NPDES Permit Process

North Aleutian Basin Energy-Fisheries Workshop
March 19, 2008
NPDES
Issued by EPA

- National Pollutant Discharge Elimination System
- Controls the discharge of pollutants from point sources into waters of the United States
- Has to be consistent with the Coastal Zone Management Act
- Has to be certified by the State
  CWA §401
OCS
Outer Continental Shelf

- Federal Waters
- > 3 miles offshore – outside of baseline
- State does not certify NPDES permits exclusive for this area or certify the portions of a broader permit that covers this area plus additional area
- EPA rather than ADEC issues air permits
Section 402 of the CWA

EPA currently:

- Drafts permits with technology or water quality based limits (the more stringent of either)
- Issues permits to discharges
- Conducts compliance inspections
- Tracks permit compliance
- Takes enforcement actions when necessary
The Regional Administrator shall . . . issue general permits covering discharges from offshore oil and gas exploration and production facilities within the Region’s jurisdiction.

Project Decision Schedule:
- Covers the issuance of the general permit or permits for any lease sale area for which the Department of the Interior has published a draft environmental impact statement
- Shall include a schedule providing for the issuance of the final general permit or permits not later than the date of the final notice of sale projected by the Department of the Interior or six months after the date of the request
General Permit Process

1. Identify Need & Collect Data
2. Request ESA and ask if tribal interest
3. Prepare Final Permit, response to comments & Admin. Record
4. EPA/State Review (401 Certification)
5. ESA Consultation
6. Issue Final Permit
7. EPA/State/ Tribe Review
8. Public Notice
9. Public Hearing
10. Appeals Process
11. Final Agency Action

Apply for Permit Coverage (NOI)
Discharges covered by Arctic GP

- 001 Drilling Fluids and Drilling Cuttings
- 002 Deck Drainage
- 003 Sanitary Wastes
- 004 Domestic Wastes
- 005 Desalination Unit Wastes
- 006 Blowout Preventer Fluid
- 007 Boiler Blowdown
- 008 Fire Control System Test Water
- 009 Non-contact Cooling Water
- 010 Uncontaminated Ballast Water
- 011 Bilge Water
- 012 Excess Cement Slurry
- 013 Mud, Cuttings, Cement at Seafloor
- 014 Test Fluids
Evaluation of Impacts

- 40 CFR 125 Subpart M

Ocean Discharge Criteria

- EPA must make a determination that a discharge will not cause unreasonable degradation of the marine environment

- Ocean Discharge Criteria Evaluation (ODCE) is developed for this purpose
Section 403 requirements apply only to point source discharges beyond the baseline of the territorial sea (represented in Figure 2-1 with a heavy black line). This limits the number of land-based discharges subject to section 403. For example, only the discharges numbered 3 through 9 in Figure 2-1 would be subject to the provisions of section 403.
ODCE
Unreasonable Degradation

- Significant adverse changes in ecosystem diversity, productivity, and stability of the biological community within the area of discharge and surrounding biological communities

- Threat to human health through direct exposure to pollutants or through consumption of exposed aquatic organisms

- Loss of aesthetic, recreational, scientific, or economic values, which are unreasonable in relation to the benefit derived from the discharge
Determination Criteria

- 1. The quantities, composition, and potential for bioaccumulation or persistence of the pollutants to be discharged

- 2. The potential transport of such pollutants by biological, physical or chemical processes

- 3. The composition and vulnerability of the biological communities that may be exposed to such pollutants, including the presence of unique species or communities of species, the presence of species identified as endangered or threatened pursuant to the Endangered Species Act (ESA), or the presence of those species critical to the structure or function of the ecosystem, such as those important for the food chain

- 4. The importance of the receiving water area to the surrounding biological community, including the presence of spawning sites, nursery/forage areas, migratory pathways, or areas necessary for other functions or critical stages in the life cycle of an organism
5. The existence of special aquatic sites including, but not limited to, marine sanctuaries and refuges, parks, national and historic monuments, national seashores, wilderness areas, and coral reefs

6. The potential impacts on human health through direct and indirect pathways

7. Existing or potential recreational and commercial fishing, including finfishing and shellfishing

8. Any applicable requirements of an approved Coastal Zone Management Plan

9. Such other factors relating to the effects of the discharge as may be appropriate

10. Marine water quality criteria developed pursuant to Section 304(a)(1)
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