

# **Guidance**

## **For Disposal of Wastes Associated**

## **With Underground Storage Tank**

# **Removal**

*This document is intended as general guidance for owners, operators and responsible parties with direction for determining if waste generated from the contents remaining in underground storage tanks (USTs) are regulated hazardous wastes. This document provides guidance only and is not meant to modify or replace the promulgated regulations, which undergo periodic revisions. In the event of a conflict between this guidance and promulgated regulations, the regulations govern. This guidance may not cover all situations and may be revised as needed.*

The Montana Department of Environmental Quality (DEQ) Hazardous Waste Program is providing this document to give you guidance about managing and disposing of oil and gas related wastes, such as used oil, gasoline, diesel and fuel oil, from petroleum underground storage tanks (USTS). It gives direction to tank owners, operators and responsible parties for determining whether or not wastes from the contents inside USTs are regulated hazardous wastes. Hazardous waste is a solid waste that will be discarded and presents a hazard to human health or the environment because of its chemical composition or characteristics.

You will find contact information and the location of guidance materials that may apply to other tank activities such as tank handling, site assessment and management at the end of this fact sheet.

**This guidance does not apply to:**

1. Empty tanks with less than 1" of residue.
2. Conditionally exempt small quantity generators. If the amount of hazardous waste generated from the contents of the tank is less than 220 pounds of non-acute hazardous waste (as described in 40 CFR 261.5(a), and incorporated by reference in ARM 17.53.501), it is exempt from regulation as a hazardous waste.

**Tank Waste Management**

Various wastes are generated during tank removal. Tank owners, operators or responsible parties are responsible for managing and disposing of waste according to all applicable regulations.

If the tank isn't considered empty and the contents being discarded have certain characteristics or are listed in 40 CFR Part 261, as incorporated by reference in ARM 17.53.501, they may be classified as a regulated hazardous waste. If you test the waste and it meets the criteria of a characteristic hazardous waste, it must be stored, handled, and disposed in accordance with Montana hazardous waste rules.

The next sections cover hazardous waste characteristics, methods for determining hazardous waste status, and proper management and disposal.

**Types of waste generated from tank closures are:**

1. Oil and gas related wastes from petroleum underground storage tanks that are not empty.
  - a) If the material in the tank is reclaimed or used as a product, it is not considered a waste.

- b) If the material in the tank is unusable product, sludge, sediment, tank bottoms or wastewater, you may apply operator knowledge or test for the hazardous waste characteristics by using the table below to determine if the waste is a hazardous waste. If it is a hazardous waste, it must be stored, managed, transported and disposed as a regulated hazardous waste.

### Test Parameters Table

Unusable Product	Used Oil	Regulatory limit
Benzene*	Benzene*	0.5 mg/l
Lead*	Lead*	5.0 mg/l
	Chromium*	5.0 mg/l
Ignitability **	Ignitability**	140 degrees
	TOX (for Total Organic*** Halogens)	1000 mg/l

\*Must prepare sample using Toxicity Characteristic Leaching Procedures (TCLP)

\*\* Ignitability for hazardous wastes is determined by a Flashpoint of 140 degrees or less for free liquids

\*\*\*Rebuttable presumption for used oil

#### 2. Contaminated media:

Contaminated media is soil, groundwater, and debris from the cleanup of an UST. This is the material outside and around the tank. According to 40 CFR 261.4(b)(10), as incorporated by reference in ARM 17.53.501, contaminated media may be excluded from the definition of a hazardous waste, even if the waste has some of the toxicity characteristics. The media is excluded if it fails the Toxicity Characteristic test of 261.24, as incorporated by reference in ARM 17.53.501, and is subject to the corrective action regulations under part 280 of 40 CFR. This exclusion does not apply to media with toxicity characteristics other than Hazardous Waste Codes D018 -D043. For example, arsenic, barium, cadmium, chromium, lead, mercury, selenium and silver [D004-D011 (RCRA metals)] are not excluded under 40 CFR 261.4(b)(10), as incorporated by reference in ARM 17.53.501. This exemption does not apply to contents inside a UST.

3. If the material in the tank is a hazardous material, you should determine your disposal options by referring to the hazardous waste regulations to determine if it is a listed waste or characteristic waste. Testing for hazardous characteristics may include ignitability, corrosivity, reactivity, and toxicity.

Contact the following Montana DEQ programs for further information:

Hazardous Waste Program at 406-444-5300 or visit the website <https://deg.mt.gov/twr/Programs/hazmat>.

Underground Tank Program at 406-444-5300 or visit the website <https://deg.mt.gov/twr/Programs/ust>.

Solid Waste Program at 406-444-5300 or visit the website <https://deg.mt.gov/twr/Programs/solidwaste>.

Remediation Program at 406-851-5000 or visit the website <https://deg.mt.gov/cleanupandrec/index>.