

ARCHIVE: Archived due to the 2009 rule revision. Refer to VA30002.09.001 for the updated document.

TITLE: Area of Waste Placement

DATE EFFECTIVE: 1997

KEYWORDS: Foundry sand, hazardous waste permit, RCRA, RCRA permit, RCRA regulated hazardous waster

RULES: VAP rule related to this issue: OAC 3745-300-02(7)

QUESTION: Is a hazardous waste permit required when conducting grading and filling activities on a voluntary property where spent foundry sands are present?

BACKGROUND: Many properties in Ohio, particularly in the northern region of the state contain industrial materials in the upper layers of soil that were historically used as fill materials on the properties. These historical fill materials frequently contain significant portions of foundry sand which can result in high levels of lead being detected at the property. If the lead is determined to be at concentrations that would characterize the soil as a hazardous waste, a hazardous waste permit may be required if the soil containing the foundry sands is moved around the site during grading and filling activities.

ANSWER: In the situation where the foundry sands are pervasive throughout the property as a result of historical filling activities at the property, and **not** the result of the management or disposal of RCRA-regulated hazardous waste on or after November 9, 1980, moving soil during grading and filling activities would not require the issuance of a hazardous waste permit. A volunteer or Certified Professional would need to demonstrate, through sample analyses, that the contaminants contained in the foundry sands are at similar concentrations throughout the area where the grading and filling activities are to take place. Documentation of this demonstration must be contained in the NFA submitted to the Agency for the property in question.

In the situation where the foundry sands making up the historical fill materials are not pervasive throughout the property or sample analyses indicates that the concentrations of the contaminants in the fill materials are not consistent throughout the property, the Division of Hazardous Waste Management should be consulted to determine if a hazardous waste management permit is required.

It should also be noted that if any of the fill materials containing foundry sand are removed from the property during the grading and filling activities, the materials should be analyzed to determine if they contain hazardous waste. If the fill materials are determined to contain hazardous wastes, they should be disposed of at a licensed hazardous waste disposal facility.

In addition, be aware that if any of the fill materials contain construction debris, ORC Chapter 3714, requires that any construction and demolition debris be disposed of at either a licensed construction and demolition debris facility, or a licensed solid waste disposal facility.

Summary:

In the situation where the foundry sands are pervasive throughout the property as a result of historical filling activities at the property, and **not** the result of the management or disposal of RCRA-regulated hazardous waste on or after November 9, 1980, moving soil during grading and filling activities would not require the issuance of a hazardous waste permit. A volunteer or Certified Professional would need to demonstrate, through sample analyses, that the contaminants contained in the foundry sands are at similar concentrations throughout the area where the grading and filling activities are to take place.

In the situation where the foundry sands making up the historical fill materials are not pervasive throughout the property, the Division of Hazardous Waste Management should be consulted to determine if a hazardous waste management permit is required.

**OHIO EPA
CONTACT:**

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