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Clean Hard Fill

What is Clean Hard Fill?

Clean hard fill consists only of reinforced or non-reinforced concrete, asphalt concrete, brick, block, tile, and/or stone.

Ohio Administrative Code 3745-400-05 addresses the regulation of clean hard fill.

What is meant by "Clean"?

"Clean" in clean hard fill means that the clean hard fill material is not contaminated by solid wastes, infectious wastes, hazardous wastes, or construction and demolition debris (C&DD). If these types of waste are commingled with clean hard fill, all of the materials must be handled and disposed of as solid waste, infectious waste, hazardous waste, or C&DD.

Uses for Clean Hard Fill

Clean hard fill can be:

- * Recycled into a useable construction material (see section titled **Can Clean Hard Fill be stored for future use?**),
- * Disposed of in licensed construction and demolition debris or other waste facilities,
- * Used to change grade on the site of generation or removal,
- * Used to change grade on a site other than the site of generation (see section titled **Notice of Intent to Fill**).

The provider and the user should also be aware that they are liable for any adverse environmental impacts that may occur due to the mismanagement of the clean hard fill. Before using the clean hard fill, the following should be considered:

- * Clean hard fill with material adhered or absorbed to it may be regulated under another program. For example, if PCBs are present it may be regulated under the Toxic Substances Control Act.

Clean hard fill that exhibits a hazardous waste characteristic or is contaminated with hazardous waste is defined as a hazardous waste. Such material is subject to regulation under the hazardous waste rules and cannot be used as fill material unless it is decontaminated according to the hazardous waste rules, OAC 3745-270.

- * Clean hard fill cannot be placed in regulatory wetlands or floodplains without first receiving permission to fill from the Ohio EPA Division of Surface Water and/or the U.S. Army Corps of Engineers.
- * Clean hard fill placement or storage must also be done in such a way that it does not cause a nuisance or health hazard. If done improperly, voids between these materials can be created and serve as a harbor or breeding ground for wild animals and rodents, or

- result in an unstable area.
- * The presence of rebar may pose a safety risk. Cutting the rebar even with the concrete would reduce that risk.

Notice of Intent to Fill

Any person using clean hard fill to change grade on a site other than the site of generation, must provide a written "Notice of Intent to Fill" to the licensing authority(ies) where the clean hard fill is to be placed.

The Notice of Intent to Fill shall state the nature of the fill material, the site of generation or removal, the site(s) to be filled, when filling will begin and end, and the telephone number of the person making the notification.

The notification must be received at least seven days prior to filling by each local licensing authority with sites to be filled. The person making the notification will provide a new Notice of Intent to Fill if there are any changes in the information required by the rule for notification.

Failure to provide the Notice of Intent to Fill to the appropriate licensing authority prior to filling may result in the person engaged in filling being charged with a fourth degree misdemeanor.

Can Clean Hard Fill be stored for future use?

Clean hard fill can be stored for

the purpose of recycling into a useable construction material. It must be stored for a period of less than two years and be retrievable and substantially unchanged. A pile adjacent to a construction materials processing facility can exist for longer than two years if clean hard fill material is added to and removed from the pile within a two year period.

Clean hard fill can be temporarily stored for more than two years, or for another purpose, if it is held in such a manner that it remains retrievable and substantially unchanged, or if the site is licensed as a C&DD facility. Failure to meet either of these criteria is considered to be illegal disposal.

For more information, call your local health department, the Ohio EPA district office, or the Division of Solid and Infectious Waste Management.

Ohio EPA Division of Solid and Infectious Waste Management

Central District Office
(614) 728-3778
Northeast District Office
(330) 425-9171
Northwest District Office
(419) 352-8461
Southeast District Office
(740) 385-8501
Southwest District Office
(937) 285-6357