Resource Conservation and Recovery Act
RCRA is Easy

• RCRA is basically a Tracking system with Requirements based off notifications.
• RCRA tries to maintain a system to track Hazardous Waste from Cradle to Grave
• Generator is responsible for hazardous waste from generation to disposal.
Why Is Tracking Waste So Important?

• Generator is liable
• Undocumented middle man service companies are invisible
• Regulatory knowledge of a generator's existence
• Assurance that, through tracking, any employee involved in the handling of waste is properly trained.
• Knowledge that wastes are ultimately disposed of properly and illegal disposal is avoided
• Failure to comply could result in enforcement.
Known Problems in the Oil and Gas Sector

• Lack of proper notification for facilities in Federal waters
• Undocumented shore bases and interim handler service companies
• Failure to use manifests from the point of generation
• Hazardous waste determination not made at point of generation
• Requirements of LDR not being met specifically 40 CFR 268.7
• Requirements for Training, Contingency, and Emergency Ops not met
• Storage times exceeded
• Exempt waste handling
Proper Notifications

• For Facilities on shore or in State waters a standard notification of Hazardous Waste Activity is submitted to the State.

• For Facilities in Federal Water
  • Notification requirements have been in place since the late 80’s
  • Facilities in Federal Water require unique ID #
  • ID#’s are only available for issue from USEPA Region 6
  • Prior to 2017 a unique notification form was used, these forms led to notification issues as generator status could not be claimed.
  • Post 2017 as directed by the May 2017 EPA memo all facilities will notify using the 8700-12 notification of hazardous waste activity form.
EPA Memo: Treats offshore waste just like onshore waste
Undocumented Facilities and Interim Handlers

• Through investigations EPA has learned that many shore based components in the cradle to grave process are not notifying as to hazardous waste activity.

• Some companies use a shore base as a consolidation point, many of these facilities are in operation under the regulatory radar.

• Many generators use third party service providers to conduct activities like tank washing, which have not notified about activities regulated by RCRA.

• Generators are responsible to verify a receiver before waste is sent to them.
Manifesting Requirements

• For all onshore operations Hazardous Waste must travel on a Universal Hazardous Waste Manifest (UHWM) from cradle to grave.

• Off Shore Prior to May 2017 EPA clarification, waste traveled on “other” shipping documents until it reached land.

• Off Shore Post May 2017 All Hazardous waste must travel on a UHWM and be transported by a Hazardous Waste Transporter all the way to the final disposition point.

• EPA has found that waste is still not traveling on manifests from facilities in Federal Water. This creates confusion as to the point of generation.
Hazardous Waste Determinations

- Hazardous waste determinations must occur at the point of generation.
- For offshore operations the Rig is the point of generation.
- Waste that reaches shore and is then bulked, treated or cleaned from a shipping container may require a new determination if the waste stream has been altered. This triggers regulatory requirements for the receiving facilities including manifesting.
- Most determinations made are from process knowledge, which is ok if the knowledge is accurate and documented.
Land Disposal Restrictions - Specifically: 40 CFR 268.7a

- Facilities which generate hazardous waste must determine applicable LDRs and generate a one time notice to file concerning the waste stream the first time it is shipped for disposal.

- Most facilities are not meeting the LDR determination requirements and are not maintaining the required records in the operational files.

- When asked for LDR documentation, many facilities submit LDR documentation required by the TSDF, these materials are not the same as the one time notice to file.

- One time notices to file require a hazardous waste determination to identify underlying hazardous constituents and while process knowledge can be used it must be substantiated.
Generator Requirements for Training, Contingency, and Emergencies.

• All generators regardless of location or size must provide some form of training to employees, proof of contingency planning, and maintain some form of emergency preparedness all of which specific to hazardous waste activities.

• Based upon Region 6 investigations, most generators can not document that adequate training, contingency, and emergency preparedness are in place.

• There are nuances for offshore operations, but training, contingency and emergency preparedness requirements still apply.

• Despite similarities with other rules, RCRA requirements still apply (One Plans or Integrated Contingency Plans).
Failure To Meet Permitting Exemption –

*Generators are becoming Storage Facilities*

• Maximum storage times for generators and transfer facilities are not being adhered to.

• Many facilities are turning into storage facilities based on a lack of understanding about regulations concerning accumulation amounts and storage times.

• Shore base operations should be transfer facilities or treatment, storage and disposal facilities if waste is going to be stored there. It’s important to remember that the shore base **should not** be generating much hazardous waste **unless** that waste was generated at the shore base.

• EPA has found instances where unregistered shore based facilities charge rent to generators for holding their hazardous wastes.
Exempt Waste Handling

• Exempt waste must meet the requirements of that exemption.
  • First thing asked is did it go down hole?
• EPA frequently verifies that the conditions for the exemption are met.
  • Pay attention to the mixture rule
• There are state rules that may govern exempt waste (e.g., oil and gas exploration and production) including handling and transport.
• EPA has seen instances in Louisiana where exempt waste shipments without an E&P manifest went to unauthorized facilities.
• **Remember!** Exploration and Production wastes are Hazardous Waste...They just enjoy an exemption.
Goal - Compliance

- LDEQ and EPA working with Regulated Community/LMOGA assist/promote compliance
- Welcome Input (e.g., what kind/how to)
- Offer Assistance
Thank You.

Questions?

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