

# New ND Oil Rules Would Ban Most Open Waste Pits

DALE WETZEL, Associated Press

BISMARCK, N.D. (AP) — Proposed rules for North Dakota's oil industry would ban liquid waste dumping in open pits and provide incentives for companies to list the chemicals they pump underground to break up the shale rock that produces oil.

Lynn Helms, director of North Dakota's Department of Mineral Resources, said Tuesday the regulations are needed to lessen the booming oil industry's impact on western North Dakota.

"We've got to find a way to have a lighter footprint on the environment, and (the proposed rules) lightens it up tremendously," Helms said. "It will change the face of drilling in North Dakota."

North Dakota has risen to become the nation's fourth-largest oil producer, accounting for about 6 percent of U.S. production.

The state produces more than 420,000 barrels of oil daily from more than 5,700 wells. It could have more than 25,000 wells drilled in the next several years, state forecasts say.

The Department of Mineral Resources is holding a public hearing on the rules Nov. 1. Bruce Hicks, the agency's assistant director, said the rules could take effect by April.

Helms was scheduled to brief the North Dakota Petroleum Council, an industry group, on the proposals Wednesday during the group's annual meeting in Medora, in southwestern North Dakota.

Mark Trechock, director of the Dakota Resource Council, an environmental group based in Dickinson, said he had not yet reviewed the new rules.

Ron Ness, the Petroleum Council's president, said a group of oil company technical experts would be examining the rules.

"Overall, I think we're probably headed in this direction on many of these issues," Ness said. "We'll look at them all, and see where we think there might be opportunities for improvement ... These are significant issues, and big changes."

The proposed regulations come after spring and summer flooding swamped almost 50 waste pits in western North Dakota, spreading a nasty brew of diesel fuel and drilling lubricants across nearby property.

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Seven oil companies also face federal criminal misdemeanor charges because ducks and other migratory birds were recently found dead in some open waste pits. Biologists say the birds can mistake them for ponds and become fouled with oil when they land.

The companies are to be arraigned Thursday in U.S. District Court in Bismarck. Court filings allege that 28 dead birds were discovered in uncovered waste pits operated by the companies in May and June.

The waste pits, which are usually 15 feet deep and the size of a large swimming pool, are now used to dump rock chips, drilling bit lubricants and other waste while an oil well is being drilled. Helms said about 900 open waste pits now exist.

Once drilling is finished, companies are required to pump out the liquids and bury the solid waste. State rules require that the pits be covered with netting if they are open for more than three months.

Helms said the new rules would require liquid waste to be dumped into steel tanks for later recycling or disposal. Rock chips and other solid waste may still be stored in an open pit for later burial.

They would also affect a process called hydraulic fracturing, or "fracking," which has been crucial to western North Dakota's oil development. It involves pumping water, chemicals and grit underground at high pressure to break up oil-bearing shale rock and allow the oil to flow.

If a company uses hydraulic fracturing when drilling a well, the proposed rules require companies to disclose the chemicals they use. If they are unwilling to do so, they must use an extra, high-strength steel pipe for pumping the water and chemicals underground as an additional safety measure.

About 2,700 oil wells in North Dakota have been "fracked," and Helms said about 40 percent already use the extra pipe.

"We think this offers an incentive to use it," Helms said. "There are some additional costs to using it."

Helms said the industry reaction he has heard to the proposals as "cautiously accepting," and predicted that companies would ask for more time to comply.

"There will be some complaining and some pushback," he said. "I think they're realistic and accepting of these rules changes, but they're going to ask for some things, too."

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