

**TITLE:** Reconsolidation of Hazardous Waste Regulated Under RCRA at VAP Sites

**DATE EFFECTIVE:** February 2000

**HISTORY:** Updates to VA30002.09.009- 2009: Revision was necessary to clarify the technical content within the TGC document. 2014: Revision was necessary to update the references to the NFA form, the divisional name change of DHWM to DMWM, and to reflect changes in the rule citations that became effective in August 2014.

**KEYWORDS:** Hazardous waste; reconsolidation; RCRA waste; contaminated soils;

**RULES:** Remediation: OAC 3745-300-11(B). Remedy must comply with all other applicable laws.

**QUESTION:** For Ohio VAP purposes, can soils at a Property, which meet the definition of hazardous waste if removed, be reconsolidated on site?

**ANSWER:** Yes, RCRA hazardous waste material reconsolidation, pursuant to USEPA's Area of Contamination Policy, (October 14, 1998), is an acceptable practice. Since USEPA equates an Area Of Contamination (AOC) to a land-based RCRA unit, consolidation and *in-situ* treatment of hazardous waste within the AOC does not create a new point of hazardous waste generation for purposes of RCRA. This interpretation allows wastes to be consolidated or treated *in situ* within an AOC without triggering land disposal restrictions or minimum technology requirements. This interpretation may be applied to waste in or on the land. This exemption may only be applied to waste consolidation or *in situ* treatment within an AOC. Therefore, the full extent of the unit must be defined prior to reconsolidation and all wastes must stay within the defined unit. Any *ex situ* treatment or transfer of waste from one unit to another is not covered under this guidance and must follow the Corrective Action Management Unit (CAMU) requirements under RCRA or be disposed of as a hazardous waste.

It should be noted that containerization of wastes during treatment or reconsolidation is considered to be a new generation of hazardous waste and the containerized wastes would be subject to OAC 3745-52, waste generation regulations and disposal requirements under the Division of Materials and Waste Management (DMWM).

An additional requirement set forth by DMWM, is that the extent of the unit will be defined under the oversight of Ohio EPA. Since oversight

is not normally conducted by Ohio EPA under the Voluntary Action

Program, the CP will need to request technical assistance for the determination of the unit boundaries prior to reconsolidation of hazardous waste at the VAP Property. Upon completion of the reconsolidation, a full discussion of the reconsolidation, a map of the waste placement limits and reconsolidation, and type of materials reconsolidated should be included in the NFA documentation under Section I (Demonstrations of Compliance with Applicable Standards); question # 3.

**SUMMARY:**

Reconsolidation or *in-situ* treatment of hazardous waste, subject to RCRA, can be conducted at VAP sites and not be considered a new generation of waste subject to OAC 3745-52 (generation and disposal requirements). The reconsolidation would not trigger land disposal restriction or minimum treatment standards if the materials are reconsolidated within the boundaries of the waste unit and not containerized during the reconsolidation process. Additionally, pursuant to DMWM's requirements, the boundaries of the unit must be defined under the oversight of Ohio EPA which could be provided under VAP Technical Assistance. Finally, documentation of the reconsolidation must be presented under Section I (Demonstrations of Compliance with Applicable Standards); question #3 of the NFA checklist and associated documentation.

**OHIO EPA  
CONTACT:**

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