

Title 8. Environmental Law

Chapter I. Arkansas Pollution Control and Ecology Commission, Department of Energy and Environment

Subchapter C. Water Quality

Part 20. Prevention of Pollution by Oil Field Waste

Subpart 1. General Provisions

8 CAR § 20-101. Title.

This part shall be known by and may be cited as "Prevention of Pollution by Oil Field Waste, 8 CAR pt. 20".

8 CAR § 20-102. Authority.

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

8 CAR § 20-103. Purpose.

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

8 CAR § 20-104. Applicability.

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

8 CAR § 20-105. Definitions.

As used in this part:

(1) "APC&EC" means the Arkansas Pollution Control and Ecology Commission or its successor, unless otherwise specified;

(2) "Class II fluids" is defined by the Oil and Gas Commission 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.”;

(3) “DEQ” or “Division” means the Division of Environmental Quality or its successor, unless otherwise specified;

(4) "Director" means the Director of the Division of Environmental Quality or the Director of the Division of Environmental Quality's designee, unless otherwise specified;

(5) "OGC" means the Oil and Gas Commission or its successor;

(6) "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:

(A) An oil or gas well;

(B) Oil or gas production facilities; or

(C) Disposal systems;

(7) "Person" means any:

(A) State agency;

(B) Municipality;

(C) Governmental subdivision of the state or the United States;

(D) Public or private corporation;

(E) Individual;

(F) Partnership;

(G) Association; or

(H) Other entity;

(8) "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:

(A) Public health, safety, or welfare;

(B) Domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or

(C) Livestock, wild animals, birds, fish, or other aquatic life; and

(9) "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.

Subpart 2. Disposal of Oil Field Waste

8 CAR § 20-201. 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.

8 CAR § 20-202. Disposal of salt water.

Disposal of salt water shall be accomplished by subsurface discharge through a disposal well regulated by the Oil and Gas Commission or other disposal methods approved by the Division of Environmental Quality.

8 CAR § 20-203. Surface disposal prohibited.

Unless otherwise permitted by Oil and Gas Commission General Rules, 15 CAR pt. 275, or by the approval of both the Director of the Division of Environmental Quality and the Director of Production and Conservation, surface disposal of oil field waste in earthen pits is prohibited.

8 CAR § 20-204. Misdemeanor and public nuisance.

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

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

(c) Any person who violates any provision of this part is subject to the penalties

under the Arkansas Water and Air Pollution Control Act, Arkansas Code § 8-4-101 et seq.

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

Subpart 3. Repealer, Severability, and Effective Date

8 CAR § 20-301. Repealer.

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

8 CAR § 20-302. Severability.

(a) The provisions of this part are severable.

(b) If any part of this part is declared invalid or unenforceable by a court, the remainder of the part will continue to be valid and enforceable.

8 CAR § 20-303. Effective date.

This part shall be effective ten (10) days after filing with the:

- (1) Secretary of State;
- (2) Arkansas State Library; and
- (3) Bureau of Legislative Research.