

Publications

Oil and Gas Alert: National Zero Discharge Pretreatment Limit Proposed for Hydraulic Fracturing Oil and Gas Extraction Wastewater Discharged to Publicly Owned Treatment Works

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On April 7, 2015, USEPA proposed a zero discharge Clean Water Act pretreatment standard for wastewater from existing or new Unconventional Oil and Gas Extraction (UOG) facilities discharged to a Publicly Owned Treatment Works (POTW). USEPA states that even though UOG wastewater (i.e., generated from hydraulic fracturing) is not currently being directly discharged to POTWs, they want no incremental change to industry practices. As a result, wastewater associated with production, field exploration, drilling, well completion, or well treatment for unconventional oil and gas extraction (e.g., drilling muds, drill cuttings, produced sand, and produced water) would be prohibited from being discharged directly into a POTW. UOG is defined as crude oil and natural gas produced by a well drilled into a low porosity, low permeability formation (including, but not limited to, shale gas, shale oil, tight gas, and tight oil). The proposed rule would provide regulatory certainty and eliminate the burden on POTWs to consider requests to accept UOG wastewater. If the rule is finalized, states would be required to implement the national categorical standards into their pretreatment programs. The proposed pretreatment standard only applies to *unconventional* oil and gas extraction facilities and not to *conventional* oil and gas extraction facilities, although USEPA has reserved a section in the proposed rule for future standards for conventional facilities.

The comment period is 60 days, making the deadline for submitting comments, June 8, 2015. A public hearing is scheduled for May 29, 2015 at 1:00 PM in the USEPA East Building, Room 1153, 1201 Constitution Avenue, NW, Washington, D.C. The proposed rulemaking is available [here](#) and the USEPA Fact Sheet is available [here](#).

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