

<u>SUBJECT</u>		<u>DATE</u>
1320.	Treated Hazardous Waste Used as Dust Suppressant	FEB 28, 2019
1321.	Decharacterized RCRA Waste - Manifesting and LDR Reporting	ENCORE MAR 7, 2019
1322.	Decharacterized Hazardous Waste Listed Solely for Non-Toxic Characteristics	ENCORE MAR 14, 2019
1323.	Decharacterized Wastes, ≤90-Day Accumulation Time Limits and LDR Storage Prohibition	ENCORE MAR 21, 2019
1324.	Decharacterized Wastes and the LDR Dilution Prohibition	ENCORE MAR 28, 2019
1325.	PCB Decontamination Standard with No Decontamination Performed	ENCORE APR 4, 2019
1326.	PCB Manifest Relief a.k.a., When is a PCB Manifest Not Required?	ENCORE APR 11, 2019
1327.	PCB Manifest Relief a.k.a., When is a PCB Manifest Not Required? – The Sequel	ENCORE APR 18, 2019
1328.	PCB Concentrations and Micrograms per Centimeters Squared (µg/cm ²)	ENCORE APR 25, 2019
1329.	Operating Record vs. Operating Log	ENCORE MAY 2, 2019
1330.	Operating Records Not Referenced in the “Operating Record” Regulations	ENCORE MAY 9, 2019
1331.	Washington State Used Oil and Mixtures with Other Materials	ENCORE MAY 16, 2019
1332.	Used Oil Filter Regulation – The Feds vs. Washington State	ENCORE MAY 23, 2019
1333.	Printed Circuit Board Recycling – Shredded vs. Whole	ENCORE MAY 30, 2019
1334.	Universal Waste Alkaline Batteries and Self-Transportation	ENCORE JUN 6, 2019
1335.	Universal Waste Lithium Batteries and Self-Transportation	ENCORE JUN 13, 2019
1336.	RCRA Hazard Labeling – A Random Scenario	ENCORE JUN 20, 2019
1337.	Regulatory Status of Chromated, Copper, Arsenate, (CCA) Wood as Wood Mulch	ENCORE JUN 27, 2019
1338.	Unused Paraformaldehyde - U Listed Hazardous Waste or Not?	ENCORE JUL 3, 2019
1339.	The Hazardous Waste Characteristic of Reactivity (D003)	ENCORE JUL 11, 2019
1340.	Central Accumulation Areas and Signage Requirements	ENCORE JUL 18, 2019
1341.	RCRA EPA Identification Numbers – Site Specifics	ENCORE JUL 25, 2019
1342.	RCRA EPA Identification Numbers – Transporters	ENCORE AUG 1, 2019
1343.	Paint Wastes and the Applicability of the F001-F005 Listings to Ingredients	ENCORE AUG 8, 2019
1344.	F Listings and Ingredients in Commercial Chemical Product Formulations	ENCORE AUG 15, 2019
1345.	PCB Containers and ≥50 ppm	ENCORE AUG 22, 2019
1346.	CERCLA Hazardous Substances – The Petroleum Exclusion	ENCORE AUG 29, 2019

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TWO MINUTE TRAINING

TO: CH2M HILL PLATEAU REMEDIATION COMPANY

FROM: PAUL W. MARTIN, RCRA Subject Matter Expert
CHPRC Environmental Protection, Hanford, WA

SUBJECT: CERCLA HAZARDOUS SUBSTANCES – THE PETROLEUM EXCLUSION

DATE: AUGUST 29, 2019

CHPRC Projects	CH PRC - Env. Protection	MSA	Hanford Laboratories	Other Hanford Contractors	Other Hanford Contractors
Richard Austin Tania Bates Rene Catlow Richard Clinton Larry Cole Laura Cusack John Dent Lorna Dittmer Stuart Hildreth Mike Jennings Stephanie Johansen Sasa Kosjerina Melvin Lakes Richard Lipinski Stuart Mortensen Dave Richards Phil Sheely Connie Simiele Jeff Westcott	Jeff Bramson Bob Bullock Frank Carleo Bill Cox Jeanne Elkins Ryan Fischer Jonathan Fullmer Ted Hopkins Barry Lawrence Jim Leary Diane Leist Mitch Marrott Stewart McMahand Brian Mitcheltree Anthony Nagel Linda Petersen Fred Ruck Sean Sexton Dave Shea Ray Swenson Kat Thompson Wayne Toebe Eric Trotta Daniel Turlington Dave Watson	Brett Barnes Michael Carlson Mike Demiter Kip George Jerry Cammann Jeff Ehlis Garin Erickson Panfilo Gonzalez Jr. Dashia Huff Mark Kamberg Jon McKibben Saul Martinez Matt Mills Carly Nelson Michelle Oates Eric Pennala Jon Perry Christina Robison Christian Seavoy David Shaw John Skoglie Lana Strickling Greg Sullivan	(TBD) DOE RL, ORP, WIPP Mary Beth Burandt Duane Carter Al Farabee Tony McKarns	Bill Bachmann Dean Baker Scott Baker Lucinda Borneman Paul Crane Tina Crane Ron Del Mar John Dorian Mark Ellefson Darrin Faulk Rob Gregory James Hamilton Andy Hobbs Ryan Johnson Megan Lerchen Mike Lowery Michael Madison Terri Mars Cary Martin Grant McCalmant Steve Metzger Tony Miskho Tom Moon Chuck Mulkey Kirk Peterson	Dan Saueressig Joelle Moss Glen Triner Greg Varljen Julie Waddoups Jay Warwick Ted Wooley

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TWO MINUTE TRAINING

SUBJECT: CERCLA Hazardous Substances – The Petroleum Exclusion

Q: The definition of a Comprehensive, Environmental Response, Compensation and Liabilities Act (CERCLA) hazardous substance is very broad and includes substances listed in CERCLA; the Clean Water Act (CWA); the Resource Conservation and Recovery Act (RCRA); the Clean Air Act (CAA); and the Toxic Substances Control Act (TSCA). Since petroleum is one of the most widely used substances in the world, is it a CERCLA hazardous substance and if it is or is not, why?

A: Per [40 CFR 300.5](#), “Definitions” and within the definition of “Hazardous Substance”:

“The term [hazardous substance] does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance in the first sentence of this paragraph, and the term does not include natural gas, natural gas liquids, liquified natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).”

A review of the Comprehensive Environmental Response, Compensation and Liabilities Act ([CERCLA](#)), Section 101(14) which defines “hazardous substance”, revealed very similar wording:

“The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).”

Therefore, based on the definition of hazardous substance in the regulations and the act, petroleum is not a hazardous substance.

As for why it is not a hazardous substance, an [EPA Memorandum dated July 31, 1987](#) stated:

“Although the term ‘hazardous substance’ is defined by statute, there is no CERCLA definition of ‘petroleum’ and very little direct legislative history explaining the purpose or intended scope of this exclusion. None of the four early Superfund bills originally excluded responses to oil, although the apparent precursor to Section 101(14), found in S. 1480, excluded ‘petroleum’ without explanation in all versions except that introduced. The legislative debates on the final compromise indicate only that Congress intended to enact later, separate Superfund-type legislation to cover ‘oil spills.’”

So, the reasons for excluding petroleum from the hazardous substance definition are not apparent.

SUMMARY:

- The term “hazardous substance” is defined at 40 CFR 300.5 and in the CERCLA Act at Section 101(14).
- Petroleum is specifically excluded from the definition of hazardous substance.
- The reasons for the exclusion are not apparent.

Nothing is attached to the e-mail. If you have any questions, contact me at Paul_W_Martin@rl.gov or at (509) 376-6620.

FROM: Paul W. Martin

DATE: 8/29/19

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