

## Environmental Protection Agency

## § 435.60

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 achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

(a) There shall be no discharge of waste pollutants into navigable waters from any source (other than produced water) associated with production, field exploration, drilling, well completion, or well treatment (i.e., drilling muds, drill cuttings, and produced sands).

(b) Produced water discharges shall not exceed the following daily maximum limitation:

Effluent characteristics: Effluent limitation (mg/l).

Oil and Grease: 35.

[44 FR 22075, Apr. 13, 1979, as amended at 60 FR 33967, June 29, 1995]

### Subpart F—Stripper Subcategory

#### § 435.60 Applicability; description of the stripper subcategory.

The provisions of this subpart are applicable to those onshore facilities which produce 10 barrels per well per calendar day or less of crude oil and which are operating at the maximum feasible rate of production and in accordance with recognized conservation practices. These facilities are engaged

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in production, and well treatment in the oil and gas extraction industry.

**§ 435.61 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 inner boundary of the territorial seas as defined in 40 CFR 125.1(gg).

(c) The term “well” shall mean crude oil producing wells and shall not include gas wells or wells injecting water for disposal or for enhanced recovery of oil or gas.

(d) The term “gas well” shall mean any well which produces natural gas in a ratio to the petroleum liquids produced greater than 15,000 cubic feet of gas per 1 barrel (42 gallons) of petroleum liquids.

**Subpart G—General Provisions**

**§ 435.70 Applicability.**

(a) *Purpose.* This subpart is intended to prevent oil and gas facilities, for which effluent limitations guidelines and standards, new source performance standards, or pretreatment standards have been promulgated under this part, from circumventing the effluent limitations guidelines and standards applicable to those facilities by moving effluent produced in one subcategory to another subcategory for disposal under less stringent requirements than intended by this part.

(b) *Applicability.* The effluent limitations and standards applicable to an oil and gas facility shall be determined as follows:

(1) An Oil and Gas facility, operator, or its agent or contractor may move its wastewaters from a facility located in one subcategory to another subcategory for treatment and return it to a location covered by the original subcategory for disposal. In such case, the effluent limitations guidelines, new source performance standards, or pretreatment standards for the original subcategory apply.

(2) An Oil and Gas facility, operator, or its agent or contractor may move its wastewaters from a facility located

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in one subcategory to another subcategory for disposal or treatment and disposal, provided:

(i) If an Oil and Gas facility, operator or its agent or contractor moves wastewaters from a wellhead located in one subcategory to another subcategory where oil and gas facilities are governed by less stringent effluent limitations guidelines, new source performance standards, or pretreatment standards, the more stringent effluent limitations guidelines, new source performance standards, or pretreatment standards applicable to the subcategory where the wellhead is located shall apply.

(ii) If an Oil and Gas facility, operator or its agent moves effluent from a wellhead located in one subcategory to another subcategory where oil and gas facilities are governed by more stringent effluent limitations guidelines, new source performance standards, or pretreatment standards, the more stringent effluent limitations guidelines, new source performance standards, or pretreatment standards applicable at the point of discharge shall apply.

[61 FR 66129, Dec. 16, 1996]

**PART 436—MINERAL MINING AND PROCESSING POINT SOURCE CATEGORY**

**Subpart A—Dimension Stone Subcategory [Reserved]**

**Subpart B—Crushed Stone Subcategory**

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436.20 Applicability; description of the crushed stone subcategory.

436.21 Specialized definitions.

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

**Subpart C—Construction Sand and Gravel Subcategory**

436.30 Applicability; description of the construction sand and gravel subcategory.

436.31 Specialized definitions.

436.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best