

Summary of Gas Exploration and Production Regulations

Issue	Regulating Agency	Permitting
Application/Authority	MSB	Planning Commission
Public notice	MSB	In accordance with MSB 17.03 Public Notification for conditional use permits, except the mailing notice distance is extended to 2,640 feet of the parcel that is the subject of the application, and all community councils within one-half mile of the proposed well site. Public hearing at PC meeting.
Signs	MSB	MSB ordinance requires at least one sign, erected at least 15 days prior to the public hearing for a gas well permit, located in a conspicuous place or places on the parcel subject to the application at a point or points visible from the nearest right-of-way, street, roadway or public thoroughfare, indicating a gas well permit to drill for gas has been requested, stating the date, time and place of the public hearing, and providing the telephone number of the applicant/Operator.
Oil and Gas exploration and production	MSB/ AOGCC/ BLM/ Forest Service	MSB ordinance and permitting works in harmony with other regulating agencies, particularly the Alaska Oil and Gas Conservation Commission (AOGCC). Most mineral estate rights are retained by the state and leased through the State Division of Oil and Gas Leases. Surface real estate owners may be Mental Health Trust, BLM, Forest Service or private owners. BLM and Forest Service issue an application for permits to drill (APD) comparable to AOGCC.
Distance from public parks, residences, religious institutions, hospitals, schools, or publicly accessed buildings	MSB	High Proximity Permit: 600 feet or more
		Medium Proximity Permit: 1320 feet or more
		Low Proximity Permit: 2640 feet or more, 25 acre minimum parcel
Visual screening measures	MSB	Landscaping and fencing required
Noise mitigation measures	MSB	Sound level limits at parcel boundaries
Roads/access	MSB	Transportation routes defined and road maintenance agreement required.
Lighting	MSB	Shielded exterior lighting, pointing inward and downward
Reclamation/ restoration	MSB	Restoration criteria is typically a condition of the land owner/manager, ADNR is different than MHLT, federal lands and private lands.
Lot line/Right-of-Way setbacks	MSB	Gas wells must be set back 75 feet from lot lines and right-of-ways.
Water setbacks	MSB/ ADNR/ USACE	MSB requires a 75' structure setback from water bodies. US Army Corps of Engineers (USACE) regulates wetlands and navigable waters. ADNR Office of Habitat Management and Permitting regulates fish habitat waterways (anadromous streams)

Water quality – run-off	EPA	Provide copy of EPA Storm Water Pollution Prevention Plan (SWPPP) or other permits or plans required by the EPA. The SWPPP is a subset of National Pollution Discharge Elimination System (NPDES) industrial wastewater discharge program. The SWPPP is only triggered if pad drainage/runoff enters jurisdictional waters of the US, including wetlands. There is a Multi-sector General Permit for storm water. Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity: Construction General Permit (CGP) is required where EPA is the NPDES permitting authority. Notice of Intent (NOI) Stormwater Discharges Associated with Industrial Activity Under the Multi-Sector NPDES General Permit: Submission of a Notice of Intent (NOI) constitutes notice that the entity intends to be authorized to discharge pollutants to waters of the US under EPA’s Stormwater Multi-sector General Permit (MSGP). The State of Alaska recently applied for primacy of the NPDES program to ADEC, which is why “or ADEC” is included in the ordinance.
Water quality – ground water	MSB/ EPA/ ADEC	This ordinance requires a 500’ setback from gas wells to water wells. Drilling wastewater is an industrial NPDES discharge regulated by EPA if discharged into US waters, including wetlands. There is a Cook Inlet General Permit for Oil and Gas which includes some onshore and offshore Oil and gas activities. An individual NPDES permit is burdensome for small projects. ADEC regulates other industrial discharges into non-jurisdictional wetlands.
Air quality control	ADEC	ADEC has dust control regulations, no permits are required
Burning	ADNR – Forestry ADEC – air quality	Combustibles must be stockpiled separate from non-combustibles ADNR requires burn permit ADEC regulates air quality standards
Fill	MSB/ USACE	US Army Corps of Engineers (USACE) Clean Water Act Section 404 Jurisdictional Wetlands may mandate the operation pad thickness to protect wetlands or permafrost.
Use of hazardous materials	EPA	Regulated by EPA, standards in federal regulations
Oil, antifreeze, hydrocarbon storage <1,200 gallons, spills and disposal	ADEC	Regulated by ADEC, standards in harmony with federal regulations
Oil, antifreeze, hydrocarbon storage >1,200 gallons, spills and disposal	EPA	Regulated by EPA, standards in federal regulations
Explosives storage and use	FBATFE	Regulated by Federal Bureau of Alcohol, Tobacco, Firearms and Explosives
Existing natural gas operations	MSB	file for designation as a preexisting operation within 45 days of ordinance enactment
Appeal decisions to	Board of Appeals	
Fee	MSB	Undefined. Other areas have an application fee of \$3000-\$5000, some have additional annual fees (\$1000 per well) and fees for amending the permit and amending contact information (\$600).

MSB requires operations to comply with other agencies’ regulations and permitting processes, whether or not documentation of the permit or compliance is required to be submitted to the borough.