

RCRA, SUPERFUND & EPCRA CALL CENTER MONTHLY REPORT

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3. Contaminated Media and Debris from Residential Heating Oil Tanks

Petroleum-contaminated media and debris are excluded from RCRA Subtitle C regulation when they exhibit the toxicity characteristic for D018 through D043 and are subject to the corrective action regulations in Part 280 (40 CFR §261.4(b)(10)). If a heating oil underground storage tank (UST) that stores petroleum for consumptive use by residents leaks and contaminates the soil around it, are the petroleum-contaminated media and debris eligible for the regulatory exclusion in §261.4(b)(10)?

An UST that stores heating oil for consumptive use on the premises where stored is not covered under the exclusion for petroleum-contaminated media and debris in §261.4(b)(10) because it does not meet the definition of an UST in §280.12 and is therefore not regulated under Part 280. Moreover, contaminated media and debris from a residential UST are not regulated under Subtitle C because they are considered "household wastes" as described in §261.4(b)(1) (58 FR 8504, 8505; February 12, 1993).