be developed in these blocks.
 - **Alternative E (No Action Alternative)** is the cancellation of the proposed Gulf of Mexico region-wide lease sale. Alternative E was also identified as the environmentally preferable alternative because not holding the lease sale would preclude OCS oil- and gas-related activities related to new leases from occurring, along with the resulting environmental effects in the Gulf of Mexico. This alternative was not selected because it would not promote the purposes of the Outer Continental Shelf Lands Act to advance expeditious and orderly development of OCS mineral resources, subject to environmental safeguards, in a manner that is consistent with the maintenance of competition and other national needs.

6.0 Key Environmental Issues Evaluated

The key environmental issues for implementing the Proposed Action are those associated with the operational discharges and waste generated by OCS oil- and gas-related activities, including:

- Operational wastes and discharges generated by OCS oil- and gas-related facilities, such as the following:
 - Drilling muds and cuttings
 - Produced waters
 - Well-treatment, workover, and completion fluids
 - Production solids and equipment
 - Bilge, ballast, and fire water
 - Cooling water

- Deck drainage
- Treated domestic and sanitary wastes
- Minor/miscellaneous discharges
- Operational wastes and discharges generated by service vessels
- Onshore disposal of waste and discharge generated offshore or onshore, such as the following:
 - Onshore disposal of wastes generated from OCS oil- and gas-related facilities
 - Onshore disposal and storage facilities supporting OCS-generated operational wastes
 - Discharges from onshore support facilities
- Cumulative impacts of discharges and waste

Detailed description of discharges and waste associated with the OCS Oil and Gas Program activity can be found in Chapter 3.1.5 of the Final EIS. Environmental impact analysis and cumulative effects of discharges and wastes are discussed in Chapter 4.2 of the Final EIS.

7.0. Environmental Impacts

The EPA has completed an independent review and evaluation of the BOEM's Final EIS in accordance with the CEQ regulations (40 CFR 1506.3(c)) and the EPA's Procedures for Implementing NEPA (40 CFR part 6). The following summarizes analyses in the Final EIS and presents the results of the EPA's independent review and evaluation regarding the potential environmental impacts of the EPA's Proposed Action.

Operational wastes and discharges are discussed in detail in the Final EIS in Chapter 3.1.5.1. Regulated wastes include drilling fluids, drill cuttings, deck drainage, produced water, produced sand, well treatment fluids, well completion fluids, well workover fluids, sanitary wastes, domestic wastes, and miscellaneous wastes. The EPA regulates the discharge of routine operational waste streams generated from offshore oil- and gas-related activities through the NPDES program. The purpose of the program is to prevent the unreasonable degradation of the marine environment. Unreasonable degradation of the marine environment means (1) significant adverse changes in ecosystem diversity, productivity, and stability of the biological community within the area of discharge and surrounding biological communities; (2) threat to human health through direct exposure to pollutants or through consumption of exposed aquatic organisms; (3) loss of aesthetic, recreational, scientific, or economic values, which is unreasonable in relation to the benefit derived from the discharge.

To meet the goal of preventing unreasonable degradation of the marine environment, Section B of the NPDES permit specifies effluent limitations and monitoring requirements for offshore oil and gas facilities. Chapter 4.2.1 of the Final EIS discusses in detail the conditions of the NPDES permit and the analysis of any associated impacts. Impacts on water quality from operational discharges related to the proposed lease sales are expected to be **negligible** because of the following: (1) the EPA's regulations prevent unreasonable degradation of the marine environment; (2) prohibitions on discharge of some waste types; (3) prohibitions on discharge near sensitive biological communities; (4) monitoring requirements and toxicity testing; (5) mixing zone and dilution factors; (6) operational discharges are temporary in nature; and (7) any effects from elevated turbidity would be short term, localized, and reversible. As such, assuming compliance with applicable regulations, the impacts from the discharge of regulated wastes from routine operations would not have significant impacts and would require no additional mitigation.

8.0 Incorporation by Reference

The EPA has also reviewed the following information and incorporates it by reference:

- Final Programmatic Environmental Impact Statement for the 2017-2022 Outer Continental Shelf Oil and Gas Leasing Program.
- 2017-2022 Outer Continental Shelf Oil and Gas Leasing Program.
- Draft National Pollutant Discharge Elimination System (NPDES) General Permit for New and Existing Dischargers in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico, General Permit No. GMG290000 (“Proposed Permit”)
- Fact Sheet and Supplemental Information for the Proposed Reissuance of the NPDES General Permit for New and Existing Sources in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico (GMG290000).

9.0 Decision

The EPA has conducted an independent review and evaluation of the BOEM’s Final EIS for the *Gulf of Mexico OCS Oil and Gas 2017-2022 Multisale* and prepared this Record of Decision. Based on its independent review, the EPA has determined that the Final EIS and its supporting documentation, as incorporated by reference, adequately assess and disclose the environmental impacts of the EPA’s Proposed Action and that the adoption of the Final EIS by the EPA is authorized under 40 C.F.R. § 1506.3.

This decision signifies that applicable federal environmental requirements relating to the Proposed Action have been met. The decision enables the EPA to complete its NPDES General Permit (GMG290000) reissuance, as described in the Proposed Action.

Approved:

/s/ Jane B. Watson, for
William K. Honker, P.E.
Director
Water Division

Date: August 29, 2017