

Commissioner Hartig updates Council on permits under review, other ADEC projects concerning Cook Inlet

Commissioner of Environmental Conservation Larry Hartig presented information on a number of issues that are of particular interest to Cook Inlet RCAC at the May Board of Directors meeting. The following are highlights:

Air Quality Permits: The Commissioner invited Cook Inlet RCAC's participation in a work group organized to discuss air quality concerns and operational limitations for temporary oil and gas drill rig operations at existing oil and gas facilities. The goal is to allow for greater operational flexibility, while continuing to address air quality concerns such as federal air quality standards. Other participants include the Department of Natural Resources Division of Oil and Gas, Division of Air Quality, Alaska Oil and Gas Association, Alaska Support Industry Alliance and the North Slope Borough.

Contingency Planning: Buccaneer Alaska requested an amendment to its oil spill contingency plan to approve winter operations; however, Commissioner Hartig said that ADEC does not consider the amendment minor and is reviewing it closely. The Furie Kitchen Light Unit passed AOGCC (Alaska Oil and Gas Conservation Commission) inspection and has committed to providing ADEC with weekly updates on their progress, a commitment they have also made with Cook Inlet RCAC.

Water Quality Standards: Commissioner Hartig explained that under the federal Clean Water Act states consider two different sets of standards when setting discharge limits for pollutants in APDES (wastewater discharge) permits. The first set includes technology-based standards. The second set includes water quality standards—which are generally pollutant specific, numeric concentrations needed to protect designated uses of a water body, such as use of the water body as a drinking water supply or for the growth and propagation of aquatic life. Permit discharge limits are based upon the more stringent of the two sets of standards.

EPA has developed technology-based standards for different industrial sectors. These limit the discharge of pollutants based on various factors, basically looking at what industry can feasibly achieve. Where EPA concludes it is feasible for an industrial sector to achieve a “no discharge” standard for a pollutant, then the permit limit based on that standard would be “no discharge.” EPA reviews and updates its technology-based standards. States may develop their own technology-based standards, so long as the standards are at least as strict as those developed by EPA. ADEC hasn't elected to develop its own technology-based standards, but uses the EPA standards in developing pollutant limits and other requirements for APDES permits.

States are required to set their own water quality standards and at least every three years determine whether any updates are needed to these standards. This is called the “triennial review.” ADEC initiates its triennial review process by soliciting recommendations from the public, industry and other government entities on what Alaska water quality standards are most in need of an update. ADEC uses this input to select what water quality standards it will review.

Hartig said ADEC plans to follow the state regulatory process, which includes public comment, in setting a water quality standard. He also noted that EPA must approve the new standard before ADEC can use it to set a limit in an APDES permit. As part of EPA's process, it conducts an ESA (Endangered Species Act), Essential Fish Habitat and tribal consultations.

Legislation Update: The Legislature has told the state to take a hard look at assuming primacy for wetlands, which is currently administered by the Army Corps of Engineers under the Clean Water Act. With 175 million acres of wetlands, Alaska has a vested interest in this program. Commissioner Hartig said that from ADEC's perspective, primacy would allow better integration of Alaska's entire water program.



Department of Environmental Conservation
Commissioner Larry Hartig (right) addresses the board

Cruise Ships: Whether cruise ships should be subjected to mixing zone requirements, or required to meet all Water Quality Standards at the point of discharge has been an ongoing discussion for a number of years. Cruise lines were close to meeting standards with ammonia, nickel, copper and zinc with an advanced wastewater system. Under the bill recently passed by the Legislature, cruise ships must be using the advanced wastewater system before they can apply for a mixing zone. The Commissioner offered to get the board more information about one large cruise ship going into Homer this summer that has agreed not to discharge.

Anti-degradation: Although State regulations set up a method for analyzing when to allow any degradation of water, ADEC is preparing more detailed guidance, which they expect will be on public notice by year's end.

Response Fund: The SPAR (Division of Spill Prevention and Response) budget is built on the crude oil surcharge and drops when oil production is down. The surcharge was kept whole for a number of years, but is now dangerously close to going into the red, and will be heavy into the red by 2016 (\$5 million).

Since the board meeting, ADEC announced the appointment of Kristen Ryan as the new Director of Spill Prevention and Response to succeed Larry Dietrick, who retired after more than 30 years of state service. Ryan, on assignment with the Federal Environmental Protection Agency, is currently the Director of the Division of Air Quality. She takes over in SPAR on July 1.