

FINAL

RULE B-34 NOTICE OF FIRE, BREAKS, OR BLOW-OUTS AND REMEDIATION OF ASSOCIATED SPILLS OF CRUDE OIL AND PRODUCED WATER

- a) Definitions for purposes of this rule
 - 1) “Permit Holder” shall mean the operator or person, who is duly authorized to develop a lease or unit as owner or through agreement and has the right to drill and produce from any field or reservoir and to appropriate the production for himself or others.

- b) Notification
 - 1) Any Permit Holder of an oil, gas and brine production, UIC Class II, and Class V (brine disposal) well or an owner or operator of tanks, storage tanks, or other receiving and storage receptacles into which crude oil is produced, received, or stored, or through which oil is transported in flowlines, shall immediately, but not more than twenty-four (24) hours, notify the Commission Regional Office, where the event has occurred, by telephone or facsimile concerning all fires, blow-outs, spills, leaks or discharges in excess of one (1) barrel of crude oil or five (5) barrels of produced water, which occur at these facilities.

 - 2) All notices of fires, blowouts, spills, leaks, or discharges provided to the Commission Regional Office, shall include the name of the operator responsible and the location of the fire, blow-out, spill leak, or discharge by providing the Section, Township, Range and property, lease, or unit, name. Such report shall also specify what emergency steps have been taken or are in progress to remedy the situation reported.

 - 3) If the reported fire, blow-out, spill, leak, or discharge results in a spill or discharge in excess of one (1) barrel of crude oil and or five (5) barrels of produced water outside the containment, the Permit Holder shall also provide the following in the required written incident report, on a form prescribed by the Director:
 - A) the amount of crude oil and produced water spilled or discharged,
 - B) the areal extent of the spill or discharge,
 - C) the cause of the spill or discharge, and
 - D) the proposed remediation efforts.

- 4) Spills or discharges from interstate and intrastate pipeline (downstream from custody transfer), or from refined product pipelines are not covered by this rule and are under the jurisdiction of the Arkansas Department of Environmental Quality (ADEQ).
- 5) All crude oil and produced water spills or discharges, regardless of amount, which enter waters of the state as defined in Ark. Code Ann. § 8-4-102 shall be reported immediately to the ADEQ. That portion of the spill which entered waters of the state shall be under the jurisdiction of the ADEQ for remediation and enforcement purposes.

c) Crude Oil Spill Remediation Requirements

- 1) All crude oil spills that occur after the effective date of this rule, regardless of amount, from wells, flowlines, tanks, pits or containment dikes are subject to this rule.
- 2) The Permit Holder is required to initiate the following emergency response procedures for all crude oil spills immediately after a spill has occurred, but not more than 24 hours after the spill:
 - A) Contain spilled crude oil using earthen dikes, booms and other containment measures to minimize the amount of area affected by the spill.
 - B) If a spill enters surface waters, the spill shall be contained with booms and/or underflow dams and removed as expeditiously as possible. Further remediation requirements shall be determined by ADEQ in accordance with sub-paragraph (a) (5) above.
 - C) The cause of spill shall be repaired immediately.
 - D) Impounded free oil shall be picked up and put in lease storage tanks or removed from the site and recycled.
- 3) Remaining oil on the land surface shall be removed using absorbent material, which shall be handled as follows:
 - A) All non-organic/non-biodegradable absorbent materials shall be removed from the site and disposed of at an ADEQ permitted waste treatment or disposal facility or other disposal options as allowed by applicable state law or regulation.
 - B) On-site disposal of organic/biodegradable absorbent materials, such as straw and peat moss, may be disposed through land spreading

over the area affected by the initial spill and remediated in accordance with sub-paragraphs (4) (A) thru (D) below.

- 4) Contaminated soil area affected by a spill may be remediated in place and shall, within 10 days, at a minimum be:
 - A) fertilized with 13-13-13 fertilizer or an amount of other acceptable fertilizer sufficient to treat the soil with 0.5 lbs per square yard; and
 - B) limed with sufficient agricultural grade lime over the affected area in order to maintain a pH of between 6-8; if the pH of the soil/oil mixture is less than 6, additional lime shall be incorporated to increase pH above 6; and
 - C) tilled to a depth of at least 4 inches but no greater than 12 inches to create a soil and crude oil mixture that contains less than 5% total petroleum hydrocarbon (TPH) following the completion of the initial tilling; and
 - D) watered to maintain soil moisture sufficient to promote plant growth (if extremely dry soil conditions exist); and
 - E) stabilized to minimize erosion and run-off of stormwater to prevent violation of applicable water quality standards.
 - F) If the soil in the affected area is frozen or previously saturated due to rain or snow melt, prohibiting compliance with sub-paragraphs (A) thru (E) above, the Permit Holder shall stabilize the area to prevent any surface run-off of crude oil from leaving the affected area until conditions permit compliance with sub-paragraphs (A) thru (E) above.
 - G) The soil affected by the spill must contain less than 1% TPH within 12 months after the date of the spill.
 - H) The Director may require additional remediation action to be taken by the operator, which may include flushing of the area with freshwater (which shall be collected and disposed in a UIC Class II well), the addition of organic material (e.g., peat moss, straw), chemical treatment, additional disking of the soil or soil and absorbent material removal if the soil and/or absorbent material within the spill area cannot meet the TPH standard specified in sub-paragraph (c)(4)(C) above.

- I) Contaminated soils removed from the site for off-site disposal shall be disposed of at an Arkansas Department of Environmental Quality permitted landfill permitted to receive such waste other ADEQ permitted surface waste treatment or disposal facility or as required by applicable state law or regulation.
- 5) If a spill enters a public road ditch, visible crude oil-contaminated soil shall be removed from the roadside ditch and:
- A) removed from the site in accordance with sub-paragraph (c)(4)(I) above; or
 - B) incorporated into the non-road ditch area of the spill and remediated in accordance with sub-paragraph (c)(4)(A) thru (E) above.
- 6) The Permit Holder shall be required to submit on request, or within 15 days after the spill occurred, on a form prescribed by the Director, the following information:
- A) a topographic map showing the areal extent of the spill and the proximity of surface waters;
 - B) the type of soil and current land use;
 - C) the TPH content in the spill area;
 - D) explanation of the cause of the spill, and planned efforts to prevent and minimize the effects of future spills at the site.
 - E) Additional reports are required each 90 days until the spill remediation is completed and approved by the Director.
- 7) The Commission after notice and hearing shall have the authority to amend the above remediation methodology, or approve alternative remediation methodologies if those methods achieve the same or higher standard of spill remediation.

d) Produced Water Spill Remediation Requirements

- 1) All spills of produced water, which occur after the effective date of this rule, from wells, flowlines, pits, tanks or containment dikes, shall immediately, but not more than 24 hours be contained using earthen dikes and other containment measures to minimize the amount of area affected by the spill.

- 2) All impounded produced water shall be picked up and removed from the site for disposal into an approved Class II UIC well, or recycled through the Permit Holder's production process.
 - 3) The affected area shall be limed with at least 50 lbs. of agricultural grade lime per 100 square feet of affected area and tilled to a depth of at least 4 inches.
- 4) Based on the quantity and areal extent of the produced water spill, the proximity of the spill area to surface water features, the nature of the soil and land use of the area and any impact to public safety, the Director may require additional remediation action to be taken by the Permit Holder. These additional actions may include flushing of the area with freshwater (which shall be collected and disposed in a permitted Class II well), the addition of organic material (e.g., peat moss, hay, straw), additional chemical treatment, additional disking the soil, or soil removal. The operator shall be required to continue these corrective actions until the spill remediation efforts are deemed complete by the Director based on site specific conditions.