

ARCHIVE: Archived to revise and clarify the guidance within the document (technical content remains accurate). Refer to VA30001.03.002 for the updated document.

TITLE: Road Salts as a Hazardous Substance

KEYWORDS: calcium chloride, hazardous substances, road salt, sodium chloride, ground water, yield

DATE

EFFECTIVE: 1998

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, since neither calcium chloride nor sodium chloride are defined as hazardous substances under ORC 3746.01 F which defines hazardous substances under VAP. The definition of hazardous substances includes any substance identified or listed in rules adopted under ORC 3750.02 B (1)(c). This section of the ORC refers to all hazardous substances adopted under CERCLA and RCRA, as amended, which also are referenced in 40 CFR 302.4 (Code of Federal Regulations).

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 3750.02 B(1)(c), then the road salt can not be afforded liability protection under a VAP Covenant Not to Sue since

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 3750.02 B(1)(c), contain constituents, impurities or degradation products identified as hazardous substances or petroleum under ORC 3750.02 or would react to form hazardous substances under conditions in the environmental media.

Materials that are not hazardous substances or petroleum can not 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