

STATE OF ALASKA
THE LEGISLATURE

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Resolve No.
58



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

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

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

WHEREAS, under the monitoring and reporting requirements imposed as part of an NPDES permit, the unit having responsibility for the Clean Water Act, the Environmental Protection Agency, may require one or more parties who are responsible for pollutant discharge to install and use equipment to monitor the discharge, develop and maintain records and reports, and provide information to it as may be required under the Agency permit; and

WHEREAS the Environmental Protection Agency has determined in its 1996 National Water Program Agenda to reduce permittee monitoring and reporting requirements, with the

objective of diminishing monitoring and reporting obligations imposed on permittees by about 25 percent; and

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

WHEREAS the Environmental Protection Agency has issued a draft general NPDES permit for Cook Inlet oil and gas operations; and

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

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

WHEREAS the Alaska Department of Environmental Conservation supports many of the permittees' recommendations to reduce excessive monitoring and reporting requirements; and

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

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

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

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

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

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