

## Appendix B: Laws and Regulations Pertaining to Oil and Gas Exploration, Development, Production, and Transportation

### Alaska Statutes (AS) and Administrative Code (AAC) Sections

#### Alaska Department of Natural Resources (ADNR)

AS 38.05.027	Management of legislatively designated state game refuges and critical habitat areas is joint responsibility of ADF&G (AS 16.20.050-060) and ADNR. Lessees are required to obtain permits from both ADNR and ADF&G.
AS 38.05.127	Provides for reservation of easements to ensure free access to navigable or public water.
AS 38.35.010 to AS 38.35.260	Right-of-way leasing for pipeline transportation of crude oil and natural gas is under control of commissioner of ADNR. Commissioner shall not delegate authority to execute leases.
11 AAC 51.045	Easements to and along navigable or public water.
11 AAC 83.158(a)	Plan of operations for all or part of leased area or area subject to oil and gas exploration license must be approved by ADNR commissioner before any operations may be undertaken on or in leased or licensed area.
11 AAC 96.010	Operations requiring permits, including use of explosives and explosive devices, except firearms.
11 AAC 96.025	Generally allowed land use activities are subject to general stipulations that will minimize surface damage or disturbance of drainage systems, vegetation, or fish and wildlife resources.

#### ADNR Division of Oil and Gas (DO&G)

AS 38.05.035(a)(8)(C)	Requires geological and geophysical data to be kept confidential upon request of supplier.
AS 38.05.130	Allows DO&G director to approve oil and gas exploration and development activities in cases where surface estate is not held by state or is otherwise subject to third-party interests, provided director determines that adequate compensation has been made to surface estate holder for any damages that may be caused by lease activities.
AS 38.05.132	Establishes exploration licensing program.
AS 38.05.180	Establishes oil and gas leasing and gas only leasing programs to provide for orderly exploration for and development of petroleum resources belonging to state of Alaska.
11 AAC 96.010 to 11 AAC 96.145	Provides controls over activities on state lands in order to minimize adverse activities; applies to geophysical exploration permit

#### ADNR Division of Forestry

AS 41.17.082	Alaska Forest Resources Practices Act. Requires that all forest clearing operations and silvicultural systems be designed to reduce likelihood of increased insect infestation and disease infections that threaten forest resources.
11 AAC 95.195	Describes approved methods of disposal or treatment of downed spruce trees to minimize spread of bark beetles and reduce risk of wildfire.
11 AAC 95.220	Requires lessee to file detailed plan of operations with state forester.

<b>ADNR Division of Mining, Land and Water</b>	
AS 38.05.075	Governs public auctions for leasing lands (including tidelands and submerged lands) — procedures, bidding qualifications, and competitive or noncompetitive bidding methods.
AS 38.05.850	Authorizes director to issue permits, rights-of-way, or easements on state land for recovery of minerals from adjacent land under valid lease.
11 AAC 80.005 to 11 AAC 80.085	Pipeline right-of-way leasing regulations.
11 AAC 93.040 to 11 AAC 93.130	Requires water rights permit for appropriation of state waters for beneficial uses.
11 AAC 93.210 to 11 AAC 93.220	Provides for temporary water use permits and application procedures.
11 AAC 96.010 to 11 AAC 96.110	Land use permit activities not permitted by multiple land use permit or lease operations approval.
<b>ADNR Office of Habitat Management and Permitting<sup>1</sup></b>	
AS 41.14.840	Requires permit from ADNR (ADF&G after July 1, 2008) prior to obstruction of fish passage.
AS 41.14.870	Provides for protection of anadromous fish and game in connection with construction or work in beds of specified water bodies and calls for approval of plans by deputy commissioner, ADNR (ADF&G after July 1, 2008), for construction of hydraulic project or any use, diversion, obstruction, change, or pollution of these water bodies.
11 AAC 195.010	Atlas and catalog of waters important for spawning, rearing, or migration of anadromous fish. Permit application procedures.
<b>ADNR Office of Project Management and Permitting</b>	
11 AAC 110	Alaska Coastal Management Program Implementation
11 AAC 112.230	Requires that energy facilities in coastal areas be sited to extent feasible and prudent where development will necessitate minimal site clearing, dredging, and construction in productive habitats, to minimize risk of oil spills in or other contamination of productive or vulnerable habitats, and to allow for free passage and movement of fish and wildlife.
11 AAC 112.300	Requires that wetlands and tide flats be managed to assure adequate water flow and to avoid adverse effects on natural drainage patterns, destruction of important habitat, and discharge of toxic substances.

<sup>1</sup> The Office of Habitat Management and Permitting (OHMP) of the Alaska Department of Natural Resources became the Division of Habitat, a part of the Alaska Department of Fish and Game (ADF&G), effective July 1, 2008, as a result of Executive Order 114.

<b>Alaska Department of Fish and Game (ADF&amp;G)</b>	
AS 16.20	Management of legislatively designated game refuges, sanctuaries, and critical habitat areas.
AS 16.20.060, AS 16.20.094, and AS 16.20.530	Commissioner, ADF&G, may require submission and written approval of plans and specifications for anticipated use and construction work and plans for proper protection of fish and game (including birds) within legislatively designated game refuges, critical habitat areas, and sanctuaries.
AS 16.20.180 to AS 16.20.210	Require measures for continued conservation, protection, restoration, and propagation of endangered fish and wildlife.
<b>Alaska Oil and Gas Conservation Commission (AOGCC)</b>	
AS 31.05.005	Establishes and empowers AOGCC.
AS 31.05.030(d)(9)	Requires oil and gas operator to file and obtain approval of plan of development and operation.
AS 46.03.100	Standards and limitations for accumulation, storage, transportation, and disposal of solid or liquid waste.
AS 46.03.900(35)	Definition of waste.
20 AAC 25.005 to 20 AAC 25.570	Requires permit to drill, to help maintain regulatory control over drilling and completion activities in state.
20 AAC 25.140	Requires water-well authorization to allow abandoned oil and gas wells to be converted to freshwater wells and to assure freshwater source is not contaminated.
<b>Alaska Department of Environmental Conservation</b>	
AS 26.23.900(1)	Defines State Emergency Response Commission.
AS 46.03	Provides for environmental conservation including water and air pollution control and radiation and hazardous waste protection.
AS 46.03.100	Requires solid waste disposal permits.
AS 46.03.759	Establishes maximum liability for discharge of crude oil at \$500 million.
AS 46.03.900(35)	Definition of waste.
AS 46.04.010 to AS 46.04.900	Oil and Hazardous Substance Pollution Control Act. Prohibits discharge of oil or any other hazardous substances unless specifically authorized by permit; requires those responsible for spills to undertake cleanup operations; and holds violators liable for unlimited cleanup costs and damages as well as civil and criminal penalties.
AS 46.04.030	Requires lessees to provide oil discharge prevention and contingency plans (C-plans). Also provides regulation of aboveground storage facilities that have capacities of greater than 5,000 bbl of crude oil or greater than 10,000 bbl of noncrude oil.
AS 46.04.050	Exemptions for aboveground storage facilities that have capacities of less than 5,000 bbl of crude oil or less than 10,000 bbl of noncrude oil.
18 AAC 50	Provides for air quality control, including permit requirements, permit review criteria, and regulation compliance criteria.

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18 AAC 60.200	Requires solid waste disposal permit to control or eliminate detrimental health, environmental, and nuisance effects of improper solid waste disposal practices and to operate solid waste disposal facility.
18 AAC 60.265	Requires proof of financial responsibility before permit for operation of hazardous waste disposal facility may be issued.
18 AAC 50.316	Preconstruction review for construction or reconstruction of major source of hazardous air pollutants.
18 AAC 60.430(a)(2)	General requirement for containment structures used for disposal of drilling wastes.
18 AAC 70	Requires Certificate of Reasonable Assurance (Water Quality Certification) in order to protect state waters from becoming polluted. Assures that issuance of federal permit will not conflict with Alaska's water quality standards.
18 AAC 72	Requires wastewater disposal permit in order to prevent water pollution (and public health problems) due to unsafe wastewater disposal systems and practices.
18 AAC 75.005 to 18 AAC 75.025	Requirements for oil storage facilities for oil pollution prevention.
18 AAC 75.065 to 18 AAC 75.075	Requirements for oil storage tanks and surge tanks.
18 AAC 75.080	Facility piping requirements for oil terminal, crude oil transmission pipeline, exploration, and production facilities.
18 AAC 75.305 to 18 AAC 75.395	Provides for oil and other hazardous substance pollution control, including oil discharge contingency plan.
<b>North Slope Borough</b>	
Title 19	North Slope Borough land management regulations, planning, and permitting powers.

## **Federal Laws and Regulations**

[CFR, Code of Federal Regulations; USC, United States Code]

### Clean Water Act

33 USC §§ 1251 to 1387 — Water pollution controls

33 USC § 1344 — Army Corps of Engineers permit required to excavate, fill, alter, or otherwise modify course or condition of navigable or U.S. coastal waters and to discharge dredge-and-fill material.

### Environmental Protection Agency (EPA)-administered oil and other hazardous substance regulations

40 CFR § 109 — Criteria for oil removal contingency plans

40 CFR § 110 — Discharge of oil

40 CFR § 112 — Oil pollution prevention.

40 CFR § 112.7 — Guidelines for implementing spill prevention, control, and countermeasures plan

40 CFR § 113(A) — Liability limits for small onshore storage facilities (oil)

40 CFR § 116 — Designation of hazardous substances

40 CFR § 117 — Determination of reportable quantities for hazardous substances

### Coast Guard, Department of Homeland Security-administered regulations relevant to oil spills in navigable waters

33 CFR §§ 153 to 158  
33 CFR § 153 — Reporting oil spills to Coast Guard, Department of Homeland Security  
33 CFR §§ 155 to 156 — Vessels in oil transfer operations

EPA-administered water quality regulations

40 CFR § 121 — State certification of activities requiring federal license or permit  
40 CFR § 136 — Test procedures for analysis of pollutants

EPA-administered National Pollutant Discharge Elimination System regulations

40 CFR § 122 — NPDES permit regulations  
40 CFR § 125 — Criteria and standards for NPDES permits  
40 CFR § 129 — Toxic pollutant effluent standards  
40 CFR § 401 — General provisions of effluent guidelines and standards  
40 CFR § 435 — Offshore oil and gas extraction point-source category.

EPA-administered ocean dumping regulations

40 CFR §§ 220 to 225 and 227 to 228 — Ocean dumping regulations, permits, and criteria

EPA-administered materials discharge and disposal regulations

40 CFR § 230 — Discharge of dredged or fill material into navigable waters  
40 CFR § 231 — Disposal site determination

Army Corps of Engineers-administered navigable waters regulations

33 CFR § 209—Navigable waters  
33 CFR §§ 320 to 327 and 330 — Permit program regulations  
33 CFR § 323 — Discharge of dredge and fill  
33 CFR §§ 328 and 329 — Definitions of waters

Fish and Wildlife Coordination Act

Clean Water Act § 404 — Permit applications  
16 USC § 662(a) Allows comments on permit applications by EPA, National Marine Fisheries Service, U.S. Fish and Wildlife Service (USF&WS), and state agency that administers wildlife resources.

Comprehensive Environmental Response, Compensation, and Liability Act

42 USC §§ 9601 to 9675 — Environmental laws

EPA-administered oil and other hazardous substance pollution regulations

40 CFR § 300 — National Oil and Hazardous Substances Pollution Contingency Plan

Safe Drinking Water Act

42 USC § 300 (f) to (h)

EPA-administered underground injection regulations

40 CFR § 144—Permit regulations for underground injection control program  
40 CFR § 146—Criteria and standards for underground injection control program  
40 CFR § 147—State underground injection control program

Solid Waste Disposal Act, as amended by Resource Conservation and Recovery Act

42 USC §§ 6901 to 6991

Clean Air Act

42 USC §§ 7401 to 7661

Toxic Substances Control Act

15 USC §§ 2601 to 2655

National Environmental Policy Act (NEPA)

42 USC §§ 4321 to 4347

Council on Environmental Quality-administered NEPA-related regulations

40 CFR §§ 1500 to 1508 — Implement NEPA procedures

Endangered Species Act

16 USC §§ 1531 to 1543

USF&WS-administered threatened and endangered species regulations

50 CFR § 17 — Threatened and endangered wildlife and plant species  
50 CFR § 402 — Interagency cooperation

Marine Protection, Research, and Sanctuaries Act

33 USC §§ 1401 to 1445

Marine Mammal Protection Act

16 USC §§ 1361 to 1407

Migratory Bird Treaty Act

16 USC §§ 703 to 712 and 715

National Historic Preservation Act

16 USC § 469 and 470

Leases and Permits on Restricted Properties

25 CFR § 162