

TALKING POINTS: PROPOSED COOK INLET EXPLORATION GENERAL PERMITS PROVIDED BY TRUSTEES FOR ALASKA (WWW.TRUSTEES.ORG)

- **EPA Should Require Zero Discharge for Cook Inlet Oil and Gas Facilities:** EPA continues to exempt Cook Inlet oil and gas facilities from the zero discharge requirement applied elsewhere in the country to similar categories of facilities. EPA's exemption of these facilities is based on outdated rules — now almost twenty years old — and outdated information about the ability of Cook Inlet facilities to achieve zero discharge of wastes like drilling fluids and drilling cuttings. In fact, the Osprey platform currently reinjects these wastes. EPA previously assumed that Cook Inlet was a mature oil and gas field near the end of its useful life, but this permit recognizes the reinvigoration of oil and gas exploration and development in Cook Inlet, and allows for new exploration that will likely lead to new production facilities and more pollution in Cook Inlet. EPA should ensure that these new facilities are held accountable for protecting the health of the people who depend on Cook Inlet for their food and livelihoods, as well as the important subsistence resources and endangered species that reside in and use the Inlet.
- **The Monitoring and Compliance Requirements in the Permits Are Inadequate:** The compliance and monitoring provisions primarily depend on the dischargers to be good actors and self-report problems. Even if dischargers determine that violations are continuing to occur, there is no requirement that they stop discharging into Cook Inlet. If facilities can't comply with their permits, they should not be allowed to continue polluting. It is essential that measures be taken to stop the violations. In addition, the permits do not indicate how frequently inspections will take place and there is no indication that EPA or DEC will ever inspect these short-term exploration facilities before they finish their operations. The enforcement mechanisms in the permits cannot protect water quality when violations occur, if the agencies are not regularly, and on a surprise basis, inspecting these facilities.
- **EPA and DEC Should Require Additional Baseline and Evaluation Studies:** In the 2007 permits, new facilities were required to study existing conditions in Cook Inlet. Because there were no new facilities, no data was ever collected. EPA and DEC should expand requirements for studies to gather baseline data and to evaluate existing conditions in Cook Inlet. Without that information, it is impossible to understand water quality impacts from these facilities and how to better regulate them to ensure that they are having the minimum impact possible on Cook Inlet water quality.

- **EPA and DEC Have Not Shown that the Discharges Are Protective of Human Health and the Environment:** The Ocean Discharge Criteria Evaluation indicates that discharged substances, such as drill cuttings, contain toxics that are dangerous to the environment and human health. These dangerous substances include mercury, cadmium, arsenic, chromium, copper, lead, nickel, and zinc. Studies performed to date on the effects of drilling fluids and drill cuttings provide little information about what level of exposure is safe and whether there is a risk of bioaccumulation in the species eaten by Cook Inlet residents. EPA acknowledges that there are gaps in its understanding of even basic information, such as how much fish residents of the Cook Inlet region consume from Cook Inlet, which is crucial to determining impacts to human health. EPA and DEC should not rely on unclear and inconclusive evidence when making determinations that could have severe impacts on human health.
- **DEC and EPA Have Not Provided Sufficient Information to Show that the Allowed Mixing Zones Protect Human Health and the Environment:** EPA has provided only very basic details about its assumptions and the outcomes of the mixing zone modeling for the permit. Because the mixing zone sizes are not determined from real-world information, it is essential that the public be made aware of the assumptions used in the modeling. If not, it is not clear whether the mixing zones are actually as small as possible or whether they take into consideration key information, such as existing pollution contaminant levels in Cook Inlet, where the discharges would be occurring, and the dynamic tidal fluctuations. The 100-meter mixing zone length is a default, so there is no assurance that the mixing zones are as stringent as possible. There is also no requirement for actual monitoring at the edge of mixing zones to determine if the discharges actually comply with the permits.
- **DEC Should Not Be Allowed to Waive the Domestic Wastewater Treatment Requirements Without Involving the Public:** If DEC will waive the minimum treatment requirements for domestic wastewater, which likely includes fecal coliform, DEC must provide a public notice and comment process and ensure protection of the public.
- **DEC Needs to Expressly Indicate that Exploration Facilities Are Not Allowed to Discharge Produced Water:** DEC states that that exploration drilling “does not typically include discharges of water flood produce water,” so the “permit for exploration does not include these discharges.” DEC must clearly state that discharges of produced water are forbidden under the permit, even if requested by an exploration facility. Otherwise, the

permit condition does not provide the certainty required for dischargers and the public to understand the permit requirements.