

# Alabama

## 1. Definitions

- a. Produced Water – Water brought to the surface during oil or gas well drilling, completion, and production operations, which may include formation water, injected water, and flowback water.
  - i. If your state defines the term “produced water,” please provide that definition below.  
**No definition.**
  
- b. Recycle/Reuse – To process or treat produced water or its constituent substances for beneficial use.
  - i. If your state defines the term “recycle” or “reuse,” please provide the definition(s) below.  
**No definition.**

## 2. Ownership

- a. Please describe the authority (deed, lease, contract, statute, regulation, case law, common law etc..) and include any relevant citations under which any of the following occurs.
  - i. The right to produce water during well completion and oil and gas production operations.  
**In a typical oil and gas lease used in Alabama, the owner grants to the oil company - lessee right to produce water during oil and gas operations.**
  - ii. Ownership of produced water from oil or gas wells after it has been brought to the surface.  
**Again, the oil company - lessee may use the produced water in oil and gas operations. Further, if the water has certain useful minerals in it, the oil company - lessee can use those minerals under a typical oil, gas, and mineral lease.**
  - iii. Use and/or reuse of produced water in the oilfield.  
**See ii above.**
  - iv. Use and/or reuse of produced water outside of the oilfield.

- b. Place an “x” in each box to indicate who holds the right to each of the following regarding water that has not yet been produced.

Who	Possession	Use	Other rights (please specify)
Landowner			
Operator			
Government			
Other (please specify)			

- c. Place an “x” in each box to indicate who holds the right to each of the following regarding produced water after it has been brought to the surface.

Who	Possession	Use	Other rights (please specify)
Landowner			
Operator			
Government			
Other (please specify)			

- d. Does the quality of the produced water play a role in the ownership of the water?

### 3. Liability

- a. Please provide the cite to any relevant state statute/case law/regulation regarding liability for:
- i. Produced water handling (extraction, transportation, sale, etc.).  
**The operator would be liable for damages under general negligence law.**
  - ii. Use and/or reuse of produced water in the oilfield:
    1. By the producer
    2. By a different operator
  - iii. Use and/or reuse of produced water outside of the oilfield.

#### 4. State or Provincial Regulatory Agency

- a. State or provincial agencies charged with regulating the use/reuse of produced water:

**State Oil and Gas Board; Alabama Department of Environmental**

**Contact information:**

**Alabama Department of Environmental Management**

**1400 Coliseum Blvd.**

**Montgomery, AL 36110**

**334-271-7710**

Brief summary of areas of responsibilities:

**The principal agency regulating oil and gas operations, including the production of water in connection with oil and gas operations, is the Alabama Oil and Gas Board.**

**The other Alabama agency that regulates the production and disposal of produced water is Alabama Department of Environmental Management.**

- b. Federal agencies charged with regulating the use and/or reuse of produced water: If available, please provide appropriate contact information.

**Environmental Protection Agency**

**Region 4**

**Atlanta, Georgia**

#### 5. Incentives

- a. Does your state or province have any incentives to use and/or reuse produced water in the oilfield? If so, please describe.

**No**

- b. Outside of the oilfield? If so, please describe.

**No**

#### 6. Innovations and Successes

- a. Do you have any innovative or unique approaches to addressing use and/or reuse of produced water? If so, please provide a brief description.

**N/A**

- b. Does the quality of the produced water pose impediments to recycling and reuse?

**Yes**

**7. Other Information**

- a. Please provide any additional notes or commentary below.