

**Response to Comments Document
Draft General Permit 2016DB0001
Class I Injection Well Waste Disposal**

This document summarizes and addresses comments received on the Alaska Department of Environmental Conservation (DEC or Department), Draft General Permit 2016DB0001 – Class I UIC Well Waste Disposal (Permit). The Permit regulates the disposal of non-hazardous, non-domestic wastewater and is only available to Coverage under the Permit is available only to applicants who have also been issued a Class I injection well permit by the Environmental Protection Agency (EPA) from the Underground Injection Control (UIC) Program, which is authorized under Part C of the Safe Drinking Water Act. DEC solicited public comments on the Draft Permit from December 7, 2015 through January 8, 2016 and received comments from the following four parties: 1) Hilcorp Alaska, LLC (Hilcorp), 2) BP Exploration Alaska, Inc. (BPXA), 3) Alaska Oil and Gas Association (AOGA), 4) ConocoPhillips Alaska, Inc. (CPAI), and 5) UMIAQ.

Permit-specific comments on the Draft Permit and DEC's responses to those comments are contained in the table on the following pages. Responses to comments that resulted in modifications to the Draft Permit include how the Permit was modified based on the comment.

#	Comment #	Commenter	Comment	Comment Response
1	AOGA V.a and BPXA 6a	AOGA and BPXA	General Comment – AOGA argues that EPA permit Structure adequately protects state interests and state GP probably not needed to protect state's groundwater. Given the aforementioned EPA determination of no underground sources of drinking water for Alaska's North Slope Region, the DEC permit is not necessary as the groundwater is already protected by EPA. Such an approach is superficially arbitrary and AOGA advocates that 18 AAC 72 regulations do not apply.	DEC respectfully disagrees. Statutes and regulations are clear on the issue of protecting the groundwater of the state. State authority is not negated when state and federal regulations overlap. In addition, Alaska Statute (AS) 46.03.100 requires the Department provide authorization prior to disposal of wastewater in the State. The Permittee is responsible to comply with all state and federal regulations.
2	AOGA V.b and BPXA 6b	AOGA and BPXA	General Comment – AOGA believes that the EPA covers the disposal of RCRA regulated non-hazardous and exploration and production exempt wastes and AOGA contends that 18 AAC 72 was never intended to regulate EPA RCRA regulated waste. DEC should evaluate their definition of non-domestic and articulate the relevant distinction between RCRA regulated waste.	DEC respectfully disagrees. 18 AAC 72 clearly states in 18 AAC 72.990 (41) that a non-domestic wastewater means liquid or water-carried wastes other than domestic wastewater; "nondomestic wastewater" includes wastes from: <ul style="list-style-type: none"> (A) a manufacturing, food processing, or production enterprise; (B) an industrial establishment; (C) the development of natural resources; (D) the construction of a manufacturing, production, or industrial facility; (E) stormwater runoff. In addition item (42) states "nondomestic wastewater disposal system" means a device or structure designed to dilute, dispose, or discharge non-domestic wastewater, and item (43) states "nondomestic wastewater treatment works" designed to treat, neutralize, or stabilize nondomestic wastewater or sludges.
3	General	AOGA	General Comment – The redundancy and inequities associated with attempting to reconcile DEC's permit with EPA's permit is problematic.	DEC acknowledges there is overlap between the EPA and DEC documents authorizing Class I UICs. However, as briefly stated in Comment Response 1, AS 46.03.100 (a)&(b) indicate an authorization from the Department is required prior to disposing of wastewater to

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				lands or waters of the State. DEC is reissuing this permit to satisfy the plain language of that statutory mandate. Nevertheless, where the Department has found appropriate, DEC has endeavored to eliminate inequities between the two permits.
4	Page ii AOGA (I) and BPXA (1 & 2)	AOGA and BPXA	Waste Disposals Not Covered by this Permit – AOGA recommends that the permit explicitly allow for wastes “already approved for disposal by EPA UIC program” including Naturally Occurring Radioactive Material (NORM), short lived and low level radioactive tracer survey materials (NARM), and recommends Bullet Three under this heading be modified to read. “Injection of hazardous or radioactive waste other than NORM/TENORM/NARM”	DEC has modified the language to state, “Injection of hazardous or radioactive waste not authorized in the EPA Permit.”
5	CPAI (1.a) and BPXA (6c & 6d)	CPAI and BPXA	Section 1.1.2 – CPAI and BPXA – CPAI believes Section 1.2.1.2 of the existing general permit 2010DB0001 adequately and properly handles the requirements of 18 AAC 72.200 or 72.600 as it acknowledged the time for obtaining approval prior to operating had passed.	References to 18 AAC 72 regulatory requirements have been removed from the permit. However, note that simply because a permit does not reference a specific regulation or portion thereof does not mean the regulation does not apply to a proposed activity. It is the duty of the operator to comply with all applicable legal requirements. DEC has simply removed the requirements as part of securing permit authorization.
6	Page 3 Comment 1	Hilcorp Section 1.1.2	Hilcorp believes the requirement to conduct plan reviews is duplicative of EPA requirements, adds there is no additional environmental protection as EPA permitting and compliance requirements ensure protection of underground sources of drinking water. This is why existing permit 2010DB0001 indicated a plan review by DEC is not required and the EPA-issued permit covers	See Response to Comment (RTC) Response 5.

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			construction, operation, and closure requirements for a Class I injection well.	
7	Page 3 Comment 2	Hilcorp Section 1.1.2	Much of the information requested is already provided to EPA and/or DEC through other methods. WAPs, equipment and monitoring system descriptions, and schematics are provided to EPA with the application and completion reports. Grind and inject process flow diagrams are provided to DEC Solid Waste. Injected waste characteristics are provided in quarterly reports to EPA and annual reports to DEC. This is sufficient information to support proof of protection of human health and the environment. Requiring additional information upstream of the wellhead is largely redundant and does not contribute to environmental protection.	See RTC Comment Response 5.
8	Page 3 Comment 4	Hilcorp Section 1.1.2	Hilcorp is concerned that a large number of engineering reviews will be required and this will place substantial burden on agency workloads that could affect project timelines and not result in a commensurate environmental benefit. It would appear that any time there is a change to the permitted facility a plan review would be triggered and there is no upper bounds on what upstream infrastructure would be included.	See RTC Comment Response 5.
9	Page 3 Comment 5	Hilcorp Section 1.1.2	Submitting plans that are already submitted to EPA creates non-productive expenses for both DEC and permittees that may need to hire 3rd	See RTC Comment Response 5.

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			party engineers to stamp drawings. This seems counter to streamlining procedures in times of tight budgets.	
10	1.c	CPAI Section 1.1.2.1	CPAI does not object to submitting waste analysis and engineering plans to DEC if readily available. However, this requirement should be limited to only those cases where drawings are readily available. If drawings are to be submitted that are not readily available, more guidance is needed to address small, un-piped facilities versus large interconnected facilities. In Section 1.1.2 and 1.1.2.1, CPAI recommends removing reference to submitting for "review and approval" to "submit waste analysis plans and readily available engineering plans if not previously submitted. Lastly, Section 1.1.2 should include language from existing 2010DB0001 that "EPA Class I UIC permit covers construction, operation, and closure requirements for the Class I injection well."	In regards to the waste analysis plan, DEC is requesting a copy of the same document an applicant is required provide to the EPA. In regards to engineering plans, see RTC Comment Response 5.
11	1	UMIAQ	General Comment - Is there any provision for discharge to the UIC well for testing/commissioning associated with the approval to construct? Since testing is typically done prior to creating record drawings, would disposal of testing/commissioning water to the UIC well be considered a violation?	See RTC Comment Response 5.

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12	2	UMIAQ	General Comment - Does "infrastructure upstream of the wellhead" include all non-domestic piping and equipment that comes into contact with the wastewater from the source to the wellhead?	This language has not been carried forward to the final permit. See RTC Comment Response 5.
13	3	UMIAQ	General Comment - It would be helpful to have some clarification of the level of detail required on the engineering plans. Does the Department wish to review only P&IDs or PFDs? Or are detailed piping/equipment drawings required to be submitted? Also, are any calculations or material specifications required to be submitted to satisfy 18 AAC 72.600(c)(6)?	See RTC Comment Response 5.
14	2	CPAI NOD Form Section 7	Recommends changing NOD Form Section 7 requirements to submit "Copy of EPA UIC Permit Application" to submit copy of the "EPA Approval" instead based on being more straight forward and less burdensome.	DEC's intent is to obtain relevant information that supports the DEC application process that is also in the EPA application. The EPA permit alone does not contain all relevant information. For example, DEC understands that the WAP is part of the EPA permit application. Therefore, DEC will require the submittal of the entire EPA application (including the WAP) and the EPA permit authorization/approval along with the NOD Form for this Permit.
15	4	UMIAQ	It would be helpful to see a process flow diagram to clarify the permit procedure, especially for new wells.	The permit procedure consists of: <ul style="list-style-type: none"> • Applying for and obtaining an EPA permit. • Filling out an Notice of Disposal (NOD)] for an authorization under the state General Permit (GP) 2016DB0001 Review the GP for comprehension and information on how/where to obtain an NOI
17	3	Hilcorp	18 AAC 72.600 discusses submittal of plans for review but does not describe the review process.	See RTC Comment Response 5.

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		Section 1.1.2	NOD Section 7 refers to submittal of an ATO but there is no reference to this in 18 AAC 72.500 like there is in 18 AAC 72.600. Hilcorp requests clarification on the intended review process.	
18	Page 3	Hilcorp Section 1.1.2 and Section 1.1.2.1	Reviewer notes that submittal of WAP for department approval at the time of NOD submittal is redundant because the same document is required by the EPA and that "...redundancy and potential for inconsistency should be addressed."	The WAP is not approved by DEC but rather supports DEC's application process. See RTC Comment Response 14.
19	1.b	CPAI Section 1.1.2.1	1.1.2.1 requires submittal for approval of waste analysis & engineering plans for existing facilities and CPAI is concerned that new and undefined DEC standards may be applied.	See RTC Comment Response 5 for clarification on engineering plans. See RTC Comment Responses 14 and 18 for clarification on WAP.
20	3	CPAI Annual Report Form	Recommends eliminating the Draft form requirement to report injection volumes by fluid type as some facilities are not set up to do this requirement. There does not appear to be a reason for reporting on fluid types.	DEC maintains this information is valuable for informing the Department on the specific types and amounts of wastes being deposited into the State's subsurface.
21	4.c	CPAI Annual Report Form	CPAI comments that approval to operate a non-domestic wastewater disposal system is not referenced in 18 AAC 72.600. DEC should not require submittal of documents already in DEC files.	See RTC Comment Response 5.
22	4.d	CPAI Annual Report Form	What is "DEC Folder Number" on page 1?	This will be provided by DEC.

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23	Annual Report	Hilcorp	For the no discharge section, Hilcorp seeks clarification on if this pertains to discharge to a surface water body or discharge into the formation.	DEC agrees with this comment. The Department will revise No Discharge box language to specify disposal to permitted injection wells.
24	AOGA IV and BP 5	AOGA and BP Annual Report Form	AOGA recommends changing requirement to submit an "annual report" to submit "copies of EPA quarterly forms" as satisfying the DEC's reporting needs. In addition, the reporting of fluids should be in barrels rather than gallons as this is the industry standard and would be less likely to result in reporting errors due to additional calculations.	Annual Report submittals have been an existing requirement and as mentioned in RTC 20, this type of information is valuable to the State. Currently, reports are submitted typically as gallons or millions of gallons per day; however, the DEC form has been modified to allow for barrels. Also note that other than EPA Form 7520-8, DEC has provided clarification in Section 1.5.5 that "Copies of completion reports, mechanical integrity tests, or other technical reports required by the EPA Class I UIC permit are not to be submitted to the Department."
25	General	Hilcorp	Suggest including a flowchart, similar to the one shown in the existing Permit Section 3.0, to reissued permit.	DEC agrees with this comment. A flow chart has been added to Section 3.0.
26	NOD	Hilcorp NOD Form	Under Section 7 of the NOD, administratively extended authorizations and existing wells without administrative extension both states that a DEC Letter of Non-Objection (LNO) is required to be attached. Reviewer seeks clarification on the required LNO, as there is no discussion of this requirement throughout the draft permit or within 18 AAC 72.	DEC agrees with this comment. The LNO has been removed from Section of the NOD form. See also RTC Comment Response 5.

27	AOGA II and BP 3	AOGA and BP NOD Form - Section 6	AOGA recommends removal of requirement for permittees to report Total Dissolved Solids (TDS)	DEC agrees that this information is not necessary. Reference to TDS has been removed from Section 6 of NOD form.
28	4.e	CPAI NOD Form - Section 7	Recommend providing definitions of all Attachment Requirements in Permit Section 1 - Application Requirements	DEC will consider this recommendation.
29	CPAI 4.b BP 6i	CPAI and BP NOD Form - Section 7	Requests definition of "Letter of Non-Objection" as required for bottom 3 attachment requirements. DEC should not require submittal of documents already in DEC files.	DEC agrees with this comment. The LNO has been removed from Section 7 of the NOD form. See also RTC Comment Response 5.
30	4.a	CPAI Section 3.0	Highlights errors in table entries for Trading Bay - Dolly Varden and Colville River Unit WD-02	Well Data has been modified to reflect current information for Trading Bay, Coville River Unit, and Tyonek Platform to reflect ownership of CPAI and Hilcorp.
31	Page 2	Hilcorp Section 1.1.1	Change "Safe Water Drinking Act (SWDA)" to "Safe Drinking Water Act (SDWA)"	DEC agrees with this comment. Change has been made to Section 1.1.1
32	Page 3	Hilcorp Section 1.1.1.4	This section discusses existing facility with no revisions must submit an NOD when seeking continued coverage under administrative extension. Hilcorp recommends removing word "revised" from this section, as revisions are discussed under Section 1.1.2.3.	DEC appreciates the recommendation but has concluded that the word "revised" shall remain due to the deletion of Section 1.1.2.3.

33	Page 3	Hilcorp Section 1.1.2.2	Notes "applicant" misspelled in first sentence.	DEC appreciates Hilcorp pointing out this misspelling and has deleted Section 1.1.2.2 altogether.
34	Page 3	Hilcorp Section 1.1.2.3	Recommends modifying 2nd sentence to "A revision does not require a fee unless it includes plan review under 18 AAC72.600." and recommends referencing Section under this sections as it provides more detail on revision requirements.	DEC appreciates the recommendation but due to the deletion of Section 1.1.2.3, it no longer applies.
35	Page 3	Hilcorp Section 1.1.3.1	Modify to "For existing permittees, fees are assessed and invoiced annually after January 1st each year."	DEC appreciates the recommendation but due to the deletion of Section 1.1.3.1, it no longer applies. The subject matter is now reflected in Section 1.1.2.
36	Page 4	Hilcorp Section 1.1.5.2	Recommends removal of 1.1.5.2 based on being redundant to 1.1.1	DEC agrees with this comment and has deleted 1.1.5.2
37	Page 4	Hilcorp Section 1.1.5.4	Recommends change of word "this" to "the"	DEC agrees with this comment and has made permit changes. The subject matter is now reflected in Section 1.1.4.4.
38	Page 4	Hilcorp Section 1.3.1	References portion of existing GP, Section 1.4.1 noting that natural causes were discussed as instances where the permittee would not be held liable and recommends including a similar statement in this section.	Could not locate any references to "natural causes" in existing GP.

39	Page 4	Hilcorp Section 1.3.1 and Section 1.3.2	Recommends combining these two sections due to closely related subject matter.	DEC has deleted Section 1.3.2.
40	Page 5	Hilcorp Section 1.5.6	Recommends combining Draft Permit section 1.5.6 w/ Draft Permit 2.3.1 as both discuss same issue.	DEC agrees. Section 1.5.6 has been deleted.
41	Page 6	Hilcorp Section 1.8	Recommends adding specific address for submittal of noncompliance notifications.	DEC agrees with this comment and has listed contact information in Section 1.9.1 of the Permit.
42	Page 7	Hilcorp Section 2.3.1	This section discusses the submittal of false material; however there is no discussion within the permit about the submittal of relevant facts or information as they are discovered. Hilcorp recommends including some verbiage on the submittal of relevant facts or corrected information once a permittee is aware of it.	The subject language is standard legal language and will be retained intact and without addition as to not change the statutory and regulatory intent of the language.
43	Page 9	Hilcorp Section 3.0	Highlights errors in table entries for Trading Bay & Dolly Varden facilities.	See RTC Comment Response 30.
44	General	CPAI General	Permittee requests a workshop meeting to address industry concerns about added burden associated w/ revised permit	A meeting was held at the Atwood Building in downtown Anchorage on Wednesday, March 16, 2016 from 10:30 am to 12:00pm. Announcement of the meeting was public noticed in the Anchorage Dispatch News on March 5, 2016.
45	6j	BPXA Annual Report Form	This is duplicative and requires extra man-hours to produce because it is not the same format as the EPA forms, suggests changing requirement to	While much of the information on the state report forms are duplicative, there are state requirements that are not reflected on the EPA Annual

			just require submitting copies of corresponding EPA forms.	Report forms such as the type and volume of waste injected. Also see RTC Comment Responses 20 and 24.
46	6e	BPXA Section 1.1.2.1	What is an approval to operate (ATO)? Requiring this implies that operating under the existing GP or Extension is not an ATO. Is this a separate document issued by DEC? Please clarify what an ATO is and why it is needed if the permittee is administratively extended.	See RTC Comment Response 5.
47	6f	BPXA Section 1.3.1	From this statement this reiterates the intent of 18 AAC 72 to protect groundwater and surface water. Since the North Slope Class I wells have an EPA designation of no-USDWs then there is no potable groundwater to contaminate and therefore this permit is necessary.	See RTC Comment Response 5.
48	6g	BPXA Section 1.5.1	Why do we have to submit both the DEC forms and the EPA form? Why can't we just submit the EPA forms to DEC instead. The forms are sufficiently different and require significant extra work to prepare the DEC form.	See RTC Comment Responses 20, 24, and 45.
49	6h	BPXA Section 2.3.2.1	What designates a duly authorized representative?	The entity that is the qualified signatory under 18 AAC 15.030 may, in writing to DEC, specify that an individual (i.e., the duly authorized representative) sign permit related documents on their behalf.