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**TITLE:** Road Salts as a Hazardous Substance

**DATE  
EFFECTIVE:** January 2003

**HISTORY:** Update of VA30001.03.002 - Revision was necessary to reflect changes in the rule citations that became effective in March 2009.

**KEYWORDS:** Hazardous substance, road salt, calcium chloride, sodium chloride

**RULE/  
AUTHORITY:** 40 CFR 302.4, OAC 3745-300-01 and ORC chapter 3746 and OAC chapter 3745-300

**QUESTION:** Are the response requirements of the Ohio VAP applicable to road salt, i.e., calcium chloride and sodium chloride, in ground water and soil?

**ANSWER:** No, because neither calcium chloride nor sodium chloride are defined as hazardous substances under ORC Section 3746.01(F)(1) and OAC 3745-300-01. The statute and rule define hazardous substances to include any substance identified or listed in rules adopted under ORC Section 3750.02(B)(1)(c). ORC 3750.02(B)(1)(c) requires such rules to be consistent with regulations identifying or listing hazardous substances adopted under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 42 U.S.C.A. 9602, as amended ("CERCLA"). The State Emergency Response Commission ("SERC") adopted OAC 3750-20-50 under the authority of ORC 3750.02(B)(1)(c). OAC 3750-20-50(A) provides that hazardous substances are those substances "listed by the administrator of USEPA under 40 C.F.R. Part 302, Table 302.4." Neither calcium chloride nor sodium chloride are listed in 40 C.F.R. Part 302, Table 302.4

It should be noted that sodium as a metal and free chlorine (chlorine gas, hypochlorous acid or hypochlorite) are listed as hazardous substances. Therefore, if conditions in the environment are favorable to the chemical reaction of either sodium chloride or calcium chloride to produce these elements which are listed as hazardous substances or other listed forms of chlorine (i.e., cupric chloride or zinc chloride) the road salt would be considered a hazardous substance source. Also, be aware that the presence of other materials in the road salt such as constituents, impurities or degradation products may constitute hazardous substances or petroleum and trigger response

requirements under the VAP.

If the road salt does not contain constituents, impurities or degradation products that are hazardous substances or petroleum and environmental conditions are not present to cause the sodium chloride or calcium chloride to form hazardous substances as identified under ORC Section 3750.02(B)(1)(c), then the road salt can not be afforded liability protection under a VAP Covenant Not to Sue because it is not within VAP jurisdiction. There may be obligations under other Ohio law and regulation to address calcium chloride or sodium chloride in soil or ground water both on and off property, particularly with regard to discharges to the waters of the state.

A similar evaluation, to the one presented above for road salt, should be performed for other material not specifically listed as hazardous substances or petroleum to determine if they are regulated under the VAP.

**SUMMARY:**

Materials are not considered hazardous substances under the VAP unless they are identified as hazardous substances or petroleum under ORC Section 3750.02(B)(1)(c), contain constituents, impurities or degradation products identified as hazardous substances or petroleum under ORC Section 3750.02(B)(1)(c) or would react to form hazardous substances under conditions in the environmental media.

Materials that are not hazardous substances or petroleum cannot be afforded liability protection under a VAP Covenant Not to Sue since they are not within VAP jurisdiction. There may be obligations under other Ohio laws and regulations to address releases of these materials to soil or ground water on and off property, particularly in regard to discharges to the waters of the state.

**OHIO EPA  
CONTACT:**

For any questions concerning this issue, please contact the VAP central office at (614) 644-2924