

# ADEQ

ARKANSAS  
Department of Environmental Quality

May 7, 2012

Heather Meek  
Regulatory Analyst  
XTO Energy, Inc.  
211 Pangburn Rd  
Heber Springs, AR 72543

**RE: Complaint Investigation of XTO Energy's Ballew #1-22H Reserve Pit in Pangburn, AR (Cleburne Co.); reserve pit discharge from Nov 2011 & improper reserve pit closure**

Ms. Meek:

On April 3, 2012 I performed an investigation of the Ballew #1-22H production pad & reserve pit in response to a complaint received by ADEQ's Water Division. The complainant allegedly observed the reserve pit fluids discharge into surface waters in November 2011 as well as witnessed the improper closure of the reserve pit on April 2, 2012. At the time of the investigation, no violations were observed.

***Please refer to the "comments" section of the inspection form for any notes regarding any "areas of concern" that may have been observed at the above referenced site. Furthermore, I have contacted Brooke Shaw by email with any potential issues regarding this site.***

If you should have any questions, feel free to contact me at 501-683-2789 or via email [mccabe@adeq.state.ar.us](mailto:mccabe@adeq.state.ar.us)

Thank you for your time,



Kerri McCabe  
Oil & Gas Field Inspector  
Water Division

cc: Water Division Permits Branch  
Heather Meek, XTO Energy Regulatory Analyst, [Heather\\_Meek@xtoenergy.com](mailto:Heather_Meek@xtoenergy.com)  
Brooke Shaw, XTO Energy EHS Coordinator, [Andrea\\_Shaw@xtoenergy.com](mailto:Andrea_Shaw@xtoenergy.com)

**ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**5301 Northshore Drive, North Little Rock, AR 72118**

**COMPLAINT REPORT**

<b>GPS: Lat: 35.402670 ; Long: -91.950489</b>		<b>AFIN#: 12-00000 PERMIT#: N/A</b>	
<b>DATE RECEIVED: April 2, 2012</b>		<b>COUNTY: Cleburne Co.</b>	
<b>COMPLAINANT NAME: Sandra Ballew</b>		<b>COMPLAINT AGAINST: XTO Energy, Inc.</b>	
<b>ADDRESS: N/A</b>		<b>ADDRESS: 211 Pangburn Rd Heber Springs, AR 72543</b>	
<b>PHONE: 501-551-5515 FAX: N/A</b>		<b>PHONE: 501-887-4138 (Heather Meek) FAX: N/A</b>	
<b>PERSON RECEIVING REPORT: Michael Parette</b>		<b>DATE: April 2, 2012</b>	<b>SUPERVISOR REFERRAL: Steve Johnson</b>
<b>INSPECTOR REFERRED: Kerri McCabe</b>		<b>DATE: April 2, 2012</b>	<b>MEDIA SUPERVISOR REFERRAL: DATE:</b>
<b>PHONE REFERRAL CONTACT:</b>		<b>DATE:</b>	<b>RECEIVING INSPECTOR: Kerri McCabe</b>
<b>DATE: 04-02-12</b>			

**DESCRIPTION (IN DETAIL)**

From report provided by ADEQ's Emergency Response (ER):

Caller advised ER:

- Pit has overflowed in November;
- Liner has been removed;
- There is sludge in pit that is being filled in;
- Concerned about material seeping into the ground since liner is removed;
- When caller filmed the operations, someone came out to get the sludge out but a large portion had already been filled in;
- Health Department has tested the water and found radiation;
- EPA Dallas was contacted and advised the water should be tested for radiation;
- Photos and film information is for documentary that will be presented to the State Legislature;
- Will share photos with ADEQ-ER.

As caller was driving back to Little Rock, she requested ER call tomorrow and provide an address to send the photos to. The main concern of the caller apparently surrounds the radiation reportedly to have been found in the water. There is no current report of any overflow or breach or impact to water other than potential seepage due to the liner being removed.

**LOCATION (IN DETAIL)**

*From NLR take Hwy 167/67 toward Cabot, AR. At the 2<sup>nd</sup> Cabot exit merge onto Hwy 5 toward Heber Springs, AR. Hwy 5 merges with Hwy 25 continue toward the Hwy 25/16 junction. Continue straight (left) onto Hwy 16 toward Pangburn, AR. Good Springs Rd is off Hwy 16 on the right. Continue on Good Springs Rd taking the 1<sup>st</sup> right onto Pine Snag Rd. Continue to a fork in the road turning right onto Price Ford Rd. XTO Energy's Lonesome Duck Farms & Ballew lease roads are on the left & indicated with signs. The lease road for Ballew #1-22H is on adjacent property.*

**PREVIOUS COMPLAINT?**  YES  NO **DATES:** Feb. 22, 2012 (route of pipeline ROW & NORM readings in reserve pit fluid & surface water in samples collected by ADH)

**DISCHARGE TO WATERS OF THE STATE?**  YES  NO **NAME OF WATERBODY:**

**HOW COMPLAINT WAS RECEIVED:**  PHONE  LETTER  VERBAL  FAX  E-MAIL

**FOLLOW -UP ON COMPLAINT**

**COMPLAINT #:** 00449-W-RB\_comp\_20120403

**AFIN #:** 12-00000

**INSPECTOR:** Kerri McCabe

**DATE:** April 3, 2012

**ACTION TAKEN:**

**PHOTOS TAKEN:** YES

*Initially, I spoke with Ms. Ballew at length about the issues she was having with the production pad located on her property (4-3-12). She was mainly concerned with trash left by the contractors & low-levels of NORM indicated in water samples collected by ADH as well as improper reserve pit closure. I told her I had been to the site in late Feb 2012 & the pit fluids were well below the minimum freeboard requirements. I informed her that I had walked the entire length of the pipeline ROW, and that's when she told me she didn't have issues with the pipeline ROW but the original lease road. Apparently, the contractor originally started construction of a lease road on Ms. Ballew's property & then decided to put the lease road on Mr. Waldo's property. The contractor had apparently left windrowed trees & disturbed soil along the original lease road route. I told her I could not address the trash or events that occurred in Nov 2011, but that I would re-visit the site during the pit closure. She was concerned about them removing the liner because of the low-levels of NORM indicated in samples taken by ADH. I informed her that removing the liner was standard practice & can result in violations if not removed. I told her all fluids were to be removed to the fullest extent, but that solids could be buried onsite if pre-approved by ADEQ (kiln dust/fly ash method).*

*I arrived onsite later in the day & the pit was still being graded/contoured. I spoke with Mr. Lance B. while onsite. He informed me that the liner was being taken to Rolling Meadows Landfill in Hazen, AR. He said that JM Oilfield Services had hauled the reserve pit contents (location unknown at this time). Silt fence was installed around the former reserve pit area. Ms. Brooke Shaw with XTO Energy informed me that the reserve pit contained shallow groundwater & stormwater. XTO Energy did not use the reserve pit during a Frac Flowback Reuse program. Also, I inspected the lease road (separate report). I did not investigate the original route because that activity occurred on private property & I could not see any indication of the activity from the production pad or pipeline ROW.*

**FURTHER ACTION TAKEN/TO BE TAKEN:**

*I spoke with Ms. Ballew's original landman from XTO Energy (Dean Burnett). They have proclaimed "emanate domain" on Ms. Ballew's property due to mineral rights. The decision was based on a combination of section lines & initial interest/disinterest between two parties (Ballew & Waldo). XTO Energy & the Ballew family could not come to an agreement with the proposed well lease. These proceedings are beyond the scope of ADEQ, and no further action is required.*

*ADH & AOGC were the original parties contacted in Nov 2011. If there was the potential for a discharge to surface waters, ADEQ should have been notified. NORM is under the jurisdiction of ADH & subsurface activities (i.e., well bore, drilling, etc.) are the jurisdiction of AOGC. Since initial water samples were taken by ADH, follow-up samples should be conducted by that agency. It should be noted that NORM is naturally occurring at the surface & in shale.*

*PDS #014098*

**INSPECTOR SIGNATURE:**

*Kerri M<sup>s</sup> Cole*

**DATE:** April 25,  
2012

**Water Division Photographic Evidence Sheet**

**Location:** Ballew #1-22H from Hwy 16 off Price Ford Rd about 6.6 miles WxSW of Pangburn, AR

**Photographer:** Kerri McCabe      **Witness:** Lance B.

**Photo #** 1      **Of** 4      **Date:** 04-03-12      **Time:** 1134

**Description:** Site Identification



**Photographer:** Kerri McCabe      **Witness:** Lance B.

**Photo #** 2      **Of** 4      **Date:** 04-03-12      **Time:** 1143

**Description:** Graded/contoured reserve pit location; silt fence in place



**Water Division Photographic Evidence Sheet**

**Location:** Ballew #1-22H from Hwy 16 off Price Ford Rd about 6.6 miles WxSW of Pangburn, AR

**Photographer:** Kerri McCabe **Witness:** Lance B.

**Photo #** 3 **Of** 4 **Date:** 04-03-12 **Time:** 1143

**Description:** Removed liner on production pad; going to Rolling Meadows Landfill (Hazen, AR)



**Photographer:** Kerri McCabe **Witness:** Lance B.

**Photo #** 4 **Of** 4 **Date:** 04-03-12 **Time:** 1144

**Description:** Silt fence along intermittent stream near reserve pit location; vegetation establishing



## Oil & Gas Violation Summary Sheet

- No Violations Noted
- Placing Waste
- Permitting Issues
- Spills & Leaks
- Turbidity (Regulation #2 Violations)
- Stormwater/Erosion Issues
- Notification/Reporting Violations
- Unpermitted Discharges
- Record Keeping/Paperwork Violations
- Trash/Unauthorized Fluids in Pits
- Improper Closure of Pit
- Insufficient Freeboard
- Poor Pit Construction
- Other (Describe):