North Dakota, Montana, Wyoming, Colorado and Texas: Oil and Gas Regulations
INTRODUCTION
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– **Oil and Gas Regulatory Agencies.** The following is a brief listing of the state oil and gas regulatory agencies in each of North Dakota, Montana, Wyoming, Colorado and Texas. Web contact information is given for each agency. A description of the rules of each agency relating primarily to the environment is included.

– **Environmental Regulation.** Since many environmental rules in the various states are also the responsibility of an environmental agency, a brief description of that agency with contact information and general information on the scope of its regulatory coverage is also included.

– **Notice of Other Laws and Regulations.** Finally, the existence of other laws and regulations of oil and gas activities both state and federal are also highlighted for further reference.
North Dakota
North Dakota Oil and Gas Division

State Oil and Gas Regulatory Agency:
North Dakota Industrial Commission, Department of Mineral Resources, Oil and Gas Division;
Website:  https://www.dmr.nd.gov/oilgas/

The rules administered by the Oil and Gas Division are issued under the North Dakota Century Code and the North Dakota Administrative Code.
Oil and Gas Division (North Dakota)

Some of the important environmentally related laws and regulations administered by the Oil and Gas Division are as follows:

– ND Century Code Section 38-08-04.8: Recovery for costs of plugging; Section 38-08-04.11: Cash bond fund for plugging oil and gas wells; Section 38-11.1-06 Protection of Surface and Ground Water.

– ND Administrative Code Section 43-02-03-15 through 32: various provisions governing drilling including Section 43-02-03-19 on Reserve Pit for Drilling Mud and Section 43-02-03-19.2 on Disposal of Waste.
Oil and Gas Division (North Dakota)

- ND Administrative Code Section 43-02-03-36: Liability (for plugging wells);

- ND Administrative Code Section 43-02-03-88.1 Special Procedure for Pooling, flaring exemption, Underground Injection, Commingling, Converting Mineral Wells to freshwater Wells and Central Tank Battery or Central Production Facilities Applications

- ND Administrative Code Chapter 43-02-05: Underground Injection Control.
North Dakota Department of Health, Environmental Health Section

The North Dakota Department of Health, Environmental Health Section (website: http://www.ndhealth.gov/) is responsible for air, land, and water resources regulations in the state. It administers regulations establishing:

- Standards of Quality for Waters of the State (Ch. 33-16-02.1)
- Solid Waste Management and Land Protection (Art. 33-20); and
- Hazardous Waste Management (Art. 33-24)
Montana
Montana Board of Oil and Gas Conservation

State Oil and Gas Regulatory Agency:
The Montana Board of Oil and Gas Conservation
Website:  http://bogc.dnrc.state.mt.us/

The rules and regulations administered by the Montana Board of Oil and Gas Conservation are found in Title 36, Chapter 22 of the Administrative Rules of Montana.
Montana Board of Oil and Gas Conservation

Major sections of the rules and regulations administered by the Montana Board of Oil and Gas Conservation relating to environmental protection include:

- 36.22.1005 Drilling Waste Disposal and Surface Restoration;
- 36.22.1104 Control and Cleanup;
- 36.22.1219 Gas Waste Prohibited;
- 36.22.1227 Earthen Pits and Ponds;
- 36.22.1229 Water Injection and Gas Repressuring;
- Sub-Chapter 13 Abandonment, Plugging and Restoration
- Sub-Chapter 14 Underground Injection Control
Montana Department of Environmental Quality

The Montana Department of Environmental Quality (website: http://deq.mt.gov/default.mcpx) administers the major environmental protection laws.

Title 17 of the Administrative Rules of Montana contains the rules and regulations of the Montana Department of Environmental Quality. Relevant provisions include:

- Chapter 8 (Air Quality)
- Chapter 30 (Water Quality)
- Chapter 50 (Solid Waste Management)
- Chapter 53 (Hazardous Waste)
Wyoming
Wyoming Oil and Gas Conservation Commission

State Oil and Gas Regulatory Agency:
Wyoming Oil and Gas Conservation Commission
Website: http://wogcc.state.wy.us/

The environmental rules and regulations administered by the Wyoming Oil and Gas Conservation Commission are located primarily in Chapter 4 of its current rules and regulations.
Wyoming Oil and Gas Conservation Commission:

Relevant provisions of Chapter 4 include:

– Section 1. Pollution and Surface Damage (application to construct pits, permits to apply RCRA-exempt wastes on roads and related provisions);
– Section 3. Accidents, Spills and Fires;
– Section 5. Underground Disposal of Water;
– Section 7. Waterflooding and Other Recovery Operations;
– Section 8. Casing and cementing Injection Wells;
– Section 14. Open Pit Storage of Oil.
The Wyoming Department of Environmental Quality (website: http://deq.state.wy.us/) administers the general environmental protection laws of the state through the following divisions as to air, waste and water:

– Air Quality Division
– Solid and Hazardous Waste Division
– Water Quality Division
Colorado
Colorado Oil and Gas Conservation Commission

State Oil and Gas Regulatory Agency:
Colorado Oil and Gas Conservation Commission.
Website: http://cogcc.state.co.us/

The rules and regulations of the Colorado Oil and Gas Conservation Commission are its Complete Rules (100-1200 Series).
Colorado Oil and Gas Conservation Commission

The rules of the Colorado Oil and Gas Conservation Commission governing environmental matters include the following in the 300 series, the 700 series and the 900 series of the regulations:

- Pollution (Rule 324A)
- Exempt Aquifers (Rule 324B)
- Underground Disposal of Water (Rule 325)
- Financial Assurance and Oil and Gas Conservation and Environmental Response Fund (700 Series)
Colorado Oil and Gas Conservation Commission

– Pit Permitting/Reporting Requirements (Rule 903)
– Drilling Fluids, recycling and reuse, treatment and disposal (Rule 907d.).
– Oily Wastes (Rule 907e).
– Centralized E&P Waste Management Facilities (Rule 908);
– Concentrations and Sampling for Soil and Ground Water (Rule 910 and Table 910-1);
The Colorado Department of Public Health and Environment (website: http://www.cdphe.state.co.us/) administers air, water and waste requirements that must be followed by oil and gas industry operators. Those requirements are administered through the following divisions:

- Air Pollution Control Division
- Water Quality Control Division
- Hazardous Materials and Waste Management Division
TEXAS
Railroad Commission of Texas

State Oil and Gas Regulatory Agency:
Railroad Commission of Texas, Oil and Gas Division
website:  http://www.rrc.state.tx.us/

The Railroad Commission of Texas administers oil and gas exploration, development, and production operations in the State of Texas. The rules and regulations of the Railroad Commission of Texas are found at Title 16 (Economic Regulation), Part 1, Chapters 1 through 20 of the Texas Administrative Code.
Railroad Commission of Texas

Chapters 3 and 4 of the rules administered by the Railroad Commission of Texas contain address environmental provisions.

Important rules in Chapter 3:
- Rule §3.8 (Water Protection)
- Rule §3.9 (Disposal Wells)
- Rule §3.14 (Plugging)
- Rule §3.46 (Fluid Injection into Productive Reservoirs)
- Rule §3.98 (Standards for Management of Hazardous Oil and Gas Waste)
Important rules in Chapter 4:
- Subchapter B, Commercial Recycling
- Subchapter D, Railroad Commission of Texas Voluntary Cleanup Program
- Subchapter F, Oil and Gas NORM (Naturally Occurring Radioactive Material)
Texas Commission on Environmental Quality

Memorandum of Understanding

– The Railroad Commission of Texas and the Texas Commission on Environmental Quality (http://www.tceq.state.tx.us/) share defined areas of jurisdiction over oil field wastes generated in connection with oil and gas exploration, development, and production.

– The Memorandum of Understanding may be found at Title 16, Part 1, Chapter 3, § 3.30 of the Texas Administrative Code.
Other Laws and Regulations
Other Laws and Regulations

Other laws and regulations are also applicable to oil and gas operations in each of the states and include:

– State environmental laws;
– Federal environmental laws; and
– Regulations of other Federal agencies such as the Bureau of Land Management.
Other Laws and Regulations

As an example, the list of Federal environmental laws that might be applicable includes:

– Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601-9675 (CERCLA);

– Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq. (RCRA);

– Oil Pollution Act, 33 U.S.C. § 2701 et seq. (OPA);

– Clean Water Act, 33 U.S.C. §1251-1387 (CWA);
Other Laws and Regulations

- Clean Air Act, 42 U.S.C. §7401 et seq. (CAA);
- Safe Drinking Water Act, 42 U.S.C. §300f (SDWA);
- Emergency Planning and Community Right-to-Know Act (EPCRA); 42 U.S.C. §11001 et seq. (EPCRA);
- Migratory Bird Treaty Act, 16 U.S.C. §§703 – 712 (MBTA); and
Conclusion
Conclusion

– The purpose of the summary just presented is to give a general idea of the regulatory framework for each state.

– The summary does not cover all state and federal regulations that might apply to oil and gas operations in each of the 5 states reviewed.

– Please advise if additional information is needed.
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