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United States Environmental Protection Agency  
Washington, D.C. 20460  
Office of Solid Waste and Emergency Response

September 9, 1993

MEMORANDUM

SUBJECT: Regulatory Status of Drip Gas Generated Along  
Natural Gas Transmission Pipelines

FROM: Jeffery D. Denit, Acting Director, Office of  
Solid Waste

TO: William E. Muno, Acting Director, Waste  
Management Division (H-7J) US EPA Region V

This memorandum responds to your June 9, 1993 request for assistance in a regulatory determination regarding drip gas generated along natural gas transmission pipelines. Specifically, you ask whether drip gas that is poured down the well for use as a solvent to remove paraffin buildup is a legitimate use or the disposal of a hazardous waste. Your staff has previously discussed this issue with Mitch Kidwell of my staff.

As Mr. Kidwell discussed with your staff, if the drip gas is considered a by-product, pouring the material down the well as a solvent would be considered a use constituting disposal, meaning that the drip gas would be a solid/hazardous waste. However, if the drip gas is considered a product, the use would not be regulated under RCRA. The issue then hinges on whether the drip gas is considered a by-product or a product.

Based on earlier discussions, the drip gas does not entirely fit our understanding of a commercial product (e.g., it is not intentionally produced, there are no product specifications that ensure its quality for a given use, and it is not marketed to the general public). However, since there is no specific definition for "product" in RCRA or our regulations, Regions and authorized States have discretion to look at a number of factors that bear on whether a material is a waste. Considerations that may be considered in

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making a determination include: whether it is as effective in its identified use as an alternative product, whether there are hazardous constituents in the drip gas that would not otherwise be found in an alternative solvent, and whether it is managed in a manner commensurate with a product having market value.

Therefore, if the generating company can demonstrate that the drip gas is more product-like than waste-like (explained below), a Region or authorized State could consider the use of the drip gas to be a product used in its normal manner of use. We would expect the generator to demonstrate that the drip gas:

- 1) is as effective as the alternative solvent that would otherwise be used (e.g., that the drip gas actually displaces the solvent in roughly similar amounts, such that the analogous solvent is not also used),
- 2) Contains no more hazardous constituents than would otherwise be found in the analogous product (i.e., that there are no hazardous constituents present at significantly higher levels than are found in the analogous solvent), and
- 3) is managed in a manner that is commensurate with the management of a valuable commodity (e.g., sufficient records of inventory and use are kept, no more of the drip gas is used than is necessary, and the drip gas is stored and maintained in a manner consistent with the solvent that would otherwise be purchased).

I hope this has helped to clarify whether the drip gas is subject to regulation as a hazardous waste. While there is no straightforward answer, I believe that meeting the criteria listed above should ensure that the use of the drip gas as a solvent in the wells does not constitute sham recycling, but rather is considered to be an environmentally sound use.