

BEFORE THE OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF WYOMING

IN THE MATTER OF A HEARING BROUGHT ON BY)
THE APPLICATION OF ENCORE GREEN) ORDER NO. 1
ENVIRONMENTAL FOR AN ORDER FROM THE) DOCKET NO. 6183-2019
COMMISSION APPROVING APPLICANT'S METHOD)
OF WASTE WATER TREATMENT IN THE STATE)
OF WYOMING)

APPEARANCES:

ENCORE GREEN Seth Frentheway
 Lou Harmon
 Marvin Nash
 Neal Fehringer
 Mark Wilson (phone)

STATE OF WYOMING Kate Helm
 Tom Kropatsch
 Joe Scott

REPORT OF THE EXAMINER

The above captioned matter came on regularly for hearing before Kate Helm, Joe Scott, and Tom Kropatsch duly appointed hearing examiners of the Wyoming Oil and Gas Conservation Commission at 8:30 A.M. on October 7, 2019, in the office of the State Oil and Gas Supervisor, 2211 King Boulevard, Casper, Wyoming, after due and legal notice was given as required by law and as required by the Rules and Regulations of the Commission.

Having reviewed written evidence from Encore Green Environmental(Encore Green)the examiners proceeded to hear statements of the applicant and consider the documentary evidence offered at the hearing, and after review of pertinent information, the examiner makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Encore Green has requested permission to treat flow back and produced water in the State of Wyoming. Commission approval of such waste water treatment is required by the Commission Rules found in Chapter 4, Section 1.

2. Commission Rules in Chapter 4, Section 1, prohibit the use of a dispersant, wetting agent, surface reduction agent, surfactant or other chemicals that destroys, removes, or reduces the fluid seal of a pit and allows the fluid contained therein to seep, drain, or percolate into the soil underlying the pit. The Encore Green process will not violate this section of the Commission Rules found in Chapter 4, Section 1.

3. Chemicals to be used in the treatment process will be approved by the Commission prior to use by Encore Green.

4. The Encore Green process as set out in the application can be approved and is limited to the process outlined in their application. In summary, Encore Green proposes to use chemical treatment, vapor compression / crystallization, dewatering & filtration to treat flow back and produced water.

5. No one appeared to protest the Encore Green application to treat waste water.

CONCLUSIONS OF LAW

1. Due and legally sufficient notice of time, place and purpose of this hearing has been afforded to all interested parties in all respects as required by law.

2. The Commission has jurisdiction over the matter embraced herein and over all interested parties, and has jurisdiction to make and promulgate the order hereinafter set forth.

3. This hearing was conducted in accordance with the Commission Rules found in Chapter 5, Sections 10, 12, and 13

and §30-5-105, Wyoming Statutes governing hearings conducted by examiners.

ORDER

IT IS THEREFORE HEREBY ORDERED BY THE COMMISSION that Encore Green be permitted to treat flow back and produced water in Wyoming using chemical treatment, vapor compression / crystallization, dewatering & filtration as long as the following conditions are met:

1. The Commission staff shall be notified at least 7 days before any treatment on each project commences. Notification to the Commission shall include, at a minimum, any subcontractor(s) to be used to conduct the treatment, location details (API number if at well site or other site location information), expected total volume of water to be treated or monthly volume if treatment is ongoing, proposed end use of the water post-treatment, a site illustration detailing the treatment process and flow diagram, and a copy of any Wyoming Department of Environmental Quality (WDEQ) permit issued, if necessary, to Encore Green for post-treatment water use.

2. No chemicals which may compromise the integrity or hydraulic seal of the bottom of the pit may be added. Encore Green shall inform the Commission of all chemicals to be used in the water treatment process.

3. All chemicals used in the treatment shall be reported to the Commission. If those chemicals have already be reported as part of subcontractor process approval, they do not need to be reported for each project.

4. A pre-treatment and post-treatment laboratory report of the water treated at each location shall be submitted prior to re-use of any of the treated water. The constituents to be analyzed will be determined on a per project basis based on specific project details, including the proposed post-

treatment use. If the treatment is ongoing, the Commission will determine the frequency of pre and post-treatment sampling to be required at the time of project notification from Encore Green. If treated water is to be land applied, surface discharged, or any other post-treatment use regulated by the WDEQ is the proposed re-use method, said laboratory analytical report must include at a minimum those parameters set forth in each individual permit issued by the WDEQ. A copy of the WDEQ permit shall be submitted to the Commission with Encore Green's notification as specified in part 1 above. The Commission must approve the requested use of the treated water prior to its re-use, following review of the analytical data.

5. All waste material generated by the process and any treated water not approved for re-use or not fully re-used must be disposed in an approved disposal facility. The Commission must be notified and approve of the action prior to disposal.

6. A report of operation of each treatment must be submitted to the Commission within sixty (60) days of completion of the treatment or at a frequency to be determined by the Commission for ongoing treatments. This report should include another copy of the laboratory analytical data, treatment volumes, volume and location where water was re-used, and volume and location of any waste and un-used treated water which was simply disposed, if applicable.

7. Subcontractors to Encore Green who will be conducting actual water treatment must be pre-approved by the Commission. Subcontractors identified for use by Encore Green must submit required information regarding treatment processes and chemicals to the Commission. The Commission will review the information and administratively approve the subcontractors.

8. All waste materials including those contaminated with heavy metals and hazardous materials must be properly and legally disposed according to existing Rules and Regulations. Encore Green shall report the disposal methods, volumes and locations to the Commission.

9. Hazardous waste pit treatments are excluded from this Order.

10. The applicant shall comply with the applicable portions of Chapter 4, Section 1 of the Commission's Rules.

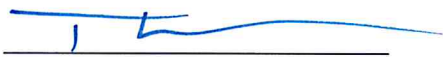
IT IS HEREBY FURTHER ORDERED that this approval is valid through October, 2020, at which time the Commission shall review its Order and may extend, modify, withdraw its approval or take such additional action in this matter, if any, as the Commission deems necessary and proper. Encore Green, as the original applicant, shall present at said review a complete list of all waste water treatments conducted in Wyoming, which shall indicate the operator, location, date of treatment, and method of treatment for the period.

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IT IS HEREBY FURTHER ORDERED THAT THE COMMISSION shall retain jurisdiction to take such additional action in this matter, if any, as the Commission deems necessary and proper.

DATED this 11th day of February, 2020

WYOMING OIL AND GAS
CONSERVATION COMMISSION

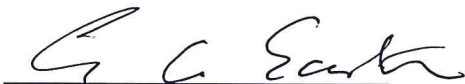


Mr. Tom Kropatsch
Examiner



Ms. Jenifer Scoggin
Acting Chairman-Commissioner

Approved as to form:



Mr. Eric A. Easton
Sr. Assistant Attorney General
WSB 5-2176