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The Natural Resources Defense Council (NRDC), a prominent environmental group, filed a petition with the Environmental Protection Agency (EPA) earlier this month asking it to reopen its 1988 determination that the Resource Conservation and Recovery Act (RCRA) was not appropriate for regulating oil and natural gas drilling fluids and produced waters.

The council wants the federal government to regulate the management and disposal of drilling muds and water as hazardous wastes under RCRA, which could result in the shutdown of one-third of the oil and gas wells in the nation, said Lee Fuller, vice president of government relations for the Independent Petroleum Association of America. Many wells would no longer be economic, he noted.

In 1980 Congress suspended federal regulation of oil and gas drilling fluids and produced waters under the hazardous waste program (Subtitle C) of RCRA. It directed the EPA to determine whether Subtitle C was an appropriate regulatory structure for these wastes and whether state programs were effectively controlling their environmental risks.

The EPA in 1988 determined that RCRA Subtitle C was not the right structure to regulate the wastes, and that state regulatory programs were managing the risks, Fuller said. Subtitle C of RCRA tracks the progress of hazardous wastes from their point of generation, their transport and their treatment to their disposal. The overall process is known as the "cradle to grave" system.

If the EPA should decide to reopen its 1988 determination -- and decide that the wastes should be handled under Subtitle C -- it would require congressional action to change the law, Fuller said.

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