

3. Petroleum-Contaminated Debris from UST Closure

Petroleum-contaminated media and debris that exhibit the toxicity characteristic for hazardous waste codes D018 through D043 only, and that are subject to underground storage tank (UST) corrective action, are excluded from the definition of hazardous waste (40 CFR Section 261.4(b) (10)). If sand is removed from the inside of a closed UST during corrective action, and the sand exhibits the toxicity characteristic for benzene (D018), is the sand excluded from RCRA Subtitle C regulation under Section 261.4(b)(10)?

No, the sand removed from the UST does not meet the Section 261.4(b)(10) exclusion. This exclusion was intended to cover contaminated debris and media such as soil, groundwater, surface water, and air that have become contaminated with petroleum substances as a result of a release from an UST (58 FR 8505; February 12, 1993). The exclusion is not intended to cover inert materials, such as sand, that have been introduced into an UST for the purposes of closure. Sand removed from an UST would have to be evaluated upon generation to determine if it is a hazardous waste; if so, it must be managed under applicable hazardous waste requirements.