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Oil/Gas Extraction Point Source Category/Clean Water Act: U.S. Environmental Protection Agency Federal Rule Prohibiting Discharge to Public Owned Treatment Works

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The United States Environmental Protection Agency ("EPA") published a final rule in a June 28th Federal Register Notice establishing pretreatment standards that prevent the discharge of pollutants in wastewater from onshore unconventional oil and gas extraction facilities to Public Owned Treatment Works ("POTWs"). See 81 Fed. Reg. 41845.

EPA states that the final regulation protects human health, the environment and the operational integrity of POTWs that establish such pretreatment standards.

The extraction wastewater generated by such facilities is deemed by the agency to be potentially generated in large quantities with constituents that may be potentially harmful to human health and environment. Such extraction wastewater are further stated to be atypical of POTW influent wastewater. Further, the federal agency states that such wastewater can be discharged, untreated, from the POTW to the receiving stream. Such wastewater if discharged (untreated) from the POTW to the receiving stream is stated to potentially:

- Disrupt the operation of the POTW (e.g., by inhibiting biological treatment)
- Accumulate biosolids (sewage sludge)
- Limiting biosolids beneficial use
- Facilitate the formation of harmful disinfection by-products

EPA takes the position that the information it has collected for the final rule reflects current industry practices for onshore unconventional oil and gas extraction activities. It does not believe that the final rule will impose any costs or lead to pollutant removals. Instead, the agency takes the position that the final rule will ensure that current industry best practice is maintained over time.

[A copy of the Federal Register Notice can be downloaded here.](#)