

# CALL CENTER QUESTIONS & ANSWERS

## RCRA

### 1. Regulatory Status of Environmental Media that Has Entered a Leaking Underground Storage Tank

*Petroleum-contaminated media and debris generated from petroleum underground storage tank (UST) corrective action activities that exhibit the toxicity characteristic for waste codes D018 through D043 only, are excluded from the definition of hazardous waste (40 CFR §261.4(b)(10)). Does this exclusion apply to environmental media contaminated as a result of migration into a petroleum UST?*

Environmental media contaminated as a result of migration into a petroleum UST are not eligible for the exclusion in §261.4(b)(10). The exclusion applies to all contaminated media and debris generated in response to known or suspected releases from petroleum UST systems. The term contaminated media includes naturally-occurring substances such as soil, groundwater, surface water, and air (58 FR 8504, 8505; February 12, 1993). The term debris means solid material exceeding a 60 mm (2.5 inch) particle size that is intended for disposal and that is a manufactured object, plant or animal matter, or natural geologic material (§268.2(g)). Contamination of media or debris entering a UST is not due to a petroleum release from the tank system; rather, the contamination results from the petroleum contents within the UST. Therefore, contaminated media or debris inside the UST would not qualify for the exclusion and should be managed as hazardous waste if it exhibits any characteristics of hazardous waste.