

April 19 1983

MEMORANDUM

DATE:

SUBJECT: Subtitle C Exclusion of Drilling fluids
and Produced Waters

FROM: John H. Skinner
Director, Office of Solid Waste

TO: Kenneth D. Feigner
Chief, Waste Management Branch
F.P.A. - Region X

Your interpretation of the oil and gas waste exclusion in 40 CFR 261-4, as expressed in your February 14, 1983 memorandum to me, is the correct interpretation of the scope of that exclusion. The Agency's policy on oil and gas exploration, development, and production wastes, is the same as the policy stated in the preamble to the November 19, 1980 regulations (45 FR 76619) for mining and cement kiln dust wastes. Specifically, wastes such as spent solvents, pesticide wastes, and discarded commercial chemical products, that are not uniquely associated with the exploration, development, or production of crude oil or natural gas or geothermal energy, are not eligible for the exclusion. As you noted, a memorandum from EPA's Office of General Counsel to Region VII on September 2, 1981 confirms that policy.

Although some judgment is required to determine those wastes that are "unique" and those that are not, the interpretation in the last paragraph of your memorandum of February 14, 1982 is consistent with our policy on this issue.