

LEGAL UPDATES

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EPA Announces Schedule to Develop Wastewater Standards Applicable to Natural Gas Production Activities

Late last week, the U.S. Environmental Protection Agency (EPA) announced a schedule to develop standards for wastewater discharges produced by natural gas extraction from underground coalbed and shale formations. This announcement is part of the effluent guidelines program, which sets national standards for industrial wastewater discharges based on best available technologies that are economically achievable.

The EPA explained that domestic natural gas production from shale formations has grown from a negligible amount just a few years ago to almost 15 percent of total U.S. natural gas production and is expected to triple in the coming decades. As a result, the EPA expressed concern over how to properly dispose of the significant amount of wastewater associated with shale gas extraction, including wastewater that is often transported to treatment plants without pre-treatment. The EPA will consider standards based on demonstrated, economically achievable technologies for shale gas wastewater that must be met before shipment to a treatment facility.

For wastewater disposal standards associated with extraction from coalbed methane, the EPA will consider uniform national standards based on economically achievable technologies. The EPA indicated that it will gather data, consult with stakeholders, including the natural gas production sector, and solicit public comment on a proposed wastewater disposal rule for coalbed methane in 2013 and for shale gas in 2014. The EPA will also examine potential cost-effective steps to pre-treat wastewater based on practices and technologies that are already available and being deployed or tested by industry to reduce pollutants in these discharges.

More information can be found at <http://water.epa.gov/lawsregs/lawsguidance/cwa/304m/>.

What This Means to You

Companies involved in the production of natural gas from coalbed or shale formations are advised to take note of the proposed rulemakings associated with wastewater disposal standards and prepare to participate in and comply with the resultant rulemaking.

Contact Info

For additional information concerning this or any other energy-related issue, please contact your Husch Blackwell attorney or a member of the firm's Energy practice.

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