

HOUSE JOINT RESOLUTION NO. 59

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES GREEN, Rokeberg

Introduced: 2/12/96

Referred: Resources

A RESOLUTION

1 **Respectfully requesting the Environmental Protection Agency to issue a final**
2 **National Pollutant Discharge Elimination System permit for Cook Inlet oil and gas**
3 **operations that omits the incremental permittee monitoring and reporting**
4 **obligations identified in the Agency's draft permit and, consistent with the**
5 **philosophy of the Agency's 1996 National Water Program Agenda, allows the**
6 **permittees to operate under pollutant discharge monitoring and reporting**
7 **requirements that are not more rigorous than those requirements of the National**
8 **Pollutant Discharge Elimination System permits in place.**

9 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

10 **WHEREAS,** under the federal Clean Water Act, the principal mechanism for
11 regulating and limiting pollutant discharge into water of the United States is the National
12 Pollutant Discharge Elimination System (NPDES) permit program; and

13 **WHEREAS,** under the monitoring and reporting requirements imposed as part of an
14 NPDES permit, the unit having responsibility for the Clean Water Act, the Environmental

1 Protection Agency, may require one or more parties who are responsible for pollutant
2 discharge to install and use equipment to monitor the discharge, develop and maintain records
3 and reports, and provide information to it as may be required under the Agency permit; and

4 **WHEREAS** the Environmental Protection Agency has determined in its 1996 National
5 Water Program Agenda to reduce permittee monitoring and reporting requirements, with the
6 objective of diminishing monitoring and reporting obligations imposed on permittees by about
7 25 percent; and

8 **WHEREAS**, the oil and gas industry has operated successfully in Cook Inlet for 30
9 years, coexisting throughout these decades with one of the state's most productive salmon
10 fisheries; the industry operates in maturing fields that are at, or very close to becoming,
11 uneconomic to produce; and

12 **WHEREAS** the Environmental Protection Agency, in conjunction with the Alaska
13 Department of Environmental Conservation, has issued a draft general NPDES permit for
14 Cook Inlet oil and gas production operations; and

15 **WHEREAS**, despite the reduced monitoring and reporting initiative announced in its
16 1996 National Water Program Agenda, the draft permit for Cook Inlet production operations
17 proposes a substantial increase in the monitoring and reporting requirements to be imposed
18 by the two agencies on the permittees; and

19 **WHEREAS** public comment on the proposed NPDES permit overwhelmingly endorses
20 the Cook Inlet oil and gas industry permittees' ability to continue to operate under
21 requirements of the permits in place, and supports eliminating provisions in the draft permit
22 imposing an obligation on the permittees to increase monitoring and reporting requirements;
23 and

24 **WHEREAS** recent scientific studies evaluating the quality of the water and other
25 resources of Cook Inlet determined that there has been no adverse environmental impact in
26 the inlet from the three decades of oil and gas operations; and

27 **WHEREAS** the Cook Inlet oil and gas production industry's history of successful
28 coexistence with a productive fishery combined with the results of these recent studies
29 together demonstrate that the Agency's draft NPDES permit requiring the permittees to incur
30 substantial additional expense associated with the increased monitoring and reporting
31 requirements identified in the draft NPDES permit is unwarranted, nor is the increased effort

1 supported by public testimony;

2 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests the
3 Environmental Protection Agency to issue a final National Pollutant Discharge Elimination
4 System permit for Cook Inlet oil and gas operations that

5 (1) omits the incremental permittee monitoring and reporting obligations
6 identified in the draft permit; and

7 (2) consistent with the philosophy of the Agency's 1996 National Water
8 Program Agenda, allows the permittees either to operate under pollutant discharge monitoring
9 and reporting requirements that are consistent with the Agency's national objective of
10 diminishing monitoring and reporting obligations generally to be imposed on permittees, or
11 to operate under pollutant discharge monitoring and reporting requirements that are not more
12 rigorous than those requirements of the NPDES permits in place.

13 **COPIES** of this resolution shall be sent to the Honorable Carol M. Browner,
14 Administrator, Environmental Protection Agency; to Michele Brown, commissioner of
15 environmental conservation; to the Honorable Don Gilman, Mayor of the Kenai Peninsula
16 Borough; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S.
17 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska
18 delegation in Congress.