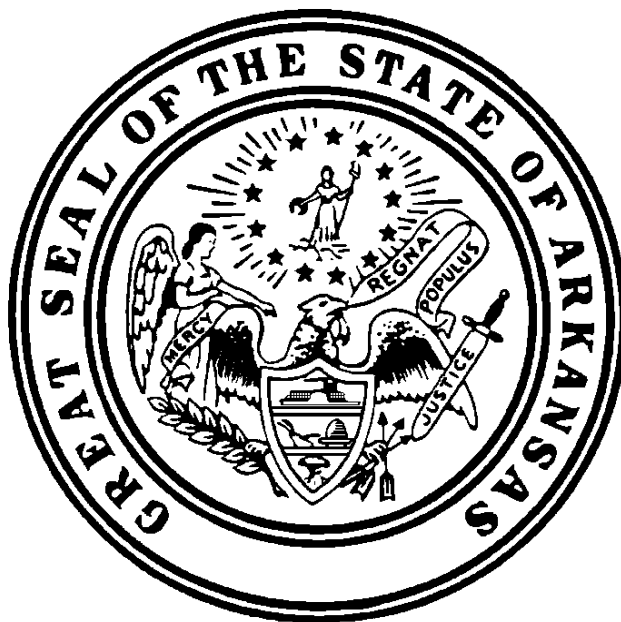


ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

RULE NO. 1

PREVENTION OF POLLUTION BY OIL FIELD WASTE



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

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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.

ARKANSAS REGISTER

Transmittal Sheet

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Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Pollution Control & Ecology CommissionDepartment Department of Energy and EnvironmentContact Peter Alberg E-mail Peter.Alberg@arkansas.gov Phone 501-335-7025Statutory Authority for Promulgating Rules Ark. Code Ann. Sec. 8-1-203(b)Rule Title: Rule 1: "Prevention of Pollution by Oil Field Waste"Intended Effective Date
(Check One)☐ Emergency (ACA 25-15-204)☒ 10 Days After Filing (ACA 25-15-204)☐ Other _____
(Must be more than 10 days after filing date.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

8/3 and 8/4, 20249/8/202411/15/20249/27/2024

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Peter AlbergPeter.Alberg@arkansas.gov11/18/2024

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

501-682-7891

moulton@adeq.state.ar.us

Phone Number

E-mail Address

Administrative Law Judge

Title

Date

Peter Alberg (adpce.ad)

From: Miller-Rice, Rebecca <miller-ricer@blr.arkansas.gov>
Sent: Monday, November 18, 2024 8:38 AM
To: Peter Alberg (adpce.ad)
Cc: Kesia Morrison; Michael McAlister (adpce.ad); Patricia Goff (adpce.ad)
Subject: RE: APC&EC Rule 1 Amendments-Final Filing

Thank you.

Rebecca Miller-Rice

Administrator | Administrative Rules Review Section
Bureau of Legislative Research
Legal Division
One Capitol Mall, 5th Floor
Little Rock, Arkansas 72201
miller-ricer@blr.arkansas.gov
Phone: 501.537.9192

From: Peter Alberg (adpce.ad) <Peter.Alberg@arkansas.gov>
Sent: Monday, November 18, 2024 7:22 AM
To: Miller-Rice, Rebecca <miller-ricer@blr.arkansas.gov>
Cc: Kesia Morrison <Kesia.Morrison@arkansas.gov>; Michael McAlister (adpce.ad) <Michael.McAlister@arkansas.gov>; Patricia Goff (adpce.ad) <Patricia.Goff@arkansas.gov>
Subject: APC&EC Rule 1 Amendments-Final Filing

Ms. Miller-Rice:

The Legislative Council has now approved the amendments to APC&EC Rule 1, "Prevention of Pollution by Oil Field Waste." The purpose of this communication is to file the final rule with the Bureau of Legislative Research. In order to effectuate this final rule filing, I am providing you with the following with this communication:

- Final Version of Rule 1; and
- Minute Order No. 24-13 of the Arkansas Pollution Control and Ecology Commission, where the amendments to Rule 1 were approved.

This rule was reviewed and approved by the Administrative Rules Subcommittee on November 14, 2024, and the Legislative Council took no further action when it approved the report of the Administrative Rules Subcommittee on November 15, 2024.

Once you have received this e-mail, please send me an e-mail acknowledging the receipt of the attachments referenced above. If there is anything else that you need, please let me know.

Thank you very much.

Peter Alberg | Branch Manager
Energy & Environment | Office of the Chief Counsel

5301 Northshore Drive | North Little Rock, AR 72118

t: 501.335.7025 | e: Peter.Alberg@arkansas.gov



ARKANSAS
ENERGY & ENVIRONMENT

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By Arkansas State Library at 8:44 am, Nov 18, 2024

Classification Number:

Name of Agency:

Division/Department/Office:

Arkansas Pollution Control & Ecology Commiss Department of Energy and Environment

Contact Person:

Telephone:

Peter Alberg

501-335-7025

Statutory Authority for Promulgating Rules:

Ark. Code Ann. Sec. 8-1-203(b) and Ark. Code Ann. Sec. 8-4-202(a) and (b)

Title of Rule:

Rule No. 1: "Prevention of Pollution by Oil Field Waste"

Rule Status

Date Adopted by Agency

Effective Date

Amended

09/27/2024

☒ 10 Days After Filing

(Use drop down to select different status)

MM/DD/YYYY

☐ Other: _____
(if other, specify date)

☐

Rule above is proposed and will be replaced by final version

☒

Financial and/or Fiscal Impact Statement Attached

Certification of Authorized Officer

I hereby certify that the attached rules were adopted in compliance with Act 434 of 1967 as amended.

Signature: Charles Moulton Date: 11/6/2024

Title: Administrative Law Judge

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

Minute Order No. 24-13

Pursuant to public notice and public hearing, and in consideration of the Petition to Initiate Rulemaking, the Statement of Basis and Purpose and other documents, exhibits, and evidence in the record in this docket, the Commission hereby grants and approves DEQ's Motion to Adopt Amendments to Rule 1 "Prevention of Pollution by Oil Field Waste," and adopts and promulgates the regulatory amendments to Rule No. 1, which are specifically set forth and contained in the final revised rule filed as part of the present Motion to Adopt Amendments to Rule 1, and further orders that the final rule approved on this date be submitted for review by the Arkansas Legislative Council including its subcommittees, and any other legislative sub-committees necessary for final approval.

**PROMULGATED THIS 27th DAY OF September 2024, BY ORDER OF THE
ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION.**

COMMISSIONERS:

WKE A. Eckert, III, Chair
[Signature] R. McMullen
[Signature] D. Melton
[Signature] R. Moss, Jr.

 C. Racey
 D. Vandergriff
WNN W. Ward

[Signature]
A. Eckert, III, Chair

SUBMITTED BY: Michael McAlister PASSED: 09/27/24