

§ 435.50

40 CFR Ch. I (7-1-03 Edition)

mechanical failure of well, loss of ability to inject that risks loss of well which would cause significant economic harm or create a substantial risk to safety); and

b. A risk analysis of alternative disposal options, including environmental assessment, human health and safety, and economic impact, that shows discharge as the lowest risk option.

2.3 To successfully demonstrate that technical limitations prevent it from being able to dispose of its EMO-cuttings or SBF-cuttings through injection into a Class II UIC well, a Coastal Cook Inlet operator must show that it has been unable to establish injection into a Class II UIC well or prove to the satisfaction of the Alaska Oil and Gas Conservation Commission (AOGCC) that the EMO-cuttings or SBF-cuttings will be confined to the formation disposal interval. This demonstration must include:

a. Documentation, including engineering analysis, that shows the inability to confine EMO-cuttings or SBF-cuttings in a Class II UIC well (e.g., no confining zone or adequate barrier to confine wastes in formation);

b. Documentation demonstrating that no Class II UIC well is accessible (e.g., operator does not own, competitor will not allow injection); and

c. A risk analysis of alternative disposal option, including environmental assessment, human health and safety, and economic impact, that shows discharge as the lowest risk option.

2.4 To successfully demonstrate that technical limitations prevent it from being able to dispose of its EMO-cuttings or SBF-cuttings through land application, a Coastal Cook Inlet operator must show that it has been unable to handle drilling waste or dispose of EMO-cuttings or SBF-cuttings at an appropriate land disposal site. This demonstration must include:

a. Documentation of site restrictions that preclude land application (e.g., no land disposal sites available);

b. Documentation of the platform's lack of capacity for adequate storage of EMO-cuttings or SBF-cuttings (e.g., limited storage or room for cuttings transfer); or

c. Documentation of inability to transfer EMO-cuttings or SBF-cuttings from platform to land for disposal (e.g., extremely low tides, high wave action).

3.0 PROCEDURE

3.1 Except as described in Section 3.2 of this appendix, a Coastal Cook Inlet operator believing that it qualifies for the exemption to the zero discharge requirement for EMO-cuttings or SBF-cuttings must apply for and obtain an individual NPDES permit prior to discharging EMO-cuttings or SBF-cuttings to waters of the United States.

3.2 Discharges occurring as the result of a high risk emergency (e.g., mechanical failure

of well, loss of ability to inject that risks loss of well which would cause significant economic harm or safety) may be authorized by a general NPDES permit provided that:

a. The Coastal Cook Inlet operator satisfactorily demonstrates to EPA Region 10 the fulfillment of the other exemption requirements described in Section 2.0 of this appendix, or

b. The general permit allows for high risk emergency discharges and provides Reporting Requirements to EPA Region 10 immediately upon commencing discharge.

[66 FR 6918, Jan. 22, 2001]

Subpart E—Agricultural and Wildlife Water Use Subcategory

§ 435.50 Applicability; description of the beneficial use subcategory.

The provisions of this subpart are applicable to those onshore facilities located in the continental United States and west of the 98th meridian for which the produced water has a use in agriculture or wildlife propagation when discharged into navigable waters. These facilities are engaged in the production, drilling, well completion, and well treatment in the oil and gas extraction industry.

§ 435.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR part 401 shall apply to this subpart.

(b) The term "onshore" shall mean all land areas landward of the territorial seas as defined in 40 CFR 125.1(gg).

(c) The term "use in agricultural or wildlife propagation" means that the produced water is of good enough quality to be used for wildlife or livestock watering or other agricultural uses and that the produced water is actually put to such use during periods of discharge.

§ 435.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in §§125.30 through 125.32, any existing point source subject to this subpart shall