

PPC 9441.1980(03)

Drilling Operations , Exemption of Certain Wastes From

OFFICE OF SOLID WASTE

SEP 4 1980

Mr. Stanley L. Zwicker
Union Oil Company of California
Union Oil Center, Box 7600
Los Angeles, California 90051

Dear Mr. Zwicker:

This is in response to your letter of August 18, 1980, in which you suggest that certain wastes from drilling operations (other than from oil, natural gas, or geothermal energy exploration) should be excluded from control as hazardous wastes. Also, you indicated you did not feel it necessary to file a notification of hazardous waste activity.

The specific exclusions cited in §261.4(b)(5) of the regulations (45 FR 33120, May 19, 1980) were included since the Congress has included such language in its pending bills (see the discussion in the preamble, 45 FR 33089). This exclusion applies only to oil, natural gas or geothermal exploration. Thus, similar wastes resulting from other operations are not specifically excluded; to the extent these other wastes exhibit any of the characteristics of hazardous waste they are included in the regulatory program.

Section 261.11 defines a generator's responsibility to determine whether his waste is hazardous. This section does not mandate testing and does allow the generator to make the determination based on knowledge of the materials and processes involved. Your decision to not notify is appropriate if made for this reason, rather than the analogy to energy exploration wastes.

If you have any questions please call Alan Corson of my staff. He may be reached at (202) 755-9187.

RO 12003

Sincerely yours,

John P. Lehman
Director
Hazardous and Industrial Waste Division (WH-565)