

STATE OF ARKANSAS

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

Regulation No. 1

Effective Date: March 16, 1993

REGULATION FOR THE PREVENTION OF POLLUTION BY SALT WATER AND OTHER OIL FIELD WASTES PRODUCED BY WELLS IN ALL FIELDS OR POOLS

1. This regulation is promulgated to the authority contained in Act 472 of the Acts of Arkansas for 1949.
2. This regulation shall apply to all oil and gas wells in "all existing fields or pools".
3. The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them as follows:
 - (a) **"Person"** means any municipality, governmental subdivision, public or private corporation, individual, partnership, association or other entity.
 - (b) **"Oil Field Wastes"** shall include salt water discharged from any oil or gas well lease, crude oil, waste oil, oil sludge, oil water emulsion, or oil bearing mixtures of any kind.
 - (c) **"Pollution"** means the contamination of any waters of the State so as to create a nuisance or render such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial, industrial, agricultural or recreational use, or to livestock, wild animals, bird, fish or other aquatic life.
 - (d) **"Department"** means the Arkansas Department of Pollution Control and Ecology.
 - (e) **"Disposal System"** means a system for disposing of wastes, including oil field wastes.
 - (f) **"Waters of the State"** means underground water and all streams and lakes, including all rivers and lakes bordering on the State, marshes, watercourses, drainage systems and other bodies of water, natural or artificial, public or private, of such character that the pollution thereof may create a nuisance or be either actually or potentially harmful or detrimental to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, or recreational use, or to

livestock, wild animals, bird, fish or other aquatic life.

(g) **"New Existing fields or pools"** means any oil and gas field and/or pools pool found, brought in, established after July 1, 1957, or currently in use.

(h) **"Commission"** means the Arkansas Pollution Control and Ecology Commission.

4. No person having possession or control of any oil or gas well in a any existing field or pool, either as contractor, owner, lessee, agent manager, or in any other capacity, shall allow any salt water or other oil field wastes produced by such well to escape or be discharged to the ground, or in any other manner which results in the flow of said wastes into any the waters of the State, whether by natural drainage, seepage, overflow, or otherwise. It shall be the duty of such person to confine all such salt water and other oil field wastes or dispose of same in such manner as will prevent their discharge or flow into any of the waters of the State.
5. No person shall hereafter operate any oil or gas well in a new any existing field or pool which produces any salt water or other oil wastes, unless such person shall have first submitted to the Department plans and specifications for a disposal system adequate to prevent the discharge or flow of said wastes into any of the waters of the State and an application for a permit to install and operate such disposal system. The Department shall grant or deny such permit under such terms and conditions as it may prescribe for the prevention of pollution of the waters of the State. Application for a permit shall be made within thirty (30) days after any such well shall have first produced any such wastes.
6. No person shall thereafter operate any oil or gas well in violation of the terms and conditions of a disposal permit for such well or without having applied for and obtained a disposal permit, as required by Section 5 hereof. Any well for which proper permit application has been made may be operated pending final action thereon by the Department. Upon receipt of permit, the operator of the well shall post at the site of the well or tank battery the location and the permit number.
7. Any increase in the volume of salt water or other oil field wastes produced by any well for which a disposal permit has theretofore been issued shall be promptly reported to the Department.
8. Wherever possible, disposal of salt water shall be accomplished by subsurface discharge through disposal wells to underground horizons below the fresh water level, such wells to be drilled, cased cemented, equipped, and operated so that

no fresh water horizon shall be polluted and in accordance with the rules and regulations of the Arkansas Oil and Gas Commission.

9. Surface disposal of salt water and other liquid wastes in earthen pits will not be approved unless such pits are underlaid by tight soil such as heavy clay or hardpan, or are lined with asphalt or other water-tight material and are of sufficient size to assure adequate disposal of the volume of waste to be impounded therein. Where the soil under an underground pit is porous and closely underlaid by gravel or sand stratum, impounding of salt water or other liquid wastes therein will not be allowed. An application for a permit to use disposal pits must show that such pits will adequately dispose of the wastes to be impounded therein. When the use of storage pits has been approved, they shall be so constructed and maintained as to prevent escape of wastes therefrom, whether by seepage or otherwise. Storage pits shall be protected from surface waters by dikes and drainage ditches and no siphons or openings shall be placed in the walls or dikes that would permit the escape of the wastes. Freeboard shall never be less than twelve (12) inches, measured from the lowest point of the top of the dike.
10. Violation of any provision of this regulation shall be a misdemeanor and each day's continuance of such violation shall constitute a separate offense. Pollution of any waters of the State in violation of any provision of this regulation shall constitute a public nuisance and may be enjoined and abated as such as provided by law.
11. All pits or holding basins associated with oil/gas exploration or production in Arkansas, regardless of being active, abandoned, reserve or workover pits, which are located within the 100-year flood plain of any stream, (as designated on Flood Hazard Boundary maps developed by the U.S. Department of Housing and Urban Development, Federal Insurance Administration) shall be closed within 48 months of the effective date of this revision to the regulation, according to the pit closure guidelines established by this agency.
12. This regulation shall become effective on March 16, 1993.