

**ARCHIVE:** Archived to revise and clarify the guidance within the document (technical content remains accurate). Refer to VA30001.03.003 for the updated document.

**TITLE:** Munitions and Their Breakdown Products Under the Voluntary Action Program

**DATE**

**EFFECTIVE:** 1997

**KEYWORDS:** munitions, explosives, breakdown products, eligibility, removal, remedy, remedial activities, voluntary action, hazardous substance

**RULE:** OAC Rule 37450300-07

**QUESTION:** How are munitions and their breakdown products addressed under the Voluntary Action Program?

**ANSWER:** Heavy metals, antimony compounds, phosphorus, ammonium picrate, potassium picrate, boron phosphide, barium rhodanide, nitroaromatic and nitramine compounds, and similar compounds, all of which may be associated with munitions, are identified in 40CFR302.4 as designated CERCLA hazardous substances. Several Resource Conservation Recovery Act (RCRA) wastes associated with the manufacture and processing of explosives (KO44, KO45, KO46) are also listed as hazardous substances in 40 CFR302.4. 40CFR302.4 indicates that chemicals can also be CERCLA hazardous substances by exhibiting RCRA hazardous waste characteristics. Therefore, munitions and their breakdown products are considered hazardous substances.

ORC Section 3746.01(O) defines “voluntary action” as “...a series of measures that may be undertaken to identify and address potential sources of contamination of property by hazardous substances or petroleum and to establish that the property complies with applicable standards.” Therefore, the removal of munitions and their breakdown products is considered a remedial action under the voluntary action program.

Munitions and breakdown product removal should be conducted according to all Federal, State, and Local rules and regulations regarding the handling, removal, encapsulation, and/or containment of munitions. If there will be extensive excavation, there is a potential

for excavated material to become CERCLA hazardous substances by exhibiting RCRA characteristics. Data should be collected for all munitions and their breakdown products to determine whether they could be hazardous substances by characteristic.

**SUMMARY:**

Munitions and their breakdown products are hazardous substances and removal of them is considered a remedy or remedial activity under the VAP rules.

**AGENCY****CONTACT:**

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