

ADEM – Land Division Regulatory Update

Stephen A. Cobb, Chief
Land Division

Southern Section 2019 Annual Meeting &
Technical Conference
September 13, 2019
Pine Mountain, Georgia



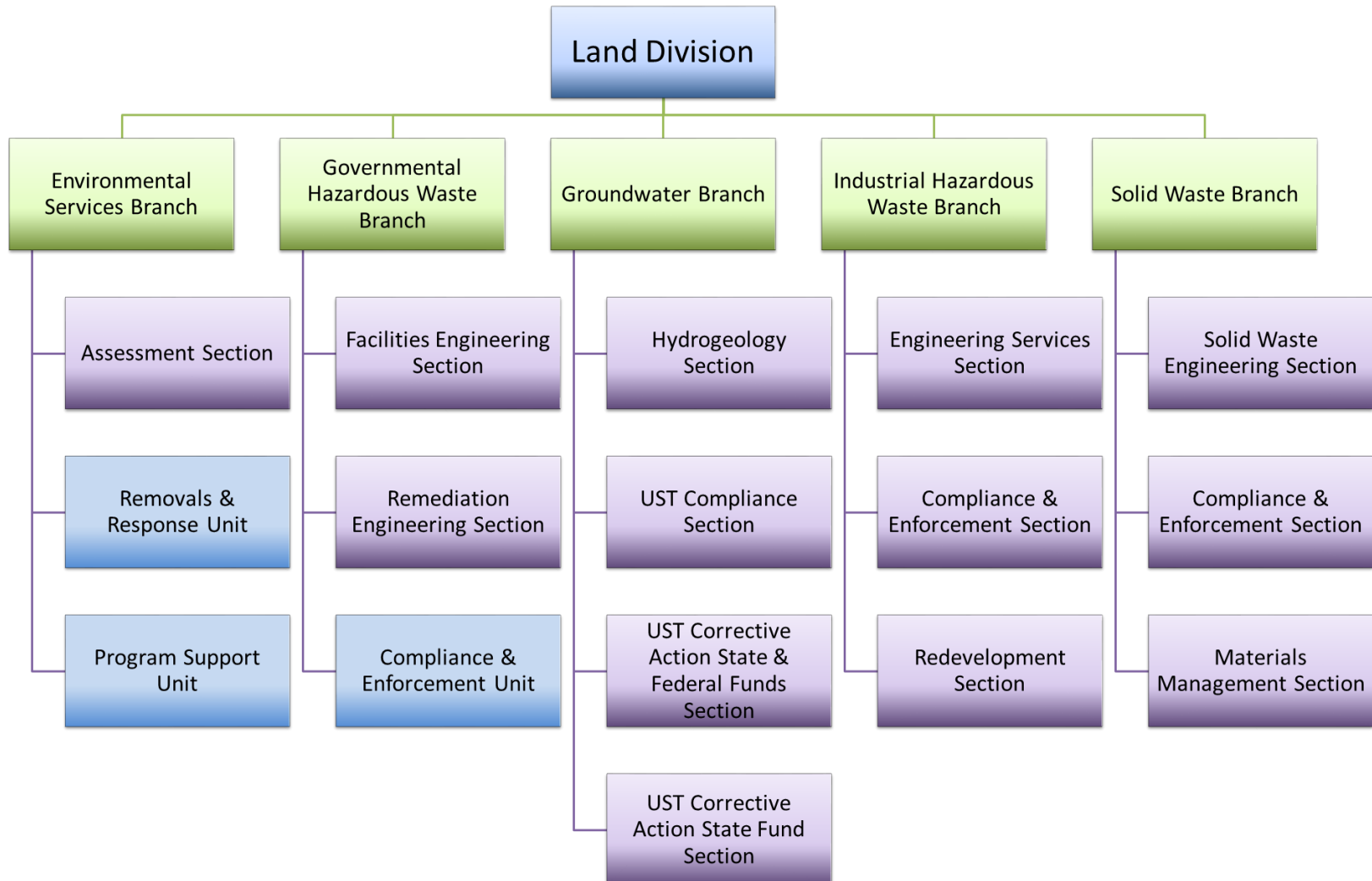
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Overview

- Personnel Changes
- Land Programs
- Hazardous Waste Highlights
 - ❑ Rulemaking Update
 - ❑ Redevelopment Update
- Solid Waste Highlights
 - ❑ Rulemaking Update
 - ❑ Recycling
 - ❑ Unauthorized Dumps/Scrap Tires
- Underground Storage Tank Highlights



Land Division Organizational Chart





Land Division Branch Chiefs

- Clethes Stallworth, Chief – Environmental Services Branch
 - 334-271-7743 – cs@adem.alabama.gov
- Jason Wilson, Chief – Governmental Hazardous Waste Branch
 - 334-271-7789 – jwilson@adem.alabama.gov
- Chip Crockett, Chief – Groundwater Branch
 - 334-271-7832 – vhc@adem.alabama.gov
- Sonja Favors, Chief – Industrial Hazardous Waste Branch
 - 334-270-5627 – smb@adem.alabama.gov
- Eric Sanderson, Chief – Solid Waste Branch
 - 334-271-7755 – els@adem.alabama.gov



Land Division Programs

- Hazardous Waste
 - RCRA/CERCLA/DSMOA
 - Brownfields/Voluntary Clean-up Program
- Solid Waste
 - Solid Waste Landfills
 - Unauthorized Disposal Site Remediation
 - Recycling Facilities and Grants
 - Scrap Tires Management
 - Coal Combustion Residuals
- Groundwater
 - Underground Storage Tank Compliance and Remediation
 - Groundwater Protection



Hazardous Waste Highlights

- Rulemaking Update

- ❖ Uniform Environmental Covenants Program
 - Division 5 Regulations

- ❖ Hazardous Waste Program
 - Division 14 Regulations

- ❖ Brownfield Redevelopment and Voluntary Cleanup Program
 - Division 15 Regulations



Division 5 - Applicability

- Guidelines for current and future uses of the property
- Applies to sites not returned to unrestricted use
 - ❖ Contamination left in place
 - ❖ Sites with Land Use Controls
- Regulations are promulgated to establish minimum requirements governing environmental covenants



Programs Subject to Division 5 Regulations

- Scrap tire remediation sites
- Soil and groundwater remediation sites
- Solid waste disposal sites
- Hazardous waste disposal sites
- Voluntary Cleanup Program sites
- Dry Cleaner remediation sites
- Sites subject to the AL Hazardous Substance Cleanup Fund
- Sites being remediated by PRPs or EPA
- EPA subject to CERCLA
- Other sites/properties



Proposed Revisions to Division 5 Regulations

- Revises the requirements for submitting multiple original paper copies.
 - ❖ Submit one signed environmental covenant for execution instead of two
 - ❖ Clarifies the EC execution process
- Amends the covenant registry process to be consistent with the UECA
 - ❖ Allows for the filing of “recording instruments” in lieu of covenant
 - ❖ Instrument must be ADEM approved prior to filing
 - ❖ EC must be executed before instrument can be filed



Rulemaking Schedule Division 5 Regulations

- Public Notice Period Ended: July 11, 2019
- Consideration by EMC: August 16, 2019
- Effective Date: October 4, 2019



Proposed Revisions to Division 14 Regulations

Proposing to Adopt Two EPA Rules:

- Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine
 - “Pharmaceutical Rule”
- Safe Management of Recalled Airbags
 - “Airbag Rule”

Division 14 Pharmaceutical Rule

History

- 2008- EPA proposed to add pharmaceuticals to universal waste
- 2015- New proposal responded to concerns raised with UW proposal
- February 22, 2019- Final Rule published

Goals

- Reduction of pollution to surface and groundwater
- Reduce burden on healthcare facilities regulated as LQGs due to small amounts of nicotine waste
- Reduce overlap of regulation among agencies (DEA, FDA)



Proposed Revisions to Division 14 Regulations

- The new rules are waste specific and sector specific
- Options for “healthcare facilities” and “reverse distributors”
- Nicotine replacement therapies (P075) no longer considered waste
- Sewer Prohibition
 - Effective federally in ALL states August 21, 2019



Rulemaking Schedule

Division 14 Regulations

- Proposed Cycle Begins: October 2019
- Proposed Public Hearing: December 2019
- Proposed Consideration by EMC: February 2020
- Proposed Effective Date: April/May 2020

What are Brownfields?

- Sites where previous industry or other activity has contaminated the property, making redevelopment more challenging than with unused real estate
 - ❖ Examples:
 - former site of a leather tannery, textile mill or an illegal dump site
 - ❖ Sites are not attractive for redevelopment due to the cost of cleaning up contaminants



Proposed Revisions to Division 15 Regulations

- Proposing to Add/Revise:
 - ❖ Definition for “Operation and Maintenance”
 - ❖ Clarify requirements for submitting modifications to voluntary cleanup applications
 - ❖ Clarify requirements related to long-term operation/maintenance of voluntary cleanups
 - ❖ Clarify requirements related to financial assurance for voluntary cleanups
 - ❖ Clarify uses of Brownfield Revolving Loan funds



Division 15 Proposed Rulemaking Schedule

- Proposed Cycle Begins: October 2019
- Proposed Public Hearing: December 2019
- Proposed Consideration by EMC: February 2020
- Proposed Effective Date: April/May 2020



Redevelopment Update Brownfields (BF)

- 611 BF sites identified from 2001-2019
- 400 BF sites returned to productive use
 - 5,403 acres returned to productive use
- 81 BF sites currently actively enrolled
 - 7,328 acres currently actively enrolled



SW Highlights – Recycling

Statewide solid waste reduction goal of 25%

- Goal set in 1991; Retained in 2008 update

Online reporting tool – Re-TRAC

- 25% waste reduction rate; Goal met for 1st time in 2018

Processing and Recycling Facility regulations

- Gather data from legitimate recycling
- Identify & address “sham” recycling
- New Inspection Form now in use





SW Highlights – Recycling

Alabama Recycling Fund

- Purpose is to promote and enhance recycling efforts in Alabama
 - Over \$17 million awarded since inception
 - FY2017, ~ \$1.6 million awarded to 13 projects
 - FY2018 , ~ \$1.7 million awarded to 13 projects
 - FY2019, expecting to award ~ \$1.6 million to 19 projects



Unauthorized Dumps/Scrap Tire Remediation

Unauthorized Dump & Scrap Tire Remediation

- Investigate sites, obtain ranking criteria data, and responsible owner information
- Primary tool for remediation through enforcement actions
- Innocent landowner (ILO) and Interagency Cooperative Agreements (ICA) remediation projects funded by the SWF or STF



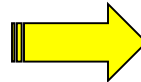
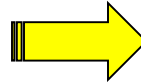
Unauthorized Dump Remediation

Unauthorized Dump Remediation Projects

- Since program inception, ADEM has reimbursed **~\$15 million** for Solid Waste Fund clean-up projects
- As of 2018, ~539 Innocent landowner UAD sites remediated using SW Fund
- Estimated that more than twice as many UAD sites have been remediated by the responsible parties under ADEM enforcement actions

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Unauthorized Dump Cleanups





Scrap Tire Remediation

Scrap Tire Remediation Projects

Large Sites (25,000+ PTE)

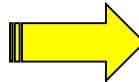
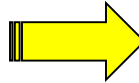
- 8 sites remediated
- 75,000+ tons of scrap tires (~8 million PTE) removed and properly disposed
- 30,000+ tons of scrap tire material (3 million PTE) beneficially used
- ~**\$7.9 million** spent from the STF

Small Sites (25,000- PTE)

- 353 sites remediated
- ~1.9 million PTE removed
- ~3,300 tons of solid waste removed and properly disposed
- ~**\$3.3 million** spent from the STF

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Scrap Tire Cleanups





Underground Storage Tank Highlights

Since 1989:

- 12,129 UST leak sites identified
- 11,136 UST sites cleaned up
- 993 UST sites currently being cleaned up

Since 2006:

- AL UST Trust Fund has provided in excess of \$30 million per year for costs associated with tank cleanups



Contact Information

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