

ARCHIVE: Archived due to the 2014 rule revision. Revision was necessary to update rule citations within the TGC. Refer to VA30001.14.003 for the updated document.

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

DATE EFFECTIVE: January 2003

HISTORY: Update of VA30001.03.003- Revision was necessary to reflect changes in the rule citations that became effective in March 2009.

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

RULE/ AUTHORITY: OAC 3745-300-01(A)(21) and 40 CFR 302.4, ORC chapter 3746 and OAC chapter 3745-300

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

ANSWER: Munitions and their breakdown products which meet the definition of a "hazardous substance" under Ohio Revised Code (ORC) 3746.01(F) and Ohio Administrative Code (OAC) 3745-300-01 may be addressed as part of a voluntary action under ORC Chapter 3746 and OAC Chapter 3745-300. 40 CFR 302.4 designates as hazardous substances various heavy metals, antimony compounds, phosphorus, ammonium picrate, potassium picrate, boron phosphide, barium rhodanide, nitroaromatic and nitramine compounds, and similar compounds which may be associated with munitions. In addition, 40 CFR 302.4 also lists several RCRA wastes associated with the manufacture and processing of explosives (KO44, KO45, KO46) as hazardous substances. Further, 40 CFR 302.4 indicates that chemicals can also be CERCLA hazardous substances by exhibiting RCRA hazardous waste characteristics. Because the munitions and their breakdown products are considered hazardous substances, releases of such hazardous substances fall under the scope of a voluntary action.

"Voluntary action" is defined by ORC 3746.01(O) and OAC 3745-300-01 in part 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."

To determine whether a property containing releases of munitions and

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their breakdown products complies with applicable standards, the munitions and their breakdown products must be assessed under the voluntary action in accordance with OAC Chapter 3745-300, which includes conducting Phase I and Phase II property assessments. Remediation of the munitions and their breakdown products may be needed, pursuant to OAC 3745-300-11, to demonstrate the property complies with applicable standards.

The voluntary action must also be conducted in compliance with other applicable laws. Federal, state, and local regulations may apply, for example, regarding the handling, removal, encapsulation, and/or containment of munitions.

SUMMARY:

Where munitions and their breakdown products meet the definition of a “hazardous substance” under ORC 3746.01(F) and OAC 3745-300-01, releases of such hazardous substances would be encompassed in a voluntary action conducted in accordance with ORC Chapter 3746 and OAC Chapter 3745-300. Further, voluntary actions must also be conducted in compliance with federal, state, and local laws and regulations, regarding the handling, removal, encapsulation, and/or containment of munitions, for example.

**OHIO EPA
CONTACT:**

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