



REGION 10

SEATTLE, WA 98101

October 21, 2025

Tyler Marye
USACE – Alaska District, Regulatory Division
P.O. Box 6898
JBER, Alaska 99506

Dear Tyler Marye:

The U.S. Environmental Protection Agency has reviewed the U.S. Army Corps of Engineer's September 2025 Notice of Intent to Prepare an Environmental Impact Statement for the Colville Delta 8 project, approximately 2 miles from Nuiqsut, Alaska. The proposed project would expand hydrocarbon resource development in the Colville River Unit, including construction of a new 15-acre drillsite on a gravel pad to accommodate up to 40 wells. Pursuant to the National Environmental Policy Act and Section 309 of the Clean Air Act, the EPA is required to review and comment publicly on any proposed federal action subject to the NEPA's environmental impact requirement.

The EPA is providing scoping comments on the NOI as requested during the September 29, 2025, cooperating agency kick-off meeting. The EPA's review identified that the proposed project may have reasonably foreseeable adverse impacts on aquatic resources and air quality. Our attached comments identify opportunities to support decision making with a complete analysis and reduce or mitigate reasonably foreseeable adverse environmental impacts.

Thank you for the opportunity to review the NOI for this project. If you have questions about this review, please contact Emily Bitalac of my staff at 206-553-2581 or at bitalac.emily@epa.gov, or me, at 206-553-1774 or at chu.rebecca@epa.gov.

Sincerely,

Rebecca Chu, Manager
NEPA Branch

Enclosure

**U.S. EPA Detailed Comments on the
Colville Delta 8 NOI
North Slope Borough, Alaska
October 2025**

Aquatic Resources

The project's proposed infrastructure will be constructed on fill and may eliminate the functions of aquatic resources within the project footprint and diminish the value of adjacent aquatic resources (e.g., as wildlife habitat). Fill embankments have the potential to disrupt surface water flows, particularly during spring break up flooding. To minimize impacts from fill embankments on aquatic resources, we recommend the DEIS:

- Place the infrastructure fill parallel to local flow paths and provide adequate cross-drainage to minimize the impoundment of water behind embankments.
- Include design features that follow North Slope standard/industry best practices for fill embankments. This includes embankments that have adequate depth or incorporate rigid insulation to provide thermal protection to underlying permafrost to avoid thermokarst and maintain structural integrity.
- Where practicable, consider separating roads from pipeline racks by a minimum of 500 feet as deep embankments can serve as a visual barrier to wildlife movement.
- Analyze impacts of fugitive dust deposition (associated with road traffic) and discharge of gravel adjacent to embankments (associated with snow plowing and embankment slope erosion).

Recognizing that potential alternative drillsite locations and road alignments are limited by surface waters in the project area, the EPA recommends the DEIS include a discussion of factors considered in the alternatives development process. One portion of the proposed road parallels the Colville River. We recommend the DEIS include an analysis of the potential lateral migration of the Colville River channel and how this may affect proposed infrastructure. Also include a discussion of impacts of thawing permafrost on infrastructure and outline steps that will be taken to mitigate or avoid similar incidences from occurring over the lifetime of the project.

Air Quality

Oil and gas development includes emissions of Clean Air Act criteria air pollutants and other hazardous air pollutants that may cause or contribute to human health or environmental impacts. The EPA recommends that the DEIS include an evaluation of the current air quality conditions and trends as well as the reasonably foreseeable impacts from potential activities for:

- Each of the criteria pollutants relevant to the project and their appropriate National Ambient Air Quality Standards, i.e., ozone, particulate matter, carbon monoxide, nitrogen oxides, and sulfur dioxide.
- HAPs and relevant health-based risk thresholds for HAPs including acetaldehyde, benzene, ethyl benzene, ethylene glycol, formaldehyde, methanol, n-hexane, toluene, xylene (mixture), and any other compounds that the USACE identifies as potential HAPs in the project area.
- Fugitive dust deposition and impacts on any identified sensitive vegetation, if relevant.

The EPA recommends identifying sensitive receptors, such as the village of Nuiqsut, and an analysis of criteria and HAPs impacts upon these receptors. We recommend the DEIS include a project emissions inventory for the construction and operations phases of the project and suggest utilizing regulatory dispersion modeling as an appropriate surrogate to determine potential impacts under NEPA.

The EPA recommends that the DEIS identify mitigation measures such as equipment type or design requirements, best management practices, dust suppression measures for unpaved roads and construction areas and add-on control technologies to reduce reasonably foreseeable adverse impacts to air quality.

Spill Risk, Response, and Prevention

The storage and management of petroleum products is partially regulated by the EPA under 40 CFR Part 112. Depending on the volumes of petroleum products stored onsite, the applicant may be required to develop Spill Prevention Control and Countermeasures plans and Facility Response Plans and submit these plans to EPA for review. The EPA recommends the DEIS include a discussion of these requirements, facilities, plans, and response capabilities. For more information regarding SPCC plans and FRPs, or the EPA's responsibilities in response to oil or hazardous material incidents, please contact Robert Whittier at whittier.robert@epa.gov.

We recommend that the DEIS include a risk probability analysis for a potential blowout or major oil spill and impacts to the environment. To ensure the spill response plan is comprehensive and implementable, we recommend the DEIS identify and analyze the risks associated with potential spills and other emergency response scenarios, factoring in the variability in meteorological conditions, and include identifying potential impacts to area users and strategies to communicate risks or actual emergencies to those users. We also recommend the DEIS address how potential adverse impacts from spills may be mitigated by containment and cleanup operations.

Solid and Hazardous Materials

The management and disposal of solid and hazardous wastes are regulated under the Resource Conservation and Recovery Act. RCRA Subtitle D-Solid Waste¹ is delegated to the Alaska Department of Conservation. Subtitle C² covers hazardous wastes, which are currently regulated by the EPA in Alaska while the ADEC is seeking authorization to implement RCRA-C. We recommend the DEIS identify any solid and hazardous wastes that are anticipated to be generated from the construction and operation of this project, as well as the anticipated management of these wastes. While certain oil and gas exploration and production wastes have been exempted from regulation as hazardous waste, this exemption does not cover all oil field hazardous wastes.³ We recommend that the DEIS include a discussion regarding any reasonably anticipated releases and/or spills associated with these wastes, and potential impacts from such events. Also include a discussion about how the project will ensure compliance with applicable RCRA regulations.

¹ 40 CFR Part 239-259

² 40 CFR Part 260-279

³ <https://www.epa.gov/hw/management-oil-and-gas-exploration-and-production-waste>. Accessed 10/7/2025.