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RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

SEPTEMBER 88

2. Oil and Gas Exclusion Applicability

A cavern beneath the earth's surface is used to store natural gas that is later consumed for home heating during winter months. Several compression stations that require movement of the natural gas are operated at ground level. A RCRA hazardous waste is generated at each compression station. Is this waste exempt from regulation as a hazardous waste?

Waste associated with and unique to the exploration, development, or production of natural gas are excluded from regulation as a hazardous waste as per 40 CFR Section 261.4(b)(5). The natural gas stored in this specific instance must be retrieved from storage in much the same manner as when it was originally produced prior to storage, and the wastes generated in both cases will be nearly identical. In EPA's "Regulatory determination for Oil and Gas and Geothermal Exploration, Development and Production Wastes," 53 FR 25446 (July 6, 1988), the Agency determined that wastes from subsurface gas storage and retrieval are exempt from hazardous waste regulation under RCRA, except for such of those wastes which are not intrinsically associated with the removal of the gas; the Regulatory Determination also lists some of these wastes. See 53 FR at 25454. In addition, wastes associated with manufacturing or transportation, including movement by pipeline off-site, are not exempt from hazardous waste regulation, nor are wastes generated at the gas storage facility that are not uniquely associated with the gas retrieval process.

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