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TITLE: Consolidation of Hazardous Contaminated Soils Regulated Under RCRA at VAP Sites

DATE EFFECTIVE: February 2000

HISTORY: Revision was necessary to clarify the technical content within the TGC document.

KEYWORDS: Hazardous Waste; Consolidation; RCRA waste; contaminated soils; reconsolidation

RULES: Remediation; OAC 3745-300-11(B) - Remedy must comply with all other applicable laws.

QUESTION: For Ohio VAP purposes, can soils at a Property which meet the definition of hazardous waste be consolidated on-site or treated *in situ* without triggering hazardous waste requirements?

ANSWER: Yes, pursuant to USEPA's Area of Contamination Policy, (October 14, 1998), hazardous remediation wastes, which includes hazardous contaminated soils, can be consolidated within an Area of Contamination (AOC) or treated *in situ*, without triggering hazardous waste requirements when certain limitations are met.

An AOC is a discrete land area defined by vertical and horizontal extent of generally dispersed contamination. Since USEPA equates an AOC to a land-based RCRA unit, consolidation and *in-situ* treatment of hazardous remediation waste within the AOC does not create a new point of hazardous waste geneology requirements. This interpretation may be applied to hazardous remediation wastes found in or on the land. Please be aware that hazardous remediation waste does not include "as-generated" hazardous process and industrial wastes.

This interpretation may only be applied to hazardous remediation waste consolidation or *in situ* treatment within an AOC. Therefore, the full extent of the unit, both vertical and horizontal, must be defined prior to consolidation and all hazardous remediation wastes must stay within the defined unit.

Any *ex situ* treatment or transfer of hazardous waste from one unit to another is not covered under this interpretation. These activities are subject to RCRA regulation and trigger major RCRA requirements such as permitting and LDR.

Also, it should be noted that containerization of hazardous remediation wastes for storage, prior to or during *in situ* treatment, consolidation or any other management activity is considered to be a new point of generation of hazardous waste. The containerized wastes would be subject to all RCRA requirements governing the management, storage, treatment, and disposal of hazardous wastes. The generator of the hazardous waste is subject to OAC Chapter 3745-52 (Hazardous Waste Generator Standards).

An additional requirement set forth by Ohio EPA is that the extent of the AOC will be defined under the oversight of Ohio EPA. Since oversight is not normally conducted by Ohio EPA under the Voluntary Action Program, the CP will need to request technical assistance for the determination of the AOC boundaries prior to consolidation of hazardous remediation wastes at the VAP Property. Upon completion of the consolidation, a full discussion of the consolidation, a map of the waste placement limits and consolidation, and a description of the types of materials consolidated should be included in the NFA documentation under Section I (Remedies); question # 2.

SUMMARY:

Consolidation or *in-situ* treatment of hazardous remediation waste, subject to RCRA, can be conducted at VAP sites and not be considered a new generation of waste subject to OAC Chapter 3745-52 (generation and disposal requirements). The consolidation would not trigger land disposal restrictions or minimum treatment standards if the materials are consolidated within the boundaries of the waste unit and not containerized or treated *ex-situ* during the consolidation process. Additionally, the boundaries of the unit must be defined under the oversight of Ohio EPA which could be provided under VAP Technical Assistance. Finally, documentation of the consolidation must be presented under Section I; Question #2 of the NFA checklist and associated documentation.

**OHIO EPA
CONTACT:**

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