

7. POLICY POSITION

STATE PRIMACY IN THE REGULATION OF OIL AND GAS EXPLORATION AND PRODUCTION WASTES

Background

Currently, oil and gas exploration and production wastes are exempt from classification as hazardous under the Resource Conservation and Recovery Act (RCRA). This exemption may be lost after the United States Environmental Protection Agency completes its study on the disposal of these wastes. While offering only insignificant environmental improvement, loss of this exemption could have an adverse impact on oil and gas exploration and production in the producing states.

When the disposal of oil and gas exploration and production wastes is conducted in accordance with existing state regulations, it does not create a significant health or environmental impact. Since oil and gas exploration and production occurs in several different states in distinct regions, regulation is best handled by the affected state to accommodate site-specific conditions and environmental considerations.

Loss of the RCRA exemption for oil field wastes would require the EPA to develop RCRA hazardous waste regulations governing the disposal of oil and gas exploration and production wastes, thereby duplicating the successful efforts of the producing states to ensure environmentally sound disposal practices.

Recommendation

Regulations governing the disposal of oil and gas exploration and production wastes within the individual states must remain the individual state's right and responsibility. Consonant with well recognized principles of federalism, the Southern Legislative Conference urges EPA to recommend to the Congress that state regulation of oil and gas exploration and production wastes continue to be exempt from federal preemption.