

Categorical Exclusion

Reissuance of EPA's National Pollutant Discharge Elimination System (NPDES) General Permit for Offshore Oil and Gas Operations in the Western and Central Gulf of Mexico

Background

The U.S. Environmental Protection Agency (EPA) intends to reissue a new source NPDES Permit for Discharges for Offshore Oil and Gas Operations in the Western and Central Gulf of Mexico (2023 GMG290000). EPA's reissuance of a new source NPDES permit is a federal action requiring compliance with the National Environmental Policy Act (NEPA), 42 USC §§4321-4370(f). In accordance with the Council on Environmental Quality regulations, 40 CFR §1501.4, a federal agency may categorically exclude an action from detailed environmental review, provided the proposed action meets certain criteria that EPA has previously determined will not have significant environmental impact and involve no extraordinary circumstances as set forth in 40 CFR Part 6.

Proposed Action

EPA is issuing the 2023 Permit for Offshore Oil and Gas Operations in the Western and Central Gulf of Mexico for five years, during which time the permit will provide coverage to eligible existing and new discharges located in Federal Waters of the Gulf of Mexico seaward of the outer boundary of the territorial seas off Louisiana and Texas or within the territorial seas of Louisiana or Texas, but with discharges to Federal waters seaward of those state territorial seas.

The permit provides coverage to discharges from oil and gas facilities, and supporting pipeline facilities, engaged in production, field exploration, developmental drilling, facility installation, well completion, well treatment, well workover, and abandonment/decommissioning operations. Oil and gas facilities located in the permit area that are temporarily idle may also be authorized. The permit coverage area consists of lease areas that are located in and discharging to Federal waters in the Gulf of Mexico specifically located in the Central to Western portions of the Gulf of Mexico (GMG290000).

The lease areas under Region 6 that begin in the Central portion include: Chandeleur, Chandeleur East, Breton Sound, Main Pass, Main Pass South and East, Viosca Knoll (but only those blocks under Main Pass South and East; the Viosca Knoll blocks between Main Pass and Mobile are under EPA Region 4 jurisdiction), South Pass, South Pass South and East, West Delta, West Delta South, Mississippi Canyon, Atwater Valley, Lund, and Lund South. These named lease areas and all lease areas westward are part of Region 6. In Texas, where the state has mineral rights to three leagues, some operators with state lease tracts are required to request coverage under this Federal NPDES general permit. In addition, permit coverage consists of produced water discharges to those Federal waters from lease blocks located in State territorial seas. This includes produced water from wells located in the area of coverage, which is sent on-shore for treatment and subsequently sent back to the Outer Continental Shelf to be discharged. The permit does not authorize discharges from facilities located in or discharging to State territorial seas or from facilities defined as "onshore", "coastal", or "stripper" (see 40 CFR Part 435, Subparts C, D, and F).

The permit is structured in nine (9) parts: Part I includes Permit Applicability and Coverage Conditions, Effluent Limitations and Monitoring Requirements, Other Discharge Limitation, Test Methods. Part II includes General Conditions, Proper Operation and Maintenance, Monitoring and Records, Reporting Requirements, Penalties for Violations of Permit Conditions, Other General Permit Conditions and Definitions).

Eligibility for Categorical Exclusion

Pursuant to NEPA, the Council on Environmental Quality's NEPA regulations, and EPA's regulations for implementing NEPA (40 CFR part 6), EPA has determined that the reissuance of the GMG290000 is eligible for a categorical exclusion requiring documentation under 40 CFR 6.204(a)(1)(iv). This category includes “actions involving reissuance of a NPDES permit for a new source providing the conclusions of the original NEPA document are still valid, there will be no degradation of the receiving waters, and the permit conditions do not change or are more environmentally protective.” In 2017, BOEM provided details of indirect and cumulative effects in the Final Environmental Impact Statement (FEIS) for Outer Continental Shelf (OCS), Gulf of Mexico (GOM) Lease Sales, published in the March 10, 2017, Federal Register.

The FEIS discussed in detail the conditions of the general permit and analyzed any associated impacts. Impacts on water quality from operational discharges related to the proposed lease sales were considered 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.

The analysis and conclusions regarding the potential environmental impacts, reasonable alternatives, and potential mitigation included in the FEIS are still valid for the reissuance of the 2023 Permit for Offshore Oil and Gas Operations in the Western and Central Gulf of Mexico because the proposed permit conditions are either the same or in some cases are more environmentally protective. For example, the final 2023 Permit for Offshore Oil and Gas Operations in the Western and Central Gulf of Mexico permit includes additional restriction on Well Treatment Fluids, Completion Fluids, and Workover Fluids (acute Whole Effluent Toxicity limitation and chronic monitoring); produced water monitoring requirements (requires operators to record and assess cause of sheen); cooling water intake requirements (requires operators to develop and implement an operation and maintenance plan and report dates and numeric exceedances of design intake velocity); requirements to submit a noncompliance report when U.S. Coast Guard MSD Requirements are not met; temperature monitoring for produced water; facility map for authorized discharges; decommissioning discharges (Operators must flush and capture the materials contained in pipelines, umbilicals, and other equipment prior to disconnection.); radioactive materials (permit does not authorize radioactive materials that are under the jurisdiction of the Nuclear Regulatory Commission).

Extraordinary Circumstances (40 CFR 6.204(b)(1) through b(10))

EPA has reviewed the proposed action and determined that the 2023 reissuance Permit for Offshore Oil and Gas Operations in the Western Gulf of Mexico does not involve any extraordinary circumstances listed in 6.204(b)(1) through (b)(10).

1. *The proposed action is not known or expected to have potentially significant environmental impacts on the quality of the human environment either individually or cumulatively over time.*
2. *The proposed action is not known or expected to have disproportionately high and adverse human health or environmental effects on any community, including minority communities, low-income communities, or federally-recognized Indian tribal communities.*
3. *The proposed action is not known or expected to significantly affect federally listed threatened or endangered species or their critical habitat.*
4. *The proposed action is not known or expected to significantly affect national natural landmarks or any property with nationally significant historic, architectural, prehistoric, archeological, or cultural value, including but not limited to, property listed on or eligible for the National Register of Historic Places.*
5. *The proposed action is not known or expected to significantly affect environmentally important natural resource areas such as wetlands, floodplains, significant agricultural lands, aquifer recharge zones, coastal zones, barrier islands, wild and scenic rivers, and significant fish or wildlife habitat.*
6. *The proposed action is not known or expected to cause significant adverse air quality effects.*
7. *The proposed action is not known or expected to have a significant effect on the pattern and type of land use (industrial, commercial, agricultural, recreational, residential) or growth and distribution of population including altering the character of existing residential areas, or may not be consistent with state or local government, or federally-recognized Indian tribe approved land use plans or federal land management plans.*
8. *The proposed action is not known or expected to cause significant public controversy about a potential environmental impact of the proposed action.*
9. *The proposed action is not known or expected to be associated with providing financial assistance to a federal agency through an interagency agreement for a project that is known or expected to have potentially significant environmental impacts.*

10. The proposed action is not known or expected to conflict with federal, state or local government, or federally-recognized Indian tribe environmental, resource-protection, or land-use laws or regulations.

Finding:

EPA finds the proposed action conforms to the category of actions eligible for exclusion from detailed environmental review under 40 CFR 6.204(a)(1)(iv) and will not involve any extraordinary circumstances. Accordingly, EPA will not prepare either an EIS or an Environmental Assessment (EA) for the proposed project. EPA may revoke this categorical exclusion if changes in the proposed action render it ineligible for exclusion or if new evidence emerges which indicates that serious local or environmental issues exist or federal, state, or local laws would be violated.



April 18, 2023

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Date