

Alaska Oil and Gas Association

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*Joshua M. Kindred, Environmental Counsel*

January 8, 2016

Mark Bentley  
Alaska Department of Environmental Conservation  
Division of Water, Wastewater Discharge Authorization Program  
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Email: [Marc.Bentley@alaska.gov](mailto:Marc.Bentley@alaska.gov)

**Re: Notice of Proposed Reissuance of General Permit 2016DB0001 – Class I  
Underground Injection Control Well Waste Disposal**

Dear Mr. Bentley,

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 2016DB0001 relating to Underground Injection Control (UIC) Well Waste Disposal. 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 a variety of Class I UIC waste disposal wells, it is important that AOGA articulate its concerns and recommendations.

Ultimately, AOGA's issues and concerns with ADEC's proposal vary in scope and importance and hopefully will serve to provide sufficient guidance to ensure that ADEC can tailor its proposal in prudent manner. AOGA respectfully asks ADEC to consider the suggestions that follow and allow for additional input as needed prior to finalizing the proposed permit. Finally, although the issues discussed below are somewhat diverse in nature, AOGA would note that the redundancy and inequities associated with attempting to reconcile ADEC's proposed permit with the longstanding Environmental Protection Agency (EPA) permits is particularly problematic.

## **I. Waste Disposals Eligible or Ineligible for Coverage under the Proposed Permit**

As an initial matter, and perhaps most importantly, ADEC chose to remove a portion of the opening description of the types of waste covered by the permit that had acknowledged “already approved for disposal by the EPA UIC program”. AOGA encourages ADEC to remedy this purposeful omission given that the standard EPA Class I permits specifically prohibit the disposal of radioactive wastes “other than Naturally Occurring Radioactive Material (NORM)”. Furthermore, circumstances necessarily arise relating to well diagnostics, completions, and recompletions that require the use of short lived and low level radioactive tracer survey materials (NARM). As relevant here, the Alaska Oil & Gas Conservation Commission (AOGCC) authorizes the use of radioactive tracer survey fluids for Class II enhanced oil recovery (EOR) well injections, as described in the area injection orders. Generally, NORM/TENORM/NARM do not occur in quantities that would rise to any level of concern by the Nuclear Regulatory Commission/Atomic Energy Act (NRC/AEA) for health and safety concerns and are not regulated under the Resource Conservation and Recovery Act (RCRA) unless combined with hazardous waste. As a result, AOGA recommends that ADEC explicitly allow for wastes “already approved for disposal by the EPA UIC program.” AOGA would also ask that ADEC make alterations consistent with the above description throughout the proposed permit. Specifically, in the section detailing waste disposals not covered by the proposed permit, AOGA suggests the following modification (added language in red):

Waste Disposals Not Covered by this Permit. This Permit does not apply to:

- Class II, Class III, Class IV, Class V, or Class VI injection wells in the UIC program
- Class I wells that do not have a current permit from EPA, and
- Injection of hazardous or radioactive waste **other than NORM/TENORM/NARM**

AOGA believes this modification would meet the intent of both EPA Class I permits and AOGCC Area Injection Orders and consistent with the ADEC's endeavors.

## **II. Section 6 – Discharge Locations (Water Quality)**

Section 6 of the proposed permit outlines the information that must be submitted relating to contemplated discharges. Such information includes a requirement for an applicant to

submit a Total Dissolved Solids (TDS) measurement. AOGA believes such a requirement is unnecessary. First, operators have been disposing of wastes in these particular wells for years, and, thus, any current and subsequent TDS measurements would be misleading given the measurements could not possibly accurately capture the actual reservoir TDS. Such a measurement would invariably be compromised by an operators historical activities. Second, as ADEC is undoubtedly aware, the EPA has already determined that the reservoirs in question contain No Underground Sources of Drinking Water (No USDW's) and, intuitively, TDS measurements are waived in the EPA permit. It is for these reasons that AOGA asks that ADEC remove the TDS measurement requirement described in Section 6.

### **III. Section 7 – Attachments**

Section 1.1.1. of ADEC's proposed permit mandates the submission of a "copy of a current EPA authorization" to accompany a Waste Analysis Plan (WAP). AOGA would interpret that requirement as referring to a copy of the EPA issued permit. However, under section 7, which describes the attachments an applicant must submit, ADEC appears to require that an applicant provide a "copy of EPA Underground Injection Control Permit Application and all EPA required attachments". Given that an applicant must submit comprehensive engineering drawings and WAP, it would be both unduly cumbersome and duplicative for ADEC to require the EPA permit application. As such, AOGA suggests that ADEC limit the applicant's burden in this regard to submission of the EPA authorization.

### **IV. Class I UIC Injection Well Annual Report**

As articulated in 1.5.1., a permittee "must submit to [ADEC] an annual report that describes the type and quantity of waste injected as well as the [EPA] quarterly report forms." In other words, it appears that ADEC proposes to require submission of documents that are wholly duplicative. From ADEC's standpoint, submission of the EPA quarterly report forms would provide no less information than mandated in the annual report. Therefore, from an efficiency standpoint, AOGA would encourage ADEC to omit the requirement of an annual report and consider the submission of the EPA quarterly forms as satisfying this particular demand. Again, for efficiency proposes, AOGA would also ask that reporting units be converted from gallons to barrels (bbl), given that all relevant field measurements and documentation occurs utilizing the latter. Additionally, by utilization of a consistent measurement would decrease the likelihood of a reporting error due to the extra calculation required to convert bbl to gallons.

## **V. General Concerns and Requests for Clarification**

AOGA also has additional concerns that are more discrete in nature and will be addressed in the following discussion.

### **a. Waste Disposals Not Covered by this Permit**

From a more global perspective, AOGA is not certain why ADEC has decided to create a permitting system that focuses on UIC Class I wells. AOGA believes that the EPA's permitting structure serves to effectively protect state interests, without the need for an additional and redundant ADEC permitting layer. Given the aforementioned EPA determination of No USDW's for Alaska's North Slope region, the proposed permit's applicability to UIC Class wells appears to correspond to an endeavor of protecting groundwater that is already provided through the EPA permitting design. Such an approach is superficially arbitrary and, as a result, AOGA advocates that 18 AAC 72 regulations do not apply.

### **b. Domestic and Non-Domestic Waste Water**

AOGA believes that ADEC is confusing the definition of domestic and non-domestic waste water as it relates to disposal approval under the EPA Class I permit. The EPA permit contemplates the disposal of RCRA regulated non-hazardous and Exploration and Production Exempt wastes. AOGA contends that the 18 AAC 72 regulations were never intended to regulate EPA RCRA regulated waste. As such, AOGA encourages ADEC to evaluate its definitions for domestic and non-domestic waste water and articulate the relevant distinction between RCRA regulated wastes.

## **III. Conclusion**

AOGA appreciates the opportunity to comment on the ADEC's proposed reissuance of General Permit 2016DB0001 relating to UIC Well Waste Disposal. 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. As suggested above, AOGA would encourage ADEC to modify the proposed permit to eradicate those portions that are redundant in nature to ensure that the permit is narrowly tailored to meet legitimate and statutorily mandated needs. If you have any questions

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regarding AOGA's letter, please contact Joshua Kindred at 907-272-1481 or [kindred@aoga.org](mailto:kindred@aoga.org).

Sincerely,

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Environmental Counsel