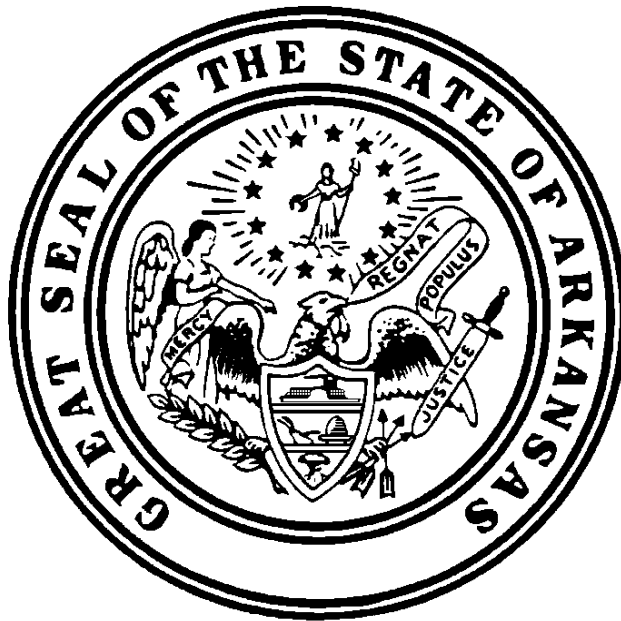


# **ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION**

## **RULE NO. 1**

### **PREVENTION OF POLLUTION BY OIL FIELD WASTE**



**Approved by the Arkansas Pollution Control & Ecology Commission  
September 27, 2024**

**EXHIBIT C**

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## **CHAPTER 1 : GENERAL PROVISIONS**

### **Rule 1.101      Title**

This rule shall be known by and may be cited as “Rule No. 1: Prevention of Pollution by Oil Field Waste.”

### **Rule 1.102      Authority**

The legal authority for this rule is the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-101 *et seq.*

### **Rule 1.103      Purpose**

The purpose of this rule is to prevent any oil field waste, including without limitation salt water, from entering any water of the State.

### **Rule 1.104      Applicability**

This rule applies to crude oil and gas production facilities capable of generating oil field waste.

## CHAPTER 2 : DEFINITIONS

### Rule 1.201      Definitions

As used in this rule:

**“DEQ” or “Division”** means the Division of Environmental Quality or its successor, unless otherwise specified.

**“OGC”** means the Oil and Gas Commission or its successor.

**“APC&EC”** means the Arkansas Pollution Control and Ecology Commission or its successor, unless otherwise specified.

**“Class II Fluids”** is defined by the Oil and Gas Commission (OGC) and means:

“(A) Produced water and/or other fluids brought to the surface in connection with drilling, completion or fracture treatments, workover or recompletion and plugging of oil, natural gas, Class II or wells that are required to be permitted as water supply wells by the OGC; enhanced recovery operations; or natural gas storage operations, or

(B) Produced water and/or other fluids from (A) above, which prior to re-injection have been used on site for purposes integrally associated with well drilling, completion or fracture treatments, workover or recompletions or plugging oil, natural gas, Class II or wells that are required to be permitted as water supply wells by the OGC; enhanced recovery operations; natural gas storage operations; or chemically treated or altered to the extent necessary to make them usable for purposes integrally related to well drilling, completion, workover or recompletions or plugging oil, natural gas, Class II or wells that are required to be permitted as water supply wells by the OGC; enhanced recovery operations; natural gas storage operations, or commingled with fluid wastes resulting from fluid treatments outlined above, provided the commingled fluid wastes do not constitute a hazardous waste under the Resource Conservation and Recovery Act, or

(C) Waste fluids from gas plants (including filter backwash, precipitated sludge, iron sponge, hydrogen sulfide and scrubber liquid) which are an integral part of oil and gas production operations; and waste fluids from gas dehydration plants (including glycol-based compounds and filter backwash), unless the gas plant or gas dehydration plant wastes are classified as hazardous under the federal Resource Conservation and Recovery Act.”

**“Director”** means the Director of the Division of Environmental Quality or the Director’s designee, unless otherwise specified.

**“Oil field waste”** means salt water, other Class II Fluids, crude oil, waste oil, oil sludge, oil water emulsion, or oil bearing mixtures of any kind associated with an oil or gas well, oil or gas production facilities, or disposal systems.

**“Person”** means any state agency, municipality, governmental subdivision of the state or the United States, public or private corporation, individual, partnership, association, or other entity.

**“Pollution”** means contamination or other alteration of the physical, chemical, or biological properties of any waters of the state, or discharge of any liquid, gaseous, or solid substance in any waters of the state as will, or is likely to, render the waters harmful, detrimental, or injurious to public health, safety, or welfare; to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wild animals, birds, fish, or other aquatic life.

**“Waters of the State”** means all streams, lakes, marshes, ponds, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, that are contained within, flow through, or border upon this state or any portion of the state.

## **CHAPTER 3 : DISPOSAL OF OIL FIELD WASTE**

### **Rule 1.301      Discharge of Oil Field Waste Prohibited**

(A) A person who possesses or controls any oil or gas well as contractor, owner, lessee, agent manager, or in any other capacity, shall not allow any oil field waste to be discharged onto the ground or escape in any other manner that results in the flow of oil field waste into any waters of the State, whether by natural drainage, seepage, overflow, or otherwise.

(B) All oil field waste shall be confined or disposed of in a manner that will prevent the discharge or flow of that waste into any waters of the State.

### **Rule 1.302      Disposal of Salt Water**

Disposal of salt water shall be accomplished by subsurface discharge through a disposal well regulated by OGC or other disposal methods approved by DEQ.

### **Rule 1.303      Surface Disposal Prohibited**

Unless otherwise permitted by OGC General Rules or by the approval of both the Directors of DEQ and OGC, surface disposal of oil field waste in earthen pits is prohibited.

### **Rule 1.304      Misdemeanor and Public Nuisance**

(A) A person shall not violate any other provision of this rule or of the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-101 *et seq.*

(B) Violation of any provision of this rule is a misdemeanor and each day's continuance of the violation is a separate offense.

(C) Any person who violates any provision of this rule is subject to the penalties under the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-101 *et seq.*

(D) Pollution of any waters of the State in violation of any provision of this rule is a public nuisance and may be enjoined and abated as provided by law.

## **CHAPTER 4 : REPEALER, SEVERABILITY, AND EFFECTIVE DATE**

### **Rule 1.401      Repealer**

All rules and parts of rules promulgated by the Arkansas Pollution Control and Ecology Commission that are in conflict with this rule are repealed to the extent of the conflict.

### **Rule 1.402      Severability**

The provisions of this rule are severable. If any part of this rule is declared invalid or unenforceable by a court, the remainder of the rule will continue to be valid and enforceable.

### **Rule 1.403      Effective Date**

This rule shall be effective ten (10) days after filing with the Secretary of State, the State Library, and the Bureau of Legislative Research.