



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

November 10, 2011

Department of the Interior
Bureau of Ocean Energy Management, Regulation and Enforcement
Attention: Regulations and Standards Branch (RSB)
381 Elden Street, MS-4024
Herndon, Virginia 20170-4817

RE: Comments on Revisions to Safety and Environmental Management Systems, 1010-AD73, Oil and Gas and Sulphur Operations in the Outer Continental Shelf, (DEQ 11-163F).

Dear Sir or Madam:

The Commonwealth of Virginia has reviewed the Bureau of Ocean Energy Management, Regulation and Enforcement's (BOEMRE) *Federal Register* notice (Volume 76, Number 178, Wednesday, September 14, 2011) for the above-mentioned proposed rule. The Department of Environmental Quality is responsible for coordinating Virginia's review of federal environmental documents submitted under the National Environmental Policy Act (NEPA) and responding to appropriate federal officials on behalf of the Commonwealth. DEQ is also responsible for coordinating Virginia's review of federal consistency documents submitted pursuant to the Coastal Zone Management Act (CZMA) and providing the state's response. The following agencies and planning district commission participated in the review of this proposed rule:

Department of Environmental Quality
Department of Conservation and Recreation
Marine Resources Commission
Department of Health
Department of Historic Resources
Hampton Roads Planning District Commission

The Department of Game and Inland Fisheries, Department of Mines, Minerals and Energy, Virginia Institute of Marine Science, Accomack-Northampton Planning District Commission, Virginia Coastal Program and Virginia Coastal Energy Research Consortium were also invited to comment on the proposal.

PROJECT DESCRIPTION

On October 15, 2010, BOEMRE published a final rule that established a new Subpart S in 30 CFR, Part 250, containing Safety and Environmental Management Systems (SEMS) requirements for all Outer Continental Shelf (OCS) operators (75 FR 63610). This proposed rule would amend BOEMRE regulations to require operators to develop and implement additional provisions in their SEMS programs for oil and gas and sulphur operations in the OCS.

BOEMRE proposes to expand, revise, and add several new requirements necessary for more thorough SEMS programs, and to facilitate BOEMRE oversight. These six additional requirements provide several key ways for offshore employees to help ensure safe operation of activities that are regulated under BOEMRE jurisdiction on the OCS. They include:

1. Procedures to authorize any and all employees on the facility to implement a Stop Work Authority (SWA) program when witnessing an activity that is regulated under BOEMRE jurisdiction that creates a threat of danger to an individual, property, and/ or the environment;
2. Clearly defined requirements establishing who has the ultimate authority on the facility for operational safety and decision making at any given time;
3. A plan of action that shows how operator employees are involved in the implementation of the American Petroleum Institute's Recommended Practice for Development of a Safety Environmental Management Program for Offshore Operations and Facilities (API RP 75), as incorporated by reference in the subpart S regulatory requirements in the October 15, 2010, final rule;
4. Guidelines for reporting unsafe work conditions related to an operators SEMS program, that provide all employees the right to report a possible safety or environmental violation(s) and to request a BOEMRE inspection of the facility if they believe there is a serious threat of danger or their employer is not following BOEMRE regulations;
5. Revisions that require operators with SEMS programs to engage independent third party auditors to conduct all audits of operators' SEMS programs and that the independent third party auditors must meet the criteria listed in Section 250.1926 of this proposed rule; and
6. Additional requirements for conducting a job safety analysis (JSA).

CONCLUSION

In general, the agencies that responded to the proposal indicated that there would be no impact to the programs under their authority as a result of the proposed revisions. Reviewers did not express any concerns. The Hampton Roads Planning District Commission expressed support for the proposed revisions.

ENVIRONMENTAL IMPACTS AND MITIGATION

1. Water Quality and Wetlands.

1(a) Agency Jurisdiction. The State Water Control Board (SWCB) promulgates Virginia's water regulations, covering a variety of permits to include Virginia Pollutant Discharge Elimination System Permit (VPDES), Virginia Pollution Abatement Permit, Surface and Groundwater Withdrawal Permit, and the Virginia Water Protection Permit (VWPP).

DEQ issues individual VPDES permits to both municipal and industrial facilities. Permit requirements, special conditions, effluent limitations and monitoring requirements are determined for each facility on a site specific basis in order to meet applicable water quality standards. General permits are permits written for a general class of dischargers including Discharges of Storm Water Associated With Industrial Activity (9 VAC 25-151 (VAR 05)). The six DEQ regional offices perform permit application reviews and issue permits for the covered activities.

The VWPP is a state permit which governs wetlands, surface water, and surface water withdrawals/impoundments. It also serves as § 401 certification of the federal *Clean Water Act* § 404 permits for dredge and fill activities in waters of the U.S. The VWPP Program is under the Office of Wetlands and Water Protection/Compliance, within the DEQ Division of Water Quality Programs. In addition to central office staff that review and issue VWPPs for transportation and water withdrawal projects, the six DEQ regional offices perform permit application reviews and issue permits for the covered activities.

1(b) Agency Findings. The DEQ Tidewater Regional Office (TRO) VWPP and VPDES programs have no comments on the proposed revisions.

For additional information, contact DEQ-TRO, Mark Sauer (VPDES) at (757) 518-2105 and/or Bert Parolari (VWPP) at (757) 518-2166.

2. Subaqueous Lands.

2(a) Agency Jurisdiction. The Virginia Marine Resources Commission (VMRC), pursuant to Section 28.2-1200 *et seq.* of the *Code of Virginia*, has jurisdiction over any encroachments in, on, or over any state-owned rivers, streams, or creeks in the Commonwealth.

The VMRC serves as the clearinghouse for the Joint Permit Application (JPA) used by the:

- U.S. Army Corps of Engineers (Corps) for issuing permits pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act;
- DEQ for issuance of a Virginia Water Protection Permit;
- VMRC for encroachments on or over state-owned subaqueous beds as well as tidal wetlands; and
- local wetlands board for impacts to wetlands.

Any jurisdictional impacts would be reviewed by VMRC under the JPA process.

2(b) Agency Findings. According to the VMRC, it would appear that no authorization from VMRC will be required for the proposed revisions. However, should future activities related to oil and gas and sulphur operations on the OCS encroach on or over state-owned submerged lands, a permit may be required.

For additional information, contact VMRC, George Badger at (757) 414-0710.

3. Nonpoint Source Pollution Control.

3(a) Agency Jurisdiction. The Department of Conservation and Recreation (DCR) Division of Stormwater Management (DSM) administers the *Virginia Erosion and Sediment Control Law and Regulations (VESCL&R)* and *Virginia Stormwater Management Law and Regulations (VSWML&R)*.

3(b) Erosion and Sediment Control and Stormwater Management Plans. DCR-DSM has no comments on the proposed revisions.

4. Chesapeake Bay Preservation Act.

4(a) Agency Jurisdiction. The DCR Division of Stormwater Management (DSM)-Local Implementation (LI) (formerly called the Division of Chesapeake Bay Local Assistance) administers the *Chesapeake Bay Preservation Act* (Virginia Code §10.1-2100-10.1-2114) and *Chesapeake Bay Preservation Area Designation and Management Regulations* (9 VAC 10-20 *et seq.*).

4(b) Agency Findings. DCR-DSM-LI finds the proposed procedural changes to oil and gas SEMS programs for activities on the outer continental shelf of the Atlantic Ocean would not fall under the jurisdiction of the *Chesapeake Bay Preservation Act and Regulations*.

For additional information, contact DCR-DSM-LI, Robbie Rhur at (804) 371-2594.

5. Air Emissions.

5(a) Agency Jurisdiction. DEQ's Air Quality Division, on behalf of the State Air Pollution Control Board, is responsible to develop regulations that become *Virginia's Air*

Pollution Control Law. DEQ is charged to carry out mandates of the state law and related regulations as well as Virginia's federal obligations under the *Clean Air Act* as amended in 1990. The objective is to protect and enhance public health and quality of life through control and mitigation of air pollution. The division ensures the safety and quality of air in Virginia by monitoring and analyzing air quality data, regulating sources of air pollution, and working with local, state and federal agencies to plan and implement strategies to protect Virginia's air quality. The appropriate regional office is directly responsible for the issue of necessary permits to construct and operate all stationary sources in the region as well as to monitor emissions from these sources for compliance. As a part of this mandate, the environmental documents of new projects to be undertaken in the state are also reviewed. In the case of certain projects, additional evaluation and demonstration must be made under the general conformity provisions of state and federal law.

5(b) Agency Findings. The DEQ Air Division has no comments.

For additional information, contact the DEQ Air Division, Kotur Narasimhan at (804) 698-4415.

6. Solid and Hazardous Wastes and Hazardous Materials.

6(a) Agency Jurisdiction. Solid and hazardous wastes in Virginia are regulated by the Virginia Department of Environmental Quality, the Virginia Waste Management Board (VWMB) and the U.S. Environmental Protection Agency. They administer programs created by the federal *Resource Conservation and Recovery Act*, *Comprehensive Environmental Response Compensation and Liability Act*, commonly called Superfund, and the *Virginia Waste Management Act*. DEQ administers regulations established by the VWMB and reviews permit applications for completeness and conformance with facility standards and financial assurance requirements. All Virginia localities are required, under the Solid Waste Management Planning Regulations, to identify the strategies they will follow on the management of their solid wastes to include items such as facility siting, long-term (20-year) use, and alternative programs such as materials recycling and composting.

6(b) Agency Findings. DEQ's Division of Land Protection and Revitalization (DLPR) (formerly the Waste Division) finds that the proposed revisions do not address potential solid waste and/or hazardous waste issues or contaminated media. However, the intent of the revisions is to help reduce the potential and frequency of occurrence of accidents on rigs and vessels related to offshore operations.

6(c) Conclusion. As no activities have been proposed at specific land-based locations, DEQ-DLPR provides general comments (attached) on waste management programs under its jurisdiction and other waste-related matters.

Questions or requests for further information may be directed to DEQ-LPRD, Richard Criqui at (804) 698-4013.

7. Natural Heritage Resources.

7(a) Agency Jurisdiction The mission of the Virginia Department of Conservation and Recreation is to conserve Virginia's natural and recreational resources. DCR supports a variety of environmental programs organized within seven divisions including the Division of Natural Heritage. The Natural Heritage Program's (DCR-DNH) mission is conserving Virginia's biodiversity through inventory, protection, and stewardship. The *Virginia Natural Area Preserves Act*, 10.1-209 through 217 of the *Code of Virginia*, was passed in 1989 and codified DCR's powers and duties related to statewide biological inventory: maintaining a statewide database for conservation planning and project review, land protection for the conservation of biodiversity, and the protection and ecological management of natural heritage resources (the habitats of rare, threatened, and endangered species, significant natural communities, geologic sites, and other natural features).

7(b) Agency Findings. According to DCR-DNH, there are no State Natural Area Preserves under DCR's jurisdiction in the OCS off Virginia. The current activity will not affect any documented state-listed plants or insects.

For additional information, contact DCR-DNH, Rene Hypes at (804) 371-2708.

8. Shellfish Resources.

8(a) Agency Jurisdiction. The Virginia Department of Health's (VDH) Division of Shellfish Sanitation (DSS) is responsible for protecting the health of the consumers of molluscan shellfish and crustacea by ensuring that shellfish growing waters are properly classified for harvesting, and that molluscan shellfish and crustacea processing facilities meet sanitation standards. The mission of this Division is to minimize the risk of disease from molluscan shellfish and crustacea products at the wholesale level by classifying shellfish waters for safe commercial and recreational harvest; by implementing a statewide regulatory inspection program for commercial processors and shippers; and by providing technical guidance and assistance to the shellfish and crustacea industries regarding technical and public health issues.

8(b) Agency Findings. VDH-ODW does not anticipate that the proposed revisions would have any public health implications related to shellfish.

For additional information, contact VDH-ODW, Keith Skiles at (804) 864-7480.

9. Drinking Water.

9(a) Agency Jurisdiction. The Virginia Department of Health (VDH), Office of Drinking Water (ODW) reviews projects for the potential to impact public drinking water sources (groundwater wells and surface water intakes).

9(b) Agency Findings. VDH-ODW has no comments on the proposed revisions.

Contact VDH, Diedre Forsgren at (804) 864-7241 for additional information.

10. Historic Structures and Archaeological Resources.

10(a) Agency Jurisdiction. The Department of Historic Resources (DHR) conducts reviews of projects to determine their effect on historic structures or cultural resources under its jurisdiction. DHR, as the designated State's Historic Preservation Office, ensures that federal actions comply with Section 106 of the *National Historic Preservation Act of 1962* (NHPA), as amended, and its implementing regulation at 36 CFR Part 800. The NHPA requires federal agencies to consider the effects of federal projects on properties that are listed or eligible for listing on the National Register of Historic Places. Section 106 also applies if there are any federal involvements, such as licenses, permits, approvals or funding.

10(b) Agency Findings. This action is not the type that has the potential to impact historic properties. As such, this undertaking does not require consultation with DHR under Section 106 of the National Historic Preservation Act. DHR has no comment on the proposed revisions to the rule.

For additional information, contact DHR, Roger Kirchen at (804) 482-6091.

11. Regional Planning.

11(a) Agency Jurisdiction. In accordance with the Code of Virginia, Section 15.2-4207, planning district commissions encourage and facilitate local government cooperation and state-local cooperation in addressing, on a regional basis, problems of greater than local significance. The cooperation resulting from this is intended to facilitate the recognition and analysis of regional opportunities and take account of regional influences in planning and implementing public policies and services. Planning district commissions promote the orderly and efficient development of the physical, social and economic elements of the districts by planning, and encouraging and assisting localities to plan, for the future.

11(b) Agency Comments. According the Hampton Roads Planning District Commission (HRPDC), the OCS contains a wide variety of ecological and mineral resources. Utilizing these resources in a responsible manner is critical to the nation's

and the region's long-term economic and environmental sustainability. The HRPDC, recognizing the need for appropriate safety and environmental regulations for operations in the OCS, supports the proposed revisions to the rule.

For additional information, contact HRPDC, John Carlock at (757) 420-8300.

Thank you for the opportunity to comment on the proposed revisions to Safety and Environmental Management Systems for oil and gas and sulphur operations in the Outer Continental Shelf. Detailed comments of reviewing agencies are attached for your review. Please contact me at (804) 698-4325 or John Fisher at (804) 698-4339 for clarification of these comments.

Sincerely,



Ellie Irons, Program Manager
Environmental Impact Review

Enclosures

Ec: Cindy Keltner, DEQ-TRO
Richard Criqui, DEQ-DLPR
Kotur Narasimhan, DEQ-Air
Laura McKay, DEQ-VCP
Dave Davis, DEQ-OWWP
Amy Ewing, DGIF
Robbie Rhur, DCR
Barry Matthews, VDH
Tony Watkinson, VMRC
David Spears, DMME
Pam Mason, VIMS
Roger Kirchen, DHR
John Carlock, HRPDC
Elaine Meil, A-NPDC
George Hagerman, VCERC



DEPARTMENT OF ENVIRONMENTAL QUALITY
TIDEWATER REGIONAL OFFICE
ENVIRONMENTAL IMPACT REVIEW COMMENTS

RECEIVED

OCT 24 2011

DEQ-Office of Environmental
Impact Review

October 24, 2011

PROJECT NUMBER: 11-163F

PROJECT TITLE: Oil Gas Sulfur Ops in Outer Continental Shelf-Revisions to safety
Env Mgmt systems

As Requested, TRO staff has reviewed the supplied information and has the following comments:

Petroleum Storage Tank Cleanups:

No comments.

Petroleum Storage Tank Compliance/Inspections:

No comments.

Virginia Water Protection Permit Program (VWPP):

No comments.

Air Permit Program :

No comments.

Water Permit Program :

No comments for water permits.

Ground Water – No comments.

Waste Permit Program :

No comments

The staff from the Tidewater Regional Office thanks you for the opportunity to provide comments.

Sincerely,

Cindy Keltner
Environmental Specialist II
5636 Southern Blvd.
VA Beach, VA 23462
(757) 518-2167
Cindy.Keltner@deq.virginia.gov



COMMONWEALTH of VIRGINIA

I. Preston Bryant, Jr.
Secretary of Natural Resources

Marine Resources Commission
2600 Washington Avenue
Third Floor
Newport News, Virginia 23607
October 13, 2011

Steven G. Bowman
Commissioner

Mr. John E. Fisher
c/o Department. Of Environmental Quality
Office of the Environmental Impact Review
629 East Main Street, Sixth Floor
Richmond, Virginia 23219

Re: 11-163F
(Outer Continental Shelf)

Dear Mr. Fisher:

You have inquired regarding the Oil & Gas operations and revisions to the Safety & Environmental management systems in the Atlantic Ocean off the Outer Continental Shelf.

The Marine Resources Commission requires a permit for any activities that encroach upon or over, or take use of materials from the beds of the bays, ocean, rivers and streams, or creeks which are the property of the Commonwealth.

Based upon my review of the Federal Register, dated September 14, 2011, it would appear that no authorization from the Marine Resources Commission will be required for your request. If future activities encroach on or over state own submerged lands a permit may be needed.

If I may be of further assistance, please do not hesitate to contact me at (757) 414-0710.

Sincerely,

A handwritten signature in black ink, appearing to read "G. H. Badger, III".

George H. Badger, III
Environmental Engineer

An Agency of the Natural Resources Secretariat

Web Address: www.mrc.virginia.gov

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD



David A. Johnson
Director
RECEIVED

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street
Richmond, Virginia 23219-2010
(804) 786-1712

OCT 12 2011
DEQ-Office of Environmental
Impact Review

MEMORANDUM

DATE: October 12, 2011
TO: John Fisher, DEQ
FROM: Roberta Rhur, Environmental Impact Review Coordinator
SUBJECT: DEQ 11-163F, Oil Gas Operations, Outer Continental Shelf

Division of Natural Heritage

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

DCR supports new requirements that "...will further reduce the likelihood of accidents, injuries, and spills in connection with OCS activities..." as stated in the Summary of the rulemaking proposal in the Federal Register / Vol. 76, No. 178 / Wednesday September 14, 2011 / Proposed Rules, page 86683.

There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the Virginia Department of Conservation and Recreation (DCR), DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

New and updated information is continually added to Biotics. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

The Virginia Department of Game and Inland Fisheries maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from <http://vafwis.org/fwis/> or contact Shirl Dressler at (804) 367-6913.

Division of Stormwater Management

Chesapeake Bay Local Assistance:

This document proposed procedural changes to oil and gas operations on the outer continental shelf of the Atlantic Ocean. The project would take place outside of the jurisdiction of the *Chesapeake Bay Preservation Act & Regulations*, as it would occur in the subaqueous bottomland of the **Atlantic Ocean**. As such there are no consistency issues relative to the Bay Act.

The remaining DCR divisions have no comments regarding the scope of this project. Thank you for the opportunity to comment.



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OCT 12 2011

DEQ-Office of Environmental
Impact Review

MEMORANDUM

TO: John E. Fisher, Environmental Program Planner

FROM: Richard J. Criqui, Jr., C.P.S.S., DLPR Review Coordinator 

DATE: October 12, 2011

COPIES: Leslie A. Romanchik, Hazardous Waste Program Manager
EIR File

SUBJECT: Proposed Rule - DOI - BOEMRE – Oil and Gas and Sulphur Operations in the Outer Continental Shelf - Revisions to Safety and Environmental Management Systems - DEQ EIR Project No. 11-163F – Review Comments

The Division of Land Protection and Revitalization (DLPR) (former Waste Division) has completed its review of the proposed rule under 30 CFR Part 250 under the Department of Interior, Bureau of Ocean Energy Management, Regulation, and Enforcement, entitled: *Oil and Gas and Sulphur Operations in the Outer Continental Shelf-- Revisions to Safety and Environmental Management Systems*, dated September 14, 2011.

The U.S. Department of Interior, Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE), has prepared a proposed rulemaking to amend BOEMRE Regulations to require operators to develop and implement additional provisions in their Safety and Environmental Management Systems (SEMS) programs for oil, gas, and sulphur operations in the Outer Continental Shelf (OCS). These revisions pertain to developing and implementing stop work authority, ultimate work authority, and requiring employee participation in the development and implementation of SEMS programs, and establishing requirements for reporting unsafe working conditions. In addition this proposed rule requires independent third parties to conduct audits of operators SEMS programs, and establishes further requirements relating to conducting job safety analysis (JSA) for activities identified in an operator's SEMS Program.

We have the following comments concerning the proposed Regulations and related waste issues associated with this EIR project No. 11-163F.

The proposed Regulations under Project No. 11-163F did not address potential solid waste and/or hazardous waste issues or contaminated media with any aspect of the proposal

However, the intent of the proposed Regulations is to help reduce the potential and frequency of occurrence of accidents on rigs and vessels, etc, of offshore operations associated with exploration, development, pipeline transportation, storage, production, drilling, well completion, well workover, and well servicing activities in the OCS so to protect worker safety, human health, and the environment.

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OCT 07 2011

DEQ-Office of Environmental Impact Review

DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF AIR PROGRAM COORDINATION

ENVIRONMENTAL REVIEW COMMENTS APPLICABLE TO AIR QUALITY

TO: John E. Fisher

DEQ - OEIA PROJECT NUMBER: 11 - 163F

PROJECT TYPE: STATE EA / EIR X FEDERAL EA / EIS SCC
 CONSISTENCY DETERMINATION

PROJECT TITLE: OIL, GAS & SULFUR OPERATIONS IN THE OUTER CONTINENTAL SHELF – REVISIONS TO SAFETY & ENVIRONMENTAL MANAGEMENT SYSTEMS

PROJECT SPONSOR: DOI / BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION & ENFORCEMENT

PROJECT LOCATION: OZONE MAINTENANCE AND EMISSION CONTROL AREA FOR NOX & VOC

REGULATORY REQUIREMENTS MAY BE APPLICABLE TO: CONSTRUCTION OPERATION

STATE AIR POLLUTION CONTROL BOARD REGULATIONS THAT MAY APPLY:

- 1. 9 VAC 5-40-5200 C & 9 VAC 5-40-5220 E – STAGE I
- 2. 9 VAC 5-40-5200 C & 9 VAC 5-40-5220 F – STAGE II Vapor Recovery
- 3. 9 VAC 5-40-5490 et seq. – Asphalt Paving operations
- 4. 9 VAC 5-130 et seq. – Open Burning
- 5. 9 VAC 5-50-60 et seq. Fugitive Dust Emissions
- 6. 9 VAC 5-50-130 et seq. - Odorous Emissions; Applicable to _____
- 7. 9 VAC 5-50-160 et seq. – Standards of Performance for Toxic Pollutants
- 8. 9 VAC 5-50-400 Subpart_____, Standards of Performance for New Stationary Sources, designates standards of performance for the _____
- 9. 9 VAC 5-80-10 et seq. of the regulations – Permits for Stationary Sources
- 10. 9 VAC 5-80-1700 et seq. Of the regulations – Major or Modified Sources located in PSD areas. This rule may be applicable to the _____
- 11. 9 VAC 5-80-2000 et seq. of the regulations – New and modified sources located in non-attainment areas
- 12. 9 VAC 5-80-800 et seq. Of the regulations – Operating Permits and exemptions. This rule may be applicable to _____

COMMENTS SPECIFIC TO THE PROJECT:



(Kotur S. Narasimhan)
Office of Air Data Analysis

DATE: October 7, 2011

No discussion of potential waste management activities or issues associated with the proposed Regulations was provided except for general discussions of the costs and general nature and extent of past major accidents associated with past offshore operations regulated by the SEMS Programs.

No specific project sites were provided in the proposal. Therefore, the staff is unable to identify if there are any specific issues which should be addressed by the proposed Regulations other than the generally stated waste management comments provided below.

It should be noted that the staff's summary comments are typically provided under the following categories:

1. Hazardous Waste Facilities.
2. Solid Waste Facilities.
3. CERCLA Sites.
4. FUDs Sites.
5. Voluntary Remediation Sites.
6. Petroleum Release Sites.

As no activities have been proposed at specific land based locations, the staff is unable to provide information related with the above waste issues or categories other than the general comments below.

GENERAL COMMENTS

Soil, Sediment, and Waste Management

Any soil or sediment that is suspected of contamination or wastes that are generated from this project should be tested and disposed of in accordance with applicable Federal, State, and local laws and regulations. Some of the applicable State laws and regulations are: Virginia Waste Management Act, Code of Virginia Section 10.1-1400 *et seq.*; Virginia Hazardous Waste Management Regulations (VHWMR) (9VAC 20-60); Virginia Solid Waste Management Regulations (VSWMR) (9VAC 20-81); Virginia Regulations for the Transportation of Hazardous Materials (9VAC 20-110). Some of the applicable Federal laws and regulations are: the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6901 *et seq.*, and the applicable regulations contained in Title 40 of the Code of Federal Regulations; and the U.S. Department of Transportation Rules for Transportation of Hazardous Materials, 49 CFR Part 107.

Contaminated media which may be generated from specific releases from solid waste management units (SWMUs), areas of concern (AOCs), or from other pollution sources from facilities operations may require specific and special handling, storage, treatment, and/or disposal requirements for the general volumes and types of wastes which are typically expected to be generated for such operations. (e.g., drilling mud, contaminated sediments, and/or soil, and other wastewater, petroleum, or chemical wastes that are generated from facilities typical operations should be properly managed so to protect human health and the environment.)

Asbestos and/or Lead-based Paint

All structures and infrastructure being demolished/renovated/ removed associated with the project should be checked for asbestos-containing materials (ACM) and lead-based paint (LBP) prior to demolition. If ACM or LBP are found, in addition to the federal waste-related regulations mentioned above, State regulations 9VAC 20-81-620 for ACM and 9VAC 20-60-261 for LBP must be followed.

Pollution Prevention – Reuse - Recycling

Please note that DEQ encourages all construction projects and facilities to implement pollution prevention principles, including the reduction, reuse, and recycling of all solid wastes generated. All generation of hazardous wastes should be minimized and handled appropriately.

If you have any questions or need further information, please contact Richard Criqui at (804) 698-4013.

Fisher, John (DEQ)

From: Forsgren, Diedre (VDH)
Sent: Thursday, October 06, 2011 10:47 AM
To: Fisher, John (DEQ)
Cc: Matthews, Barry (VDH)
Subject: (11-163F) Proposed Rule: Oil, Gas, & Sulphur Operations in the Outer Continental Shelf - Revisions to Safety & Environmental Management Systems

DEQ Project #: 11-163F
Name: Proposed Rule: Oil, Gas, & Sulphur Operations in the Outer Continental Shelf - Revisions to Safety & Environmental Management Systems
Sponsor: DOI/Bureau of Ocean Energy Mgmt, Regulation, & Enforcement
Location: Outer Continental Shelf

VDH – Office of Drinking Water and VDH-Division of Shellfish Sanitation have no comments in addition to those submitted under DEQ Environmental Review Request 11-163F, dated July 20, 2011. Please see attached comments.



(11-130F) EA_
Commercial Wind ...



(11-130F) Shellfish
comments o...

Diedre Forsgren

Office Services Specialist
VIRGINIA DEPARTMENT OF HEALTH
Office of Drinking Water, Room 622-A
109 Governor Street
Richmond, VA 23219
Phone: (804) 864-7241
email: diedre.forsgren@vdh.virginia.gov

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OCT 06 2011

DEQ-Office of Environmental
Impact Review

From: [Skiles, Keith \(VDH\)](#)
To: [Forsgren, Diedre \(VDH\)](#)
Subject: RE: ?Shellfish comments on DEQ Review Request
Date: Wednesday, July 20, 2011 3:37:25 PM

No - I would not anticipate any public health implications from this activity related to shellfish.
Keith

From: Forsgren, Diedre (VDH)
Sent: Wednesday, July 20, 2011 3:15 PM
To: Skiles, Keith (VDH)
Subject: FW: ?Shellfish comments on DEQ Review Request

Keith:

DEQ Project #: 11-130F
Name: Commercial Wind Lease Issuance & Site Characterization Activities
on the Atlantic Outer Continental Shelf Offshore
Sponsor: Department of the Interior/Bureau of Ocean Energy Management
Location: (Planning Districts for Hampton Roads and Accomack-Northampton)

I have received a review for this lease project.

Would you have any comment on this?

Thanks,

Diedre Forsgren

Office Services Specialist
VIRGINIA DEPARTMENT OF HEALTH
Office of Drinking Water, Room 622-A
109 Governor Street
Richmond, VA 23219
Phone: (804) 864-7241
email: diedre.forsgren@vdh.virginia.gov



STAN B. CLARK, CHAIRMAN • THOMAS G. SHEPPERD, JR., VICE CHAIR • JAMES D. McREYNOLDS, TREASURER
DWIGHT L. FARMER, EXECUTIVE DIRECTOR/SECRETARY

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OCT 14 2011

DEQ-Office of Environmental
Impact Review

MEMBER JURISDICTIONS

October 14, 2011

CHESAPEAKE

Mr. John E. Fisher
Virginia Department of Environmental Quality
Office of Environmental Impact Review
629 East Main Street, Sixth Floor
Richmond, VA 23219

FRANKLIN

GLOUCESTER

Re: DEQ #11-163F, Oil, Gas, & Sulphur Operations in the Outer Continental Shelf - Revisions to Safety & Environmental Management Systems (ENV:GEN)

HAMPTON

ISLE OF WIGHT

Dear Mr. Fisher:

JAMES CITY

Pursuant to your request, the staff of the Hampton Roads Planning District Commission has reviewed the proposed amendment to BOEMRE regulations concerning the development and implementation of Safety and Environmental Management Systems for oil, gas, and sulphur operations in the Outer Continental Shelf.

NEWPORT NEWS

NORFOLK

The Outer Continental Shelf (OCS) contains a wide variety of ecological and mineral resources. Utilizing these resources in a responsible manner is critical to the nation's and the region's long-term economic and environmental sustainability. The Hampton Roads Planning District Commission, recognizing the need for appropriate safety and environmental regulations for operations in the OCS, supports the proposed rule.

POQUOSON

PORTSMOUTH

SOUTHAMPTON

We appreciate the opportunity to review this proposal. If you have any questions, please do not hesitate to call.

SUFFOLK

Sincerely,

SURRY

VIRGINIA BEACH

John M. Carlock, AICP
Deputy Executive Director

WILLIAMSBURG

BJM/fh

YORK

RECEIVED

OCT 06 2011

DEQ-Office of Environmental
Impact Review

From: Forsgren, Diedre (VDH)
To: [Fisher, John \(DEQ\)](#)
Cc: [Matthews, Barry \(VDH\)](#)
Subject: (11-130F) EA: Commercial Wind Lease Issuance & Site Characterization Activities on the Atlantic Outer Continental Shelf (Offshore NJ, DE, MD, and VA)
Date: Wednesday, July 20, 2011 4:11:00 PM
Attachments: [\(11-130F\) Shellfish comments on DEQ Review Request.pdf](#)

DEQ Project #: 11-130F

Name: Commercial Wind Lease Issuance & Site Characterization Activities on the Atlantic Outer Continental Shelf (Offshore NJ, DE, MD, and VA)

Sponsor: DOI/Bureau of Ocean Energy Management

Location: (Hampton Roads and Accomack-Northampton Planning Districts)

VDH – Office of Drinking Water has reviewed DEQ Project Number 11-130F and has no comments.

Please see attached PDF from Division of Shellfish Sanitation of no comments.

Diedre Forsgren

Office Services Specialist

VIRGINIA DEPARTMENT OF HEALTH

Office of Drinking Water, Room 622-A

109 Governor Street

Richmond, VA 23219

Phone: (804) 864-7241

email: diedre.forsgren@vdh.virginia.gov

Fisher, John (DEQ)

From: Kirchen, Roger (DHR)
Sent: Wednesday, October 05, 2011 2:23 PM
To: Fisher, John (DEQ)
Subject: Oil, Gas, and Sulphur Operations in the OCS - Revisions to Safety and Environmental Management Systems (DEQ #11-163F; DHR File No. 2011-1619)

This action is not the type that has the potential to impact historic properties. As such, this undertaking does not require consultation with DHR under Section 106 of the National Historic Preservation Act. DHR has no comment on the proposed rule.

Roger

*Roger W. Kirchen, Archaeologist
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Division of Resource Services and Review
Department of Historic Resources
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