

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 128(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 3/3/95

Referred: Rules

Sponsor(s): REPRESENTATIVES WILLIAMS, Kott, Toohey, Green, Kelly, Mulder

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the disposal of wastes; giving the Alaska Oil and Gas
2 Conservation Commission authority to regulate disposal in the annular space of
3 an oil or gas well, or in the annular space of a water well associated with
4 exploration and production of oil or gas, of drilling mud, cuttings, and
5 nonhazardous drilling operation wastes, and exempting that disposal from the
6 requirement of a waste disposal permit issued by the Department of
7 Environmental Conservation; and establishing an exemption from the requirement
8 of obtaining a waste disposal permit from the Department of Environmental
9 Conservation for certain activities that yield solid and liquid waste material
10 discharges and cooling water discharges."

11 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

12 * Section 1. AS 31.05.030(e) is amended to read:

1 (e) The commission may regulate

2 (1) [,] for conservation purposes

3 (A) [(1)] the drilling, producing, and plugging of wells;

4 (B) [(2)] the shooting and chemical treatment of wells;

5 (C) [(3)] the spacing of wells;

6 (D) [(4)] the disposal of salt water, nonpotable water, and oil
7 field wastes;

8 (E) [(5)] the contamination or waste of underground water;

9 (F) [(6)] the quantity and rate of the production of oil and gas
10 from a well or property; this authority shall also apply to a well or property in
11 a voluntary cooperative or unit plan of development or operation entered into
12 in accordance with AS 38.05.180(p);

13 (2) **the disposal of drilling mud, cuttings, and nonhazardous drilling**
14 **operation wastes in the annular space of an oil or gas well or in the annular space**
15 **of a water well associated with oil or gas exploration and production; in this**
16 **paragraph, a "nonhazardous drilling operation waste" means a waste, other than**
17 **a hazardous waste identified by the Environmental Protection Agency in 40**
18 **C.F.R., Part 261, its regulation identifying and listing hazardous wastes, associated**
19 **with the act of drilling an oil or gas well for exploratory or production purposes.**

20 * Sec. 2. AS 46.03.100(d) is amended to read:

21 (d) This section does not apply to

22 (1) **disposal, in the annular space of a well, of drilling mud,**
23 **cuttings, and nonhazardous drilling operation wastes under AS 31.05.030(e)(2);**
24 **or**

25 (2) injection projects permitted under AS 31.05.030(h).

26 * Sec. 3. AS 46.03.100 is amended by adding a new subsection to read:

27 (f) Except as to discharges arising out of exploration and development drilling
28 for oil and gas resources, this section does not apply to

29 (1) discharges of solid or liquid waste material or water discharges that
30 will arise from

31 (A) the following activities if the discharge is incidental to the

1 activity, the activity is carried out in a manner consistent with established
2 industry procedures, and the activity does not produce a discharge from a point
3 source, as that term is defined in regulations adopted under this chapter,
4 directly into any surface water of the state:

5 (i) mineral drilling, trenching, ditching, and similar
6 activities;

7 (ii) landscaping;

8 (iii) water well drilling, geophysical drilling, or coal bed
9 methane drilling;

10 (B) drilling, ditching, trenching, and similar activities associated
11 with facility construction and maintenance or with road or other transportation
12 facility construction and maintenance if the discharge is incidental to the
13 drilling, ditching, trenching, or similar activity, the drilling, ditching, trenching,
14 or similar activity is carried out in a manner consistent with established
15 industry procedures, and the drilling, ditching, trenching, or similar activity
16 does not produce a discharge from a point source, as that term is defined in
17 regulations adopted under this chapter, directly into any surface water of the
18 state; however, the exemption provided under this subparagraph does not
19 relieve a person from obtaining a permit under (a) of this section if the drilling,
20 ditching, trenching, or similar activity will involve the removal of the
21 groundwater, stormwater, or wastewater runoff that has accumulated and is
22 present at an excavation site for facility, road, or other transportation
23 construction or maintenance; or

24 (C) bilge pumping, unless the bilge product pumped may be
25 expected to yield an oily sludge, emulsion, or sheen on the surface of any
26 water of the state; or

27 (2) cooling water discharges from a boat or vessel into any surface
28 water of the state.