

Alabama Land Division Regulatory Update

Wm. Gerald Hardy
Chief, Land Division

2009 Southern Section A&WMA
Annual Conference
July 31, 2009

Topics

- ❑ Land Division Organization
- ❑ Solid Waste Program
- ❑ Scrap Tire Program
- ❑ School Chemical Cleanout Program
- ❑ Uniform Environmental Covenants
- ❑ RCRA 2020 Corrective Action
- ❑ UST Compliance Program
- ❑ Anniston Chemical Demilitarization

Land Division Organization

- ❑ Solid Waste Branch: Phil Davis
- ❑ Industrial Hazardous Waste Branch: Jeff Kitchens
- ❑ Governmental Hazardous Waste Branch: Stephen Cobb
- ❑ Environmental Services Branch: Larry Bryant
- ❑ Groundwater Branch: Sonja Massey

Solid Waste Program

Solid Wastes & Recyclable Materials Management Act (SWRMMA)

- Signed into Law by Governor Riley April 15, 2008
- This legislation:
 - Imposed a \$1/ton or \$0.25/CY statewide disposal fee
 - Provides stable annual funding for ADEM's solid waste and recycling programs
 - Established a trust fund to provide recycling grants to local governments and non-profit organizations
 - Established a trust fund for the remediation of unauthorized solid waste dumps for innocent landowners
 - Requires ADEM to establish a statewide waste reduction and recycling goal through rulemaking within 18 months
 - Requires landfill operators to be certified within two years
 - Authorizes ADEM to develop regulations necessary to implement the Act such as those for composting, recycling facilities, and post-closure activities

Solid Waste Program

Permitting, Compliance, and Enforcement

PRE-SWRMMA

- Technical Staffing
 - 2 Environmental Scientists
 - 2 Permitting Engineers
 - 0.4 Geologist
- Administrative Staffing
 - 0.5 Branch Chief
 - 2 Attorneys
- FY08 Budget of ~\$729,000

Solid Waste Program

Permitting, Compliance, and Enforcement

Post-SWRMMA

- Technical Staffing
 - 7 Environmental Scientists (+2 Vacancies)
 - 4 Environmental Engineers (+1 Vacancy)
 - 2 Geologists
 - 4 Field office landfill inspectors
- Administrative Staffing
 - 1 Branch Chief
 - 1 Engineering Section Chief
 - 1 Enforcement/Remediation Section Chief
 - 2 Attorneys
- FY09 Budget of ~\$2,460,000

Solid Waste Program

Unauthorized Solid Waste Dump Remediation Projects

- ❑ 19 UAD sites identified as innocent landowners and ranked for remediation
- ❑ First UAD remediation project in Coden, Alabama
 - Bids opened July 21, 2009
- ❑ Several county and city governments interested in conducting UAD remediations through interagency cooperative agreements

TVA – Kingston Remediation Waste

- ❑ EPA R4 approved waste to go to Perry County LF
- ❑ Perry County LF is a MSWLF built in 2007
 - Located about 40 miles west of Selma
 - Built above 200 – 500 feet of the Selma Chalk formation
- ❑ Rail shipments to the landfill began in early July

Scrap Tire Program

Scrap Tire Fund Large Site Cleanup

- Removal activities in Attalla completed (August 2006-November 2008)
 - ~40,000 tons of scrap tires and tire materials removed
 - Equivalent to more than 4,000,000 tires (enough for over 800,000 cars)
 - \$3,706,863 paid for clean-up
 - More than 30,000 tons beneficially reused
- Removal activities in Prichard (Mobile County) to begin shortly

Scrap Tire Fund Small Site Cleanup (FY2009)

- 5 sites completed—approximately 7,510 scrap tires disposed
- 8 sites in progress
- \$92,542 for cleanup of the 13 sites

Current Recycling Grant Recipients

- ❑ The City of Tuscaloosa, Tuscaloosa County, and the City of Northport: \$279,150.00
- ❑ The Lee County Recycling Partnership: \$120,139.00
- ❑ The Albertville-Boaz Recycling Authority: \$259,740.00
- ❑ Elba Elementary School: \$1,061.62
- ❑ The City of Vernon: \$50,000.00

School Chemical Clean-out Program

- Awarded Two Year EPA Grant
 - October 1, 2006 – September 30, 2008
 - \$34,000
 - Grant extended to September 30, 2010
 - \$15,000 added to grant
- Progress
 - 36 schools have been cleaned out by ADEM
 - Over 8,600 pounds of chemicals have been removed
 - 50 schools are on list awaiting help

Uniform Environmental Covenants Program

- UECA became effective January 1, 2008
- ADEM Division 5 Regulations
 - Effective as of May 26, 2009
 - Program is fee driven (ADEM Div 1 Regs)
- Applicable to all sites cleaned up to less than an unrestricted use scenario
 - IC's must be maintained
 - ADEM will manage the Covenant Registry
 - ADEM is enforcement authority

RCRA 2020 Corrective Action

- ❑ Continuation of EPA's focus on corrective action under GPRA
- ❑ Goal: 95% of all baseline sites with remedies constructed and implemented by 2020
- ❑ 71 baseline sites State-wide
- ❑ Notifications sent in 2007
- ❑ Alabama Progress
 - 47% have remedies constructed
 - 49% projected to have remedies constructed by the end of 2011, exceeding EPA Region 4's 2011 goal of 48%
- ❑ Does not change corrective action requirements

UST Compliance Program

- Delivery Prohibition Regulations Effective April 25th 2008
 - Requirement of 2005 Energy Act
 - Delivery Prohibition List to be maintained on ADEM website
 - 16 meetings held across state to acquaint delivery companies and Owner/Operators with Delivery Prohibition prior to implementation
 - Delivery prohibition fact sheet mailed to every UST owner prior to implementation
 - Multiple notifications and opportunities to come into compliance before Delivery Prohibition is imposed
 - First Delivery Prohibition List effective at 12:00 a.m. August 6, 2008
 - 117 Sites placed on Delivery Prohibition List as of July 1, 2009

Anniston Chemical Demilitarization

- ❑ Facility obtained an AHWMMMA Permit for treatment and storage in 1997
- ❑ Facility began destruction of chemical munitions in 2003
- ❑ ADEM monitors facility on-site 24/7
- ❑ Permit has been modified 33 times and was renewed in 2007
- ❑ Facility has safely destroyed 364,472 munitions (7/21/09) containing GB, VX, & mustard
- ❑ End of operations scheduled for June 2012

Contacts

- Gerald Hardy, Chief - Land Division
 - (334) 271-7732
- Phil Davis, Chief – Solid Waste Branch
 - (334) 271-7755
- Jeff Kitchens, Chief – Industrial Hazardous Waste Branch
 - (334) 270-5627
- Stephen Cobb, Chief-Governmental HW Branch
 - (334) 271-7739
- Larry Bryant, Chief-Environmental Services Branch
 - (334) 271-7771
- Sonja Massey, Chief-Groundwater Branch
 - (334) 271-7832