



"The mission of the Council is to represent the citizens of Cook Inlet in promoting environmentally safe marine transportation and oil facility operations in Cook Inlet."

Members

May 20, 2013

Alaska State
Chamber of
Commerce

Daniel D. Opalski, Director
Office of Water and Watersheds
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900, OWW-130
Seattle, Washington 98101

Alaska Native
Groups

SUBJECT: Cook Inlet RCAC Comments on Draft NPDES Permit No. AKG-28-5100

Environmental
Groups

Dear Mr. Opalski:

Recreational
Groups

The Cook Inlet Regional Citizens Advisory Council (Cook Inlet RCAC) is responding to your call for comments regarding the Proposed Authorization to Discharge under the NPDES for Mobile Oil and Gas Exploration Facilities in State Water in Cook Inlet (Draft General Permit Number AKG-28-5100). The proposed geographic area, activities, and facilities covered in this draft permit are within our areas of concern and as such, this letter and attached comments address our concerns specific to the draft permit and its associated documents (*i.e.* Fact Sheet, Ocean Discharge Criteria Evaluation).

Aquaculture
Associations

Fishing
Organizations

The Cook Inlet RCAC is a citizen oversight council for oil industry operations in the Cook Inlet region and was established according to Section 5002 of the Oil Pollution Act of 1990 (OPA 90). Our Board of Directors includes representatives from local governments and interest groups in Cook Inlet and nearby areas that have the potential to be impacted by crude oil industry operations in Cook Inlet. One of Cook Inlet RCACs many tasks under OPA 90 is to provide *"advice and recommendations on policies, permits, and site-specific regulations relating to the operation and maintenance of terminal facilities and crude oil tankers which affects or may affect the environment in the vicinity of the terminal facilities."* Thus, through this congressional mandate, we are providing you with these comments.

City of Kodiak

City of Kenai

City of Seldovia

City of Homer

On 19 May 2006, prior to the issuance of the last NPDES general oil and gas permit for Cook Inlet, our Board of Directors met and passed a resolution regarding the proposed NPDES permits that states that:

Kodiak Island
Borough

"... the Cook Inlet RCAC does hereby oppose the issuance of an NPDES General Permit for Oil and Gas Exploration in Cook Inlet that would allow more pollution to be discharged than is currently permitted and the Cook Inlet RCAC supports the goal of zero discharge."

Kenai Peninsula
Borough

Municipality of
Anchorage

Although stopping short of requesting "zero discharge" for all facilities in this permit cycle, the resolution language articulates Cook Inlet RCAC's stance that the proposed

permit limits and mixing zones should ensure that the total concentrations and pollutant loadings to Cook Inlet are not increasing and that every effort be made to move towards zero discharge. The increase in exploration activity since the last permit cycle will definitely introduce significantly more wastewater stream discharges to the Inlet.

During the next Effluent Limitation Guidelines (ELG) review process, we will be looking to EPA to evaluate recent successful efforts by some Cook Inlet operators to re-inject drill fluids and cuttings and produced water discharges. This evidence that re-injection of these waste streams is possible, in part, negates reasoning for allowing discharges to the coastal subcategory of Cook Inlet based on the geologic formation. In addition, the financial incentives provided by the State of Alaska for exploration activities in the Inlet weaken the argument that a zero-discharge requirement for coastal areas of Cook Inlet poses an undue financial burden. We look forward to EPA's re-evaluation of these provisions during their next ELG review.

Our attached comments address a range of concerns about the review process, especially for the environmental monitoring requirements, as well as details of the proposed permit and the Ocean Discharge Criteria Evaluation. If you have any questions regarding our comments, please contact me or our Director of Science and Research, Susan Saupe, at the number below or at our respective e-mails, munger@circac.org or saupe@circac.org.

Sincerely,



Michael Munger
Executive Director

Cc: Cindi Godsey, Alaska Operations Office