

9441.1983(01)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

FEBRUARY 83

6.

Question: Benzene from a storage tank leaked into the ground water. This leak occurred before November 19, 1980. The groundwater is now pumped out and treated in a surface impoundment. Is the surface impoundment receiving a hazardous waste?

Answer: If a material is a listed hazardous waste, you must classify it as a hazardous waste even though the leak occurred prior to November 19, 1980. Pumping the water is an activity under 261.2(b), so 261.3(a)(2)(iv) applies. Therefore, the surface impoundment is receiving U019, benzene. When a site is "reactivated," (cleaned-up, waste removed, etc.), the facility must comply with the hazardous waste regulations. See the December 31, 1980, FR preamble, p. 86969.

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