

NOTICE OF INTENT
Department of Natural Resources
Office of Conservation

Altrnate Source Wells
(LAC 43:XIX.Chapter 8)

The Department of Natural Resources, Office of Conservation proposes to amend LAC 43:XIX, Subpart 1 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The proposed amendment is to condense rules and procedures from several departments and locations to provide a single location for a comprehensive compilation of procedural requirements for permitting, construction, operation, maintenance, plugging and abandonment of alternative source wells installed for production of subsurface water containing greater than 10,000 mg/l total dissolved solids (TDS).

Title 43
NATURAL RESOURCES

Part XIX. Office of Conservation—General Operations
Subpart 1. Statewide Order No. 29-B
Chapter 8. Alternative Source Well Requirements

§801. Purpose

A. The purpose of this Chapter is to provide a comprehensive compilation of procedural requirements for permitting, construction, operation, maintenance, plugging and abandonment of alternative source wells installed for production of subsurface water containing greater than 10,000 mg/l total dissolved solids (TDS).

§803. Applicability

A. The procedural requirements herein are intended for alternative source wells installed to produce water from water-bearing strata other than ground water aquifers, underground sources of drinking water (USDW's), or at depths or locations within ground water aquifers containing water greater than 10,000 mg/l TDS. Specific procedures are provided for the installation of alternative source wells with well screens installed in strata that is hydraulically connected and in communication with a ground water aquifer or USDW, and for installations not hydraulically connected and in communication with a ground water aquifer or USDW. All other water wells installed to produce water from ground water aquifers or USDW's must comply with the notification, construction and registration requirements of LAC 43:VI.Subpart 1.Chapter 1 and LAC 56:Part I, as applicable. In the event a well is permitted and installed pursuant to this Chapter and, after well completion, analytical results of water withdrawn from the well are below 10,000 mg/l TDS, the requirements of this Chapter shall remain in effect throughout the life of the well. Nothing in this Chapter shall supersede, eliminate or alter operator responsibilities to comply with applicable Louisiana Mineral Code and/or other applicable requirements of LAC 43:XIX.Subpart 1 (Statewide Order No. 29-B).

§ 805. Definitions

A. Glossary of Terms

Agent—the commissioner, the director of the Engineering Division, any of the district managers, or any other designee.

Aquifer—for purposes of this Chapter, a ground water bearing stratum of permeable rock, sand, or gravel.

Ground Water—for purposes of this Chapter, water suitable for any beneficial purpose percolating below the earth's surface which contains less than 10,000 mg/l total dissolved solids.

Department—the Department of Natural Resources, Office of Conservation of the state of Louisiana

District Manager—the head of any one of the districts of the State under the Office of Conservation, Engineering Division, and as used, refers specifically to the manager within whose district the well or wells are located.

LAC—Louisiana Administrative Code.

Mg/l—milligrams per liter.

TDS—total dissolved solids.

Alternative Source Well (ASW)—a well that produces water from a water-bearing stratum other than a ground water aquifer, underground source of drinking water (USDW's), or at a depth or location within a ground water aquifer containing water greater than 10,000 mg/l TDS.

ASW-Type A—an alternative source well with a well screen installed in stratum that is not hydraulically connected and not in communication with a ground water aquifer or USDW.

ASW-Type B—an alternative source well with a well screen installed in stratum that is below the base of the USDW but is hydraulically connected and in communication with a ground water aquifer or USDW, or at a depth or location within a ground water aquifer containing water greater than 10,000 mg/l TDS.

Rework or Reworking—rehabilitation or modification of an alternative source well to increase its efficiency, restore its capacity, and/or improve its water quality. Methods of reworking alternative source wells include, but are not limited to removing and replacing the screen, regravelling the screen, placing a new screen within the old screen, placing a liner pipe within the old casing or redeveloping a well by surging, acidizing, jetting, etc.

Water Well—any well drilled or constructed for the principal purpose of producing ground water.

Water Well Contractor—a licensed contractor who drills all ground water wells, test and pilot holes, monitoring well, observation wells, heat pump wells and holes, and geotechnical boreholes, and/or plugging and abandoning wells or holes, excluding oil and gas wells.

Underground Source(s) of Drinking Water (USDW or USDW's)—water which contains a sufficient quantity of ground water to supply a public water system, currently supplies drinking water for human consumption or contains fewer than 10,000 mg/l total dissolved solids.

§ 807. General Requirements

A. All ASW's shall be permitted, constructed, maintained and plugged and abandoned in accordance with the requirements of this Chapter.

§ 809. Application to Drill

A. The drilling permit application requirements included in this section shall apply to all Type A and B ASW's.

B. All applications for permits to drill alternative source wells shall be made on Form MD-10-R or revisions thereof, and mailed or delivered to the district office with one copy mailed or delivered to the Department's Environmental Division. These applications, in duplicate, shall be accompanied by three copies of the location plat, preferably drawn to a scale of 1000 feet to the inch. The plats shall definitely show the amount and location of the acreage with reference to quarter-section corners, or other established survey points. There shall also be shown all pertinent lease and property lines, leases, offset wells, and the location and distance from the well to the nearest shoulder of any Interstate highway within the boundaries of the plat. Plats must have well locations certifications either written on or attached to the well location plats and this certification must be signed by a registered civil engineer, qualified surveyor or a qualified engineer regularly employed by the applicant. If possible the application card shall give the name and address of the drilling contractor, otherwise the information, as soon as determined, shall be supplied by letter to the district manager.

1. Applicants that receive a drilling permit for an alternative source well located within 1,000 feet of an Interstate highway shall furnish a copy of the approved drilling permit and the certified location plat to the appropriate state and local authorities, including all emergency responders.

C. No alternative source well shall be drilled, nor shall the drilling of such well be commenced, before a permit for such well has been issued by the Office of Conservation; furthermore, any work, such as digging pits, erecting buildings, derricks, etc., which the operator may do or have done, will be done at his own risk and with the full understanding that the Office of Conservation may find it necessary to change the location or deny the permit because of the rules and regulations applying in that instance.

D. No alternative source well shall commence drilling below the surface casing until a sign has been posted on the derrick, and subsequently on the well, showing the operator of record of the well, name of lease, section, township, range, and the serial number under which the permit was issued. The obligation to maintain a legible sign remains until abandonment.

E. In order to make the designation of the well, as referred to above, more uniform throughout the state, and thus to facilitate the handling of all matters relative to any particular well, wells shall be named in accordance with LAC 43:XIX.103.E.

§ 811. ASW-Type B Notification Requirements

A. In addition to the drilling permit application requirements of LAC 43:XIX.809 above, Type B ASW

operators must with comply with the following notification requirements.

1. Operators proposing to install Type B ASW's must provide to the Department's Environmental Division at least 90 days prior to well installation scientifically sound and objective information from a Louisiana licensed professional engineer or geologist certifying and definitively demonstrating that proposed water production from such wells will only yield water containing greater than 10,000 mg/l TDS.

2. In the absence of satisfactory information verifying compliance with LAC 43:XIX.811.A above, prior to, or after installation and/or operation of a Type B ASW, the Type B ASW operator shall provide to the Department's Environmental Division a properly completed Water Well Notification Form (Form GWR-01) at least 60 days prior to well installation if not already installed, otherwise as required by the Department, for review and imposition of any restrictions or other action deemed necessary by the Department pursuant to LAC 43:VI.705 and LAC 43:VI.707.

§ 813. All Other Applications

A. All applications for permits to rework, repair (except ordinary maintenance operations), abandon (plug and abandon), acidize, deepen, perforate, perforate and squeeze, plug (plug back), plug and perforate, plug back and side-track, plug and squeeze, pull casing, side-track, squeeze, squeeze and perforate, workover, cement casing or liner as workover feature, or when a well is to be killed or directionally drilled, shall be made to the district office on Form DM-4R, as revised or replaced, and a proper permit shall be received from the district manager before work is started. Upon permit approval and prior to performing any permitted work activities, the well operator shall provide written notification of the permitted activity to the Department's Environmental Division. A description of the work done under the above cited work permits shall be furnished on the reverse side of the Well History and Work Resume Report (Form WH), which form shall be filed with the Department's district office in which the well is located within 20 days after the permitted work activity is completed. At least 12 hours prior notice of the proposed operations shall be given the district manager and/or an offset operator in order that one of them may witness the work. If the district manager fails to appear within 12 hours, the work may be witnessed by the offset operator, but failing in this, the work need not be held up longer than 12 hours. This rule shall not deter an operator from taking immediate action in an emergency to prevent damage.

B. When a service company, other than the drilling contractor, cements, perforates or acidizes, either before or after completion of an alternative source well, the service company shall furnish the district manager with legible exact copies of reports furnished the owner of the well.

§ 815. Financial Security

A. Unless otherwise provided by the statutes, rules and regulations of the office of conservation, financial security shall be required by the operator of record (operator) of an alternative source well pursuant to LAC 43:XIX.104.

§ 817. Records

A. Electrical logs, when run, shall be submitted in an electronic format to the Office of Conservation in accordance with LAC 43:XIX.107.

B. At the request of the commissioner or his agent, the district office shall be supplied with available field maps showing lease lines and well locations for all producing areas within the district pursuant to LAC 43:XIX.107.A.

C. A properly completed Well History and Work Resume Report (Form WH) shall be timely filed with the district office in which the alternative source well is located within 20 days after completion of the well. This report shall be filed on forms furnished by the Department or on like forms as reproduced by the operator. Upon filing of Form WH, the well operator shall provide written notification to the Department's Environmental Division to inform of well completion.

§ 819. Construction, Operation and Maintenance

A. All alternative source wells shall be constructed, operated and maintained in a safe and environmentally protective manner at all times in accordance with the casing requirements of LAC 43:XIX.109, diverter systems and blowout preventer requirements of LAC 43:XIX.111, casing head requirements of LAC 43:XIX.113, and at the discretion of the district manager.

B. Each alternative source well operator shall so conduct his operations and maintain his equipment as to reduce to a minimum the danger of explosion or fire and consequent waste, and implement all applicable requirements of LAC 43:XIX.115.

C. The inspectors and engineers of the Office of Conservation shall have access to the mud records of any drilling well, except those records which pertain to special muds and special work with respect to patentable rights, and shall be allowed to conduct any essential test or tests on the mud used in the drilling of a well. When the conditions and tests indicate a need for a change in the mud or drilling fluid program in order to insure proper control of the well, the district manager shall require the operator or company to use due diligence in correcting any objectionable conditions.

D. The district manager shall be notified immediately by the new operator whenever a change of operator occurs. This must be accomplished by submitting Office of Conservation Form MD-10-RA (application for amended permit to drill for minerals) to reflect the new operator. Upon filing of Form MD-10-RA, the well operator shall provide written notification to the Department's Environmental Division to inform of the change of operator.

§ 821. Plugging and Abandonment

A. Plugging and abandonment of all alternative source wells shall be conducted in a safe and environmentally protective manner in accordance with the applicable plugging and abandonment requirements of LAC 43:XIX.137 and at the discretion of the district manager.

B. The responsibility of plugging any well over which the commissioner of conservation has jurisdiction shall be the owner(s) of record.

1. In the event any owner(s) responsible for plugging any well fails to do so, and after a diligent effort has been

made by the department to have said well plugged, the commissioner may call a public hearing to show cause why said well was not plugged.

2. The commissioner or his agent may require the posting of a reasonable bond with good and sufficient surety in order to secure the performance of the work of proper abandonment.

3. The district manager shall be notified immediately by the new operator whenever a change of operator occurs. This must be accomplished by submitting Office of Conservation Form MD-10-RA (application for amended permit to drill for minerals) to reflect the new operator. Upon filing of Form MD-10-RA, the well operator shall provide written notification to the Department's Environmental Division to inform of the change of operator.

C. Plugging Procedures

1. Notification of intention to plug any well or wells over which the commissioner of conservation has jurisdiction, shall be given to the appropriate district manager prior to the plugging thereof. Notification shall be made in writing to the district office in the form of a work permit (Form DM-4 Rev.) for which an original and three copies are required. Where plugging involves a well with a rig on location, the district manager may grant verbal approval to plug and abandon the well provided the work permit is subsequently submitted. Any operator who fails to comply with this requirement may be required by the district manager to place additional cement plug(s) and/or prove the plug(s) are placed as the operator states they are.

2. Once an operator has been issued a work permit to plug and abandon a well by the appropriate district manager, then said operator shall be required to contact the appropriate inspector a minimum of 12 hours prior to beginning the plugging operations. During drilling and/or workover operations, the requirement to contact the appropriate inspector a minimum of 12 hours prior to beginning the plugging operations shall be waived at the time verbal notification is made to the district office.

3. In plugging wells, it is essential that all oil or gas and ground water bearing formations be protected pursuant to LAC 43:XIX.137.F.3.

4. Upon plugging any well for any cause, a complete record thereof shall be made out, duly verified and filed in triplicate on Form P&A and Form WH-1 in the district office within 20 days after the plugging of such well. A cementing report shall be filed with the plugging report. Upon filing of Form P&A, the well operator shall provide written notification to the Department's Environmental Division to inform of completion of well plugging and abandonment.

D. Well to be Used for Fresh Water. When the well to be plugged may be safely used as a fresh-water well and the owner or owners of the well have, by a mutual written agreement with the landowner, agreed to turn the well over to the landowner for that purpose, then the well need not be filled above the plug set below the fresh-water formation; provided, however, that the signed agreement or (if recorded in the public records) a certified copy thereof be filed with the appropriate district manager, which shall relieve the owner or owners who turn the well over to the landowner

from responsibility above the plug. The plugging report shall indicate that the well has been or will be converted to a fresh water well. The well operator shall provide written notification of intent to use the well for production of fresh water in accordance with the Ground Water Management requirements of LAC 43:VI.Subpart 1 and maintain compliance with the same.

E. Temporary Abandonment of Drilling Wells. Any drilling well which is to be temporarily abandoned and the rig moved away, shall be mudded and cemented as it would be for permanent abandonment, except a cement plug at the surface may be omitted.

§ 823. Exceptions and Hearings

A. If any operator can show to the commissioner that the drilling and producing methods herein prescribed or the particular method by him prescribed for securing tests of wells, or any other part of this Order, as applies to his well or wells, result in waste or as to such operator are unreasonable, the commissioner may enter such an order, as a special exception to the aforesaid rules and regulations, as will prevent such waste or eliminate such unreasonable restraint, as may result from the application of the aforesaid rules and regulations to the well or wells of such operators; provided, however, that before any operator shall be allowed the benefit of an order granting an exception as authorized by this Section, such operator must establish that such exception, if granted, will not result in waste in the field as a whole or give him an inequitable and unfair advantage over another operator or other operators in the field. No special exception will be granted except upon written application, fully stating the alleged facts, which shall be the subject of a hearing to be held not earlier than 10 days after filing of the application. Prior to the hearing upon such application, at least 10 days notice thereof shall be given by publication to all operators in the field. In addition to said notice by publication, adjacent operators where appropriate may be given at least 10 days notice of said hearing by personal service, or by registered mail.

§ 825. Application of Special Field Orders

A. This order shall be cumulative of, and in addition to, all special orders, rules and regulations affecting the drilling and production of alternative source wells, as heretofore promulgated. In case of any conflict between this order and the special orders on specific fields, said special orders on specific fields shall govern.

§ 827. Drilling Alternative Source Wells

A. The possession of a Louisiana Water Well Contractor's License is not required for the installation of alternative source wells. Drillers of alternative source wells shall have the professional knowledge and expertise to successfully complete all aspects of installation of alternative source wells in a safe and environmentally protective manner in accordance with the requirements of this chapter.

§ 829. Reporting Volumes of Source Water Produced

A. All volumes of water produced from an alternative source well being used for hydraulic fracture stimulation purposes shall be recorded on Form WH-1 Supplemental Page 3 in accordance with LAC 43:XIX.118.

B. The alternative source well shall be identified by the serial number and recorded on Form WH-1 Supplemental Page 3 under "OTHER WATER SOURCE."

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR ?? (Month Year).

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested parties will be afforded the opportunity to submit data, views, or arguments, in writing. Written comments will be accepted by hand delivery or USPS only, until 4 p.m., February 10, 2019, at Office of Conservation, Environmental Division, P.O. Box 94275, Baton Rouge, LA 70804-9275; or Office of Conservation, Environmental Division, 617 North Third Street, Room 830, Baton Rouge, LA 70802. Reference Docket No. R A 2019-01. All inquiries should be directed to Gary Snellgrove at the above addresses or by phone to (225) 342-7222. No preamble was prepared.

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Alternative Source Well Requirements

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes are not anticipated to have a direct material effect on state or local governmental expenditures. The proposed rule changes consolidate and condense the rules and procedures from several Office of Conservation (OC) departments that are found in different locations into a single location for a comprehensive compilation of procedural requirements for permitting, construction, operation, maintenance, plugging, and abandonment of alternative source wells installed for production of subsurface water containing greater than 10,000 mg/l total dissolved solids (TDS).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will have no effect on revenue collections of state or local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs to directly affected persons or nongovernmental groups. It will provide drillers of wells producing water containing more than 10,000 mg/l total dissolved solids with one comprehensive and succinct set of procedures. The proposed rule changes may reduce the time needed to contact various agency staff to gather together all applicable requirements for permitting, operating and plugging these types of wells.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to have any impact on competition or employment.

Richard P. Ieyoub
Commissioner

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Staff Director
Legislative Fiscal Office