

TITLE: Use of native soils as background, when present beneath fill materials.

DATE EFFECTIVE: October, 1999

KEYWORDS: background, native soils, fill, contaminants of concern, COCs.

RULE: Rule OAC 3745-300-07(I).

QUESTION: Can native soil samples be used for background if there is a layer of fill above the native material?

ANSWER: Yes, so long as the fill material does not contain contaminants of concern that would have impacted the lower native fill and caused possible release of the same COC (or a by-product) that is being evaluated for background. Specifically, Rule OAC 3745-300-07(I)(1)(c) requires that background levels must be representative of the zones or depth intervals to which the background levels may be applied, and 3745-300-07(I)(1)(d)(i) requires that a minimum of eight soil sampling points must be taken to represent a background level **within each zone, or soil horizon** which will be compared to samples taken to determine concentrations of COCs.

A second issue to be considered is the depth of the point of compliance. Depending upon what the proposed land use is, the point of compliance for direct-contact soil standards may need to be met to a depth as shallow as 2 feet or as deep as 10 feet or more. Please note, that the fill layer above the native material would still have to be properly characterized, and a remedy will need to be implemented if the fill does not meet with the direct contact soil standards.

SUMMARY: Native soil samples may be used for background comparison as long as they are representative of the same soil zone or horizon that they are being compared to, and COCs or by-products from the fill have not impacted the native soils.

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