



Department of  
**Environment &  
Conservation**

**Use of Soil Containing a Hazardous  
Substance Excavated From VOAP Sites  
Rule 0400-15-04-.01**

**UST-SWDCB May 7, 2025**

Evan Spann

## Opportunities to

- Proactively avoid dispersal of contaminated soil from redevelopment sites that would present risks to human health or the environment
- Allow options and tools for the re-use of soil from redevelopment sites at appropriate locations where such will not present unacceptable risks to human health or the environment
- Where possible, avoid expensive disposal of soil and retain limited airspace in landfills

# Soil Reuse Work Group

Formed in Summer 2020 and met over approximately 9 months

Representation included:

- Real estate developers and construction
- Environmental consulting
- State environmental and health agencies
- Environmental non-profits
- Tennessee residents
- Environmental law
- Academia
- Waste management industry

**Goal:** Support developing a reasonable and efficient regulatory framework to allow soil reuse that supports economic development, is protective of public health and the environment, and promotes environmental stewardship.

# 0400-11-01-.01

- Solid Waste Disposal Control System: General
  - Amended by adding a new paragraph (7) giving a conditional exemption for rule chapter 0400-15-04.
  - Soil that meets the criteria of Category 1 or Category 2 soils established Rule 0400-15-04-.01 and that is used outside the area of contamination from which the soil was removed and is used in compliance with all requirements of Rule 0400-15-04-.01 is not subject to regulation under this chapter.

## Purpose

- Limited to sites participating in VOAP.
- Goal is to minimize risk to human health and the environment when Category 2 soil is used outside the area of contamination.

## Rule Does not Apply:

- Soil used within the area of contamination (onsite).
- Soil that is determined to be undisturbed and uncontaminated native soil prior to excavation.

Rule Does not Apply:

- Soil used within the area of contamination
- Soil that is determined to be undisturbed and uncontaminated native soil prior to excavation

# 0400-15-04-.01

Rule does not apply, and soil cannot be use outside area of contamination if it contains:

- PCBs or PCB waste subject to regulation under TSCA
- Hazardous waste defined by subparagraph (1)(c) of Rule 0400-12-01-.02

Category 1 soil can be used without meeting any additional requirements

- Category 1 soil:
  - Below residential risk-based screening levels for excess lifetime cancer risk  $1 \text{E-}06$  and below non-cancer hazard quotient of .1
    - Note: If risk is lower than natural background, we would use the background value. Arsenic is a good example of this.
  - Unlikely to leach to groundwater above General Use Groundwater criteria (0400-40-03-.08(2))



## Category 2 soil:

- Does not meet category 1 requirements
- Contains VOCs – Screening values for soil are for direct contact risk and have nothing to do with potential for VI.

## Category 2:

- Characterize soil
- Submit soil use plan for approval
- Comply with the approved soil use plan

# Summary

For sites enrolled in VOAP

- Category 1 – Use the soil
- Category 2
  - Characterize what you have
  - Submit soil use plan
  - Follow approved soil use plan (including any necessary Land Use Restrictions)