

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

**IN THE MATTER OF APC & EC RULE 1)
“PREVENTION OF POLLUTION BY OIL)
FIELD WASTE”)**

DOCKET NO. 24-002-R

**PETITION TO INITIATE RULEMAKING TO APPROVE
AMENDMENTS TO RULE 1, “PREVENTION OF
POLLUTION BY OIL FIELD WASTE”**

Comes now, the Department of Energy and Environment, Division of Environmental Quality (“DEQ”), by and through Bailey Taylor, Interim Director of the Division of Environmental Quality, and for their Petition to Initiate Rulemaking to Approve Amendments to Rule 1, “Prevention of Pollution by Oil Field Waste,” states:

1. DEQ proposes this rulemaking to approve the amendments to Rule 1, “Prevention of Pollution by Oil Field Waste,” as is authorized generally in Ark. Code Ann. Sec. 8-1-203(b), and specifically to amend this rule in Ark. Code Ann. Sec. 8-4-202(a) and (b).

2. DEQ proposes to initiate this rulemaking so that the Arkansas Pollution Control and Ecology Commission (“APC&EC” or “Commission”) can promulgate the Rule 1 amendments, which will update the following provisions of the rule:

- a. In Rule 1.201, the definitions of “Class II Well,” “Commercial disposal well,” “Disposal system,” “Disposal well,” “High volume disposal system,” and “Surface Facility” will be eliminated because they will no longer be used in the rule;
- b. Rule 1.302 “Permit by Rule” will be deleted from the rule;
- c. Rule 1.303 “Disposal System Permits” will be deleted from the rule;
- d. Rule 1.304 “Violation of Permit Prohibited” will be deleted from the rule;
- e. Rule 1.305 “Permits Required” will be deleted from the rule;
- f. Additional non-substantive or clerical revisions are proposed for consistency and clarity.

3. The purpose of the Rule 1 amendments is to eliminate areas of regulatory overlap with the Oil and Gas Commission regarding Class II wells and to streamline the permit process and regulation of these wells and facilities.

4. Bailey Taylor, Interim Director of the Division of Environmental Quality, will be available to answer questions concerning this proposed rulemaking.

5. The following exhibits to this petition are hereby incorporated by reference:

- a. Exhibit A: Mark-up version of the proposed new rule;
- b. Exhibit B: Governor's approval;
- c. Exhibit C: Copy of the Legislative Questionnaire;
- d. Exhibit D: Copy of a Financial Impact Statement;
- e. Exhibit E: Copy of the Economic Impact/Environmental Benefit Analysis;
and
- f. Exhibit F: Proposed Minute Order.

WHEREFORE, DEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and initiate rulemaking to promulgate the proposed amendments to Rule 1, "Prevention of Pollution by Oil Field Waste."

Respectfully Submitted,

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