



## **North Dakota's New Pit Requirements and Hydraulic Fracturing ("HF") Regulation to Be Effective April 1, 2012**

**By:** [Heidi Hande](#)

On January 23, 2012, the North Dakota Industrial Commission – Oil and Gas Division ("NDIC") issued Order No. 18123 in Case No. 15869 adopting new rules and revisions to existing rules regarding new pit requirements and HF, among other issues. Though originally proposed N.D.C.C. section 43-02-03-19.5 did not provide an express exception allowing reserve pits for Bakken and Three Forks wells, in response to Industry comment and direction from North Dakota's Governor Jack Dalrymple, a clarification was added wherein reserve pits can be requested for wells drilled to depths greater than 5000 feet if they utilize low sodium content water based mud systems. New N.D.C.C. section 43-02-03-27.1 regarding HF was added. Owners, operators or service companies must report within 60 days of performing the hydraulic fracture stimulation to the FracFocus.org website. The revisions will go into effect on April 1, 2012.

Though NDIC staff assure operators that this is not the New Mexico pit rule, the revisions are projected to increase operating costs from \$200,000 to \$400,000 per well and require greater operational requirements. Specifically:

- Completion pit permits are valid for one year, and may be reauthorized;
- Freshwater pits must have signage identifying them as freshwater only on all sides accessible to vehicular traffic;
- Earthen pits and open receptacles to be lined;
- Flare pits must to be located within 150 feet from the wells and tanks;
- If drilling operations will require the reserve and circulation of the mud system through drilling pits, operators must seek a waiver from the director;

- Operators must reclaim drilling pits within 30 days, and the director may grant an extension of no more than a year for good reason;
- Operators must seek an exception from the director for any reserve pit for drilling mud and drill cuttings for wells drilled to the Bakken and Three Forks pools;
- Operators must obtain director's approval for the fill dirt for each pit constructed;
- For HF performed through a frac string run inside the intermediate casing string, a frac string must be either strung into a line or run with a packer;
- Operators must disclose all HF to FracFocus.org within 60 days of well completion; and
- Within twenty-four hours of a pressure incident during stimulation exceeding three hundred fifty pounds per square inch gage, operators must verbally notify the director and post the incident on FracFocus.org.

Please call [Heidi Hande](#) , [Relma Miller](#) or [Dante Tomassoni](#) for more information.

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