

## Alaska Oil and Gas Association

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*Joshua M. Kindred, Environmental Counsel*

November 17, 2016

Mr. Gerry Brown  
Alaska Dept. of Environmental Conservation  
Wastewater Discharge Authorization Program  
555 Cordova Street  
Anchorage, AK 99501  
Email: [karolina.pavic@alaska.gov](mailto:karolina.pavic@alaska.gov)

### **Re: Comments APDES Preliminary Draft General Permit AKG332000**

Dear Mr. Brown,

The Alaska Oil and Gas Association (AOGA) appreciates the opportunity to provide comments on the Alaska Department of Environmental Conservation (ADEC) proposed reissuance of General Permit AKG332000 Facilities Related to Oil and Gas Exploration, Production, and Development on the North Slope Borough (“General Permit” or “proposed GP”). AOGA is a professional trade association whose mission is to foster the long-term viability of the oil and gas industry for the benefit of all Alaskans. AOGA’s members have a long history of prudent and environmental conscious oil and gas exploration and development in Alaska. Understandably, given that our members operate on the North Slope Borough, it is important that AOGA articulate its concerns and recommendations.

#### **I. General Comments**

First, AOGA has concerns regarding the expanded scope of applicability for “non-domestic wastewater” on pad contemplated by the proposed GP. AOGA notes that ADEC’s jurisdiction, and thus its ability to require a discharge permit is predicated upon discharges to waters of the United States.<sup>1</sup> Given that pads are not wetlands or waters of the United

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<sup>1</sup> See, e.g., 18 AAC 83.015(a).

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States and on pad water movement does not constitute a discharge to waters of the United States, AOGA believes that on pad water movement is outside the proper scope of the general permit. AOGA recognizes and appreciates the distinction that a discharge of pollutants off pad to wetlands or waters would be subject to regulation, but it is inappropriate to regulate on pad activities without a factual basis to show a jurisdictional discharge.

As is often the case, AOGA is wary of the potential for duplicative and redundant regulations. Under the proposed GP, AOGA is understandably concerned with the increased burden to comply with specificity in areas already regulated by other agencies and programs, such as Spill Prevention Control and Countermeasures (SPCC) Plan and Oil Discharge Prevention and Contingency Plan (ODPCP), Resource Conservation Recovery Act (RCRA) waste management requirements, and for waters not discharged to waters of the US (e.g., off pad). As a result, AOGA recommends the inclusion of the following language: “ensure proper management in accordance with regulations promulgated within [e.g., RCRA, SPCC, ODPCP] and reference within BMP”.

AOGA also has reservations relating to the proposed GP’s expanded scope that would require plan submittals for non-domestic wastewater treatment that includes chemical treatment or treatment processes removing free-phase petroleum hydrocarbons. The proposed permit submittal checklist requests information that would not be available for less sophisticated “treatment” such as snow melter, sorbent pads, decanting, skimming, etc.<sup>2</sup> AOGA recommends modifying the permit submittal checklist in such a manner that acknowledges the requested information may not be applicable for certain types of “treatment”.

Finally, Section 3.3 of Fact Sheet encourages all permittees to seek coverage despite oil and gas storm water exemption in federal NPDES program. AOGA is curious as to how ADEC would recommend remote or legacy/heritage non-operating sites be managed?

## **II. Specific Comments**

In addition to the general comments above, we have specific comments for the draft proposed permit:

- **Fact Sheet Page 10, Section 4.2**

AOGA appreciates ADEC’s efforts to simplify mine site sources that would require permitting under AKG-33. We recommend ADEC consult with ADF&G with

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<sup>2</sup> Fact sheet page 43, Section 8.1.2, Permit Attachments under “Checklist” Section, Page 19 Section 2.6.1.

habitat oversight and ADNR as steward of gravel materials sales contract for alignment when identifying rehabilitated mine sites and making that determination available to permittee. We recommend including this determination in the language of General Permit AKG-33-2000 for clarity.

- **Page 6, Section 1.1.1**

The draft permit does not include reference to direct or tundra discharges. Recommend adding clarification that this permit covers discharge to waters of the U.S., “including direct tundra discharges”.

- **Page 12, Section 2.1.4**

The draft permit requires permittee to “collect all effluent samples from the effluent stream of each discharge after the last treatment unit”. Recommend modify language to state “The permittee must collect samples in accordance with requirements within discharge-specific sections of this Permit”.

- **Page 12, Section 2.1.6**

Recommend 2.1.6 specific daily monitoring requirements be included with monitoring for individual outfalls as in the previous permit, and not in the general requirements.

- **Page 15, Section 2.3**

The outfalls for gravel pits and excavation dewatering have been combined and, as described in 2.3.1, the new turbidity limit is not applicable for gravel pit water used for ice roads and dust suppression. However, the frequency of monitoring for outfall 003 (gravel pits) for ice roads/dust suppression has significantly increased from weekly monitoring to daily monitoring for settleable solids and pH. In the winter, it is difficult to take these grab samples over a 60 mile ice road daily, and AOGA strongly urges that ADEC refrain from altering the monitoring of outfall 003 from the previous permit (AKG331000; weekly settleable solids/pH).

- **Page 18, Section 2.5**

The list of stormwater activities and non-stormwater discharges covered under the permit are included in the fact sheet, however they are not included in the permit under section 2.5 or under the permit definition of stormwater discharges in

Appendix C. AOGA recommends these discharges be listed/included in the permit, similar to AKG331000.

- **Page 19, Section 2.7**

Table 7 footnote (d) indicates “upon observation of a sheen, the permittee must monitor for compliance with TAH and TAqH limits.” Recommend clarifying that this requirement is only applicable when there is off-pad discharge of secondary containment waters and does not include all secondary containment waters (e.g., secondary containment waters with sheen disposed in a disposal well).

- **Page 20, 2.8.7**

Recommend maintaining formal logged visual inspections observations weekly similar to previous permit instead of daily inspections/observations that are required to be kept on file for life of authorization. It is uncertain how the added burden of going from weekly to daily observations will be of value.

- **Page 20, Section 2.8.6 and Section 2.9.2**

Recommend clarifying DMR submittal requirement when there are no discharges (e.g., monthly DMR form must be completed indicating “no discharge” on the DMR and no monitoring data is collected or required on the DMR).

- **Page 21, Section 2.9.8, Page 22 Section 3.0, Page 22 Section 3.2, Page 22 Section 3.2.4.9**

Recommend one annual form to certification for all plans (SWPPP, BMP, QAP) and sections for simplicity. Recommend removal of routine plan submittal only when a change in facility or operation of facility which materially increases the generation of pollutants or their release or potential release to surface water.

Recommend having original and updates to all SOPs and operation and maintenance plans for wastewater systems, records of employee training and dates, inspections of BMP controls and evaluations available to ADEC or authorized representative on request and referenced in the BMP as opposed to including so much additional documentation that is routinely updated within the plan itself.

- **Page 23, Section 3.2.3.1**

Recommend previous permit language “ensure proper management of solids and hazardous waste in accordance with regulations promulgated within RCRA and reference within BMP”.

- **Page 23, Section 3.2.4.5**

Instances of non-compliance and associated corrective actions would be reported to ADEC per requirement in this General Permit. Recommend that the details be removed from this section requiring “description of any corrective action take at the facility and dates problems were discovered and modifications occurred.”

Clarity is needed on definition of modification if ADEC would like notice and description of modifications that are planned to or have occurred.

- **Page 26, Section 3.3.2.1**

The draft permit requires that SWPPP modifications be completed within seven calendar days following certain triggering conditions. The permit requires that any change will review and signature by the BMP/SWPPP committee. There may be changes in maintenance procedures, changes in good housekeeping measure, secondary containment locations, or other changes that may appear to render the SWPPP obsolete. We recommend providing flexibility for permittee’s internal protocols for updating plans when a material changes is made in accordance with applicable regulations (e.g., SPCC timing) or during the annual review instead of requiring an update to SWPPP within 7 calendar days.

Recommend rewording triggering conditions for when modifications in plans are needed to be similar to previous permit AKG331000: “a change in facility or operation of facility which materially increases the generation of pollutants or their release or potential release to surface water.”

- **Page A-9 Section 3.2**

Recommend consistent DMR postmarked submittal date to be either 15th of the following month (Page A-9, Section 3.2) or 28th day in the main text of general permit (Table 2 Page 5 and Page 20 Section 2.9.3).

### III. Conclusion

AOGA appreciates the opportunity to comment on the Alaska Department of Environmental Conservation (ADEC) proposed reissuance of General Permit AKG332000 Facilities Related to Oil and Gas Exploration, Production, and Development on the North

Comments on APDES Preliminary Draft General Permit  
AKG332000

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Slope Borough. AOGA's members have a long history of partnership with state and federal agencies to help ensure that oil and gas operations do not adversely impact the environment in which we live and work, and we look forward to continuing this productive relationship into the future. If you have any questions regarding AOGA's letter, please contact Joshua Kindred at 907-272-1481 or [kindred@aoga.org](mailto:kindred@aoga.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Kindred', with a stylized flourish at the end.

Joshua M. Kindred  
Environmental Counsel

Cc: Mr. Wade Strickland