

# Kentucky

## 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.  
**(NOT DEFINED TO OUR KNOWLEDGE)**
  
- 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.  
**(NOT DEFINED TO OUR KNOWLEDGE.)**

## 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.  
**(KRS CHAPTER 353; OIL AND GAS STATUTES)**
  
  - ii. Ownership of produced water from oil or gas wells after it has been brought to the surface.  
**(A BYPRODUCT OF OIL AND GAS OPERATIONS, BELIEVED TO RESIDE WITH THE WELL OPERATOR. NOT RESEARCHED.)**
  
  - iii. Use and/or reuse of produced water in the oilfield.  
**UNDERGROUND ENHANCED RECOVERY INJECTION AND DISPOSAL KRS 353.591- 593; ALSO 805 KAR 1:110**

- iv. Use and/or reuse of produced water outside of the oilfield.

**Per KRS 224.50-760, oil production brines are a special waste and would be regulated under 401 KAR Chapter 45. The definition of beneficial reuse of special waste in 401 KAR 45:010 is as follows:**

**"Beneficial reuse" means the use or reuse of special wastes, other than solids, residues, and precipitate separated from or created in sewage from humans, households, or commercial establishments by the processes of a wastewater treatment plant that are subject to the provisions of 401 KAR 45:100, in a manner that complies with the environmental performance standards of 401 KAR 30:031 and all other applicable requirements of 401 KAR Chapter 45.**

- 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	<b>x</b>	<b>x</b>	
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	<b>x</b>	<b>x</b>	
Government			
Other (please specify)			

- d. Does the quality of the produced water play a role in the ownership of the water? **NOT TO OUR KNOWLEDGE.**

### 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.).  
**(EXTRACTION IS REGULATED UNDER KRS CHAPTER 353, AS A BYPRODUCT OF OIL AND GAS OPERATIONS; UIC DISPOSAL IS REGULATED BY KRS 353.591-593 & 801 KAR 1.110; TRANSPORTATION WOULD BE UNDER KY DEPT OF TRANSPORTATION COMMERCIAL VEHICLE STATUTES.)**
  - ii. Use and/or reuse of produced water in the oilfield:
    1. By the producer  
**(UNDERGROUND INJECTION FOR DISPOSAL AND FOR SECONDARY OIL RECOVERY ARE REGULATED BY KRS 353.591-593, AND 805 KAR 1.110);**
    2. By a different operator  
**(SAME AS ABOVE, REGULATED AT POINT OF INJECTION BY UIC STATUTES AND REGS.)**
  - iii. Use and/or reuse of produced water outside of the oilfield.  
**(NO CURRENT APPLICATIONS IN KY, BUT WOULD BE REGULATED UNDER KRS 224.50-760 AND 401 KAR CHAPTER 45 AS A SPECIAL WASTE)**

### 4. State or Provincial Regulatory Agency

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

**UNDERGROUND INJECTION CONTROL IS UNDER KY DIVISION OF OIL AND GAS. KIM COLLINGS UIC COORDINATOR. ( [kim.collings@ky.gov](mailto:kim.collings@ky.gov) )**  
**ANY POTENTIAL USE/REUSE OUTSIDE OF THE OILFIELD WOULD BE UNDER KY DEPT. OF ENVIRONMENTAL PROTECTION, DIVISION OF WASTE MANAGEMENT, ROBIN GREEN SUPERVISOR. ( [robinc.green@ky.gov](mailto:robinc.green@ky.gov) )**

Contact information:

Brief summary of areas of responsibilities:

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

**KY HAS UIC PRIMACY FOR THE CLASS II UIC WELL PROGRAM. EPA REGION 4  
CONTINUES TO REGULATE ALL OTHER INJECTION WELL CLASSES.**

## **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.  
**NO**
- 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.