

ARCHIVE: Archived because this document no longer provides current guidance.

TITLE: Management of Soil as a Waste

DATE EFFECTIVE:

KEYWORDS: Soil, Waste, Hazardous Waste, Solid Waste

RULES: OAC Rule 3745-52-11, ORC Rule 611, ORC Rule 3704

QUESTION: When conducting a Voluntary Action, when must soil be managed as a waste?

ANSWER: Soil is often contaminated to some degree; however, not all contaminated soil is a waste. The first step in determining whether the soil should be managed as a waste under a Voluntary Action is to determine if it is reasonably likely that a release has occurred. If it is likely that a release has occurred, the soil must be tested for the suspect compound of concern (COC).

If the results of the soil testing indicate that the contaminated soil meets the definition of a hazardous waste (as evaluated in accordance with OAC Rule 3745-52-11), it must be managed in accordance with state and federal regulations. Contact should be made with the Division of Hazardous Waste Management.

If the results of the soil testing indicate that the soil is commingled with radioactive materials, it must be managed in accordance with state and Nuclear Regulatory Commission requirements for radioactive materials in addition to any other regulatory requirements as defined by the soil testing. Contact should be made with the Department of Health, Radioactive Materials Division.

If the results of the soil testing indicate that the soil is contaminated with PCBs, it must be managed in accordance with the Toxic Substance Control Act (TSCA) for PCBs in addition to any other regulatory requirements as defined by the soil testing. Contact should be made with the TSCA/PCB section of the Division of Emergency and Remedial Response.

If the soil is contaminated but is not being moved either on site or off site nor is a waste by regulatory definition, other considerations must

be addressed. Should the contaminated soil result in water or air impacts, there may be an obligation to comply with other regulatory requirements to minimize such impacts. Should there be an increased potential of adverse impact to human health or the environment, then the likelihood of there being an obligation to comply with other regulatory requirements is significantly increases.

If the soil is required to be removed on site or off-site, or specially managed under a closure plan, a contingency plan, a remediation order, a permit, or other administrative action, then the soil should be managed as specified in the aforementioned plans, or orders. Should the plans or orders not specifically address this issue, the soil must be tested to determine if it is a waste by regulation definition and then handled in accordance with those applicable regulations. Should the soil not require special management, it may require being addressed as a solid waste. Contact should be made with the Division of Solid and Infectious Waste Management.

If the soil is impacted with petroleum hydrocarbons from an underground storage tank system, the soil must be managed in accordance with the Bureau of Underground Storage Tank Removal regulations. (Note that Ohio EPA's Petroleum Contaminated Soil Interim Policy [PP 01-03-200] has be rescinded.)

SUMMARY:

In summary, the certified professional must show that all applicable regulations were followed, that any remedy used to address a contaminated soil is permanent, and that the property meets the Voluntary Action Program standards. The certified professional must indicate if the contaminated soils are a waste or not, if the soil is to remain on site, if other soils (i.e. fill) are to be brought on site and what levels of contaminates it contains, and if the soil is to be removed from the property. Furthermore, if the contaminated soil is to be removed off the property, the certified professional must describe where the soils are to be taken, that the use or disposal of these soils are permanent, that they do not constitute a risk to either human health or the environment, and if the soil is a waste, that its management complies with all applicable regulations.

Attached to this document is a flowchart that may be used as general guide to assist the certified professional in his determination of when soil should be managed as a waste.

**OHIO EPA
CONTACT:**

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

WASTE CLASSIFICATION FLOWCHART FOR CONTAMINATED SOIL

