

metropolitan area, call 703-412-9610 or TDD 703-412-3323.

**FOR FURTHER INFORMATION, CONTACT:**

Persons needing further information on the committee should contact Paul Cassidy, Municipal and Industrial Solid Waste Division, Office of Solid Waste, at (703) 308-7281.

**SUPPLEMENTARY INFORMATION:**

**Background**

EPA and ASTSWMO have formed a State/EPA Steering Committee to jointly develop voluntary facility guidance for the management of industrial nonhazardous waste in land-based disposal units. The purpose of the guidance is to recommend management practices that are environmentally sound, that are protective of public health, and that recognize opportunities for pollution prevention and waste minimization. The guidance will address such topics as appropriate groundwater monitoring and corrective action requirements, liner designs, daily operating requirements, and closure and post-closure practices.

The State/EPA Steering Committee has convened this Stakeholders Focus Group to obtain recommendations from individuals who are members of a broad spectrum of public interest groups and affected industries. All recommendations from Focus Group participants will be forwarded to the State/EPA Steering Committee for consideration, as the Stakeholders' Focus Group will not strive for consensus. The State/EPA Steering Committee will also provide an opportunity for public comment on the draft guidance document.

"Industrial nonhazardous waste" under the federal Resource Conservation and Recovery Act (RCRA) means waste that is neither municipal solid waste under RCRA Subtitle D nor a hazardous waste under RCRA Subtitle C. Industrial nonhazardous waste consists primarily of manufacturing process wastes, including wastewaters and non-wastewater sludges and solids.

EPA estimates there are 7.6 billion tons of industrial nonhazardous waste generated annually in the U.S. and disposed on-site by approximately 12,000 industrial facilities in surface impoundments, landfills, land application units, or waste piles. Most of this waste is managed in surface impoundments, which are designed to hold wastewaters. These wastes, which include inert materials as well as materials which may be declared hazardous at some future date, present a broad range of risk.

Under RCRA Subtitle D, the states are responsible for regulating the management of industrial nonhazardous waste. State requirements vary widely, and may include standards for design and operation, location, monitoring, and record keeping. This guidance is intended to complement existing state programs.

EPA's role in the management of industrial nonhazardous waste is very limited. Under RCRA Subtitle D, EPA issued minimal criteria prohibiting "open dumps" (40 CFR 257) in 1979. The states, not EPA, are responsible for implementing the "open dumping criteria," and EPA has no back-up enforcement role.

Copies of the minutes of all Stakeholder Focus Group meetings will be made available through the docket at the RCRA Information Center, including minutes of the first Focus Group meeting, which was held on April 11-12, 1996.

**Participants**

The Stakeholders Focus Group consists of approximately 25 members, who represent public interest groups, affected industries, states, and federal officials. Following is a list of representatives from the interested parties:

Public interest groups—Michael Gregory, Sierra Club; John Harney, Citizens Round Table/Pennsylvanians United to Rescue the Environment; and Richard Lowerre, Henry, Lowerre, Johnson, Hess & Frederick.

Industry sectors—Tim Saylor, International Paper; Gary Robbins, Exxon Company USA; Walter Carey, New Milford Farms/Nestle USA; Robert Giraud, Dupont Company; Paul Bork, Dow Chemical Company; Bruce Steiner, American Iron and Steel Institute; James Meiers, Indianapolis Power and Light Company; Andrew Miles, The Dexter Corporation; Scott Murto, General Motors Corporation; Lisa Williams, The Aluminum Association; Jonathan Greenberg, Browning-Ferris Industries; and Ed Skernolis, WMX Technologies, Inc.

States—James Warner, Minnesota Pollution Control Agency; Anne Dobbs, Texas Natural Resources Conservation Commission; Gene Mitchell, Wisconsin Department of Natural Resources; and Bill Pounds, Pennsylvania Department of Environmental Resources.

Federal officials—Paul Cassidy, Deborah Dalton, Robert Dellinger, Richard Kinch, John Sager and Carol Weisner of the U.S. Environmental Protection Agency.

Dated: August 1, 1996.

Michael H. Shapiro,

*Director, Office of Solid Waste.*

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[FRL-5533-9]

**Final NPDES General Permit for New and Existing Sources in the Offshore Subcategory of the Oil and Gas Extraction Category for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico (GMG290000)**

**AGENCY:** United States Environmental Protection Agency.

**ACTION:** Final issuance of NPDES general permit.

**SUMMARY:** Region 6 of the United States Environmental Protection Agency (EPA) today issues a National Pollutant Discharge Elimination System (NPDES) General Permit for the Oil and Gas Extraction Point Source Category in the Western Portion of the Outer Continental Shelf (OCS) of the Gulf of Mexico. The permit authorizes discharges from New Sources in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category (40 CFR Part 435, Subpart A) located in and discharging pollutants to federal waters in lease blocks located seaward of the outer boundary of the territorial seas of Louisiana and Texas as well as produced water discharges to federal waters from New Source facilities located in the territorial seas offshore of Louisiana and Texas.

The New Source General Permit (GMG390000) is also being combined with the existing NPDES general permit for the Western Gulf of Mexico OCS general permit (GMG290000) since the conditions of the New Source permit are essentially the same as those of the existing Western Gulf of Mexico OCS general permit. The NPDES permit number of this combined permit is hereby designated as GMG290000. The existing permit (58 FR 63964, December 3, 1993) authorizes discharges in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category (40 CFR Part 435, Subpart A) from new dischargers and existing dischargers to the Western Portion of the Outer Continental Shelf (OCS) of the Gulf of Mexico. The effect of this action will be to expand the coverage of GMG290000 to cover both New Sources and existing dischargers. The combined permit's expiration date will be November 18, 1997, since that is the expiration date of the existing General Permit for the Western Gulf of Mexico OCS.

A modification of the permit is also proposed in this Federal Register notice which will authorize new discharges of seawater and freshwater to which treatment chemicals have been added. It is necessary for operators to add corrosion inhibitors, scale inhibitors, or biocides to seawater and freshwater used in many miscellaneous processes offshore to ensure safe and efficient operation. The existing permit does not authorize these discharges; therefore, they are proposed to be authorized with this modification.

**DATES:** All limits and monitoring requirements pertaining to new sources and all changes which affect existing and new dischargers shall become effective September 9, 1996. Unchanged terms of the existing permit which cover existing and new dischargers shall remain effective.

**FOR FURTHER INFORMATION CONTACT:** Ms. Ellen Caldwell, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone: (214) 655-7513.

**SUPPLEMENTARY INFORMATION:**

**Regulated Entities**

Entities potentially regulated by this action are those which operate offshore oil and gas extraction facilities located in the Outer Continental Shelf of the western Gulf of Mexico.

Category	Examples of regulated entities
Industry ....	Offshore Oil and Gas Extraction Platforms.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your [facility, company, business, organization, etc.] is regulated by this action, you should carefully examine the applicability criteria in Part I, Section A.1. of the rule. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Pursuant to section 402 of the Clean Water Act (CWA), 33 U.S.C. section 1342, EPA proposed and solicited public comment on an NPDES New Source General Permit GMG390000 at 58 FR 53200 (October 14, 1993). This permit was proposed in response to newly promulgated new source performance standards and the new designation of new sources. Notice of

this proposed permit was also published in the Houston Post and New Orleans Times Picayune on October 16, 1993. The comment period closed on November 29, 1993.

Region 6 received written comments from the American Petroleum Institute (API), Offshore Operators Committee (OOC), Shell Offshore Inc., and Murphy Exploration and Production Company.

EPA Region 6 has considered all comments received. In some instances minor wording changes were made in the final permit in order to clarify some points as a result of comments or to correct typographical errors. In response to the comments submitted on the proposed New Source permit, the following substantive changes were made in the final permit. The New Source general permit has been combined with the existing Western Gulf of Mexico OCS general permit. Use of diffusers, multi-port discharges, and the addition of seawater to the produced water waste stream are allowed to obtain additional dilution to achieve compliance with the permit's produced water toxicity limits. The permit allows produced water to be discharged to OCS waters of the Western Gulf of Mexico from facilities located in the Territorial Seas of Texas and Louisiana. The maximum produced water discharge rate within any 100 meter mixing zone is limited to 25,000 bbl/day, except when the discharge is divided into multiple ports which are vertically separated sufficiently to prevent the plumes from colliding. Discharge of all garbage within 12 nautical miles from shore is prohibited and the discharge of all garbage except comminuted edible food waste is prohibited farther than 12 nautical miles from shore. A single grab sample is allowed for oil and grease monitoring of the produced water waste stream. The additional discharge of hydraulic fluids from the sub-sea production wellhead assembly is allowed under the permit. Permit language was also clarified regarding when a produced water sample is to be collected for toxicity testing.

Several minor permit language changes were made to the proposed permit which result from combining it with the existing OCS general permit. Those changes are: the test methods to be used for radionuclide monitoring were referenced in the permit, and well treatment, completion, and workover fluids are to be monitored as produced water when commingled in the produced water waste stream.

Several minor modifications, as discussed in the following paragraph, were required in the existing Western Gulf of Mexico OCS general permit

(GMG290000) in order to combine the two permits. Given the generally nonsubstantive nature of these minor permit changes, Region 6 does not anticipate members of the public will wish to submit adverse comments on this action. It is accordingly publishing these minor changes as "direct final" modifications. If, however, Region 6 receives written notice within 30 days of this publication that any person wishes to submit adverse comments on these changes, the modifications will not take effect. In that event, the Region will republish these modifications as a proposal, thus affording reasonable opportunity for public comment. After 30 days, OCS operators covered by the permits may thus wish to contact Ms. Caldwell at the above address or telephone number to determine whether EPA has received adverse comments on this minor modification action.

The following minor modifications were made in the existing OCS permit. Permit language for drill cuttings limits and monitoring requirements was clarified to show that toxicity monitoring is not required on the cuttings, only on the associated drilling fluids. A typographical error in the produced water oil and grease monitoring requirements was corrected so that the permit allows the results of a single grab sample or the arithmetic average of the results of four grab samples to be reported. Language was clarified to show that the only discharge from the territorial seas to the Outer Continental Shelf allowed under the permit is produced water. The sum of produced water discharges within the 100 meter mixing zone of greater than 25,000 bbl/day are permitted as long as the discharge from any single discharge port is not greater than 25,000 bbl/day and the permittee vertically separates the discharge ports enough to prevent the effluent plumes from colliding. Facilities which have not previously reported a produced water flow on the discharge monitoring report are now required to use the most recent monthly average flow to determine produced water monitoring requirements for toxicity, naturally occurring radionuclides, and bioaccumulation. Garbage and domestic waste limitations were corrected to correspond with Coast Guard Regulations.

The biomonitoring permit language used in both the proposed New Source OCS General Permit and the existing OCS general permit was written prior to proposal of the existing OCS general permit on April 16, 1991. EPA Region 6 has revised the toxicity testing language included in permits several times since the April 16, 1991 proposal.

In order to ensure that the test requirements and protocol permittees use for produced water toxicity compliance monitoring is up to date, the most recent revision of the toxicity testing language was included in the final combined permit.

#### Proposed Permit Modification

At this time, EPA is also proposing to modify the permit to authorize discharges of hydrotest and other seawater or freshwater to which treatment chemicals or biocides have been added. The existing OCS permit and proposed new source general permit both include miscellaneous discharges of uncontaminated seawater and uncontaminated freshwater. Both uncontaminated seawater and uncontaminated freshwater are defined as water to which no chemicals have been added. In most cases, where seawater or freshwater is used for hydrotesting piping, non-contact cooling water, continuous operation of fire control or utility pumps, pressure maintenance and secondary recovery, or ballast water, operators add treatment chemicals to inhibit corrosion and scaling, or biocides to prevent fouling. EPA recognizes that addition of chemicals for these uses is necessary to safe and efficient operations in the offshore environment and is therefore proposing to authorize discharges containing them in the combined permit.

Permittees use a broad range of chemicals to treat sea water and fresh water used in offshore operations. It is impossible to limit each chemical used individually since more than one hundred different chemicals are used. Also, if the permit were to limit specific chemicals it could potentially halt the development and use of new more beneficial treatment chemicals which would not be specifically listed in the permit and for which discharge would therefore not be authorized.

Best Available Technology Economically Achievable (BAT) limits established by best professional judgement are proposed to be included in the permit for these discharges. Many of the chemicals normally added to treat seawater or freshwater, especially biocides, have manufacturers recommended maximum concentrations. Additionally, information obtained from offshore operators demonstrates that it is unnecessary to use any of the treatment chemicals or biocides in concentrations greater than 500 mg/l. The proposed technology based limitations for treatment chemicals or biocides in miscellaneous discharges of seawater or

freshwater are the manufacturers maximum recommended concentration but in no case greater than 500 mg/l.

Water quality based limits are included in the permit to ensure compliance with Ocean Discharge Criteria promulgated under CWA section 403(c). Acute toxicity monitoring and limits of no acute toxicity are proposed for the new discharges. The limits were developed using the dilutions calculated at the edge of the mixing zone and an acute to chronic ratio of ten to one. An acute toxicity test based on an appropriate acute to chronic ratio is considered an equivalent test to a chronic toxicity test. The ten to one acute to chronic ratio is the normal ratio for most industrial effluents and has been used in other NPDES permits where the effluent is highly diluted in the receiving stream and an acute test is required in place of a chronic test. In addition, the acute test is less burdensome to permittees because it is less costly than a chronic test and because the acute test will be run on less dilute effluent there is less chance for laboratory error. As with produced water toxicity limits, tables have been included in the permit from which permittees will obtain their critical dilution based on their discharge rate, pipe diameter, and the water depth at which they are discharging. Permittees will be required to conduct a 48-hour acute toxicity test to determine compliance with the limit.

The discharge of free oil is proposed to be prohibited in these discharges to help to prevent the discharge of toxic pollutants contained in oil, which may contaminate these discharges and cause unreasonable degradation of the marine environment. Ocean discharge criteria (40 CFR 125.122) include ten factors which must be considered in determining whether a discharge will cause unreasonable degradation of the marine environment. One of the ten factors which must be examined is the potential impacts on human health through direct and indirect pathways. 40 CFR 110.4 defines quantities of oil which may be harmful to public health or welfare of the United States as a discharge which causes a sheen or discoloration on the receiving water. These discharges are proposed to be limited to no free oil as measured using the visual sheen test method.

Monitoring for toxicity is required in the permit based on the discharge rate. As with produced water, larger discharges are required to be monitored more frequently than small ones because they are less dilute at the edge of the mixing zone and have a greater

potential to cause toxic effects. The proposed monitoring frequencies are:

Discharge rate	Toxicity testing frequency
0-499 bbl/day .....	Once per year.
500-4,599 bbl/day ....	Once per quarter.
4,600 bbl/day and above.	Once per month.

The frequency of free oil monitoring is required to be once per week. This is the same frequency as required for well treatment, completion, and workover fluids and should not be too onerous since the test method is simple and can be accomplished on site.

**DATES:** Comments on the proposed permit modification must be received by October 8, 1996.

**ADDRESSES:** Comments on the proposed permit modification to add coverage of the new miscellaneous discharges should be sent to: Regional Administrator Region 6, U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202-2733.

**FOR FURTHER INFORMATION CONTACT:** Ms. Ellen Caldwell, Region 6, U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202-2733. Telephone: (214) 655-7513.

A copy of the proposed modified permit or a detailed fact sheet for the modification (neither of which are included in this Federal Register notice) may be obtained from Ms. Caldwell. In addition, the current administrative record on the proposal is available for examination at the Region's Dallas offices during normal working hours after providing Ms. Caldwell 24 hours advanced notice.

#### Other Legal Requirements

##### *Oil Spill Requirements*

CWA section 311 prohibits the discharge of oil and hazardous materials in harmful quantities. Discharges in compliance with NPDES permit limits are excluded from this prohibition, but the final combined permit neither precludes enforcement action for violations of CWA section 311 nor relieves permittees from any responsibilities, liabilities, or penalties for other unauthorized discharges of oil or hazardous materials subject to CWA section 311.

##### *Endangered Species Act*

As explained at 58 FR 53203, EPA has found that issuance of the New Source General Permit will not adversely affect any listed threatened or endangered species or designated critical habitat and requested written concurrence on

that determination from the National Marine Fisheries Service (NMFS). The same determination was made and concurrence received from National Marine Fisheries Service when the existing OCS general permit was reissued on November 19, 1992 and modified on December 3, 1993. On November 4, 1993, NMFS again provided such concurrence on the proposed New Source General Permit for the Western Portion of the Gulf of Mexico (GMG390000).

#### *Ocean Discharge Criteria Evaluation*

At 58 FR 41476 and 58 FR 63964 EPA Region 6 determined that discharges in compliance with the modified Western Gulf of Mexico Outer Continental Shelf general permit (GMG290000) would not cause unreasonable degradation of the marine environment. Since the modified existing general permit and the New Source General Permit are nearly identical and EPA Region 6 has determined that neither permit will cause unreasonable degradation of the marine environment, the Region finds that issuance of the combined general permit will not cause unreasonable degradation of the marine environment.

#### *Environmental Impact Statement*

EPA determined that issuance of the NPDES New Source General Permit for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico was a major Federal action significantly affecting the quality of the human environment. Thus, pursuant to the National Environmental Policy Act of 1969 (NEPA) evaluation of the potential environmental consequences of the permit action in the form of an Environmental Impact Statement (EIS) was required. The Minerals Management Service (MMS) had previously examined the environmental consequences in their final EIS which was conducted for oil and gas lease sales 142 and 143 in the OCS Region of the Gulf of Mexico. EPA adopted that EIS and prepared a Supplemental EIS (SEIS) to allow for additional consideration and evaluation of potential impacts on air quality, water quality, including radium in produced water, and cumulative effects. The Draft SEIS and Final SEIS were completed in October 1993 and December 1994, respectively. EPA considered all the information gathered during that NEPA review including the impact analysis, comments received on the Draft SEIS and Final SEIS, input received from the scoping meeting and public hearings on the Draft SEIS and the proposed NPDES permit, and other information provided by interested parties during the SEIS

process. Additionally, to address impacts relative to applicable Federal and State regulatory statutes, programs, and regulations, consultation was undertaken with the Advisory Council on Historic Preservation, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Texas Natural Resource Conservation Commission. Through this process EPA found no predicted unacceptable or potentially significant adverse impacts, individually or cumulatively, that were not subject to control through regulation or mitigation. The Record of Decision for that process was prepared and dated September 28, 1995. Based on that Record of Decision, EPA is issuing the New Source general permit.

#### *Coastal Zone Management Act*

The Region found the proposed New Source General Permit consistent with Louisiana's approved Coastal Zone Management Plan and submitted that determination and a copy of the proposed permit to the Louisiana Coastal Commission for certification. After informal consultation, the Commission provided such certification on August 1, 1994. The Commission also previously provided such certification for the modification of the existing Western Gulf of Mexico Outer Continental Shelf general permit on October 14, 1993.

#### *Marine Protection and Sanctuaries Act*

Pursuant to the Marine Protection and Sanctuaries Act, the National Oceanographic and Atmospheric Administration has designated the Flower Garden Banks, an area within the coverage of the OCS general permit, a marine sanctuary. The OCS general permit prohibits discharges in areas of biological concern, including marine sanctuaries. No change adopted today affects that prohibition.

#### *State Water Quality Certification*

Because discharges to state waters are not covered by the combined OCS general permit, its terms are not subject to state water quality certification under CWA section 401.

#### *Executive Order 12866*

The Office of Management and Budget (OMB) has exempted this action from the review requirements of Executive Order 12291 pursuant to Section 8(b) of that order. Guidance on Executive Order 12866 contain the same exemptions on OMB review as existed under Executive Order 12291. In fact, however, EPA prepared a regulatory impact analysis in connection with its promulgation of the guidelines on which a number of the

New Source permit's and the existing permit's provisions are based and submitted it to OMB for review. See 58 FR 12494.

#### *Paperwork Reduction Act*

The information collection required by this permit has been approved by OMB under the provisions of the Paperwork Reduction Act in EPA submissions for the NPDES program assigned OMB control numbers 2040-0086 (NPDES permit application) and 2040-0004 (discharge monitoring reports). When it issued the existing OCS general permit, EPA estimated it would take an affected facility three hours to prepare a request for coverage and 38 hours per year to prepare discharge monitoring reports. Likewise, when EPA proposed the New Source General Permit it estimated the same amount of time needed to prepare requests for coverage and discharge monitoring reports, since there would be few differences between the requirements for the two different permits. Changes made in the final combined permit will not add to the time needed to fill out discharge monitoring reports or request coverage under the permit.

#### *Regulatory Flexibility Act*

The Regulatory Flexibility Act requires that federal agencies prepare a regulatory flexibility analysis for regulations that will have a significant impact on a substantial number of small entities. In promulgating the Offshore Subcategory New Source Performance Standards on which many of today's New Source permit issuance is based, EPA prepared an economic impact analysis showing they would directly impact no small entities. See 58 FR 12492. Based on those findings and pursuant to 5 U.S.C. § 605(b), EPA Region 6 has certified that issuance of this final permit will not have a significant impact on a substantial number of small entities.

NPDES Permit GMG290000 is hereby combined with the proposed New Source General Permit for the Western Gulf of Mexico Outer Continental Shelf (Permit No. GMG390000) and is modified to read as it appears below.

#### *Authorization To Discharge Under the National Pollutant Discharge Elimination System*

In compliance with the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq. the "Act"), operators of lease blocks in the Oil and Gas Extraction Point Source Category which are located in Federal waters of the Western Portion of the Gulf of Mexico

(defined as seaward of the outer boundary of the territorial seas off Louisiana and Texas) are authorized to discharge to the Western Portion of the Federal Waters of the Gulf of Mexico in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, and III hereof. Also, operators of lease blocks located in the territorial seas of Louisiana and Texas are authorized to discharge produced water from those lease blocks to the Western Portion of the Federal Waters of the Gulf of Mexico in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, and III hereof.

Operators of lease blocks located within the general permit area must submit written notification to the Regional Administrator that they intend to be covered (See Part I.A.2). Unless otherwise notified in writing by the Regional Administrator after submission of the notification, owners or operators requesting coverage are authorized to discharge under this general permit. Operators of lease blocks within the general permit area who fail to notify the Regional Administrator of intent to be covered by this general permit are not authorized under this general permit to discharge pollutants from those facilities. Operators who have previously submitted a written notification of intent to be covered by this permit need not submit an additional notification of intent to be covered.

Facilities which adversely affect properties listed or eligible for listing in the National Register of Historic Places are not authorized to discharge under this permit.

This permit shall become effective at Midnight Central Daylight Savings Time on September 9, 1996.

This permit and the authorization to discharge shall expire at midnight, Central Daylight Savings Time, November 18, 1997.

Signed this 18th day of April, 1996.

Oscar Ramirez,

*Acting Director, Water Quality Protection Division, EPA Region 6.*

## Part I. Requirements for NPDES Permits

### Section A. Permit Applicability and Coverage Conditions

#### 1. Operations Covered

This permit establishes effluent limitations, prohibitions, reporting requirements, and other conditions on discharges from oil and gas facilities engaged in production, field exploration, developmental drilling,

well completion, and well treatment operations.

The permit coverage area consists of lease blocks located in and discharging to Federal waters in the Gulf of Mexico seaward of the outer boundary of the territorial seas offshore of Louisiana and Texas and shall include lease blocks west of the western boundary of the outer continental shelf lease areas defined as: Mobile, Viosca Knoll (north part), Destin Dome, Desoto Canyon, Lloyd, and Henderson. In Texas, where the state has mineral rights to 3 leagues, some operators with state lease tracts are required to request coverage under this Federal NPDES general permit. In addition, permit coverage consists of produced water discharges to those Federal waters of the western Gulf of Mexico from lease blocks located in the territorial seas of Texas and Louisiana. This permit does not authorize discharges from facilities discharging to the territorial seas of Louisiana or Texas or from facilities defined as "coastal", "onshore", or "stripper" (see 40 CFR Part 435, Subparts C, D, and E).

#### 2. Notification Requirements

Written notification of intent to be covered including the legal name and address of the operator, the lease block number assigned by the Department of Interior or the state or, if none, the name commonly assigned to the lease area, and the number and type of facilities located within the lease block shall be submitted at least fourteen days prior to the commencement of discharge. If the lease block was previously covered by this or another permit, the operator shall also include the previous permit number in the notification.

Additionally, if an application for an individual permit for the activity was previously submitted to EPA Region 6, the notice of intent shall include the application/permit number of that application or the permit number of any individual NPDES permit issued by EPA Region 6 for this activity.

Permittees located in lease blocks that (a) are neither in nor adjacent to MMS-defined "no activity" areas, or (b) do not require live-bottom surveys are required only to submit a notice of intent to be covered by this general permit. Permittees who are located in lease blocks that are either in or adjacent to "no activity" areas or require live bottom surveys are required to submit both a notice of intent to be covered that specifies they are located in such a lease block, and in addition are required to submit a notice of commencement of operations.

Permittees located in lease blocks either in or immediately adjacent to

MMS-defined "no activity" areas, shall be responsible for determining whether a controlled discharge rate is required. The maximum discharge rate for drilling fluids is determined by the distance from the facility to the "no activity" area boundary and the discharge rate equation provided in Appendix A. The permittee shall report the distance from the permitted facility to the "no activity" area boundary and the calculated maximum discharge rate to EPA with its notice of commencement of operations.

For permittees located in lease blocks that require live-bottom surveys, the final determination of the presence or absence of live-bottom communities, the distance of the facility from identified live-bottom areas, and the calculated maximum discharge rate shall be reported with the notice of commencement of operations.

All notifications of intent to be covered and any subsequent reports under this permit shall be sent to the following address: Operations Support Office (6WQ-O), Region 6, U.S. Environmental Protection Agency, 1445 Ross Ave., Dallas, TX 75202.

Operators who have previously submitted a written notification of intent to be covered by this permit need not submit an additional notification of intent to be covered.

#### 3. Termination of Operations

Lease block operators shall notify the Regional Administrator within 60 days after the permanent termination of discharges from their facilities within the lease block.

#### 4. Intent to be Covered by a Subsequent Permit

Lease block operators authorized to discharge by this permit shall notify the Regional Administrator on or before May 19, 1997, that they intend to be covered by a subsequent permit that will authorize discharge from these facilities after the termination date of this permit (November 18, 1997). The notification shall include the previous permit number assigned to the lease block.

### Section B. Effluent Limitations and Monitoring Requirements

#### 1. Drilling Fluids

The discharge of drilling fluids shall be limited and monitored by the permittee as specified in Table 2 of Appendix A and as below.

Special Note: The permit prohibitions and limitations that apply to drilling fluids, also apply to fluids that adhere to drill cuttings. Any permit condition that may apply to the

drilling fluid discharges, therefore, also applies to cuttings discharges.

(Exception) The discharge rate limit for drilling fluids does not apply to drill cuttings.

(a) Prohibitions

**Oil-Based Drilling Fluids.** The discharge of oil-based drilling fluids and inverse emulsion drilling fluids is prohibited.

**Oil Contaminated Drilling Fluids.** The discharge of drilling fluids which contain waste engine oil, cooling oil, gear oil or any lubricants which have been previously used for purposes other than borehole lubrication, is prohibited.

**Diesel Oil.** Drilling fluids to which any diesel oil has been added as a lubricant may not be discharged.

(b) Limitations

**Mineral Oil.** Mineral oil may be used only as a carrier fluid (transporter fluid), lubricity additive, or pill.

**Cadmium and Mercury in Barite.**

There shall be no discharge of drilling fluids to which barite has been added, if such barite contains mercury in excess of 1.0 mg/kg (dry weight) or cadmium in excess of 3.0 mg/kg (dry weight). The permittee shall analyze a representative sample of all stock barite used once, prior to drilling each well, and submit the results for total mercury and cadmium in the Discharge Monitoring Report (DMR).

If more than one well is being drilled at a site, new analyses are not required for subsequent wells, provided that no new supplies of barite have been received since the previous analysis. In this case, the results of the previous analysis should be used on the DMR.

Alternatively, the permittee may provide certification, as documented by the supplier(s), that the barite being used on the well will meet the above limits. The concentration of the mercury and cadmium in the barite shall be reported on the DMR as documented by the supplier.

Analyses shall be conducted by absorption spectrophotometry (see 40 CFR Part 136, flame and flameless AAS) and the results expressed in mg/kg (dry weight).

**Toxicity.** Discharged drilling fluids shall meet both a daily minimum and a monthly average minimum 96-hour LC50 of at least 30,000 ppm in a 9:1 seawater to drilling fluid suspended particulate phase (SPP) volumetric ratio using *Mysidopsis bahia*. Monitoring shall be performed at least once per month for both a daily minimum and the monthly average. In addition, an end-of-well sample is required for a daily minimum. The type of sample required is a grab sample, taken from beneath the shale shaker. Permittees

shall report pass or fail on the DMR using either the full toxicity test or the partial toxicity test as specified at 58 FR 12512; however, if the partial toxicity test shows a failure, all testing of future samples from that well shall be conducted using the full toxicity test method to determine the 96-hour LC50.

**Free Oil.** No free oil shall be discharged. Monitoring shall be performed using the static sheen method once per week when discharging. The number of days a sheen is observed must be recorded.

**Discharge Rate.** All facilities are subject to a maximum discharge rate of 1,000 barrels per hour.

For those facilities subject to the discharge rate limitation requirement because of their proximity to areas of biological concern, the discharge rate of drilling fluids shall be determined by the following equation:

$$R=10 [3 \log (d/15)+T_1]$$

Where:

R=discharge rate (bbl/hr)

d=distance (meters) from the boundary of a controlled discharge rate area

$T_1$ =toxicity-based discharge rate term  $[\log (LC50 \times 8 \times 10^{-6})] / 0.3657$

Drilling fluids discharges (based on a mud toxicity of 30,000 ppm) equal to or less than 544 meters from areas of biological concern shall comply with the discharge rate obtained from the equation above. Drilling fluids discharges which are shunted to the bottom as required by MMS lease stipulation are not subject to this discharge rate control requirement.

All discharged drilling fluids, including those fluids adhering to cuttings must meet the limitations of this section except that discharge rate limitations do not apply before installation of the marine riser.

(c) Monitoring Requirements

**Drilling Fluids Inventory.** The permittee shall maintain a precise chemical inventory of all constituents and their total volume or mass added downhole for each well.

2. Drill Cuttings

The discharge of drill cuttings shall be limited and monitored by the permittee as specified in Appendix A, Table 2 and as below.

(a) Prohibitions

**Cuttings from Oil Based Drilling Fluids.** The discharge of cuttings that are generated while using an oil-based or invert emulsion mud is prohibited.

**Cuttings from Oil Contaminated Drilling Fluids.** The discharge of cuttings that are generated using drilling fluids which contain waste engine oil, cooling oil, gear oil or any lubricants which have been previously used for

purposes other than borehole lubrication, is prohibited.

**Cuttings Generated Using Drilling Fluids which Contain Diesel Oil.** Drill cuttings generated using drilling fluids to which any diesel oil has been added as a lubricant may not be discharged.

**Cuttings Generated Using Mineral Oil.** The discharge of cuttings generated using drilling fluids which contain mineral oil is prohibited except when the mineral oil is used as a carrier fluid (transporter fluid), lubricity additive, or pill.

**Cadmium and Mercury in Barite.** Drill cuttings generated using drilling fluids to which barite has been added shall not be discharged if such barite contains mercury in excess of 1.0 mg/kg (dry weight) or cadmium in excess of 3.0 mg/kg (dry weight).

**Toxicity.** Drill cuttings generated using drilling fluids with a daily minimum or a monthly average minimum 96-hour LC50 of less than 30,000 ppm in a 9:1 seawater to drilling fluid suspended particulate phase (SPP) volumetric ratio using *Mysidopsis bahia* shall not be discharged.

(b) Limitations

**Free Oil.** No free oil shall be discharged. Monitoring shall be performed using the static sheen test method once per week when discharging. The number of days a sheen is observed must be recorded.

3. Deck Drainage

(a) Limitations

**Free Oil.** No free oil shall be discharged, as determined by the visual sheen method on the surface of the receiving water. Monitoring shall be performed once per day when discharging, during conditions when an observation of a visual sheen on the surface of the receiving water is possible in the vicinity of the discharge, and the facility is manned. The number of days a sheen is observed must be recorded.

4. Produced Water

(a) Limitations

**Flow Rate.** Produced water discharges from all outfalls located within 100 meters of each other shall not exceed 25,000 bbl/day. This limitation includes any seawater which has been added to the produced water waste stream.

(Exception) The combined flow from vertically separated discharges within the same mixing zone may exceed 25,000 bbl/day if the discharge ports are sufficiently vertically separated to prevent the discharge plumes from colliding. Dispersion modeling to determine sufficient separation between discharge ports shall be accomplished

using CORMIX1 with the input parameters and Brooks Equation as described later in this permit. The produced water flow from a single discharge point (including any added seawater) shall not exceed 25,000 bbl/day.

**Oil and Grease.** Produced water discharges must meet both a daily maximum of 42 mg/l and a monthly average of 29 mg/l for oil and grease. The sample type shall be either grab, or a 24-hour composite which consists of the arithmetic average of the results of 4 grab samples taken over a 24-hour period. If only one sample is taken for any one month, it must meet both the daily and monthly limits. Samples shall be collected prior to the addition of any seawater to the produced water waste stream. The analytical method is that specified at 40 CFR Part 136.

**Toxicity.** The 7-day average minimum and monthly average minimum No Observable Effect Concentration (NOEC) must be equal to or greater than the critical dilution concentration specified in Table 1 of this permit. Critical dilution shall be determined using Table 1 of this permit and is based on the discharge rate most recently reported on the discharge monitoring report, discharge pipe diameter, and water depth between the discharge pipe and the bottom. Facilities which have not previously reported produced water flow on the discharge monitoring report shall use the most recent monthly average flow for determining the critical dilution from Table 1 of this permit. The monthly average minimum NOEC value is defined as the arithmetic average of all 7-day average NOEC values determined during the month.

(Exception) Permittees wishing to increase mixing may use a horizontal diffuser, add seawater, or may install multiple discharge ports.

Permittees using a horizontal diffuser shall install the diffuser designed so that the 7-day average minimum and monthly average minimum No Observable Effect Concentration (NOEC) is equal to or greater than the critical dilution concentration as calculated by the following method.

The method for running CORMIX2 is as follows:

1 The horizontal diffuser predicted mixing shall be determined by the permittee using the CORMIX2 model and the Brooks equation (defined in Step 3, below) with the following input conditions:

Density Gradient=0.15  $\sigma_t$ m

Ambient seawater density at diffuser depth=1017 kg/m<sup>3</sup>

Produced water density=1070 kg/m<sup>3</sup>

Current speed=10 cm/sec.

2 Calculate the near field dilution factor (S) at the end of the impingement region, the calculated collapsed plume width (H), and downstream distance where the impingement region ends (x) from the CORMIX2 model.

3 Using the input conditions from Step 1 and calculated factors from Step 2, above, calculate the far field dilution factor,  $C_i/C$ , using the Brooks equation:

$$\frac{C_i}{C} = \left[ \operatorname{erf} \left[ \frac{1.5}{\left( \left( 1 + 8AH^{\frac{4}{3}} \frac{t}{H^2} \right)^3 - 1 \right)^{\frac{1}{2}}} \right] \right]^{-1}$$

where:

$C_i$ =concentration at end of impingement  
C=concentration at edge of 100 m mixing zone

H=collapsed plume width, in meters

A=4/3 power law dispersion parameter = 0.000453 m<sup>2/3</sup>/sec

u=current speed

x=downstream distance where impingement region ends (from step 1, above)

t=travel time from end of impingement to 100 m, = (100m - x)/u and;

erf=the error function

4 The total dilution at the 100 m mixing zone is defined as the product of the near-field dilution factor, S, found in step 2 and the far-field dilution factor,  $C_i/C$ , calculated in Step 3.

Permittees shall state the calculated critical dilution corresponding to that diffuser on the annual Discharge Monitoring Report (DMR) with a certification that the diffuser is installed. The CORMIX2 model runs shall be retained by the permittee as part of its NPDES records.

Permittees using vertically aligned multiple discharge ports shall provide vertical separation between ports which is consistent with Table 1A of this permit. When multiple discharge ports are installed, the depth difference between the discharge port closest to the sea floor and the sea floor shall be the depth difference used to determine the critical dilution from Table 1 of this permit. The critical dilution value shall be based on the port flow rate (total flow rate divided by the number of discharge ports) and based on the diameter of the discharge port (or smallest discharge port if they are of different styles).

When seawater is added to the produced water prior to discharge, the total produced water flow, including the added seawater, shall be used in determining the critical dilution from Table 1.

## (b) Monitoring Requirements

**Flow.** Once per month, an estimate of the flow (MGD) must be recorded.

**Toxicity.** The flow used to determine the frequency of toxicity testing shall be the flow most recently reported on the discharge monitoring report for the facility. Facilities which have not previously reported produced water flow on the discharge monitoring report shall use the most recent monthly average flow. The required frequency of testing shall be determined as follows:

Discharge rate	Toxicity testing frequency
0-499 bbl/day .....	Once per year
500-4,599 bbl/day ....	Once per quarter
4,600 bbl/day and above.	Once per month

Samples for monitoring produced water toxicity shall be collected after addition of any added substances, including seawater that is added prior to discharge, and before the flow is split for multiple discharge ports. Samples also shall be representative of produced water discharges when scale inhibitors, corrosion inhibitors, biocides, paraffin inhibitors, well completion fluids, workover fluids, and/or well treatment fluids are used in operations.

If the permittee has been compliant with this toxicity limit for one full year (12 consecutive months), the required testing frequency shall be reduced to once per year.

**Bioaccumulation.** Facilities which discharge more than 4,600 barrels of produced water per day shall collect and monitor marine organism tissue samples twice per year. The discharge rate used to determine participation under these requirements shall be the flow most recently reported to EPA Region 6 on the discharge monitoring report. Facilities which have not previously reported produced water flow on the discharge monitoring report shall use the most recently recorded monthly average flow to determine if they are required to conduct bioaccumulation monitoring. Marine organism edible tissue shall be monitored for the following pollutants: Benzo (a) Pyrene, Fluorene, Bis (2-ethylhexyl) Phthalate, Ethylbenzene, Toluene, Benzene, Phenol, Arsenic, Cadmium, Mercury, Radium 226, and Radium 228. Three marine species, with five adults from each of those species, shall be collected and sampled twice annually from the receiving waters. Samples shall be collected within 100 meters downcurrent, from the point of discharge, at the time of discharge of produced water. Organisms taken shall



include one species of mollusc, one species of crustacea, and one species of nektonic fish. Species sampled for edible tissue shall be from the following list:

Crustacea	Mollusc	Nektonic Fish
Blue Crab .....	Eastern Oyster.	Atlantic Croaker
Stone Crab ...	Clam Species.	Snapper Species
Shrimp Species.	Mussel Species.	Grouper Species

Sampling shall be conducted once during the summer months (June through August) and once during the winter months (December through February). Results shall be reported in the DMR for the reporting period in which samples are collected and analyzed. Permittees newly covered under this permit who discharge in excess of 4,600 bbl/day of produced water shall commence bioaccumulation monitoring within two years after the discharge exceeds 4,600 bbl/day. Permittees previously covered by permit No. GMG290000 who did not participate in the EPA Region 6 approved industry wide bioaccumulation study were required to commence monitoring within 2 years of November 19, 1992.

Alternatively, operators required to conduct bioaccumulation monitoring under this permit may participate in the EPA Region 6 approved industry-wide bioaccumulation monitoring study. Monitoring conducted under the study shall constitute compliance with the bioaccumulation monitoring requirements of Part I.B.4.(b) of this permit for those permittees who participate in such a study.

**Radioactivity.** Produced water discharges shall be monitored for Radium 226 and Radium 228 (See Part I.D.7). The flow used to determine the frequency of radiation monitoring shall be the flow most recently reported on the discharge monitoring report for the facility. Facilities which have not previously reported produced water flow on the discharge monitoring report shall use the most recently recorded monthly average flow. The required frequency of testing shall be determined as follows:

Discharge rate	Monitoring frequency
0-499 bbl/day .....	Once per year.
500-4,599 bbl/day ...	Once per quarter.
4,600 bbl/day and above.	Once per month.

When the permittee has monitored for radioactivity for one full year the

required testing frequency shall be reduced to once per year.

#### 5. Produced Sand

There shall be no discharge of produced sand.

#### 6. Well Treatment Fluids, Completion Fluids, and Workover Fluids

##### (a) Limitations

**Free Oil.** No free oil shall be discharged. Monitoring shall be performed using the static sheen test method once per day when discharging and the facility is manned. The number of days a sheen is observed must be recorded.

**Oil and Grease.** Well treatment, completion, and workover fluids must meet both a daily maximum of 42 mg/l and a monthly average of 29 mg/l limitation for oil and grease. The sample type may be either grab, or a 24-hour composite consisting of the arithmetic average of the results of 4 grab samples taken within the 24-hour period. If only one sample is taken for any one month, it must meet both the daily and monthly limits. The analytical method is that specified at 40 CFR Part 136.

**Priority Pollutants.** For well treatment fluids, completion fluids, and workover fluids, the discharge of priority pollutants is prohibited except in trace amounts. Information on the specific chemical composition of any additives containing priority pollutants shall be recorded.

(Note) If materials added downhole as well treatment, completion, or workover fluids contain no priority pollutants, the discharge is assumed not to contain priority pollutants except possibly in trace amounts.

##### (b) Monitoring Requirements

This discharge shall be considered produced water for monitoring purposes when commingled with produced water.

#### 7. Sanitary Waste (Facilities Continuously Manned by 10 or More Persons)

##### (a) Prohibitions

**Solids.** No floating solids may be discharged. Observations must be made once per day, during daylight in the vicinity of sanitary waste outfalls, following either the morning or midday meals and at the time during maximum estimated discharge.

##### (b) Limitations

**Residual Chlorine.** Total residual chlorine is a surrogate parameter for fecal coliform. Discharge of residual chlorine must meet a minimum of 1 mg/

l and shall be maintained as close to this concentration as possible. A grab sample must be taken once per month and the concentration recorded (approved method, Hach CN-66-DPD).

(Exception) Any facility which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed in compliance with permit limitations for sanitary waste. The MSD shall be tested yearly for proper operation and the test results maintained at the facility.

#### 8. Sanitary Waste (Facilities Continuously Manned by 9 or Fewer Persons or Intermittently by Any Number)

##### (a) Prohibitions

**Solids.** No floating solids may be discharged to the receiving waters. An observation must be made once per day for floating solids. Observation must be made during daylight in the vicinity of sanitary waste outfalls following either the morning or midday meal and at a time during maximum estimated discharge. The number of days solids are observed must be recorded.

(Exception) Any facility which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed to be in compliance with permit limitations for sanitary waste. The MSD shall be tested yearly for proper operation and the test results maintained at the facility.

#### 9. Domestic Waste

##### (a) Prohibitions

**Solids.** No floating solids or foam shall be discharged.

##### (b) Monitoring Requirements

An observation shall be made once per day during daylight in the vicinity of domestic waste outfalls following the morning or midday meal and at a time during maximum estimated discharge. The number of days solids are observed must be recorded.

#### 10. Miscellaneous Discharges

Desalination Unit Discharge  
Diatomaceous Earth Filter Media  
Blowout Preventer Fluid  
Uncontaminated Ballast Water  
Uncontaminated Bilge Water  
Mud, Cuttings, and Cement at the Seafloor  
Uncontaminated Freshwater  
Uncontaminated Seawater



**Boiler Blowdown  
Source Water and Sand  
Excess Cement Slurry**

**(a) Limitations**

*Free Oil.* No free oil shall be discharged. Discharge is limited to those times that a visual sheen observation is possible unless the operator uses the static sheen method. Monitoring shall be performed using the visual sheen method on the surface of the receiving water once per week when discharging, or by use of the static sheen method at the operator's option. The number of days a sheen is observed must be recorded.

(Exceptions) Uncontaminated seawater, uncontaminated freshwater, source water and source sand, uncontaminated bilge water, and uncontaminated ballast water may be discharged from platforms that are on automatic purge systems without monitoring for free oil when the facilities are not manned. Additionally, discharges at the seafloor of: muds and cuttings prior to installation of the marine riser, cement, and blowout preventer fluid may be discharged without monitoring with the static sheen test when conditions make observation of a visual sheen on the surface of the receiving water impossible.

**Section C. Other Discharge Limitations**

**1. Floating Solids or Visible Foam**

There shall be no discharge of floating solids or visible foam from any source in other than trace amounts.

(Exception) For new sources, this limitation only applies to miscellaneous discharges and domestic waste discharges.

**2. Halogenated Phenol Compounds**

There shall be no discharge of halogenated phenol compounds as a part of any waste stream authorized in this permit.

**3. Dispersants, Surfactants, and Detergents**

The facility operator shall minimize the discharge of dispersants, surfactants and detergents except as necessary to comply with the safety requirements of the Occupational Safety and Health Administration and the Minerals Management Service. This restriction applies to tank cleaning and other operations which do not directly involve the safety of workers. The restriction is imposed because detergents disperse and emulsify oil, thereby increasing toxicity and making the detection of a discharge of oil more difficult.

**4. Garbage**

The discharge of garbage (See Part II.G.32) is prohibited.

(Exception) Comminuted food waste (able to pass through a screen with a mesh no larger than 25 mm, approx. 1 inch) may be discharged when 12 nautical miles or more from land.

**5. Area of Biological Concern**

There shall be no discharge in Areas of Biological Concern, including marine sanctuaries. The Flower Garden Banks has been determined to be a Marine Sanctuary and is within the geographical area covered under this permit.

**Section D. Other Conditions**

**1. Samples of Wastes**

If requested, the permittee shall provide EPA with a sample of any waste in a manner specified by the Agency.

**2. Drilling Fluids Toxicity Test**

The approved test method for permit compliance is identified as: Drilling Fluids Toxicity Test 58 FR 12453, Appendix 2.

**3. Produced Water Toxicity Testing Requirements (7-day Chronic NOEC Marine Limits)**

The approved test methods for permit compliance are identified in 40 CFR Part 136 and published at 60 FR 53528.

(a) The permittee shall utilize the *Mysidopsis bahia* (Mysid shrimp) chronic static renewal 7-day survival and growth test using Method 1007.0.

(b) The permittee shall utilize the *Menidia beryllina* (Inland Silverside minnow) chronic static renewal 7-day larval survival and growth test (Method 1006.0).

(c) When the testing frequency stated above is less than monthly and the effluent fails the survival endpoint at the low-flow effluent concentration (critical dilution), the permittee shall be considered in violation of this permit limit and the frequency for the affected species will increase to monthly until such time compliance with the Lethal No Observed Effect Concentration (NOEC) effluent limitation is demonstrated for a period of three consecutive months, at which time the permittee may return to the testing frequency stated in Part I.B.4.b of this permit. During the period the permittee is out of compliance, test results shall be reported on the DMR for that reporting period.

(d) This permit may be reopened to require chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

(e) The permittee shall prepare a full report of the results of all tests conducted pursuant to this section in accordance with the Report Preparation Section of "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms", EPA/600/4-91/003, or the most current publication, for every valid or invalid toxicity test initiated whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of Part II.C.3 of this permit. The permittee shall submit full reports only upon the specific request of the Agency.

(f) In accordance with Part II.D.4 of this permit, the permittee shall report on the DMR for the reporting period the lowest Whole Effluent Lethality values determined for either species for the 30-Day Average Minimum and 7-Day Minimum under Parameter No. 22414, and the permittee shall report the results of the valid toxicity test as follows:

1. *Menidia Beryllina* (Inland Silverside Minnow).

(A) If the Inland Silverside minnow No Observed Effect Concentration (NOEC) for survival is less than the critical effluent dilution, enter a "1"; otherwise, enter a "0". Parameter No. TLP6B on the Discharge Monitoring Report.

(B) Report the Inland Silverside minnow NOEC value for survival, Parameter No. TOP6B on the Discharge Monitoring Report.

(C) Report the Inland Silverside minnow NOEC value for growth, Parameter No. TPP6B on the Discharge Monitoring Report.

(D) Report the % coefficient of variation (larger of critical dilution and control), Parameter No. TQP6B on the Discharge Monitoring Report.

2. *Mysidopsis Bahia* (Mysid Shrimp).

(A) If the Mysid shrimp NOEC for survival is less than the critical effluent dilution, enter a "1"; otherwise, enter a "0". Parameter No. TLP3E on the Discharge Monitoring Report.

(B) Report the Mysid shrimp NOEC value for survival, Parameter No. TOP3E on the Discharge Monitoring Report.

(C) Report the Mysid shrimp NOEC value for growth, Parameter No. TPP3E on the Discharge Monitoring Report.

(D) Report the % coefficient of variation (larger of critical dilution and control), Parameter No. TQP3E on the Discharge Monitoring Report.

**4. Bioaccumulation Testing**

The approved test methods for bioaccumulation testing of edible fish tissue are:

Organics: Gas Chromatograph/Mass Spectrometric, Method Number 516, Standard Methods for Examination of Water and Waste Water, 16th Edition.

Metals: Electrothermal Atomic Absorption Spectrometry, Method Number 304, Standard Methods for Examination of Water and Waste Water, 16th Edition.

#### 5. Visual Sheen Test

The visual sheen test is used to detect free oil by observing the surface of the receiving water for the presence of a sheen while discharging. The operator must conduct a visual sheen test only at times when a sheen could be observed. This restriction eliminates observations when atmospheric or surface conditions prohibit the observer from detecting a sheen (e.g., overcast skies, rough seas, etc.).

The observer must be positioned on the rig or platform, relative to both the discharge point and current flow at the time of discharge, such that the observer can detect a sheen should it surface down current from the discharge. For discharges that have been occurring for at least 15 minutes previously, observations may be made any time thereafter. For discharges of less than 15 minutes duration, observations must be made during both discharge and at 5 minutes after discharge has ceased.

#### 6. Static Sheen Test

##### a. Scope and Application

The static sheen test is to be used as a compliance test for the "no free oil" requirement for discharges of drilling fluids; drill cuttings; and well treatment, completion, and workover fluids. For all other discharges with a "no free oil discharge" requirement except deck drainage, the static sheen test is to be used as a compliance test when it is not possible for the operator to accomplish a visual sheen observation on the surface of the receiving water. This would preclude an operator from attempting a visual sheen observation when atmospheric or surface conditions prohibit the observer from detecting a sheen (e.g., during rough seas, etc.). Free oil refers to any oil contained in a waste stream that when discharged will cause a film or sheen upon or a discoloration of the surface of the receiving water.

##### b. Summary of Method

15 ml samples of drilling fluids; well treatment, completion and workover fluids, formation test fluids, or treated wastewater from drilling fluid dewatering activities, or 15 gm (wet weight basis) samples of drill cuttings or produced sand are introduced into ambient seawater in a container having

an air to liquid interface area of 1000 cm<sup>2</sup> (155.5 in<sup>2</sup>). Samples are dispersed within the container and observations made no more than one hour later to ascertain if these materials cause a sheen, iridescence, gloss, or increased reflectance on the surface of the test seawater. The occurrence of any of these visual observations will constitute a demonstration that the tested material contains "free oil", and therefore, results in a prohibition on its discharge into receiving waters.

##### c. Interferences

Residual "free oil" adhering to sampling containers, the magnetic stirring bar used to mix drilling fluids, and the stainless steel spatula used to mix drill cuttings will be the principal sources of contamination problems. These problems should only occur if improperly washed and cleaned equipment are used for the test. The use of disposable equipment minimizes the potential for similar contamination from pipets and the test container.

##### d. Apparatus, Materials, and Reagents

###### d.1 Apparatus

d.1.1 Sampling Containers—1 L polyethylene beakers and 1 L glass beakers.

d.1.2 Graduated cylinder—100 ml graduated cylinder required only for operations where predilution of mud discharges is required.

d.1.3 Plastic disposable weighing boats.

d.1.4 Triple-beam scale

d.1.5 Disposable pipets—25 ml disposable pipets.

d.1.6 Magnetic stirrer and stirring bar.

d.1.7 Stainless steel spatula

d.1.8 Test container—open plastic container whose internal cross-section parallel to its opening has an area of 1000±50 cm<sup>2</sup> (155.5±7.75 in<sup>2</sup>), and a depth of at least 13 cm (5 inches) and no more than 30 cm (11.8 inches).

###### d.2 Materials and Reagents

d.2.1 Plastic liners for the test container—Oil free, heavy duty plastic trash can liners that do not inhibit the spreading of an oil film. Liners must be of sufficient size to completely cover the interior surface of the test container. Permittees must determine an appropriate local source of liners that do not inhibit the spreading of 0.05 ml diesel fuel added to the lined test container under the test conditions and protocol described below.

d.2.2 Ambient receiving water.

##### e. Calibration

None currently specified.

##### f. Quality Control Procedures

None currently specified.

##### g. Sample Collection and Handling

g.1 Sampling containers must be thoroughly washed with detergent, rinsed a minimum of three times with fresh water, and allowed to air dry before samples are collected.

g.2 Samples of drilling fluid to be tested shall be taken at the shale shaker after cuttings have been removed. The sample volume should range between 200 ml and 500 ml.

g.3 Samples of drill cuttings will be taken from the shale shaker screens with a clean spatula or similar instrument and placed in a glass beaker. Cuttings samples shall be collected prior to the addition of any washdown water and should range between 200 g and 500 g.

g.4 Samples of well treatment, completion and workover fluids, formation test fluids, and treated wastewater from drilling fluid dewatering activities must be obtained from the holding facility prior to discharge; the sample volume should range between 200 ml and 500 ml.

g.5 Samples must be tested no later than 1 hour after collection.

g.6 Drilling fluid samples must be mixed in their sampling containers for 5 minutes prior to the test using a magnetic bar stirrer. If predilution is imposed as a permit condition, the sample must be mixed at the same ratio with the same prediluting water as the discharged muds and stirred for 5 minutes.

g.7 Drill cuttings must be stirred and well mixed by hand in their sampling containers prior to testing, using a stainless steel spatula.

##### h. Procedure

h.1 Ambient receiving water must be used as the "receiving water" in the test. The temperature of the test water shall be as close as practicable to the ambient conditions in the receiving water, not the room temperature of the observation facility. The test container must have an air to liquid interface area of 1000±50 cm<sup>2</sup>. The surface of the water should be no more than 1.27 cm (½ inch) below the top of the test container.

h.2 Plastic liners shall be used, one per test container, and discarded afterwards. Some liners may inhibit spreading of added oil; operators shall determine an appropriate local source of liners that do not inhibit the spreading of the oil film.

h.3 A 15 ml sample of drilling fluid, well treatment, completion and workover fluids, formation test fluids, or treated wastewater from drilling fluid

dewatering activities must be introduced by pipet into the test container 1 cm below the water surface. Pipets must be filled and discharged with test material prior to the transfer of test material and its introduction into test containers. The test water-test material mixture must be stirred using the pipet to distribute the test material homogeneously throughout the test water. The pipet must be used only once for a test and then discarded.

h.4 Drill cuttings should be weighed on plastic weighing boats; 15 gram samples must be transferred by scraping test material into the test water with a stainless steel spatula. Drill cuttings shall not be prediluted prior to testing. Also, drilling fluids and cuttings must be tested separately. The weighing boat must be immersed in the test water and scraped with the spatula to transfer any residual material to the test container. The drill cuttings must be stirred with the spatula to an even distribution of solids on the bottom of the test container.

h.5 Observations must be made no later than 1 hour after the test material is transferred to the test container. Viewing points above the test container should be made from at least three sides of the test container, at viewing angles of approximately 60° and 30° from the horizontal. Illumination of the test container must be representative of adequate lighting for a working environment to conduct routine laboratory procedures. It is recommended that the water surface of the test container be observed under a fluorescent light source such as a dissecting microscope light. The light source shall be positioned above and directed over the entire surface of the pan.

h.6 Detection of a "silvery" or "metallic" sheen, gloss, or increased reflectivity; visual color; or iridescence; or an oil slick, on the water surface of the test container surface shall constitute a demonstration of "free oil". These visual observations include patches, streaks, or sheets of such altered surface characteristics shall constitute a demonstration of free oil. If the free oil content of the sample approaches or exceeds 10 percent, the water surface of the test container may lack color, a sheen or iridescence, due to the increased thickness of the film; thus, the observation for an oil slick is required. The surface of the test container shall not be disturbed in any manner that reduced the size of any sheen or slick that may be present.

If an oil sheen or slick occurs on *less than one-half* of the surface area after drilling muds or cuttings are introduced

to the test container, observations will continue for up to one hour. If the sheen or slick increases in size and covers greater than one-half of the surface area of the test container during the observation period, the discharge of the material shall cease. If the sheen or slick does not increase in size to cover greater than one-half of the test container surface area after one hour of observation, discharge may continue and additional sampling is not required.

If a sheen or slick occurs on *greater than one-half* of the surface area of the test container after the test material is introduced, discharge of the tested material shall cease. The permittee may retest the material causing the sheen or slick. If subsequent tests do not result in a sheen or slick covering greater than one-half of the surface area of the test container, discharge may continue.

#### 7. Radionuclide test

The approved test methods for monitoring produced water for radionuclides are:

Radium 226: Method Number 7500—Ra C, Standard Methods for the Examination of Water and Wastewater, Seventeenth Edition, APHA, AWWA, and WPCF.

Radium 228: Method Number 7500—Ra D, Standard Methods for the Examination of Water and Wastewater, Seventeenth Edition, APHA, AWWA, and WPCF.

### PART II. STANDARD CONDITIONS FOR NPDES PERMITS

#### Section A. General Conditions

##### 1. Introduction

In accordance with the provisions of 40 CFR Part 122.41, et seq., this permit incorporates by reference ALL conditions and requirements applicable to NPDES permits set forth in the Clean Water Act, as amended (hereinafter known as the "Act") as well as ALL applicable regulations.

##### 2. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action or for requiring a permittee to apply and obtain an individual NPDES permit.

##### 3. Toxic Pollutants

a. Notwithstanding Part II.A.5, if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under section 307(a) of the Act for a toxic pollutant which is present in the

discharge, and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition.

b. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Act for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

#### 4. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at 40 CFR Part 122.6 and any subsequent amendments.

#### 5. Permit Flexibility

This permit may be modified, revoked and reissued, or terminated for cause in accordance with 40 CFR 122.62–64. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

#### 6. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

#### 7. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

#### 8. Criminal and Civil Liability

Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or

concealment of information required to be reported by the provisions of the permit, the Act, or applicable regulations, which avoids or effectively defeats the regulatory purpose of the permit may subject the permittee to criminal enforcement pursuant to 18 U.S.C. section 1001.

#### 9. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Act.

#### 10. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State Law or regulation under authority preserved by section 510 of the Act.

#### 11. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

#### *Section B. Proper Operation and Maintenance*

##### 1. Need to Halt or Reduce not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. The permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failure either by means of alternate power sources, standby generators or retention of inadequately treated effluent.

##### 2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

##### 3. Proper Operation and Maintenance

a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and

control (and related appurtenances) which are installed or used by permittee as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants and will achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and testing functions required to insure compliance with the conditions of this permit.

##### 4. Bypass of Treatment Facilities

a. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II.B.4.b and 4.c.

##### b. Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall, within 24 hours, submit notice of an unanticipated bypass as required in Part II.D.7.

##### c. Prohibition of Bypass

(1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

(c) The permittee submitted notices as required by Part II.B.4.b.

(2) The Director may allow an anticipated bypass after considering its

adverse effects, if the Director determines that it will meet the three conditions listed at Part II.B.4.c(1).

##### 5. Upset Conditions

a. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Part II.B.5.b. are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

b. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required by Part II.D.7; and,

(4) The permittee complied with any remedial measures required by Part II.B.2.

c. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

##### 6. Removed Substances

Solids, sewage sludges, filter backwash, or other pollutants removed in the course of treatment or wastewater control shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters. Any substance specifically listed within this permit may be discharged in accordance with specified conditions, terms, or limitations.

#### *Section C. Monitoring and Records*

##### 1. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by the law to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times any facilities, equipment (including

monitoring and control equipment), practices or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

## 2. Representative Sampling

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

## 3. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time.

The operator shall maintain records at development and production facilities for 3 years, wherever practicable and at a specific shore-based site whenever not practicable. The operator is responsible for maintaining records at exploratory facilities while they are discharging under the operators control and at a specific shore-based site for the remainder of the 3-year retention period.

## 4. Record Contents

Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) and time(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

## 5. Monitoring Procedures

a. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit or approved by the Regional Administrator.

b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.

c. An adequate analytical quality control program, including the analyses of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory.

## 6. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes.

### Section D. Reporting Requirements

#### 1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

(1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR Part 122.29(b); or,

(2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements listed at Part II.D.10.a.

#### 2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

#### 3. Transfers

This permit is not transferable to any person except after notice to the Regional Administrator. The Regional Administrator may require modification or revocation and reissuance of the permit to change the name of the permittee and to incorporate such requirements as may be necessary under the Act.

## 4. Discharge Monitoring Reports and Other Reports

The operator of each lease block shall be responsible for submitting monitoring results for all facilities within each lease block. The monitoring results for the facilities (platform, drilling ship, or semisubmersible) within the particular lease block shall be summarized on the annual Discharge Monitoring Report for that lease block.

Monitoring results obtained during the previous 12 months shall be summarized and reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1). In addition, the highest monthly average for all activity within each lease block shall be reported. The highest daily maximum sample taken during the reporting period shall be reported as the daily maximum concentration.

If any category of waste (discharge) is not applicable for all facilities within the lease block, due to the type of operations (e.g., drilling, production) no reporting is required; however, "no discharge" must be recorded for those categories on the DMR. If all facilities within a lease block have had no activity during the reporting period then "no activity" must be written on the DMR. Operators may list a summary of all lease blocks where there is no activity on one DMR. All pages of the DMR must be signed and certified as required by Part II.D.11 and returned when due.

## 5. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR). Such increased monitoring frequency shall also be indicated on the DMR.

## 6. Averaging of Measurements

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified.

## 7. Twenty-Four Hour Reporting

a. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall be provided within 5 days of the time the permittee becomes aware of the

circumstances. The report shall contain the following information:

(1) A description of the noncompliance and its cause;

(2) The period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and,

(3) Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

b. The following shall be included as information which must be reported within 24 hours:

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit;

(2) Any upset which exceeds any effluent limitation in the permit; and,

(3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part II of the permit to be reported within 24 hours.

c. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

#### 8. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Parts II.D.4 and D.7 at the time monitoring reports are submitted. The reports shall contain the information listed at Part II.D.7.

#### 9. Other Information

Where the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, he shall promptly submit such facts or information.

#### 10. Changes in Discharges of Toxic Substances

The permittee shall notify the Director as soon as it knows or has reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) One hundred micrograms per liter (100 µg/l);

(2) Two hundred microgram per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitro-phenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(3) The level established by the Director.

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) Five hundred micrograms per liter (500 µg/l);

(2) One milligram per liter (1 mg/l) for antimony;

(3) The level established by the Director.

#### 11. Signatory Requirements

All applications, reports, or information submitted to the Director shall be signed and certified.

a. All permit applications shall be signed as follows:

(1) For a corporation—by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or,

(b) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) For a partnership or sole proprietorship—by a general partner or the proprietor, respectively.

(3) For a municipality, State, Federal, or other public agency—by either a principal executive officer or ranking elected official. For purposes of this election, a principal executive officer of a Federal agency includes:

(a) The chief executive officer of the agency, or

(b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

b. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such

as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or an individual occupying a named position; and,

(3) The written authorization is submitted to the Director.

c. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

#### 12. Availability of Reports

Except for applications, effluent data, permits, and other data specified in 40 CFR 122.7, any information submitted pursuant to this permit may be claimed as confidential by the submitter. If no claim is made at the time of submission, information may be made available to the public without further notice.

#### Section E. Penalties for Violations of Permit Conditions

##### 1. Criminal

##### a. Negligent Violations

The Act provides that any person who negligently violates permit conditions implementing section 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

##### b. Knowing Violations

The Act provides that any person who knowingly violates permit conditions implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both.

##### c. Knowing Endangerment

The Act provides that any person who knowingly violates permit conditions implementing section 301, 302, 303, 306, 307, 308, 318, or 405 of the Act and

who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both.

#### d. False Statements

The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both. (See section 309.c.4 of the Clean Water Act)

#### 2. Civil Penalties

The Act provides that any person who violates a permit condition implementing section 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed \$25,000 per day for each violation.

#### 3. Administrative Penalties

The Act provides that any person who violates a permit conditions implementing section 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

##### a. Class I Penalty

Not to exceed \$10,000 per violation nor shall the maximum amount exceed \$25,000.

##### b. Class II Penalty

Not to exceed \$10,000 per day for each day during which the violation continues nor shall the maximum amount exceed \$125,000.

#### *Section F. Additional General Permit Conditions*

##### 1. When the Regional Administrator May Require Application for an Individual NPDES Permit

The Regional Administrator may require any person authorized by this permit to apply for and obtain an individual NPDES permit when:

(a) The discharge(s) is a significant contributor of pollution;

(b) The discharger is not in compliance with the conditions of this permit;

(c) A change has occurred in the availability of the demonstrated technology or practices for the control or abatement of pollutants applicable to the point sources;

(d) Effluent limitations guidelines are promulgated for point sources covered by this permit;

(e) A Water Quality Management Plan containing requirements applicable to such point source is approved;

(f) The point source(s) covered by this permit no longer:

(1) Involve the same or substantially similar types of operations;

(2) Discharge the same types of wastes;

(3) Require the same effluent limitations or operating conditions;

(4) Require the same or similar monitoring; and

(5) In the opinion of the Regional Administrator, are more appropriately controlled under an individual permit than under a general permit.

(g) The bioaccumulation monitoring results show concentrations of the listed pollutants in excess of levels safe for human consumption.

The Regional Administrator may require any operator authorized by this permit to apply for an individual NPDES permit only if the operator has been notified in writing that a permit application is required.

##### 2. When an Individual NPDES Permit may be Requested

(a) Any operator authorized by this permit may request to be excluded from the coverage of this general permit by applying for an individual permit.

(b) When an individual NPDES permit is issued to an operator otherwise subject to this general permit, the applicability of this permit to the owner or operator is automatically terminated on the effective date of this individual permit.

(c) A source excluded from coverage under this general permit solely because it already has an individual permit may request that its individual permit be revoked, and that it be covered by this general permit. Upon revocation of the individual permit, this general permit shall apply to the source.

##### 3. Permit Reopener Clause

If applicable new or revised effluent limitations guidelines or New Source Performance Standards covering the Offshore Subcategory of the Oil and Gas Extraction Point Source Category (40 CFR 435) are promulgated in accordance with sections 301(b), 304(b)(2), and

307(a)(2), and the new or revised effluent limitations guidelines or New Source Performance Standards are more stringent than any effluent limitations in this permit or control a pollutant not limited in this permit, the permit may, at the Director's discretion, be modified to conform to the new or revised effluent limitations guidelines.

Notwithstanding the above, if an offshore oil and gas extraction point source discharge facility is subject to the ten year protection period for new source performance standards under the Clean Water Act section 306(d), this reopener clause may not be used to modify the permit to conform to more stringent new source performance standards or technology based standards developed under section 301(b)(2) during the ten year period specified in 40 CFR Part 122.29(d).

The Director may modify this permit upon meeting the conditions set forth in this reopener clause.

#### *Section G. Definitions*

All definitions contained in section 502 of the Act shall apply to this permit and are incorporated herein by references. Unless otherwise specified in this permit, additional definitions of words or phrases used in this permit are as follows:

1. "Act" means the Clean Water Act (33 U.S.C. 1251 et. seq.), as amended.

2. "Administrator" means the Administrator of the U.S. Environmental Protection Agency.

3. "Annual Average" means the average of all discharges sampled and/or measured during a calendar year in which daily discharges are sampled and/or measured, divided by the number of discharges sampled and/or measured during such year.

4. "Applicable effluent standards and limitations" means all state and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards or performance, toxic effluent standards and prohibitions, and pretreatment standards.

5. "Applicable water quality standards" means all water quality standards to which a discharge is subject under the Act.

6. "Areas of Biological Concern" means a portion of the OCS identified by EPA, in consultation with the Department of Interior as containing potentially productive or unique biological communities or as being potentially sensitive to discharges associated with oil and gas activities.

7. "Blow-Out Preventer Control Fluid" means fluid used to actuate the hydraulic equipment on the blow-out preventer or subsea production wellhead assembly.

8. "Boiler Blowdown" means discharges from boilers necessary to minimize solids build-up in the boilers, including vents from boilers and other heating systems.

9. "Bulk Discharge" any discharge of a discrete volume or mass of effluent from a pit



tank or similar container that occurs on a one-time, infrequent or irregular basis.

10. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

11. "Completion Fluids" means salt solutions, weighted brines, polymers and various additives used to prevent damage to the well bore during operations which prepare the drilled well for hydrocarbon production. These fluids move into the formation and return to the surface as a slug with the produced water. Drilling muds remaining in the wellbore during logging, casing, and cementing operations or during temporary abandonment of the well are not considered completion fluids and are regulated by drilling fluids requirements.

12. "Controlled Discharge Rates Areas" means zones adjacent to areas of biological concern.

13. "Daily Discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day. Daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily discharge determination of concentration shall be arithmetic average (weighted by flow value) of all samples collected during that sampling day.

14. "Daily Average" (also known as monthly average) discharge limitations means the highest allowable average of daily discharge(s) over a calendar month, calculated as the sum of all daily discharge(s) measured during a calendar month divided by the number of daily discharge(s) measured during that month. When the permit establishes daily average concentration effluent limitations or conditions, the daily average concentration means the arithmetic average (weighted by flow) of all daily discharge(s) of concentration determined during the calendar month where C=daily concentration, F=daily flow, and n=number of daily samples; daily average discharge=

$$\frac{C_1 F_1 + C_2 F_2 + \dots + C_n F_n}{F_1 + F_2 + \dots + F_n}$$

15. "Daily Maximum" discharge limitations means the highest allowable "daily discharge" during the calendar month.

16. "Desalinization Unit Discharge" means wastewater associated with the process of creating freshwater from seawater.

17. "Deck Drainage" means any waste resulting from deck washings, spillage, rainwater, and runoff from gutters and drains including drip pans and work areas within facilities covered under this permit.

18. "Development Drilling" means the drilling of wells required to efficiently produce a hydrocarbon formation or formations.

19. "Development Facility" means any fixed or mobile structure that is engaged in the drilling of productive wells.

20. "Diatomaceous Earth Filter Media" means filter media used to filter seawater or other authorized completion fluids and subsequently washed from the filter.

21. "Diesel Oil" means the grade of distillate fuel oil, as specified in the American Society for Testing and Materials Standard Specification D975-81, that is typically used as the continuous phase in conventional oil-based drilling fluids.

22. "Director" means the U.S. Environmental Protection Agency Regional Administrator or an authorized representative.

23. "Domestic Waste" means material discharged from galleys, sinks, showers, safety showers, eye wash stations, hand washing stations, fish cleaning stations, and laundries.

24. "Drill Cuttings" means particles generated by drilling into the subsurface geological formations including cured cement carried to the surface with the drilling fluid.

25. "Drilling Fluids" means the circulating fluid (mud) used in the rotary drilling of wells to clean and condition the hole and to counterbalance formation pressure. A water-based drilling fluid is the conventional drilling mud in which water is the continuous phase and the suspending medium for solids, whether or not oil is present. An oil based drilling fluids has diesel oil, mineral oil, or some other oil as its continuous phase with water as the dispersed phase.

26. "End of well Sample" means the sample taken after the final log run is completed and prior to bulk discharge.

27. "Environmental Protection Agency" (EPA) means the U.S. Environmental Protection Agency.

28. "Excess Cement Slurry" means the excess mixed cement, including additives and wastes from equipment washdown, after a cementing operation.

29. "Exploratory Facility" means any fixed or mobile structure that is engaged in the drilling of wells to determine the nature of potential hydrocarbon reservoirs.

30. "Fecal Coliform Bacteria Sample" consists of one effluent grab portion collected during a 24-hour period at peak loads.

31. "Grab sample" means an individual sample collected in less than 15 minutes.

32. "Garbage" means all kinds of food waste, wastes generated in living areas on the facility, and operational waste, excluding fresh fish and parts thereof, generated during the normal operation of the facility and liable to be disposed of continuously or periodically, except dishwater, graywater, and those substances that are defined or listed in other Annexes to MARPOL 73/78

33. "Graywater" means drainage from dishwater, shower, laundry, bath, and washbasin drains and does not include drainage from toilets, urinals, hospitals, and cargo spaces.

34. "Inverse Emulsion Drilling Fluids" means an oil-based drilling fluid which also contains a large amount of water.

35. "Live bottom areas" means those areas which contain biological assemblages

consisting of such sessile invertebrates as seas fans, sea whips, hydroids, anemones, ascideans sponges, bryozoans, seagrasses, or corals living upon and attached to naturally occurring hard or rocky formations with fishes and other fauna.

36. "Maintenance waste" means materials collected while maintaining and operating the facility, including, but not limited to, soot, machinery deposits, scraped paint, deck sweepings, wiping wastes, and rags.

37. "Maximum Hourly Rate" means the greatest number of barrels of drilling fluids discharged within one hour, expressed as barrels per hour.

38. "Muds, Cuttings, and Cement at the Seafloor" means discharges that occur at the seafloor prior to installation of the marine riser and during marine riser disconnect, well abandonment and plugging operations.

39. "National Pollutant Discharge Elimination System" (NPDES) means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under section 307, 318, 402, and 405 of the Act.

40. "New Source" means any facility or activity that meets the definition of "new source" under 40 CFR 122.2 and meets the criteria for determination of new sources under 40 CFR 122.29(b) applied consistently with all of the following definitions:

(a) The term "water area" as used in the term "site" in 40 CFR 122.29 and 122.2 shall mean the water area and ocean floor beneath any exploratory, development, or production facility where such facility is conducting its exploratory, development, or production activities.

(b) The term "significant site preparation work" as used in 40 CFR 122.29 shall mean the process of surveying, clearing, or preparing an area of the ocean floor for the purpose of constructing or placing a development or production facility on or over the site.

41. "No Activity Zones" means those areas identified by the Minerals Management Service (MMS) where no structures, drilling rigs, or pipelines will be allowed. Those zones are identified as lease stipulations in U.S. Department of Interior, MMS, August, 1990, Environmental Impact Statement for Sales 131, 135, and 137, Western, Central, and Eastern Gulf of Mexico. Additional no activity areas may be identified by MMS during the life of this permit.

42. "Operational waste" means all cargo associated waste, maintenance waste, cargo residues, and ashes and clinkers from incinerators and coal burning boilers.

43. "Packer Fluid" means low solids fluids between the packer, production string and well casing. They are considered to be workover fluids.

44. "Priority Pollutants" means those chemicals or elements identified by EPA, pursuant to section 307 of the Clean Water Act and 40 CFR 401.15.

45. "Produced Sand" means slurried particles used in hydraulic fracturing, the accumulated formation sands, and scale particles generated during production. Produced sand also includes desander

discharge from produced water waste stream and blowdown of water phase from the produced water treating system.

46. "Produced Water" means the water (brine) brought up from the hydrocarbon-bearing strata during the extraction of oil and gas, and can include formation water, injection water, and any chemicals added downhole or during the oil/water separation process.

47. "Production Facility" means any fixed or mobile structure that is either engaged in well completion or used for active recovery of hydrocarbons from producing formations.

48. "Sanitary Waste" means human body waste discharged from toilets and urinals.

49. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

50. "Sheen" means a silvery or metallic sheen, gloss, or increased reflectivity, visual color or iridescence on the water surface.

51. "Source Water and Sand" means water from non-hydrocarbon bearing formations for the purpose of pressure maintenance or secondary recovery including the entrained solids.

52. "Spotting" means the process of adding a lubricant (spot) downhole to free stuck pipe.

53. "Territorial Seas" means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the

line marking the seaward limit of inland waters, and extending seaward a distance of three miles.

54. "Trace Amounts" means that if materials added downhole as well treatment, completion, or workover fluids do not contain priority pollutants then the discharge is assumed not to contain priority pollutants, except possibly in trace amounts.

55. "Uncontaminated Ballast/Bilge Water" means seawater added or removed to maintain proper draft.

56. "Uncontaminated Freshwater" means freshwater which is discharged without the addition of chemicals; included are (1) Discharges of excess freshwater that permit the continuous operation of fire control and utility lift pumps, (2) excess freshwater from pressure maintenance and secondary recovery projects, (3) water released during training and testing of personnel in fire protection, and (4) water used to pressure test new piping.

57. "Uncontaminated Seawater" means seawater which is returned to the sea without the addition of chemicals. Included are (1) Discharges of excess seawater which permit the continuous operation of fire control and utility lift pumps (2) excess seawater from pressure maintenance and secondary recovery projects (3) water released during the training and testing of personnel in fire protection (4) seawater used to pressure test piping, and (5) once through noncontact cooling water which has not been treated with biocides.

58. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of

factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

59. "Well Treatment Fluids" means any fluid used to restore or improve productivity by chemically or physically altering hydrocarbon-bearing strata after a well has been drilled. These fluids move into the formation and return to the surface as a slug with the produced water. Stimulation fluids include substances such as acids, solvents, and propping agents.

60. "Workover Fluids" means salt solutions, weighted brines, polymers, and other specialty additives used in a producing well to allow safe repair and maintenance or abandonment procedures. High solids drilling fluids used during workover operations are not considered workover fluids by definition and therefore must meet drilling fluid effluent limitations before discharge may occur. Packer fluids, low solids fluids between the packer, production string and well casing, are considered to be workover fluids and must meet only the effluent requirements imposed on workover fluids.

61. The term "MGD" shall mean million gallons per day.

62. The term "mg/l" shall mean milligrams per liter or parts per million (ppm).

63. The term "µg/l" shall mean micrograms per liter or parts per billion (ppb).

#### Appendix A

TABLE 1 (SHEET 1 OF 5).—PRODUCED WATER CRITICAL DILUTION (PERCENT EFFLUENT) DEPTH DIFFERENCE BETWEEN DISCHARGE PIPE AND SEAFLOOR 0 TO 4 METERS

Discharge rate (bbl/day)	Pipe diameter						
	> 0" to 3"	> 3" to 5"	> 5" to 7"	> 7" to 9"	> 9" to 11"	> 11" to 16"	> 16"
0 to 500 .....	0.17	0.17	0.17	0.17	0.17	0.17	0.04
501 to 1,000 .....	0.45	0.40	0.40	0.40	0.40	0.40	0.08
1,001 to 2,000 .....	1.39	1.08	1.08	1.08	1.08	1.08	0.16
2,001 to 3,000 .....	1.66	1.39	1.32	1.32	1.32	1.32	1.32
3,001 to 4,000 .....	1.97	1.60	1.45	1.45	1.45	1.45	1.45
4,001 to 5,000 .....	1.94	1.77	1.55	1.55	1.55	1.55	1.55
5,001 to 6,000 .....	1.90	1.93	1.66	1.63	1.63	1.63	1.63
6,001 to 7,000 .....	1.86	2.07	1.78	1.70	1.70	1.70	1.70
7,001 to 8,000 .....	1.81	2.20	1.89	1.76	1.76	1.76	1.76
8,001 to 9,000 .....	1.77	2.32	1.99	1.81	1.81	1.81	1.81
9,001 to 10,000 .....	1.73	2.43	2.08	1.86	1.86	1.86	1.86
10,001 to 15,000 .....	1.56	2.64	2.49	2.16	2.03	2.03	2.03
15,001 to 20,000 .....	1.43	2.49	2.85	2.47	2.17	2.17	2.17
20,001 to 25,000 .....	1.34	2.39	3.13	2.75	2.42	2.29	2.29

TABLE 1 (SHEET 2 OF 5).—PRODUCED WATER CRITICAL DILUTION (PERCENT EFFLUENT) DEPTH DIFFERENCE BETWEEN DISCHARGE PIPE AND SEAFLOOR GREATER THAN 4 METERS TO 6 METERS

Discharge rate (bbl/day)	Pipe diameter						
	> 0" to 3"	> 3" to 5"	> 5" to 7"	> 7" to 9"	> 9" to 11"	> 11" to 16"	> 16"
0 to 500 .....	0.04	0.04	0.04	0.04	0.04	0.04	0.04
501 to 1,000 .....	0.16	0.15	0.15	0.15	0.15	0.15	0.05
1,001 to 2,000 .....	0.42	0.37	0.37	0.37	0.37	0.37	0.10

TABLE 1 (SHEET 2 OF 5).—PRODUCED WATER CRITICAL DILUTION (PERCENT EFFLUENT) DEPTH DIFFERENCE BETWEEN DISCHARGE PIPE AND SEAFLOOR GREATER THAN 4 METERS TO 6 METERS—Continued

Discharge rate (bbl/day)	Pipe diameter						
	> 0" to 3"	> 3" to 5"	> 5"to 7"	> 7" to 9"	> 9" to 11"	> 11" to 16"	> 16"
2,001 to 3,000 .....	0.80	0.68	0.65	0.65	0.65	0.65	0.15
3,001 to 4,000 .....	1.40	1.15	1.04	1.04	1.04	1.04	0.19
4,001 to 5,000 .....	1.05	0.94	0.86	0.86	0.86	0.86	0.86
5,001 to 6,000 .....	1.15	1.02	0.93	0.92	0.92	0.92	0.92
6,001 to 7,000 .....	1.22	1.10	1.00	0.97	0.97	0.97	0.97
7,001 to 8,000 .....	1.21	1.17	1.06	1.01	1.01	1.01	1.01
8,001 to 9,000 .....	1.19	1.24	1.12	1.05	1.05	1.05	1.05
9,001 to 10,000 .....	1.17	1.30	1.17	1.09	1.09	1.09	1.09
10,001 to 15,000 .....	1.09	1.56	1.41	1.28	1.23	1.23	1.23
15,001 to 20,000 .....	1.02	1.75	1.59	1.45	1.33	1.33	1.33
20,001 to 25,000 .....	0.96	1.69	1.76	1.59	1.46	1.40	1.40

TABLE 1 (SHEET 3 OF 5).—PRODUCED WATER CRITICAL DILUTION (PERCENT EFFLUENT) DEPTH DIFFERENCE BETWEEN DISCHARGE PIPE AND SEAFLOOR GREATER THAN 6 METERS TO 8 METERS

Discharge rate (bbl/day)	Pipe diameter						
	> 0" to 3"	> 3" to 5"	> 5"to 7"	> 7" to 9"	> 9" to 11"	> 11" to 16"	> 16"
0 to 500 .....	0.04	0.04	0.04	0.04	0.04	0.04	0.04
501 to 1,000 .....	0.07	0.07	0.07	0.07	0.07	0.07	0.07
1,001 to 2,000 .....	0.20	0.18	0.18	0.18	0.18	0.18	0.07
2,001 to 3,000 .....	0.35	0.32	0.31	0.31	0.31	0.31	0.10
3,001 to 4,000 .....	0.56	0.50	0.46	0.46	0.46	0.46	0.13
4,001 to 5,000 .....	0.85	0.74	0.67	0.67	0.67	0.67	0.17
5,001 to 6,000 .....	1.26	1.08	0.95	0.94	0.94	0.94	0.20
6,001 to 7,000 .....	0.78	0.71	0.66	0.65	0.65	0.65	0.65
7,001 to 8,000 .....	0.83	0.76	0.70	0.68	0.68	0.68	0.68
8,001 to 9,000 .....	0.89	0.80	0.74	0.71	0.71	0.71	0.71
9,001 to 10,000 .....	0.89	0.84	0.78	0.74	0.74	0.74	0.74
10,001 to 15,000 .....	0.84	1.01	0.94	0.87	0.85	0.85	0.85
15,001 to 20,000 .....	0.80	1.15	1.07	0.99	0.93	0.93	0.93
20,001 to 25,000 .....	0.76	1.32	1.18	1.09	1.02	0.99	0.99

TABLE 1 (SHEET 4 OF 5).—PRODUCED WATER CRITICAL DILUTION (PERCENT EFFLUENT) DEPTH DIFFERENCE BETWEEN DISCHARGE PIPE AND SEAFLOOR GREATER THAN 8 METERS TO 12 METERS

Discharge rate (bbl/day)	Pipe diameter						
	>0'' to 3''	>3'' to 5''	>5'' to 7''	>7'' to 9''	>9'' to 11''	>11'' to 16''	>16''
0 to 500 .....	0.04	0.04	0.04	0.04	0.04	0.04	0.04
501 to 1,000 .....	0.07	0.07	0.07	0.07	0.07	0.07	0.07
1,001 to 2,000 .....	0.11	0.10	0.10	0.10	0.10	0.10	0.10
2,001 to 3,000 .....	0.14	0.13	0.13	0.13	0.13	0.13	0.13
3,001 to 4,000 .....	0.17	0.16	0.16	0.16	0.16	0.16	0.16
4,001 to 5,000 .....	0.33	0.31	0.29	0.29	0.29	0.29	0.11
5,001 to 6,000 .....	0.45	0.41	0.38	0.38	0.38	0.38	0.13
6,001 to 7,000 .....	0.61	0.55	0.50	0.49	0.49	0.49	0.15
7,001 to 8,000 .....	0.80	0.72	0.66	0.63	0.63	0.63	0.17
8,001 to 9,000 .....	1.06	0.94	0.85	0.80	0.80	0.80	0.19
9,001 to 10,000 .....	0.56	0.52	0.50	0.48	0.48	0.48	0.48
10,001 to 15,000 .....	0.63	0.63	0.60	0.57	0.56	0.56	0.56
15,001 to 20,000 .....	0.61	0.72	0.68	0.65	0.62	0.62	0.62
20,001 to 25,000 .....	0.58	0.80	0.75	0.72	0.68	0.66	0.66

TABLE 1 (SHEET 5 OF 5).—PRODUCED WATER CRITICAL DILUTION (PERCENT EFFLUENT) DEPTH DIFFERENCE BETWEEN DISCHARGE PIPE AND SEAFLOOR GREATER THAN 8 METERS TO 12 METERS

Discharge rate (bbl/day)	Pipe diameter						
	>0" to 3"	>3" to 5"	>5" to 7"	>7" to 9"	>9" to 11"	>11" to 16"	>16"
0 to 500 .....	0.04	0.04	0.04	0.04	0.04	0.04	0.04
501 to 1,000 .....	0.07	0.07	0.07	0.07	0.07	0.07	0.07
1,001 to 2,000 .....	0.11	0.10	0.10	0.10	0.10	0.10	0.10
2,001 to 3,000 .....	0.14	0.13	0.13	0.13	0.13	0.13	0.13
3,001 to 4,000 .....	0.17	0.16	0.16	0.16	0.16	0.16	0.16
4,001 to 5,000 .....	0.21	0.20	0.19	0.19	0.19	0.19	0.19
5,001 to 6,000 .....	0.24	0.23	0.22	0.22	0.22	0.22	0.22
6,001 to 7,000 .....	0.28	0.26	0.25	0.25	0.25	0.25	0.25
7,001 to 8,000 .....	0.32	0.30	0.29	0.28	0.28	0.28	0.28
8,001 to 9,000 .....	0.36	0.34	0.32	0.31	0.31	0.31	0.31
9,001 to 10,000 .....	0.41	0.38	0.36	0.35	0.35	0.35	0.35
10,001 to 15,000 .....	0.28	0.84	0.83	0.81	0.80	0.80	0.80
15,001 to 20,000 .....	0.31	1.01	0.99	0.97	0.67	0.67	0.67
20,001 to 25,000 .....	1.07	1.15	1.13	1.11	1.09	1.08	1.08

TABLE 1A.—MINIMUM VERTICAL PORT SEPARATION DISTANCE TO AVOID INTERFERENCE

Port flow rate (bbl/day)	Minimum separation distance (m)
0–500 .....	3.7
501–1000 .....	4.5
1001–2000 .....	5.4
2001–5000 .....	6.4
5001–7000 .....	6.6
7001–10000 .....	6.6

TABLE 2.—EFFLUENT LIMITATIONS, PROHIBITIONS AND MONITORING REQUIREMENTS

Discharge	Regulated and monitored discharged parameter	Discharge limitation/Prohibition	Monitoring requirement		
			Measurement frequency	Sample type/ Method	Recorded value(s)
Drilling Fluid .....	Free Oil .....	No free oil .....	Once week <sup>1</sup> .....	Static sheen .....	Number of days sheen observed.
	Toxicity <sup>2</sup> 96-hr LC50 .....	30,000 ppm daily minimum .....	Once/month .....	Grab .....	96-hr LC50.
		30,000 ppm monthly average minimum.	Once/end of well <sup>3</sup> .....	Grab .....	96-hr LC50.
			Once/month .....	Grab .....	96-hr LC50.
	Discharge Rate .....	1,000 barrels/hour (see Figure 1).	Once/hour <sup>1</sup> .....	Estimate .....	Max. hourly rate.
	Discharge Rate for controlled discharge rate areas <sup>4</sup>		Once/hour <sup>1</sup> .....	Measure .....	Max. hourly rate.
	Mercury and cadmium .....	No discharge of drilling fluids to which barite has been added, if such barite contains mercury in excess of 1.0 mg/kg or cadmium in excess of 3.0 mg/kg (dry weight).	Once prior to drilling each well <sup>6</sup>	Absorption .....	mg mercury/kg barite.
Drilling Cuttings .....				Spectro-photometry .....	mg cadmium/kg barite.
	Oil Based or Inverse Emulsion Drilling Fluids.	No discharge			
	Oil Contaminated Drilling Fluids.	No discharge			
	Diesel Oil .....	No discharge of drilling fluids to which diesel oil has been added			
	Mineral Oil .....	Mineral oil may be used only as a carrier fluid (transporter fluid), lubricity additive, or pill			
	Free oil .....	No free oil .....	Once/week <sup>1</sup> .....	Static sheen .....	Number of days sheen observed.
	Toxicity <sup>2</sup> 96-hr LC50 .....	30,000 ppm daily minimum .....	Once/month .....	Grab .....	96-hr LC50.
Drill Cuttings (Continued) .....		30,000 ppm monthly average minimum.	Once/end of well <sup>3</sup> .....	Grab .....	96-hr LC50.
			Once/month .....	Grab .....	96-hr LC50.
Drill Cuttings (Continued) .....	Mercury and cadmium .....	No discharge of cuttings generated using drilling fluids to which barite has been added, if such barite contains mercury in excess of 1.0 mg/kg or cadmium in excess of 3.0 mg/kg (dry weight).	Once prior to drilling each well <sup>6</sup>	Absorption .....	mg mercury/kg barite.
				Spectro-photometry .....	mg cadmium/kg barite.

TABLE 2.—EFFLUENT LIMITATIONS, PROHIBITIONS AND MONITORING REQUIREMENTS—Continued

Discharge	Regulated and monitored discharged parameter	Discharge limitation/Prohibition	Monitoring requirement		
			Measurement frequency	Sample type/Method	Recorded value(s)
Deck Drainage	Cuttings generated using Oil Based or Inverse Emulsion Drilling Fluids.	No discharge			
	Cuttings generated using Oil Contaminated Drilling Fluids.	No discharge			
	Cuttings generated using drilling fluids to which Diesel Oil has been added.	No discharge			
	Cuttings generated using drilling fluids to which Mineral Oil has been added.	Mineral oil may be used only as a carrier fluid (transporter fluid), lubricity additive, or pill			
Produced Water	Free Oil	No free oil	Once/day <sup>7</sup>	Visual sheen	Number of days sheen observed.
Produced Sand	Oil and grease	42 mg/l daily max., 29 mg/l monthly average.	Once/month	Grab <sup>8</sup>	Daily max., monthly average.
	Toxicity	7-day average min. NOEC <sup>9</sup> and monthly average min. NOEC <sup>9</sup>	Rate Dependent <sup>16</sup>	Grab	Lowest NOEC for either of the two species.
	Radium 226 and 228 Bioaccumulation <sup>17</sup>	Monitor	Rate Dependent <sup>16</sup>	Grab	pCi/liter.
	Flow (MGD)	25,000 bbl/day <sup>18</sup>	Once/month	Estimate	Monthly Average.
Well treatment fluids, completion fluids, and workover fluids (includes packer fluids) <sup>10</sup> .	No Discharge	No free oil	Once/day <sup>1</sup>	Static sheen	Number of days sheen observed.
Sanitary waste <sup>12</sup> continuously manned by 10 or more persons.	Oil & Grease	42 mg/l daily max., 29 mg/l monthly avg	Once/month	Grab <sup>8</sup>	Daily max., monthly average.
	Residual chlorine <sup>13</sup>	1 mg/l (minimum)	Once/month	Grab	Concentration
Sanitary waste <sup>12</sup> continuously manned by 9 or fewer persons or intermittently by any number.	Solids	No Floating Solids	Once/day	Observation	Number of days solids observed.
	Solids	No floating solids	Once/day	Observation	Number of days solids observed.
Domestic waste <sup>14</sup>	Solids	No floating solids or foam	Once/day	Observation <sup>15</sup>	Number of days observed.
	Free oil	No free oil	Once/week <sup>11</sup>	Visual sheen	Number of days sheen observed.
Miscellaneous discharges: Desalinization unit discharge; blowout preventer fluid; uncontaminated ballast water; uncontaminated bilge water; uncontaminated freshwater; mud, cuttings and cement at seafloor; uncontaminated seawater; boiler blowdown; source water and sand; diatomaceous earth filter media; excess cement slurry.					

<sup>1</sup> When discharging.<sup>2</sup> Suspended particulate phase (SPP) with *Mysidopsis bahia* following approved test method. The sample shall be taken beneath the shale shaker; or if there are no returns across the shaker then the sample must be taken from a location that is characteristic of the overall mud system to be discharged.<sup>3</sup> Sample shall be taken after the final log run is completed and prior to bulk discharge.<sup>4</sup> See Appendix A, Discharge Rate Graph.<sup>5</sup> This information shall be recorded but not reported unless otherwise requested by EPA.<sup>6</sup> Analyses shall be conducted on each new stock of barite used.<sup>7</sup> When discharging and facility is manned. Monitoring shall be accomplished during times when observation of a visual sheen on the surface of the receiving water is possible in the vicinity of the discharge.<sup>8</sup> May be based on the arithmetic average of four grab sample results in the 24 hr. period.<sup>9</sup> See Table 1, Appendix A.<sup>10</sup> No discharge of priority pollutants except in trace amounts. Information on the specific chemical composition shall be recorded but not reported unless requested by EPA.<sup>11</sup> When discharging for muds, cuttings, and cement at the seafloor and blowout preventer fluid. All other miscellaneous discharges: when discharging, discharge is authorized only during times when visual sheen observation is possible, unless the static sheen method is used. Uncontaminated seawater uncontaminated freshwater, source water and source sand, uncontaminated bilge water, and uncontaminated ballast water from platforms on automatic purge systems may be discharged without monitoring from platforms which are not manned.<sup>12</sup> Any facility which properly operates and maintains a marine sanitation device (MSD) that complies with pollution control standards and regulations under section 312 of the Act shall be deemed to be in compliance with permit limitations for sanitary waste. The MSD shall be tested yearly for proper operation, and test results maintained at the facility.<sup>13</sup> Hach method CN-66 DPD approved. Minimum of 1 mg/l and maintained as close to this concentration as possible.<sup>14</sup> The discharge of food waste is prohibited within 12 nautical miles from nearest land. Commuted food waste able to pass through a 25 mm mesh screen (approximately 1 inch) may be discharged more than 12 nautical miles from nearest land.<sup>15</sup> Monitoring shall be accomplished during daylight by visual observation of the surface of the receiving water in the vicinity of sanitary and domestic waste outfalls. Observations shall be made following either the morning or midday meals at a time of maximum estimated discharge.<sup>16</sup> Once/year for discharges from 0 bbl/day to 499 bbl/day, once/quarter for discharges from 500 bbl/day to 4,599 bbl/day, and once/month for discharges of 4,600 bbl/day and greater.<sup>17</sup> See Part I.B.4.(b) of this Permit.<sup>18</sup> Unless vertically separated in accordance with CORMIX1 modeling.

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**FEDERAL DEPOSIT INSURANCE CORPORATION****Sunshine Act Meeting**

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that

at 3:00 p.m. on Monday, August 5, 1996, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's supervisory activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Andrew C. Hove, Jr., seconded by Mr. John Downey, acting in the place and stead of Director Jonathan L. Fiechter (Acting Director, Office of

Thrift Supervision), concurred in by Director Joseph H. Neely (Appointive), Chairman Ricki Helfer, and Director Eugene A. Ludwig (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public