

**From:** Partridge, George (EEC)  
**To:** [Higginbotham, Jeri \(EEC\)](#)  
**Subject:** FW: RCRA Question & Fairmont Brine Disposal  
**Date:** Wednesday, March 02, 2016 2:23:00 PM

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Jeri;

I am still struggling to understand how a processed or treated waste from a primary industry (O&G) is considered “intrinsically derived” and still meets the exemption. It goes through processing and chemicals are added to precipitate and separate the contaminants.

Hope we can continue to get some clarification regarding this.

Look forward to our ongoing discussions and dialogue with EPA.

Thank you,

George

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**From:** McKeePerez, Nancy [mailto:McKeePerez.Nancy@epa.gov]  
**Sent:** Friday, February 26, 2016 9:41 AM  
**To:** Partridge, George (EEC); Higginbotham, Jeri (EEC)  
**Cc:** Lamberth, Larry; Danois, Héctor  
**Subject:** RE: RCRA Question & Fairmont Brine Disposal

Hi George and Jeri,

In prep for today’s meeting, I’d like to share some resources:

<https://www3.epa.gov/epawaste/nonhaz/industrial/special/oil/index.htm>

And, specifically: <https://www3.epa.gov/epawaste/nonhaz/industrial/special/oil/oil-gas.pdf>

Take a look at “Scope of the Exemption”, “Exempt/Non-exempt”, “common misunderstandings”. Also take a look at (p. 22) for the definition of “uniquely associated with”.

Page 8 provides a “rule of thumb” to determine if the waste would be exempt:

- 1) Has the waste come from down-hole, i.e., was it brought to the surface during oil and gas E&P operations?
- 2) Has the waste otherwise been generated by contact with the oil and gas production stream during the removal of produced water or other contaminants from the product?

In my review, I’ve taken a look at our guidance documents on E&P Waste, looked up the Fairmont facility in RCRAInfo (our national hazardous waste database), looked up the Fairmont facility website, and I also spoke to my R2 contact, which is the region that oversees West Virginia.

RCRAInfo showed that the facility is the lowest generator of hazardous waste (a conditionally exempt small quantity generator (CESQG)).

The process provided on their website explains that they pretreat the brine to remove Ba, Sr, TSS, O&G, turbidity and organics. It doesn’t specify how they do this. I’m assuming this where the waste

filters are coming from? The treated brine is then pumped to surface impoundments, where evaporation/crystallization occurs. I'm assuming the waste sludge is coming from (the bottom of the surface impoundment)?

Also, I took a look at the analytical results. Based on these results, it doesn't appear that the waste would be hazardous, if the waste was determined to be non-exempt. To gain better insight on the results, I spoke to our EPA lab (located in Athens, GA). He said it looked like the type of analysis usually used when waste is sent to a hazardous waste landfill, which provides info on whether the waste meets Land Disposal Restriction requirements (which is odd, since they're claiming the 261.4(b)(5) exemption from hazardous waste regulations). Also, in looking through the results, he said that the material appeared to be fairly wet; it had a high % moisture and it failed the paint filter test.

Nancy McKee Pérez  
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**From:** Partridge, George (EEC) [<mailto:George.Partridge@ky.gov>]  
**Sent:** Friday, February 19, 2016 1:09 PM  
**To:** McKeePerez, Nancy <[McKeePerez.Nancy@epa.gov](mailto:McKeePerez.Nancy@epa.gov)>  
**Cc:** [Jeri.Higginbotham@ky.gov](mailto:Jeri.Higginbotham@ky.gov)  
**Subject:** RE: RCRA Question & Fairmont Brine Disposal

Hello Nancy;

Thank you for taking with us regarding the RCRA regulations and how they may apply to a waste that was received by a landfill in Kentucky from Fairmont Brine Processing in WV.

Please find attached the following documents:

- **Waste Profile Sheet and Approval Review Form from Advanced Disposal for the waste shipments they received from Fairmont Brine Processing. Also attached is the "Detailed Customer Activity Report" provided by the landfill manager that confirms receipt of 47 shipments between July 24, 2015 and November 16, 2015. The Blue Ridge Landfill in Irvine, Kentucky that received this waste is managed by Advanced Disposal.**
- **Correspondence to the "West Virginia Office of Environmental Health Services" from Fairmont Brine Processing describing how they planned to dispose of the waste.**
- **Analytical results obtained by Pace Analytical on behalf of Waste Management who was initially being considered to contract for disposal of this waste.**

- **Web Site pages for Advanced TENORM Services advertising their capabilities/expertise in the management of TENORM related wastes. Also attached are their records of incorporation as an LLC here in Kentucky.**

Thanks again for reviewing these documents and helping us understand how EPA regulates wastes from companies such as Fairmont Brine Processing.

We look forward to talking with you again next week.

Thanks again for your assistance!

Sincerely,

George

*George P. Partridge Jr.*

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