

Land Division Update

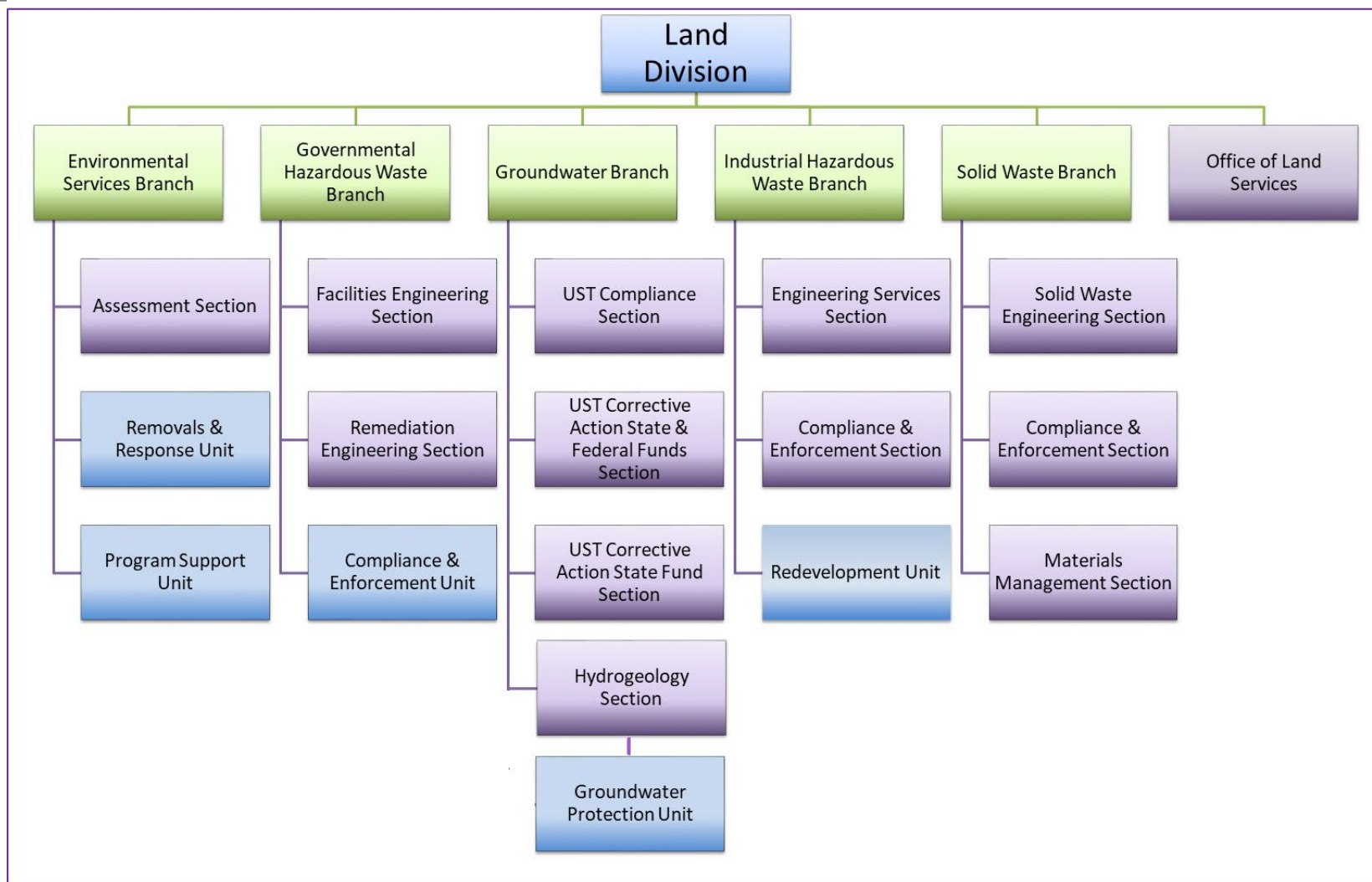
Stephen A. Cobb, Chief
Land Division

Alabama Regulatory Update
October 20, 2022
Montgomery, Alabama



- Personnel
- Beneficial Use Program
- Emerging Contaminants - PFAS
- Program Modernization
- Hazardous Waste Enforcement Activities
- Rulemaking Update

Land Division Organizational Chart





Land Division Branch Chiefs



- Clethes Stallworth, Chief – Environmental Services Branch
 - 334-271-7743 – cs@adem.alabama.gov
- Vacant, Chief – Governmental Hazardous Waste Branch
 - 334-271-7789
- 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
- Jason Wilson, Chief – Solid Waste Branch
 - 334-271-7755 – jwilson@adem.alabama.gov



Recent Personnel Changes



Redevelopment Unit Chief

Crystal Collins

334-279-3067

ccollins@adem.alabama.gov

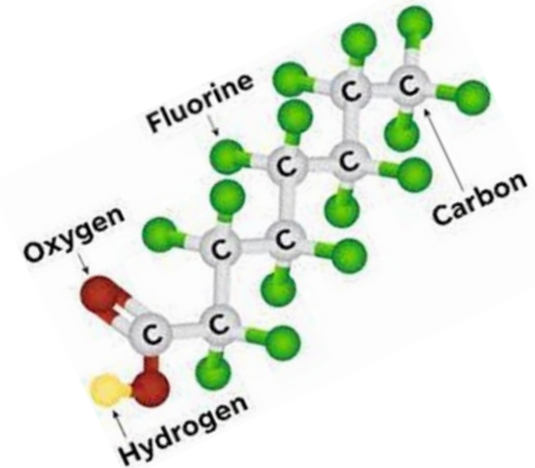


Beneficial Use Program Update



- New Rules adopted on April 13, 2020
 - 100 registrations issued in year 1
 - 130 registrations issued in year 2
- Amended Rules effective on August 15, 2022
 - 3 year registration cycle.
 - Enhanced recordkeeping & reporting requirements.
 - Amended storage, staging, and land application of by-product material.
 - Testing requirements similar to 40 CFR §503.
 - New standards for Food Processing Residuals (FPR) and FPR Treatment Impoundments.

- Ongoing national PFAS guidance, regulatory, and legislative efforts.
- Evaluation of potential PFAS sources.
- EPA recently proposed in FR “Designation of PFOA and PFOS as CERCLA Hazardous Substances”.
 - Comments due November 7, 2022
- Specific information provided later today in the Joint PFAS Update.
- Continued implementation/enforcement of July 2022 Interim Consent Order (ICA) between ADEM and 3M.



Alabama Environmental Permitting and Compliance System (AEPACS)

- Department's new electronic data system
 - Facilities can apply for and maintain permits
 - Apply for registrations and certifications
 - Allows payment of application fees
 - Allows facilities to electronically submit required compliance reports and other information to ADEM
- Goal is to reduce paper and improve efficiency





Program Modernization AEPACS




Land programs currently operating in AEPACS:

- Recycling Program (Registrations and Grant Fund)
- Scrap Tire Program (Registrations/Permits & Grant Fund)
- Unauthorized Dump/Scrap Tire Sites
- Scrap Tire County Right of Way Program
- UST Program (Compliance & Corrective Action)

- Development of other Land program components scheduled for 2023/2024. (Multi-Year Goal)
 - (Rest of Solid Waste, 8700-12, Hazardous Waste Transporters, Medical Waste, and Beneficial Use).

Various efforts have been employed to reduce the number of significant non-compliers (SNCs) in program

- Quarterly outreach to TSDFs and Large/Small Quantity Generators
 - via email
 - Numerous presentations at various conferences around state
 - Video calls/discussions
 - Development of videos for website posting
- #1 Common Inspection Finding Leading to SNC Determination
 - TSD Storage > 1 year or storage in unpermitted areas
 - LQG Storage > 90 days
 - SQG Storage > 180 days



**Compliance Assistance
Videos can be found on
ADEM's website**

ADEM

NEW

Compliance Assistance Button

ADEM Website



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Disability Assistance

Lower High Falls

Compliance Assistance

Air

- Top 10 List of Air Division Compliance
- Gasoline Storage Tank Air Emissions Guidance Manual
- 2021 PERC Dry Cleaner Compliance Calendar

Land

- Manifest Exception Reporting
- Generator Storage Extension Requests
- Hazardous Waste Determinations & Large Quantity Generators Classification
- Additional Hazardous Waste Guidance Documents
- Large Quantity Generators Regulations
- Large Quantity Generators Top 10 Violations
- Small Quantity Generators
- Very Small Quantity Generators

Water

Upcoming

- August 24, 2022
2022 21st Groundwater
- August 23, 2022
28th ADEM UST
- May 11, 2022
ADEM Installs Se
- April 22, 2022
Area leaders join A
- April 21, 2022
ADEM Promotes Pu
- April 18, 2022
State Parks, ADEM s
- March 29, 2022
Hundreds of Systems

For information con
Department of Public

For information con

Land Clearing Vegetat

Demographic Data

2021 DERA Announcem

Nondiscrimination Statem
선언문/Tuyên bố Không K

Community Engagement

ARPA/SRF Upda

PFAS Update

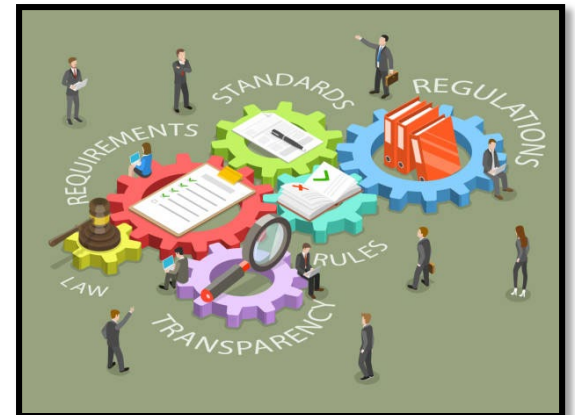
Compliance Assistance

Hazardous Waste Program (Division 14)

Solid Waste Program (Division 13)

Medical Waste Program (Division 17)

Future Rulemaking



- Planned update in FY2023
- Rule adoption will include the following FRs:
 - Modernizing Ignitable Liquids Determinations
 - 85 FR 40594
 - Published: July 7, 2020; Effective: September 8, 2020
 - Conforming Changes to Canada Specific HW Import-Export Recovery and Disposal Operation Codes
 - 86 FR 54381
 - Published: October 1, 2021; Effective: October 31, 2021
 - Other updates
 - Technical Corrections to existing rules

Revisions to Division 13 Regulations *(effective December 13, 2021)*

- Definition updates included:
 - Alternative Cover Material
 - Definition of “working face” added
 - Limit disposal to a single working face
- Clarified prohibitions on:
 - Disposal of regulated hazardous waste
 - Free liquid disposal
- Rule reorganization
 - Consolidated permitting requirements to Chapter 5
(e.g. Landfills, Composting, & CCR)

Revisions to Division 13 Regulations (cont'd)

- Permitting process updates included:
 - Renewal application requirements
 - Public notice/public hearing requirements
- Modifications (3 categories)
 - No change to major mods
 - Minor mods that do not require public notice
 - Minor mods that require public notice
- Public Participation for Variances

- Public Notice published on August 21, 2022
- Public Hearing held on October 13, 2022
- Proposed EMC Consideration: December 9, 2022
- Update on specific proposed changes provided later today

Anticipated General Updates include:

- UST – Div. 6 Volume 2, Chapter 15
- Recycling – Div. 335-13, Chapters 3, 10, and 13
- Scrap Tire – Div. 335-4
- Solid Waste Management Plan (SWMP) – Div. 335-13, Chapter 9



Contact Information



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ADEM Air Program Overview

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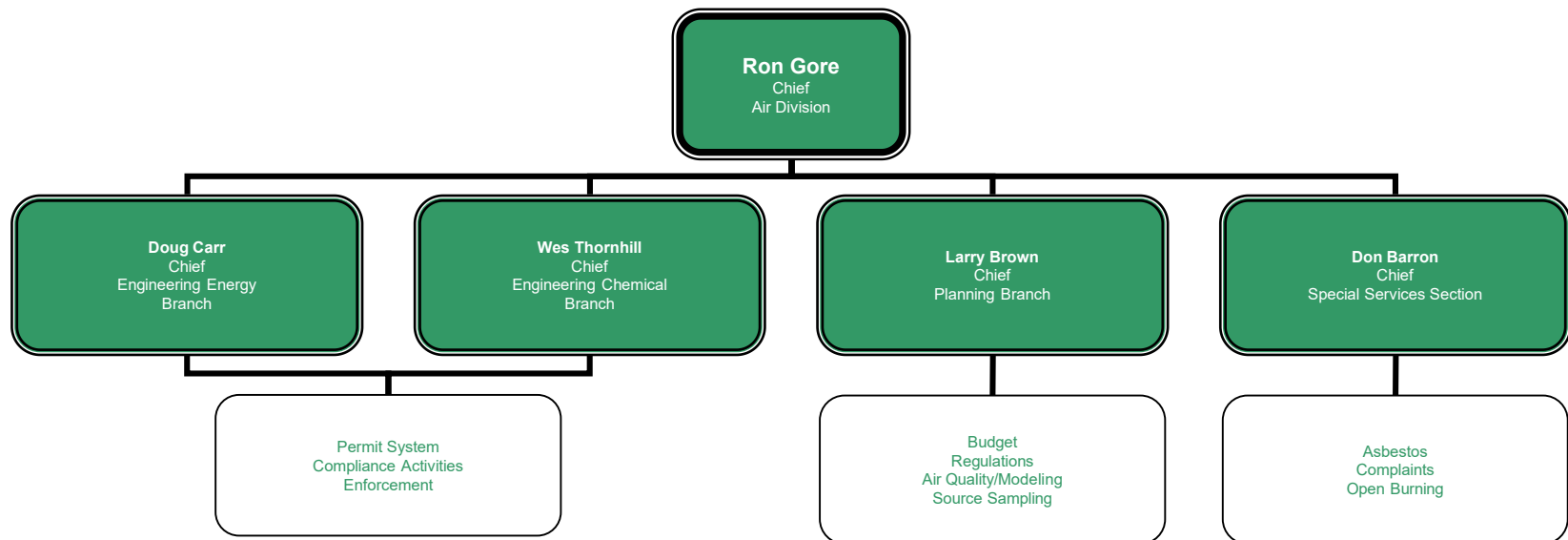
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Topics



- Organization
- Regulatory Changes and Uncertainties
- Other Issues

Air Division Organization





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Air Division Staffing



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- Air Division Staffing
 - 84 Current Employees
 - 97 Allocated Positions
 - Management Remains Unchanged
 - 2019
 - No Growth of Positions
 - Late 90's



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Air Division Staffing



- 20% Turnover in Staff in FY22
- Challenges to Replace Staff
 - Engineering Registers are depleted
 - Better outlook on the Environmental Scientist Series



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Air Division Contact Info



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- Wes Thornhill – Chemical Branch
 - jwt@adem.alabama.gov 334-271-7887
- Larry Brown – Planning Branch
 - lwb@adem.alabama.gov 334-271-7878
- Don Barron – Special Services Section
 - drb@adem.alabama.gov 334-271-7879



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Regulatory Changes & Uncertainties



- Start Up, Shut Down, and Malfunction
 - 2015 – EPA issued a SIP Call
 - Remove or Work Practices
 - ADEM delayed submission of the SIP
 - 2016 Deadline
 - ADEM's Rule
 - Start Up, Shut Down, Load Change and Emergency



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Regulatory Changes & Uncertainties



- Recent SSM Developments
 - Finding of Failure to Submit a SIP
 - January 2022
 - 24 Months to Submit or
 - EPA will FIP (remove them from our rules)
 - 2015 SIP Call is under litigation
 - Current Administration
 - No SIPs with specific alternate work practices or standards have been approved
 - Removal of SSM provisions from SIPs have been approved



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Regulatory Changes & Uncertainties



- Ozone Transport
- GHG Rules
 - New and Existing Power Plants
 - EPA seeking input
 - Oil and Gas
 - Proposed Methane rules
 - New and Existing



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Regulatory Changes & Uncertainties



- Once In Always in Policy
 - EPA's long standing policy for MACT
 - Previous Administration reversed it
 - Current Administration is "reviewing" the reversal
- PM 2.5 and Ozone NAAQS
 - Probably Drop for 2.5
 - Maybe for Ozone



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Other Issues



- Fees
 - Title V Fee
 - \$95 for Emission Year 21
 - ? for Emission Year 22
 - Air Permit Fees
 - No Changes
- 1 Hr. NAAQS Standards and Challenges
 - SO₂ and NO_x
 - Occurrences of Modeled Violations
 - Possible Controls or Stack Elevations
 - Onsite Monitoring



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Other Issues



- Public Comments
 - Increased Public Scrutiny
 - Title V's
 - SMOPs
 - Orders
- Title V Petitions
 - EPA Granted Petitions
 - UOP
 - Alabama Power Plant Barry
- APACS
 - Alabama Environmental Permitting and Compliance System
 - E Permitting and Compliance System



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Questions



**Overview of the Office of General Counsel
and
Selected Hot Topics by Division**

**Air and Waste Management Association
Alabama Chapter Regulatory Update**

Thursday, October 20, 2022

Shawn Sibley, ADEM General Counsel

Topic Outline



- OGC - Overview, Enforcement Process
- Air Division – Title V, SSM, Ozone, WV
- Water Division - PFAS
- Land Division - CCR
- Field Op. Div. – Monitoring & New F.O.
- P&S Division - ARPA & BIL Funding



OGC Attorneys

- Provide advice on the development of the Department's legislative and regulatory programs
- Interpret the State's administrative and environmental laws
- Represent the Department in the development of administrative orders and enforcement litigation
- Defend decisions against administrative and judicial challenge
- Advise agency officials on personnel, procurement and contract matters



Enforcement Process

- Generally utilize a graduated enforcement process
- Warning Letter/NOV/Administrative Order
- Administrative Order---Civil Penalties
 - Consent Order
 - Unilateral Order
- Penalty amounts based upon considerations outlined in the Environmental Management Act



Appeals Process

- Administrative Actions---Appealed To AEMC (30 Days)
- AEMC Refers Case To Hearing Officer
- Hearing Officer Hears Testimony, Depositions, Evidence From Both Sides
- Hearing Officer Makes A Recommendation To AEMC
- AEMC Can Agree With, Reject, Or Modify The Hearing Officer's Recommendation
- Can be appealed to Circuit Court and on up through the Alabama Court System



Petitions Asking EPA to Object to Title V Permits

- More petitions being sent to EPA and EPA is granting a higher percentage of them
- EPA is beginning to “recommend” to permitting agencies fence line monitoring, more dispersion modeling, cumulative impact analyses, etc.
- Part of this administration’s EJ effort

Start-up, Shutdown, and Malfunction

- Efforts by EPA to force States to remove SSM from their rules put on hold during previous administration.
- A Consent Decree has set deadlines for States to act.
- Federal plan (FIP) if States don't act.



Air – Ozone Transport

Alabama's Ozone Transport Plan

- In 2015, EPA informed ADEM that Alabama does not interfere with any other State's ozone non-attainment problem
- In 2018, ADEM submitted a Plan which acknowledged the above, and in 2019 EPA proposed to approve it
- Approval never occurred, and in 2022 EPA proposed to disapprove the Plan and to impose a Federal Plan
- ADEM has withdrawn its 2018 Plan and has submitted a new Plan which supports EPA's previous conclusion that Alabama does not significantly affect nearby States



West Virginia v. EPA

- Decided by U.S. Supreme Court on June 30, 2022. Case involved the Obama Administration's Clean Power Plan and the Trump Administration's Affordable Clean Energy Rule.
- Applying the "major questions" doctrine, the Court held that EPA exceeded its statutory authority when the CPP was promulgated.
- Major Questions Doctrine - in "certain extraordinary cases" where an agency asserts broad authority of "economic and political significance," courts should look for a clear statement of congressional authorization before green-lighting the action.
- Decision has implications for the current administration's reworking of the CPP and other options to for reducing GHG emissions from power plants and other plants.
- It may, arguably, provide precedent to open the door for litigants to challenge administrative agency rules, even though *Chevron deference* was not mentioned in the majority opinion.
- Generation shifting as part of best system of emission reduction (BSER) is off the table forcing the current administration to focus on onsite measures for BSER
- Expect the current administration to consider other power plant emission rules under the CAA to achieve GHG reductions as "co-benefits."
- The current EPA will probably turn to other sectors to reduce GHG emissions, such as mobile sources, etc.



Water - PFAS State Actions

- In-Stream Monitoring
- NPDES Permit Requirements
- Public Drinking Water Testing



Water - PFAS In-Stream Monitoring

- Tennessee River
 - ADEM and 3M Activities
 - Fish Consumption Advisory for PFAS
- Coosa River
 - ADEM and EPA Activities
 - No Fish Consumption Advisory for PFAS
- Alabama River
 - Samples Collected June 2021



Water - PFAS

Monitoring and Minimization

- Facilities with elevated levels of PFAS in their effluent discharges have been required to monitor/report PFAS concentrations.
 - Chemical Plants
 - Landfills
 - Municipal WWTP
 - DOD
 - Quarry
- Based on results, some facilities required to develop and implement a PFAS Minimization Plan to reduce the levels of PFAS in the discharge.



PFAS - Drinking Water

- Public drinking water sources not previously tested under UCMR3 required to test during 2020
 - GW Sources vs. SW Sources
 - Results can be found at <http://adem.alabama.gov/newsEvents/reports/PFASDrinkingWaterSystemReport.pdf>
 - Results are forwarded to our Land Division to investigate possible legacy/ongoing sources
- Public drinking water sources tested under UCMR3 providing test results this year

eFile

Media Area: ☒ Air ☒ Land ☒ Water

Facility:

☒ Name ☐ Master ID
[Find a Master ID](#)

Permit Number:

County:

File Name:

Document Date:

☐ Date Range

Document Category/Type:

☐ Custom Query

2848 Documents Found

1 2 3 4 5 6 7 8 9 10 ...

<u>Master ID</u>	<u>Name</u>	<u>Permit Number</u>	<u>County</u>	<u>Date</u>	<u>Type</u>	<u>File Name</u>
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EPA Council on PFAS

- Announced by EPA in April 2021
- Headed by AA for Water Radhika Fox and Acting Region 1 RA Deb Szaro
- PFAS Strategic Roadmap
 - Whole-of-Agency Approach
 - Research, Restrict, Remediate
 - <https://www.epa.gov/pfas/>



PFAS Strategic Roadmap

Office of Water Actions

- **Nationwide Monitoring for PFAS in Drinking Water** — Final Rule expected Fall 2021
- **PFOA and PFOS Drinking Water MCL** — Proposed rule expected Fall 2022, final rule Fall 2023
- **Publish Toxicity Assessments for GenX and 5 additional PFAS (PFBA, PFHxA, PFHxS, PFNA, PFDA)** — Expected Fall 2021 and ongoing
- **Publish Health Advisories for GenX and PFBS** — Expected Spring 2022
- **Restrict PFAS discharges from industrial sources through ELG program** — Expected 2022 and ongoing
- **Leverage NPDES permitting to reduce PFAS discharges to waterways** — Expected Winter 2022
- **Publish improved analytical methods** — Expected Fall 2022 and Fall 2024
- **Publish recommended ambient water quality criteria for PFAS** — Expected Winter 2022 and Fall 2024
- **Enhance data availability on PFAS in fish tissue** — Expected Summer 2022 and Spring 2023
- **Finalize risk assessment for PFOA and PFOS in biosolids** — Expected Winter 2024



Land - SW Regulations (Recent Revisions)

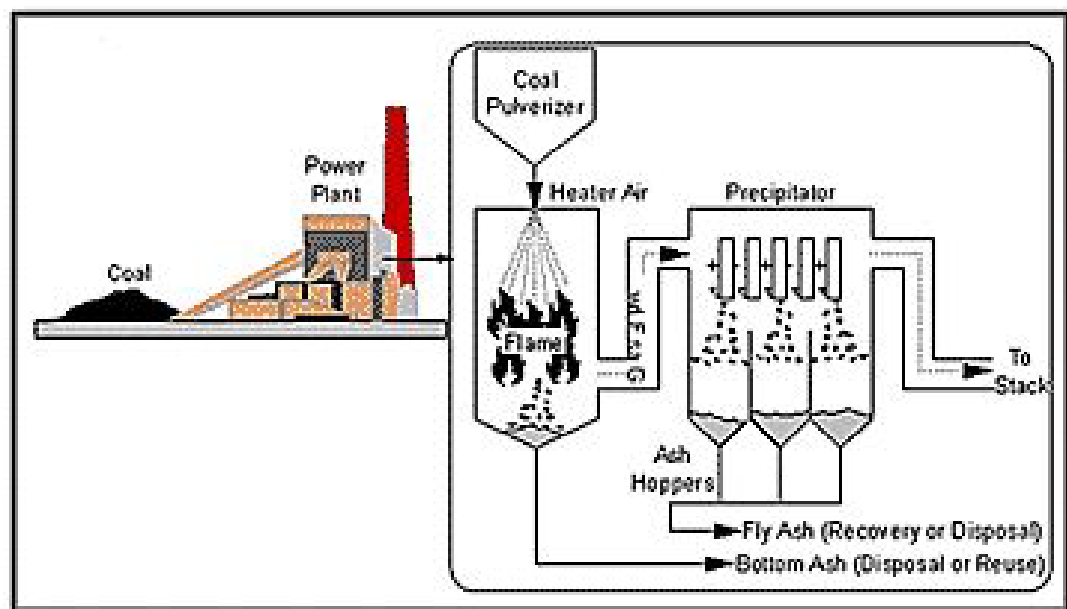
Effective Date: December 2021

- Overall purpose of rulemaking:
 - Improve the organization and clarity of existing rules by better grouping of various regulatory components.
 - Enhance opportunities for public participation in the permitting process (minor mods).
 - Clarify regulatory requirement in certain areas.
 - Working face, alternate cover material, free liquids, washout.
 - Added language to Hydrogeology Standards for flexibility for the timing of groundwater measurements.
 - Continue to ensure alignment between State and Federal CCR requirements.



What is CCR?

- Coal Combustion Residuals (CCR) or coal ash includes fly ash, bottom ash, boiler slag, and flue gas desulfurization (FGD) materials.
- In 1980, the Solid Waste Disposal Act Beville Amendments exempted fossil fuel combustion waste from regulation under RCRA Subtitle C (hazardous waste).



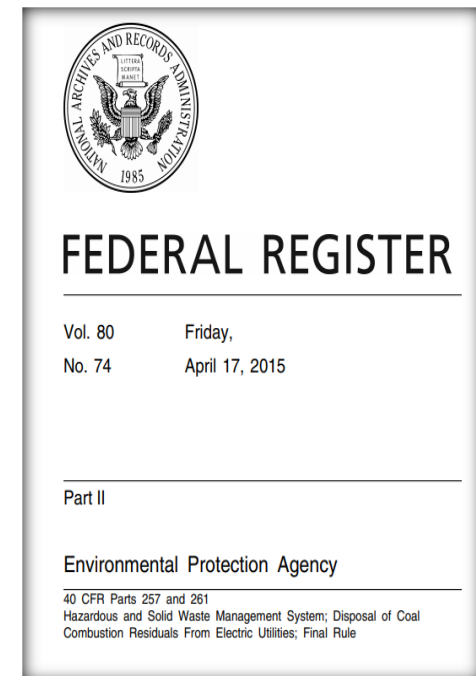


CCR Regulations

In 2015, the Federal Coal Combustion Residual (CCR) Rules established a minimum criteria for the safe disposal of CCR generated from electric utilities or independent power producers.

In 2016, the WIIN Act amended RCRA to provide:

- ☐ States to develop and submit a CCR permit program to EPA for approval.
- ☐ The program does not have to be identical to the current CCR rule but must be “as protective as” the CCR rule.
- ☐ Once approved, the State permit program operates “in lieu of” the federal CCR rule.





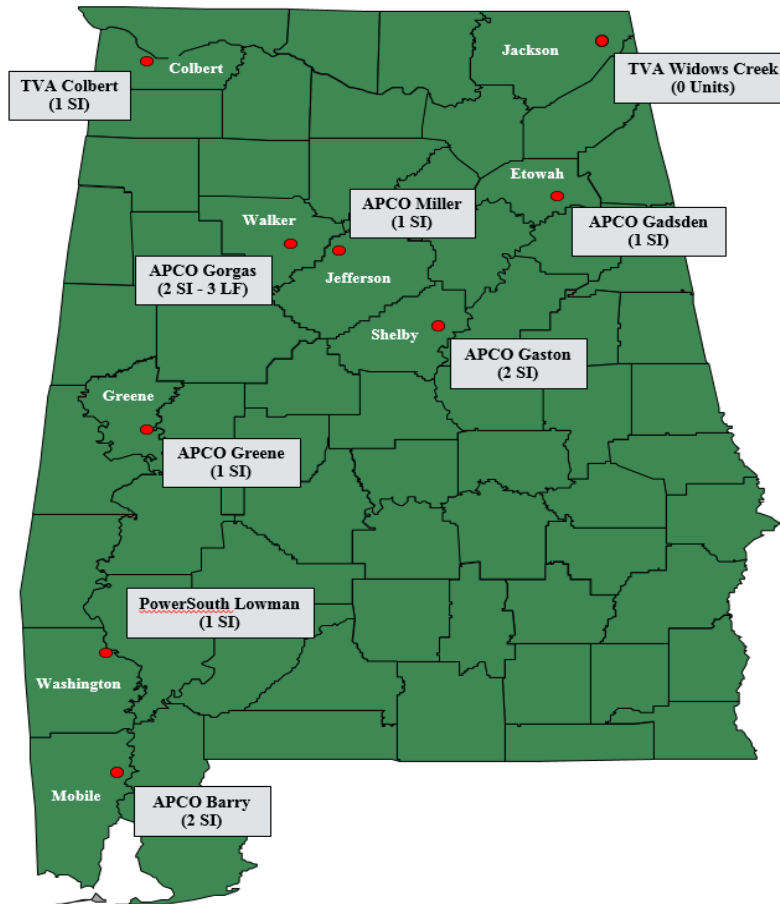
CCR Regulations

On June 8, 2018, State CCR regulations were finalized by the ADEM EMC.

These regulations have subsequently twice been amended: First, on February 15, 2021 and most recently on December 13, 2021.

CHAPTER 335-13-15 Standards for the Disposal of Coal Combustion Residuals in Landfills and Surface Impoundments	
TABLE OF CONTENTS	
335-13-15-.01	General Provisions
335-13-15-.02	Definitions
335-13-15-.03	Location Restrictions
335-13-15-.04	Design Criteria
335-13-15-.05	Operating Criteria
335-13-15-.06	Groundwater Monitoring and Corrective Action
335-13-15-.07	Closure and Post-Closure Care
335-13-15-.08	Recordkeeping, Notification, and Posting of Information to the Internet
335-13-15-.09	Permit Application
335-13-15-.10	Public Notice
335-13-15-.11	Public Hearing
335-13-15-.12	Permit Denial, Suspension or Revocation
335-13-15-.13	Permit Modification
335-13-15-.14	Transfer of Permit
335-13-15-.15	Variances
335-13-15-App III	CCR Constituents for Detection Monitoring
335-13-15-App IV	CCR Constituents for Assessment Monitoring

CCR Facility Locations (14 Units)
[11 Surface Impoundments (SI) – 3 Landfills (LF)]



Proposed CCR Unit Closure:

1. Clean Closure (1)
2. Cap-in-Place (1)
3. Consolidate and Cap-in Place (7)
4. Combination (1)





CCR Program Approval Update

1st Authorization Package submitted to EPA

- July 13, 2018

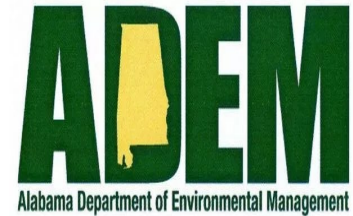
Initial comments received from EPA

- August 8, 2019

2nd Authorization Package submitted to EPA

- December 16, 2021

Note: CCR facilities are now subject to both state and federal rules.



Ongoing Inspections and Monitoring

- Continue to maintain heavy field presence with inspections, which reduces non-compliance
- Continue to maintain and service twenty-five air monitors all over the state for collecting ambient air quality data





- Collect fish tissue data from over 500 fish each year for ADPH to use in issuing fish consumption advisories



- Collect ambient water quality data from over 300 stations each year



Field Operations Division



On 4/22 broke ground on our new \$11 million Coastal Office in Mobile with funding provided by federal RESTORE Council (\$8 million) and Legislature (\$3 million) – Estimated completion in May of 2023

The Alabama Department
of Environmental Management

requests the pleasure of
your company at the

Groundbreaking Ceremony

for the new
Mobile Field Office location
1615 South Broad Street
Mobile, Alabama 36615

Friday, April 22, 2022

Twelve o'clock in the afternoon

ADEM Mobile Field Office
(251) 450-3400



P & S Division – SRF, ARPA, BIL

State Revolving Fund (SRF) Capital Grant:

- Alabama will receive for the Year 2022
 - \$20MM for the Drinking Water Program
 - \$17MM for the Clean Water Program
- Funds will be made available through a combination of:
 - Low Interest Loans – 1.99% for 2022
 - Grant/Principle Forgiveness which will maximize at:
 - 100% of Total Project Cost
- Key Metric
 - Project must be on IUP no later than April 2022 IUP



SRF Funding Plan

Drinking Water

- 2022 Funds \$20MM
- PF All Projects(%) 12% to 35 %
- Individual Project PF(%) 100% Max
- Green Projects 10% SRF Funds
- Financing Term 20 Years @ 1.99%
- Tech Assistance 100 %

Clean Water

- 2022 Funds \$17MM
- PF All Projects(%) 10% to 20 %
- Individual Project PF(%) 100% Max
- Green Projects 10% SRF Funds
- Financing Term 20 Years @ 1.99%
- Tech Assistance 100 %



SRF Capital Drinking Water Eligible Projects

- The Fund may provide assistance to finance the costs of infrastructure needed to achieve or maintain compliance with requirements, and/or meet public health objectives of the SWDA.
- Any other use allowable by the United State Environmental Protection Agency that is consistent with the Act.
- Land is an allowable cost only if it is integral to a project that is needed to meet or maintain compliance and further public health protection. No eminent domain. The acquisition must be from a willing seller.
- Dams and Reservoirs Are Now Eligible.
- Only projects on the Department's IUP list may be considered for funding.
- **Call ADEM's SRF Section @ 334.271.7913 or email srf@adem.alabama.gov if you have a question on whether a project qualifies.**



Bipartisan Infrastructure Law

Key Priorities:

1. Support American Workers and Renew the Water Workforce.
2. Cultivate Domestic Manufacturing.
3. Fully Enforce Civil Rights.
4. Refine State SRFs to Build the Pipeline of Projects.

- Five(5) Year Program
- Year One(1) is 2022
- Alabama will receive \$137MM in Year 1
- Alabama will receive \$697MM Total
- Three trenches of funds:
 - SRF Capital Grant
 - Contaminants of Emerging Concern(CEC)
 - Lead Service Line Replacement
- Key Metric
 - Project must be on IUP no later than 2023 IUP



BIL – SRF Funding Plan

Drinking Water

- 2022 Funds \$39MM
- PF All Projects(%) 49 %
- Individual Project PF(%) 100% Max
- Financing Term 20 Years @ 1.99%
- Technical Assistance 100 %

Clean Water

- 2022 Funds \$20MM
- PF All Projects(%) 49 %
- Individual Project PF(%) 100 % Max
- Financing Term 20 Years @ 1.99%
- Technical Assistance 100 %



BIL – CEC Funding Plan

Drinking Water

- 2022 Funds \$16MM
- PF All Projects(%) 100 %
- Individual Project PF(%) 100 %
- DC or Pop < 25,000 25% Funds
- Technical 100 %

Clean Water

- 2022 Funds \$1MM
- PF All Projects(%) 100 %
- Individual Project PF(%) 100 %
- Technical 100 %
- Note: 2023 thru 2026 Funds \$4MM/Year



BIL – Lead Service Line Replacement Funding Plan

■ 2022 Funds	\$61MM
■ PF All Projects(%)	49 %
■ Individual Project PF(%)	100 %
■ Financing Term	20 Years @ 1.99 %
■ Technical	100 %



American Rescue Plan Act (ARPA)

- One Year Program
- Year 2022
- ARPA will provide \$120MM for Drinking Water and Clean Water Combined
- Alabama has allocated an additional \$105MM from other COVID Funds
- Total ARPA Program Funding \$225MM for Drinking Water and Clean Water Combined
- Key Metrics
 - Funds must be obligated by 31 DEC 2024
 - Funds must be spent by 31 DEC 2026
- Functions the same as current SRF Program



ARPA Funding Plan – DW & CW

<u>Programs</u>	<u>Program 1</u>	<u>Program 2</u>	<u>Program 3</u>
	High Need Designated	P.F. Based on Merit & Ability to Pay	Black Belt Demonstration Projects STEP or Other Demonstration Projects
■ 2022 Funds DW & CW Combined	\$120MM	\$100M	\$5MM
■ Individual Project PF(%)	100 % Max	100 % Max	100 % Max
■ Technical	100 %	100 %	100 %
■ Financial	Demonstrated Sustainability		

- Health & Compliance Issues Active and/or Imminent
- Disadvantaged Communities
- Affordability
- Populations Less Than 10,000
- Points Ranking



Planning for DW & CW Projects*

- 1. Request Technical Assistance from ADEM SRF Section. This will potentially fund Technical Assistance and preparation of required Financial Reports(Small, Rural, and Tribal Communities).
- 2. Develop Preliminary Engineering Report that Addresses Recommended Solution and Alternatives Considered.
- 3. Submit Pre-Application(ADEM Form 370 for CW or ADEM Form 370 for DW) to ADEM SRF Requesting Funding(Suggest that you indicate Principal Forgiveness You Require).
- 4. Once funding is approved submit DWSRF Loan Application(ADEM Form 369) or CWSRF Loan Application(ADEM Form 339) to ADEM SRF.
- 5. Once complete application is approved, install project.

* ADEM SRF Section can guide through process



Financing Alternatives

- SRF only
- BIL only
- ARPA only
- Blended Funds Using SRF, BIL, and ARPA Funds
 - SRF + ARPA - Only interest and fees returned to the SRF Program can be used to match other Federal Programs
 - SRF + BIL - Only interest and fees returned to the SRF Program can be used to match other Federal Programs
 - BIL + ARPA - Only interest and fees returned to the SRF Program can be used to match other Federal Programs
 - SRF + USDA - Only interest and fees returned to the SRF Program can be used to match other Federal Programs
 - SRF + EDA - Only interest and fees returned to the SRF Program can be used to match other Federal Programs



Current State of Committed Funds – 11Aug'22

<u>Fund</u>	<u>Committed</u>	<u>Principal Forgiveness</u>	October 12, 2022
		<u>SRF</u>	
CWSRF CAP	\$57,701,575	\$ 2,587,600	
DWSRF CAP	\$53,261,485	\$ 3,927,560	
		<u>BIL</u>	
CWBIL:	\$21,891,100	\$9,751,490	
DWBIL:	\$42,665,700	\$19,005,630	
CWBIL PFAS:	\$ 1,045,000	\$ 1,045,000	
DWBIL Lead:	\$61,114,000	\$29,945,860	
		<u>ARPA</u>	
ARPA 100:	\$70,691,730(Grant) + \$93,537,896(Match Required/Ability to Pay)		
ARPA 120:	\$93,027,671 (Grant) + \$20,453,042(Match Provided/Not Required)		
ARPA 5:	\$2,200,000(DPH) + \$2,800,000(Univ South Alabama)		
Total ARPA/BIL/SRFCAP:	\$406,398,261		
Total Projects:	130 / 78 DW/ 52 CW		



Questions?

Shawn Sibley
Office of General Counsel
(334) 271-7855
ssibley@adem.alabama.gov

Alabama Air & Waste Regulatory Update

Solid Waste Compliance

Heather M. Jones, Chief
Compliance and Enforcement Section
Land Division





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Non-Compliance Rate

*based on number of inspections vs. number of NOV's issued



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- FY 2008 = 43%
- FY 2009 = 11%
- FY 2010 = 6%
- FY 2012 = 4%
- FY 2013 = 3%
- FY 2014 = 2%
- FY 2015 = 3%
- FY 2016 = 2%
- FY 2017 = 2%
- FY 2018 = 4%
- FY 2019 = 2%





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Non-Compliance Rate

*based on number of inspections vs.
number of NOVs issued



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- FY 2012-2019 = 2-4%
- FY 2020 = 4%
- FY 2021 = 7%
- **FY 2022 = 8%**



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WHY?



“Big 5” Compliance Issues



- **Failure to Cover**
 - ❑ Lack of cover at end of day/week
 - ❑ Exposing waste during new cell construction/liner tie-in
- **Leachate**
 - ❑ Failure to properly collect/dispose
 - ❑ Depth on liner \leq 12 inches
 - ❑ Discharge to a water of the State
- **Disposal in Unpermitted area**
 - ❑ Cell certification
 - ❑ Lack of disposal boundary markers
- **Disposal of Hazardous Waste**
- **Fire**

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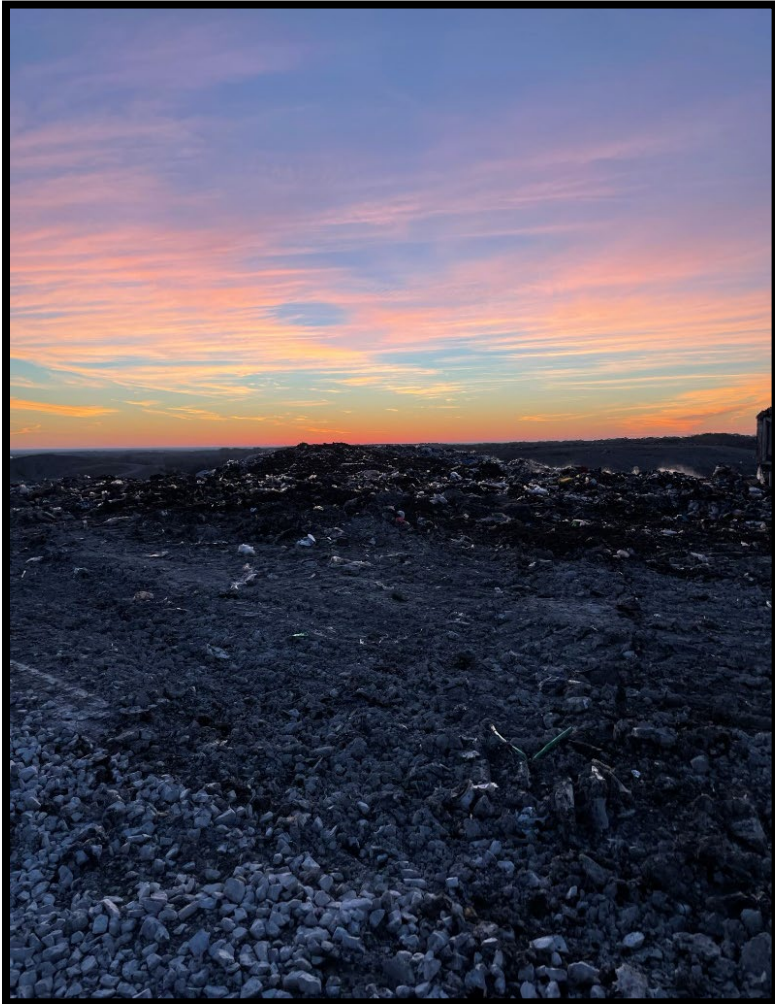
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Failure to Cover



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Failure to Cover



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Failure to Cover



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Leachate



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Disposal in Unpermitted Area



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Disposal of Hazardous Waste



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A vibrant, abstract graphic consisting of numerous overlapping paint splashes in various colors including red, yellow, blue, green, and white, creating a dynamic and energetic background.

What's Next?

Compliance presence

- Municipal Solid Waste (MSW) Landfills inspected **at least 4** times per year
- C&D and Industrial Landfills (ILF) inspected **at least 2** times per year



- Early morning inspections
 - Conducted at the beginning of operations to observe opening conditions
- Increased follow-up presence to confirm observations or remedial actions
- Potential heightened enforcement/penalties for more serious violations



Heather M. Jones, Chief
Compliance and Enforcement Section
Solid Waste Branch
(334) 271-7849
hjones@adem.alabama.gov



ADEM Technology Update

Lisa Cole

Natural Resource Section

Chemical Branch

Air Division

Alabama Air & Waste Regulatory Update

Montgomery, Alabama

October 20, 2022



- ADEM has implemented some applications that streamline users' interaction with the Department
 - ADEM Portal
 - Alabama Environmental Permitting and Compliance System (AEPACS) – multi-phase implementation
- ECHO (Enforcement and Compliance History Online) – public service announcement



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ADEM Portal



- Central access point for all of the Department's externally accessible applications
- Single Sign On (SSO)
- CROMERR Compliant
 - Account passwords expire every 90 days
 - No sharing of accounts
- Help Desk
 - ademwebportal@adem.alabama.gov (can respond after hours)
 - (334) 274-4190



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AEPACS



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- Web-based multi-media permitting and compliance tool
- Access through ADEM eGov link or aepacs.adem.alabama.gov
- SSO (ADEM Portal)
- Secure access to your facility's information
 - Documents
 - Permits
 - Inspection Memos
 - Enforcement
- Electronic Submittals
 - Applications
 - Registrations
 - Certifications
 - Reports

- GIS
 - Site mapping
 - See what's nearby
- Schedules/reminders
 - Reports due
 - Applications due
 - Payments due
- Invoices/Pay
- Staggered implementation across media (multi-year process)

- Programs currently in AEPACS
 - Water Programs
 - Clean Water Act (CWA) §401 Water Quality Certification (WQC)
 - Coastal Program
 - NPDES/SID/UIC Programs
 - Land Programs
 - Recycling Program
 - Scrap Tire Program
 - County Right-of-Way Program
 - UST Program
 - Air Programs
 - Stage 1 - Gasoline Storage Tanks

- Next phase of programs to be rolled into AEPACS
 - Field Operations
 - CAFO
 - Air Programs
 - Primary permitting program (permitting, compliance & enforcement, Title V fees, emissions, stack testing) – staggered implementation
- Tentative “Go Live” date – early 2024

- Future phases – still determining priority
 - ❑ Air Programs
 - Gasoline bulk plants
 - Asbestos certification
 - ❑ Land Programs
 - Rest of Solid Waste
 - 8700-12
 - Hazardous Waste Transporters
 - Medical Waste
 - Beneficial Use
 - ❑ Water/Permits and Services
 - Operator Certification



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AEPACS



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Alabama Department of Environmental Management

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AEPACS – Alabama Environmental Permitting and Compliance System

Please click the About link to see which programs are currently active in this system



Sign In



Permitting & Compliance

What can I do here?

- Apply for permits
- Manage your permits (pay fees, apply for renewals)
- Submit reports (required by your permit or certification)

To get started, you'll need an account.

[CREATE AN AEPACS ACCOUNT](#)

[Sign in with an existing account](#)

Public Services

These services are provided to be freely used by the public; no account is necessary to make use of them.



Site Map Explorer

Use our Explorer mapping tools and advanced-search capabilities to navigate all available information on environmental sites.





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AEPACS



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Kayla Gissendanner

HOBO PANTRY #18
CHEVRON

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Priority (7) Upcoming (1) As Needed (3) Draft (1) To Be Signed (0) In Process (2)

HIGH PRIORITY

HOBO PANTRY #18 CHEVRON

Permit Change HPH-89XZ-WRJ86 on 606-G007-X002 v1.0 — Form 197 Air Permit for Gasoline Facilities - Modification

ON HOLD - ACTION NEEDED

The submission was received on 04/27/2022. Your submission review has been completed and it was determined that your application could not be considered administratively complete. Your submission cannot be processed further without additional and/or corrected information. Please open the form to review the corrections necessary to make the submission complete. You will then need to revise and resubmit the form. Contact Danielle Gissendanner at (334) 270-5667 or danielle.gissendanner@DONOTSPAMadem.alabama.gov with questions.

HOBO PANTRY #18 CHEVRON

Schedule on Permit 12409-067-005392 v1.0 — 3 Year Containment Sump Integrity Test Report Or Low Level Method Report

OVERDUE > 30 DAYS

The schedule was due 12/08/2020.

Begin

HOBO PANTRY #18 CHEVRON

Schedule on Permit 12409-067-005392 v1.0 — Annual Tank Gauge Test Report

OVERDUE > 30 DAYS

The schedule was due 02/15/2022.

Begin

HOBO PANTRY #18 CHEVRON

Schedule on Permit 12409-067-005392 v1.0 — Automatic Line Leak Detector (ALLD) and Line Tightness Test Report

OVERDUE > 30 DAYS

The schedule was due 02/15/2022.

Begin

HOBO PANTRY #18 CHEVRON

Schedule on Permit 12409-067-005392 v1.0 — 3 Year Spill Prevention Equipment (Spill Bucket) Integrity Test Report (Hydrostatic and Vacuum Method)

OVERDUE > 30 DAYS

The schedule was due 04/02/2022.

Begin

HOBO PANTRY #18 CHEVRON

Schedule on Permit 12409-067-005392 v1.0 — 3 Year Overfill Prevention Equipment Inspection Report

OVERDUE > 30 DAYS

The schedule was due 04/02/2022.

Begin

HOBO PANTRY #18 CHEVRON

Schedule HPG-WPVD-905X7 on Permit 606-G007-X001 v1.0 — Stage 1 Enforcement Response

OVERDUE > 30 DAYS

The schedule was due 05/05/2022. This draft was created on 04/12/2022 by Kayla Gissendanner and has not yet been submitted.

Continue

Delete Draft

INVOICES

2

INVOICES

\$2,070.00

TOTAL DUE

UPCOMING

HOBO PANTRY #18 CHEVRON

Schedule on Permit 12409-067-005392 v1.0 — Cathodic Protection Monitoring for Galva...

UPCOMING

The schedule is due 02/27/2023.

Begin



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Alabama Environmental Permitting and Compliance System

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Kayla Gissendanner

**HOBO PANTRY #18
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Finding and Submitting Applications and Requests

Begin by browsing the available application, service request and report forms. Once the desired form is located, you can fill it out, submit it, and track it here.

[Browse Forms](#)

Add a Site to your account

Your account currently only has access to one site, **HOBO PANTRY #18 CHEVRON**. In order to perform work on any other site, project or facility you'll have to connect it to your user account.

[Add a Site](#)

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Use the [Help](#) link icon in the top right corner of any page to view screen-specific help. If you still need assistance, [Contact Us](#) for additional support options.



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AEPACS



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Kayla Gissendanner

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Permit Number	Permit Type	Agency Contact	Issue Date	Effective Date	Expiration Date	Permit Status
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
606-G007-X001 v1.0	Air - Stage 1: Stage 1 Air Permit	Rebecca Arthur Rebecca.arthur@DONOTSENDadem.alabama.gov (334) 271-7700	12/07/1998	12/07/1998		In Effect
12409-067-005392 v1.0	Land - UST: Storage Tank Registration	Craig Hodes cah@DONOTSENDadem.alabama.gov (334) 271-7912	01/01/1975	01/01/1975		In Effect
606-G007-X002 v1.0	Air - Stage 1: Stage 1 Air Permit	Danielle Gissendanner danielle.gissendanner@DONOTSENDadem.alabama.gov (334) 270-5667	04/26/2022	04/26/2022		In Effect
606-G007-X002 v3.0	Air - Stage 1: Stage 1 Air Permit	Danielle Gissendanner danielle.gissendanner@DONOTSENDadem.alabama.gov (334) 270-5667				In Process

- EPA's Enforcement and Compliance History Online (ECHO) –
<https://echo.epa.gov>
- Publicly available information
- Facilities should be aware of their source profile
- Report inaccuracies



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Questions?



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PFAS Updates

A&WMA

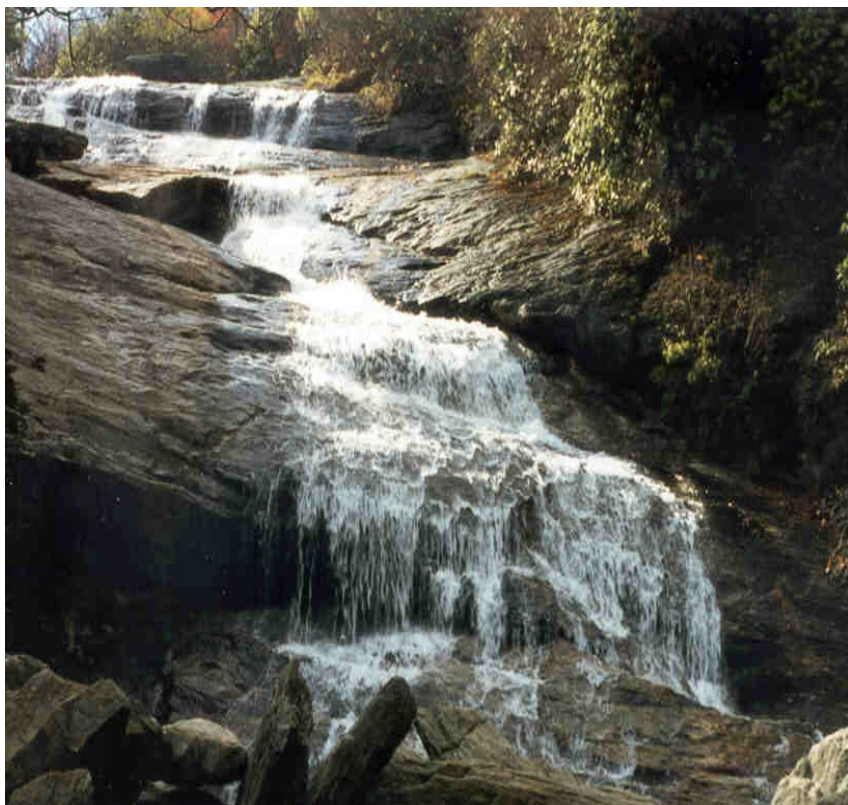
October 20, 2022

Jeffery W. Kitchens, Chief
Water Division
ADEM



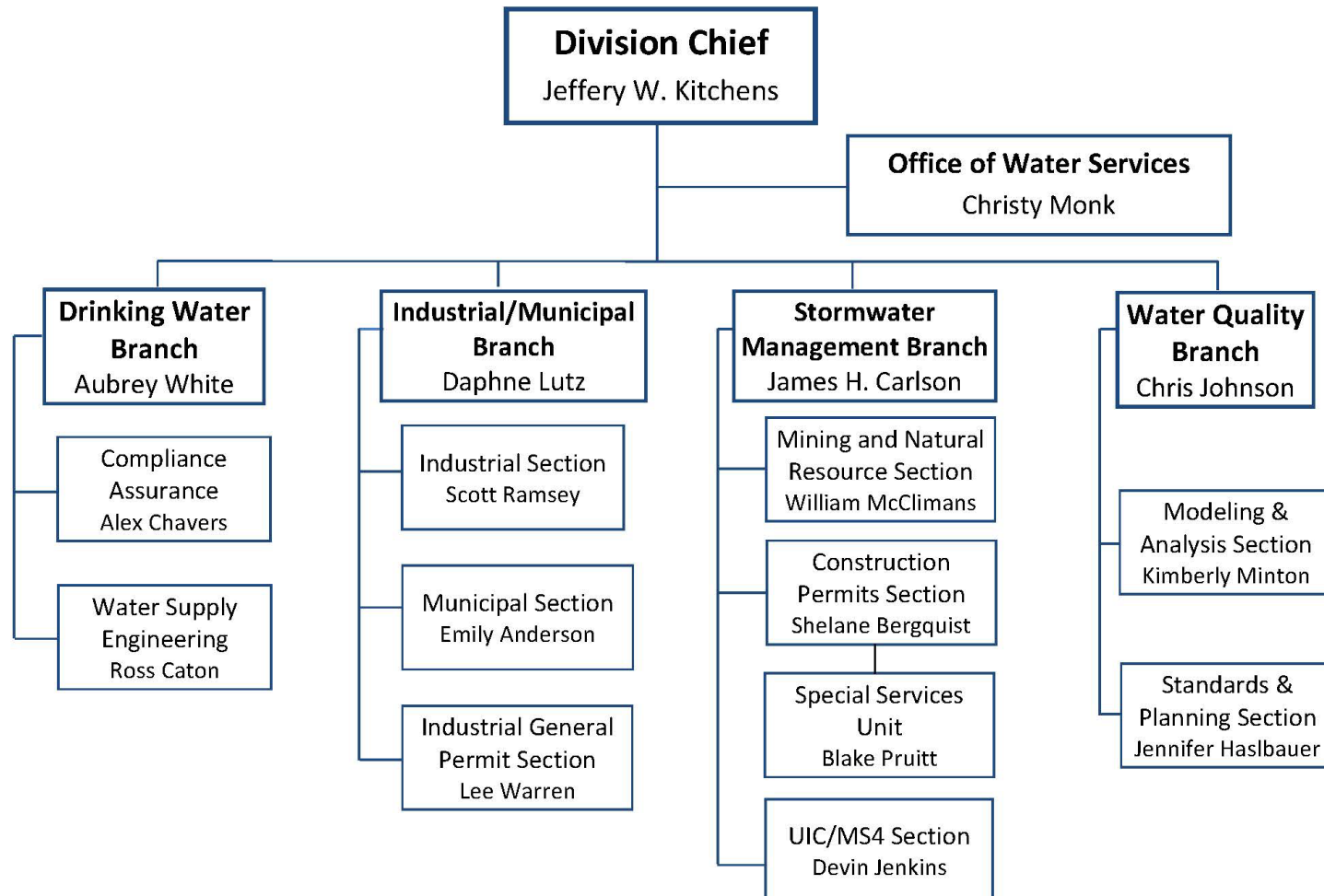
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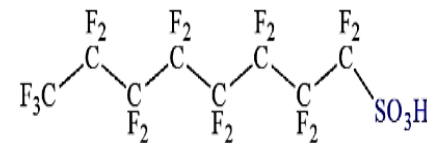
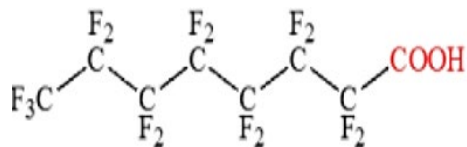
- Water Division Organization
- PFAS
 - What Is It/Sources
 - State Actions
 - Federal Actions
- Contacts

Water Division Organizational Chart



Per- and Polyfluoroalkyl Substances - PFAS

- Man-made group of over 9,000 chemicals including PFOA, PFOS, GenX, and PFBS
- Manufactured in U.S. since 1940s
- Perfluorinated – Carbon chain atoms completely fluorinated
- Polyfluorinated – At least one carbon chain atom not fully fluorinated
- Chain Length
- PFOA and PFOS most extensively studied (no longer produced in the U.S.) and persistent in the environment and human body

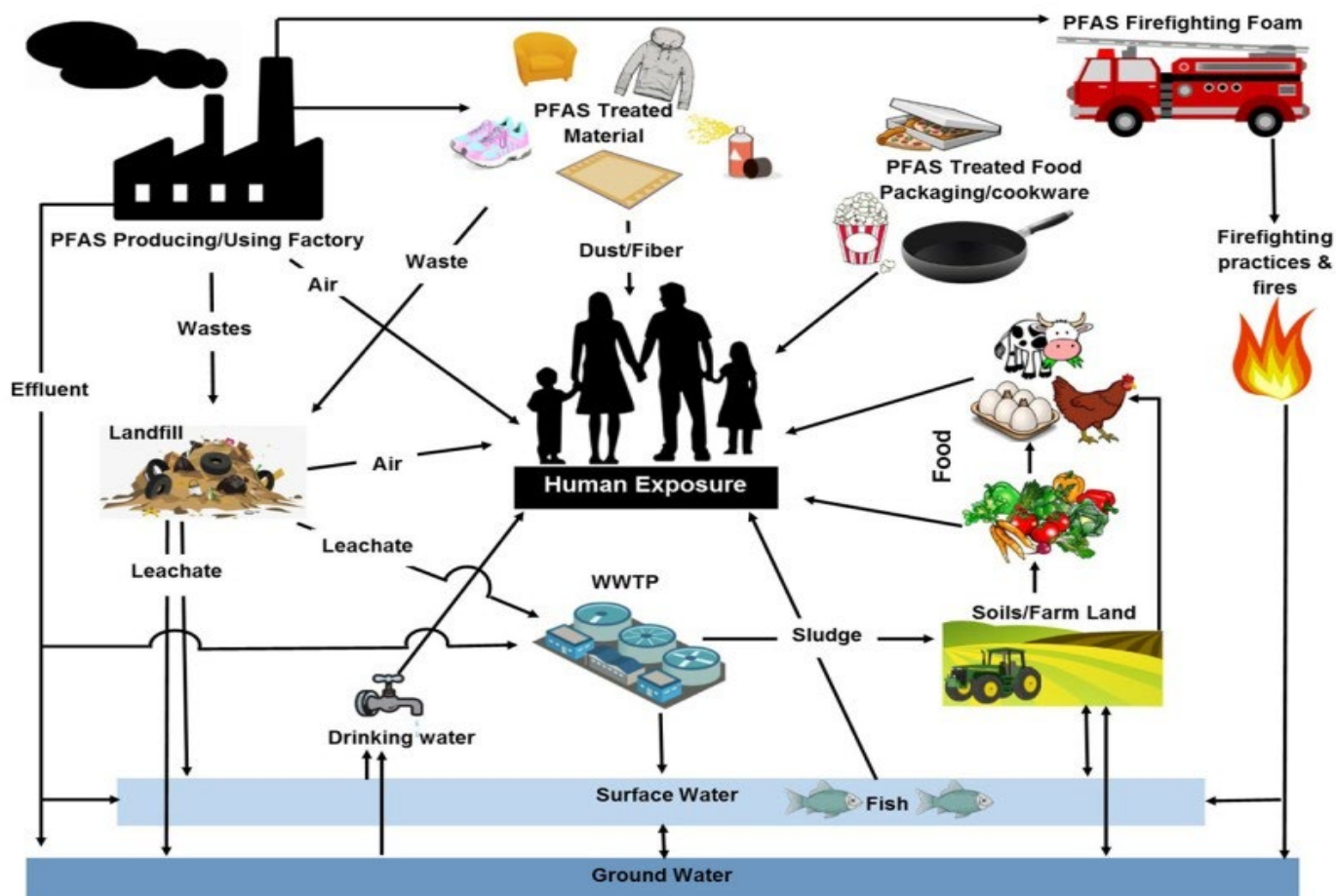


PFAS Uses and Sources



Common Materials/Sources with Potential PFAS

- Fire-fighting foams (AFFF – Aqueous Film Forming Foams)
- Stain and water repellent treated products/materials
- Polishes, waxes, paints, cleaning products
- Metal plating facilities
- Electronics manufacturing facilities
- Oil recovery facilities
- Landfills
- Wastewater treatment plants
- Biosolids
- Food Packaging
- Newly identified sources



Human Exposure and sources of PFAS
Image: DWP, adapted from Oliaei et al. 2013.

PFAS Health Effects

A large number of studies have examined possible relationships between levels of per- and polyfluoroalkyl substances (PFAS) in blood and harmful health effects in people. However, not all of these studies involved the same groups of people, the same type of exposure, or the same PFAS. These different studies therefore reported a variety of health outcomes. Research involving humans suggests that high levels of certain PFAS **may** lead to the following:



Increased cholesterol levels



Changes in liver enzymes



Small decreases in infant birth weights



Decreased vaccine response in children



Increased risk of high blood pressure or pre-eclampsia in pregnant women



Increased risk of kidney or testicular cancer

At this time, scientists are still learning about the health effects of exposures to mixtures of different PFAS.

PFAS State Actions



- In-Stream Monitoring
- NPDES Permit Requirements
- Public Drinking Water Testing
- 3M ICO

PFAS In-Stream Monitoring



- Tennessee River
 - ADEM and 3M Activities
 - Fish Consumption Advisory for PFAS
- Coosa River
 - ADEM and EPA Activities
 - No Fish Consumption Advisory for PFAS
- Alabama River
 - Samples Collected June 2021

PFAS Monitoring and Minimization

- Facilities in certain industrial categories will be required to monitor/report PFAS concentrations.

OCPSP	Metal Finishing
Electroplating	Electrical/Electronic Components
Textile Mills	Leather Tanning/Finishing
Plastic Molding/Forming	Paint Formulating
CWT	Landfill Leachate

- At least semi-annual sampling
- Draft EPA Method 1633, 1621, or other approved method

PFAS Monitoring and Minimization



➤ Based on results, some facilities required to develop and implement a PFAS Minimization Plan to reduce the levels of PFAS in the discharge.

1. Good Housekeeping Practices
2. Equipment, associated with production and/or wastewater treatment system, decontamination and/or replacement
3. Product elimination or substitution when a reasonable alternative to using PFAS is available
4. Immediate clean-up of any AFFF releases
5. Source Identification
6. Pilot Studies on treatability of wastewater
7. Installation and operation of appropriate PFAS treatment technology(ies)

PFAS Drinking Water



Public drinking water treatment sources tested during 2020 and 2022

- Approximately 400 systems tested
- 89 systems with reportable detections of PFOA/PFOS
- Results can be found at <http://adem.alabama.gov/newsEvents/reports/PFASDrinkingWaterSystemReport.pdf>
- Many systems have notified customers of the presence of PFOA/PFOS in their drinking water



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Interim Consent Order



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- Wastewater Requirements
- Land/Groundwater Requirements
- Air Requirements
- Other Requirements

Bipartisan Infrastructure Law (BIL)

- 5-Year Program
- Year One(1) is 2022
- Alabama will receive \$137MM in Year 1
- Alabama expects to receive \$765MM Total
- Three tranches of funds:
 - SRF Capital Grant
 - **Contaminants of Emerging Concern(CEC)**
 - Lead Service Line Replacement



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BIL



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Program	2022 Funding Amount (\$MM)	Principal Forgiveness (%)
CW SRF	20	49
DW SRF	39	49
CW CEC	1	100
DW CEC	16	100
DW LSL	61	49



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BIL



Applicable Websites

- <https://alabamawaterprojects.com>
- <http://adem.alabama.gov/programs/water/srfupdates.cnt>

SRF Contact

Brian Espy

Bespy@adem.Alabama.gov

334-271-7711



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PFAS Documents



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eFile

Media Area: ☒ Air ☒ Land ☒ Water

Facility:

☒ Name ☐ Master ID
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Permit Number:

County:

File Name:

Document Date:

☐ Date Range

Document Category/Type:

☐ Custom Query

3233 Documents Found

1 2 3 4 5 6 7 8 9 10 ...						
<u>Master ID</u>	<u>Name</u>	<u>Permit Number</u>	<u>County</u>	<u>Date</u>	<u>Type</u>	<u>File Name</u>
						14 AL0000205 103 09-08-

PFAS Federal Actions

- PFAS Action Plan – February 2019
- PFAS Action Act
 - Introduced April 2021 (Upton and Dingell - MI)
 - H.R. 2467 passed July 2021
 - Senate Action?
- EPA Council on PFAS – April 2021



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EPA Council on PFAS



- Headed by AA for Water Radhika Fox and Acting Region 1 RA Deb Szaro
- **PFAS Strategic Roadmap – October 2021**
 - Whole-of-Agency Approach
 - Research, Restrict, Remediate
 - 2021 – 2024 Actions
 - <https://www.epa.gov/pfas/>



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PFAS Strategic Roadmap

Office of Water Actions



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- **Nationwide Monitoring for PFAS in Drinking Water**
 - UCMR 5 - December 2021
 - 29 PFAS + Lithium
 - Testing 2023-2025
- **PFOA and PFOS Drinking Water MCL**
 - Proposed rule expected Fall 2022
 - Final rule Fall 2023
- **Publish Toxicity Assessments for GenX and 5 additional PFAS (PFBA, PFHxA, PFHxS, PFNA, PFDA)**
 - PFBS – April 2021
 - GenX October 2021
 - Ongoing
- **Publish Health Advisories for GenX and PFBS**
 - June 15, 2022

Chemical	Lifetime Health Advisory Level parts per trillion or ppt
PFOA	0.004 (interim)
PFOS	0.02 (interim)
GenX Chemicals	10 (final)
PFBS	2,000 (final)



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PFAS Strategic Roadmap

Office of Water Actions



- **Restrict PFAS discharges from industrial sources through ELG program**
 - OCPSF ELG Revision – Summer 2023
 - Metal Finishing (Chromium electroplating) ELG Revision - Summer 2024
 - Continued studies for [Textiles/Carpets](#), [Electrical/Electronic Components](#), [Landfills](#), [Leather Tanning](#), [Plastics Molding/Forming](#), [Paint Formulating](#) – [Fall 2022](#) to [Winter 2023](#)
- **Leverage NPDES permitting to reduce PFAS discharges to waterways**
 - [Memo April 28, 2022](#)
 - [Effluent Monitoring at least quarterly](#)
 - [BMPs for PFAS including product substitution](#)
 - [Notification of draft permits to downstream DW systems](#)
- **Publish improved analytical methods**
 - [EPA Methods 537.1 \(14\) and 533 for Drinking Water \(25\)](#)
 - [Draft Method 1633 \(40\) for Non-Potable Water and other Environmental Media](#)
 - [SW-846 Method 8327 \(24\) for Non-Drinking Water Aqueous Samples](#)
 - [Draft Method 1621 for AOF in Aqueous Matrices](#)

➤ Publish recommended ambient water quality criteria for PFAS

➤ Aquatic life PCP ended July 5, 2022

Table 1. Draft Recommended Freshwater Aquatic Life Water Quality Criteria for PFOA and PFOS

Criteria Component	Acute Water Column (CMC) ¹	Chronic Water Column (CCC) ²	Invertebrate Whole-Body	Fish Whole-Body	Fish Muscle
PFOA Magnitude	49 mg/L	0.094 mg/L	1.11 mg/kg ww	6.10 mg/kg ww	0.125 mg/kg ww
PFOS Magnitude	3.0 mg/L	0.0084 mg/L	0.937 mg/kg ww	6.75 mg/kg ww	2.91 mg/kg ww
Duration	1-hour average	4-day average	Instantaneous ³		
Frequency	Not to be exceeded more than once in three years, on average	Not to be exceeded more than once in three years, on average	Not to be exceeded more than once in ten years, on average		

¹ Criterion Maximum Concentration.

² Criterion Continuous Concentration.

³ Tissue data provide instantaneous point measurements that reflect integrative accumulation of PFOA or PFOS over time and space in aquatic life population(s) at a given site.

➤ Human Health Criteria - Fall 2024



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PFAS Strategic Roadmap

Office of Water Actions



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- **Enhance data availability on PFAS in fish tissue**
 - National Lakes Assessment Program
 - Summer 2022 and Spring 2023
- **Finalize risk assessment for PFOA and PFOS in Biosolids**
 - Expected Winter 2024



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DOE PFAS Strategic Roadmap



- August 18, 2022
- <https://www.energy.gov/pfas/pfas-and-polyfluoroalkyl-substances>
- Commitments to Action 2022-2025
 - Research current and past uses and known or potential releases of PFAS.
 - Investigate PFAS concentrations in DOE-supplied drinking water and in the environment at DOE sites.
 - Proactively prevent PFAS from entering air, land, and water at levels that can adversely impact human health and the environment.
 - Clean up PFAS identified contamination to protect human health and ecological systems.
 - Leverage the expertise at DOE National Laboratories to enhance PFAS research.
 - Support inter-agency and cross-sector collaboration to identify and employ promising technologies.
 - Provide clear and credible information to DOE employees, local communities, and regulators.
 - Engage with stakeholders to help inform an effective Departmental PFAS strategy.



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Contacts



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Aubrey White
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Land Division PFAS Update

Austin Pierce
Chief, Engineering Services Section
ADEM



- PFAS are NOT currently regulated as a Hazardous Waste
- In Alabama,
 - ❑ PFAS are subject to Solid Waste Program disposal requirements (i.e. Special Waste) if discarded
 - ❑ Waste Approval required prior to disposal in permitted landfill
 - ❑ Environmental media contaminated with PFAS is also subject to waste determination upon generation
 - ❑ Some permitted landfills do not accept PFAS waste

EPA Proposed Rulemakings

- Designation of PFOA and PFOS as CERCLA hazardous substances
 - ❑ Proposed rule published in Federal Register on September 6, 2022 with a planned final rule in August 2023
 - ❑ When finalized, this rule will strengthen EPA's ability to clean up sites contaminated with PFOA and PFOS under CERCLA

EPA Proposed Rulemakings

- RCRA Hazardous Constituents
 - ❑ In October 2021, process initiated to add four PFAS chemicals (PFOA, PFOS, PFBS, and GenX) as RCRA Hazardous Constituents (40 CFR Part 261 Appendix VIII)
 - ❑ Proposed rule is planned to be published in August 2023
 - ❑ EPA plans to initiate clarification that emerging contaminants such as PFAS can be cleaned up through the RCRA corrective action process.

- EPA Regional Screening Levels (RSLs) and Regional Removal Management Levels (RMLs) for 6 PFAS:
 - ❑ PFBS (released 2014, updated 2021)
 - ❑ PFOA, PFOS, PFNA, PFHxS, GenX (released May 18, 2022)

RSL and RML Values for Tapwater						
Chemical	Tox Value	RfD	RSL (ng/L)	RML (ng/L)	RSL(ng/L)	RML(ng/L)
	Source	(mg/Kg-day)	HQ = .1	HQ = 1	HQ = 1	HQ = 3
PFOA	ATSDR	3.0E-06	6	60	60	180
PFOS	ATSDR	2.0E-06	4	40	40	120
PFNA	ATSDR	3.0E-06	6	59	59	180
PFHxS	ATSDR	2.0E-05	39	390	390	1200
HFPO-DA (Gen X)	OW	3.0E-06	6	60	60	180
PFBS*	PPRTV	3.0E-04	600	6000	6000	18000

- 3M-Decatur Consent Order Activities
 - ▣ Onsite and offsite investigations
 - Onsite investigation in progress
 - Offsite investigations – 5 PFAS disposal areas have been assessed in Morgan and Lawrence County, remaining sites in progress
 - Residential Water Use Determination and Action Plan – identification and sampling of private drinking water wells

- 3M-Decatur Consent Order Activities
 - ❑ Laboratory Analytical Methods and Reference Standards
 - Annual report identifying analytical methods, method detection limits, and reference standards
 - ❑ Study Programs
 - Toxicity Studies designed to aid ADEM and EPA in evaluation of carcinogenic and non-carcinogenic exposure risk
 - Environmental Studies Report designed to evaluate the fate and transport of PFAS in the environment

PFAS Water Survey

- 2021 PFAS Water Survey – developed GIS map of Alabama to identify potential PFAS sources
 - Windshield and virtual inspections throughout the State based on water system PFOA/PFOS sampling data.
 - Developed GIS Map to pinpoint target areas for further investigation

- Steve Cobb
 - Chief, Land Division
 - sac@adem.alabama.gov
- Sonja Favors
 - Chief, Industrial Hazardous Waste Branch
 - smb@adem.alabama.gov
- Austin Pierce
 - Chief, Engineering Services Section
 - austin.pierce@adem.alabama.gov

EPA Region 4 Enforcement and Compliance Assurance Division

**Keriema S. Newman
Deputy Director**



Enforcement and Compliance Assurance Division

Technical Support Branch

Training & Capacity Building Section

- Inspector Training
- Compliance Assistance
- Fed. & State Planning & Credentialing
- Coordination

Targeting, Data & Measures Section

- Data Management
- Targeting
- Strategic Planning
- Inspection
- Data Analytics & Results Measures

Air Enforcement Branch

North Air Enforcement Section

- CAA
- RMP
- EPCRA

South Air Enforcement Section

- CAA
- RMP
- EPCRA

Chemical Safety and Land Enforcement Branch

Pesticides Enforcement Section

- FIFRA

RCRA Enforcement Section

- RCRA

TSCA Enforcement Section

- TSCA Lead
- TSCA NEC
- TSCA PCBs
- AHERA

Water Enforcement Branch

Waterways and Wetlands Enforcement Section

- Wetlands
- Resource Extraction
- Stormwater
- CAFO
- MPRSA
- UIC

Wastewater Enforcement Section

- SNC NCI
- Conventional Systems
- Collection Systems
- Pretreatment
- OPA

Policy, Oversight & Liaison Team

- Planning and Coordination
- State Review Framework Implementation
- Coordination of regional input to national policy development
- Tips and Complaints
- Technical and program Support to CID
- Cross Division Support

ECAD Priorities

- **State Partnerships**
- **Community Engagement**
- **Environmental Justice**
- **PFAS**
- **Lead**
- **Coal Combustion Residuals (CCR)**
- **National Compliance Initiatives**
- **Imports**
- **Wetlands**



Enforcement Overview: The Basics

- **Compliance Monitoring**
 - Targeting
 - Inspections
 - Information Requests
 - Sampling
- **Enforcement Actions**
 - Administrative
 - Judicial
- **Anatomy of a Settlement**
 - Injunctive Relief
 - Penalties
 - SEPs
 - Monitoring



Administration's Focus on EJ

- **Executive Order 14008 (January 2021)**
- **Executive Order 14057 (December 2021)**
- **Justice40 Initiative**

BRIEFING ROOM

FACT SHEET: President Biden Takes Executive Actions to Tackle the Climate Crisis at Home and Abroad, Create Jobs, and Restore Scientific Integrity Across Federal Government

JANUARY 27, 2021 • STATEMENTS AND RELEASES

Biden-Harris Administration Commits on Climate Change – Creating Jobs, Building Infrastructure, and Delivering Environmental Justice

Today, President Biden will take executive action to tackle the climate crisis at home and abroad while creating good-paying union jobs and equitable clean energy future, building modern and sustainable infrastructure, restoring scientific integrity and evidence-based policymaking across the federal government, and re-establishing the President's Council of Advisors on Science and Technology.

These Executive Orders follow through on President Biden's promise to take aggressive action to tackle climate change and build on the executive actions that the President took on his first day in office, including rejoining the Paris Agreement and immediate review of harmful rollbacks of standards that protect our air, water, and communities.



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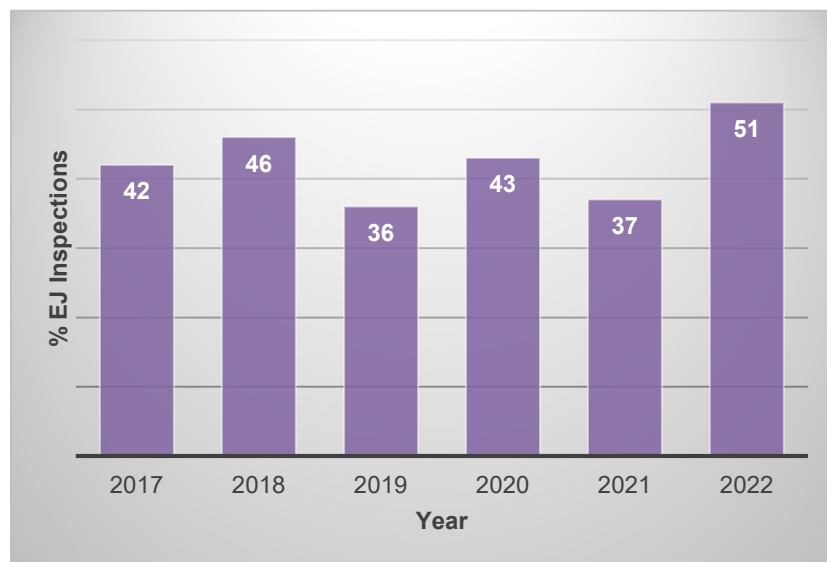
OECA Environmental Justice Strategy

EPA's Office of Enforcement and Compliance Assurance (OECA) issued four memoranda directing enforcement staff to strengthen environmental justice considerations in the civil regulatory, criminal, and cleanup enforcement programs, and to use all available tools to do so:

- [Memorandum from Acting Assistant Administrator Larry Starfield, Using All Appropriate Injunctive Relief Tools in Civil Enforcement Settlements,\(pdf\)](#) (April 26, 2021)
- [Memorandum from Acting Assistant Administrator for Enforcement and Compliance Assurance Larry Starfield, "Strengthening \[Civil Regulatory\] Enforcement in Communities with Environmental Justice Concerns" \(pdf\)](#) (April 30, 2021)
- [Memorandum from Acting Assistant Administrator for Enforcement and Compliance Assurance Larry Starfield, "Strengthening Environmental Justice Through Criminal Enforcement" \(pdf\)](#) (June 21, 2021)
- [Memorandum from Acting Assistant Administrator for Enforcement and Compliance Assurance Larry Starfield, "Strengthening Environmental Justice Through Cleanup Enforcement Actions" \(pdf\)](#) (July 1, 2021)



Region 4 EJ Strategy



- Staff Led EJ Workgroup
- Increase in Inspections



Targeting



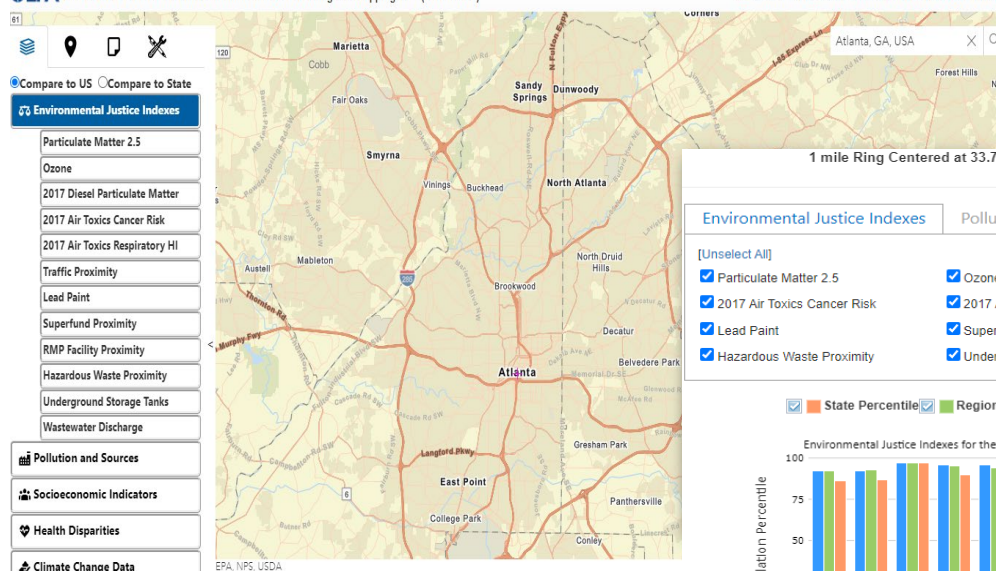
- EJ Screen
- National Compliance Initiatives (NCIs)
- Other EPA Priorities
- Tips & Complaints
- Referrals from Partner Agencies



EJ Screen Efforts

EPA EJScreen EPA's Environmental Justice Screening and Mapping Tool (Version 2.0)

EJScreen 1.0 | EJScreen Website | Mobile | Glossary | Help



1 mile Ring Centered at 33.753519, -84.393950, GEORGIA, EPA Region 4 (Population: 19,597)

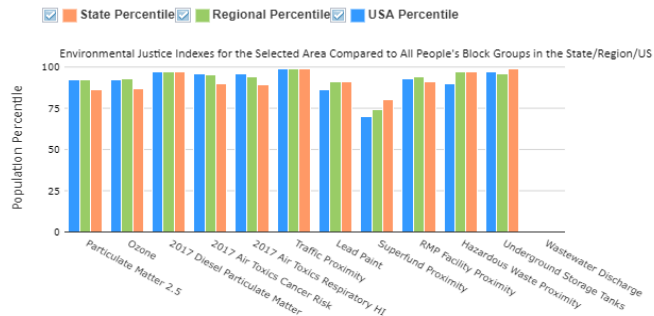
Environmental Justice Indexes

Pollution and Sources

Socioeconomic Indicators

[Unselect All]

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Particulate Matter 2.5 | <input checked="" type="checkbox"/> Ozone | <input checked="" type="checkbox"/> 2017 Diesel Particulate Matter |
| <input checked="" type="checkbox"/> 2017 Air Toxics Cancer Risk | <input checked="" type="checkbox"/> 2017 Air Toxics Respiratory HI | <input checked="" type="checkbox"/> Traffic Proximity |
| <input checked="" type="checkbox"/> Lead Paint | <input checked="" type="checkbox"/> Superfund Proximity | <input checked="" type="checkbox"/> RMP Facility Proximity |
| <input checked="" type="checkbox"/> Hazardous Waste Proximity | <input checked="" type="checkbox"/> Underground Storage Tanks | <input checked="" type="checkbox"/> Wastewater Discharge |



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National Compliance Initiatives

Air

- [Creating Cleaner Air for Communities by Reducing Excess Emissions of Harmful Pollutants](#)
- [Stopping Aftermarket Defeat Devices for Vehicles and Engines](#)

Hazardous Chemicals

- [Reducing Hazardous Air Emissions from Hazardous Waste Facilities](#)
- [Reducing Risks of Accidental Releases at Industrial and Chemical Facilities](#)

Water

- [Reducing Significant Non-Compliance with National Pollutant Discharge Elimination System \(NPDES\) Permits](#)
- [Reducing Non-Compliance with Drinking Water Standards at Community Water Systems](#)



Community Involvement and Public Engagement

- **Press Releases**
- **Public Meetings**
- **Information Sessions**



FY2022 Results

	Completed In FY 2021	Commitments & Projections for FY 2022	FY 22 (as of 10/17/2022)
Compliance Monitoring Activities (excludes CWA 311 FRP/SPCC and UST)	819	---	1131
Inspections	376	494	582
% EJ Inspections	-----	45%	66.3%
Offsite Compliance Monitoring	443	---	549
Total Conclusions (excludes CERCLA/UST)	156	109	128
Judicial (Referrals)	7	2	2
Penalty Orders	122	87	104
Administrative Compliance Order	27	20	22



FY2022 Results

ECAD Only	FY 2022 (as of 10/17/2022)
Total Direct Environmental Benefits (Reduced, Treated, Eliminated, Minimized, or Disposed)	12,044,783 Pounds
Direct Haz/Non-Haz waste treated, minimized, or properly disposed	2,693,848 Pounds
Direct Water Pollutants Reduced, Treated or Eliminated	1,092,595 Pounds
Direct Air Pollutants Reduced, Treated or Eliminated	2,890,721 Pounds
Direct Toxics and Pesticides Reduced, Treated or Eliminated	5,367,619 Pounds
Direct contaminated water/soil cleaned	98,983 Cubic Yards
Direct Untreated Discharge Eliminated	67,500,000 Gallons
Administrative Penalties	\$5,221,124
Judicial Penalties	\$375,000
Total Injunctive Relief	\$1.1B



EPA Region 4 Regulatory Update



EPA's Strategic Road Map: EPA's Commitment to Action for PFAS

- EPA Administrator Michael Regan established the EPA Council on per and polyfluoroalkyl substances (PFAS) in April 2021.
- The Council developed the PFAS Strategic Roadmap, released in October 2021 – a bold, strategic, whole-of-EPA strategy to protect public health and the environment from PFAS.
- The PFAS Strategic Roadmap:
 - Lays out EPA's whole-of-agency approach to tackling PFAS;
 - Sets timelines for concrete actions from 2021 to 2024;
 - Fills a critical gap in federal leadership;
 - Supports states' ongoing efforts; and
 - Builds on the Biden-Harris Administration's commitment to restore scientific integrity.
- <https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024>



Characterizing PFAS

- Under TSCA Section 8, EPA is finalizing a rule to better characterize the sources and quantities of manufactured PFAS in the United States
 - Proposed last June 28, 2021
 - As proposed, the rule will collect info on uses, production volumes, disposal, exposures, and hazards
 - There are 1,364 PFAS that might be covered (existing chemicals that are manufactured, processed, or imported)
- EPA HQ is currently reviewing the comments received on the rulemaking.



PFAS Health Advisories

Earlier this year EPA set drinking water Health Advisories:

- Interim updated Health Advisory for PFOA = 0.004 parts per trillion (ppt)
- Interim updated Health Advisory for PFOS = 0.02 ppt
- Final Health Advisory for GenX chemicals = 10 ppt
- Final Health Advisory for PFBS = 2,000 ppt

EPA will propose a rule setting enforceable limits for PFOA and PFOS

- Require monitoring of public water supplies; and
- Evaluate additional PFAS and groups of PFAS for regulation.



PFOA/PFOS as CERCLA Hazardous Substances

- EPA proposed Rulemaking to designate PFOA and PFOS as CERCLA hazardous substances. Currently, the comment period ends November 7, 2022.
- Once finalized, these designations of PFOA and PFOS as CERCLA Hazardous Substances would:
 - Leverage Superfund authorities to gather information, hold polluters accountable, and ensure agencies can recover cleanup costs; and
 - Require reporting of PFOA and PFOS releases and enhance the availability of data.
- EPA expects the rule to be finalized in 2023.
- EPA is also exploring whether to take the same action for additional PFAS.



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E: lamberth.larry@epa.gov



Questions



Environmental Justice

Jennifer McCord
Petroleum Unit, Chief
EJ Coordinator, Air Division



EJ Community New Terms

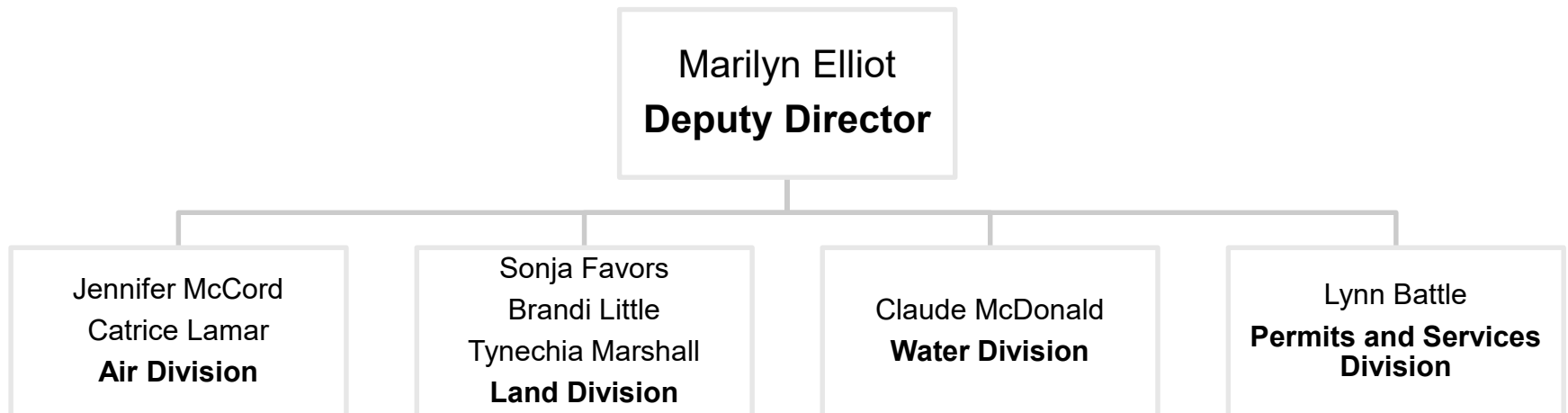


- Overburdened Communities
- Communities with EJ Concerns
- Disadvantaged Communities
- Underserved Communities



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Departmental EJ Structure



Recent Federal Legislation

- Executive Order 13985
- Executive Order 14008
 - Justice 40 Initiative
 - New Federal Advisory Council (NFAC)
- The Inflation Reduction Act
 - \$360 Billion- Climate Change
 - \$60 Billion- Environmental Justice issues

- Uses census tracts to identify areas as disadvantaged in one or more categories
- Example:
 - ❑ **Clean energy and energy efficiency**
 - Communities are *identified as disadvantaged*
 - **IF** at or above the 90th percentile for [energy burden](#) OR [PM2.5 in the air](#)
 - **AND** is at or above the 65th percentile for [low income](#) AND 80% or more of individuals 15 or older are not enrolled in [higher education](#)
- Requires that 40% of newly allocated federal funds are directed to disadvantaged communities



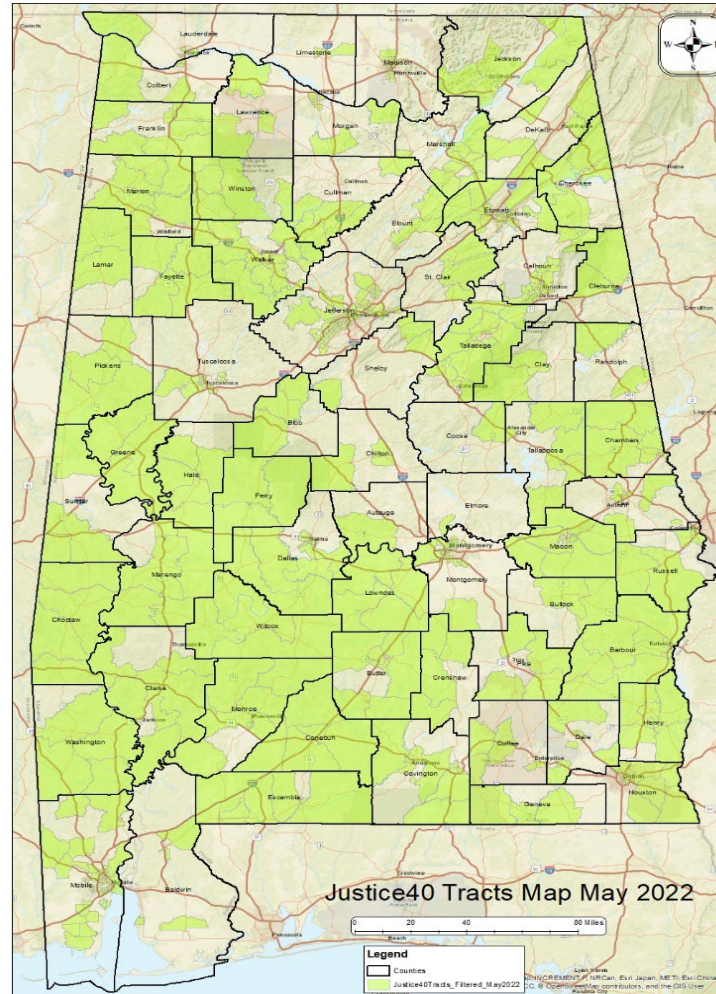
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Justice 40 Map



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- EPA New National Office- Office of Environmental Justice and External Civil Rights
- EPA Legal Tools to Advance Environmental Justice
- Enforcement and Compliance History Online (ECHO)



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ADEM's Outreach Efforts



- Public Availability Meeting
- Computers at library
- Hotline number for public comments
- Community meetings
- Career fairs/youth group/YMCA
- Earth Day event



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ADEM's Internal Efforts



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- Department wide EJ Training
- Run EJ Screen and Justice 40
- Review linguistically isolated population to determine noticing options
- Extended Public Notice comment periods, if deemed necessary



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ADEM's Internal Efforts



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- Maintain credible and meaningful relationships with the public
- Continue to develop tools and publications
- Promote transparency

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Disability Assistance

Lower High Falls, Talladega Forest - Bill Wilson

Welcome to ADEM

Alabama is blessed with a wealth and variety of natural resources which provide significant social, economic, and environmental benefits and opportunities for the citizens of Alabama. The mission at ADEM is to assure for all citizens of the State a safe, healthful, and productive environment. This web site is designed to keep you informed and to help you as you live and work in Alabama.

Upcoming Events and Latest News

October 20, 2022
2022 Alabama Air & Waste Regulatory Update

September 15, 2022
ADEM Approves \$348 Million for Water, Sewer...

For information concerning the coronavirus please visit the Alabama Department of Public Health [here](#).

For information concerning COVID waste, please visit this [link](#).

[Land Clearing Vegetation Disposal \(Summer Burn Bans\)](#)

[Demographic Data](#)

[2021 DERA Announcement](#)

Nondiscrimination Statement/Declaración de no discriminación/차별 금지 선언문/Tuyên bố Không Kỳ thị.

Videos/
Recordings

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Complaints

Calendar

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Permit Wizard

eFile

Air Daily Forecasts

UST Delivery Prohibition List

eMaps Portal

Community Engagement

ARPA/SRF Updates

PFAS Update

Compliance Assistance

IMPORTANT
NOTICE, ANALYSIS, PUBLIC LAW, ORDINANCE

TO VIEW CURRENT WATER QUALITY INFORMATION FOR:

- CURRENT CHARGE SPILLS
- POTENTIAL CHARGE POTENTIAL POINTS
- CHARGE DISPOSITION AND/OR LOCATION
- CHARGE STATUS MONITORING

NOTE:
ADEM ALABAMA WEB SITE ONLY

OR VISIT ONLINE

WEBSITE ADDRESS: www.adem.alabama.gov
(FOR ADDITIONAL LINKS)



Community Engagement

ADEM is committed to keeping everyone informed and involved regarding the environmental activities in their local communities.

PUBLIC PARTICIPATION IN ADEM RULEMAKING AND PERMITTING PROCESSES

Prepared by



An environmental permit is issued to regulate air emissions, water discharges, and to provide for the proper management of solid and hazardous wastes. Specific constituent limits that comply with Federal and State of Alabama standards are assigned for each permit in order to effectively measure and manage our state's air, land, and water resources, to ensure protection of human health and the environment, and to assure compliance with applicable environmental statutes.

*If you need additional information,
please contact our Permits and Services
Division at (334) 271-7714 or email to
permitsmail@adem.state.al.us*

The Alabama Department of Environmental Management (ADEM) welcomes and solicits the public's involvement in its rulemaking and permitting processes. These processes are important in sustaining and protecting Alabama's air, land, and water resources. Public participation in the rulemaking and permitting processes is a valuable tool to help the Department and the Alabama Environmental Management Commission (EMC) make environmental decisions. With the public's continued interest in, and support of, ADEM's efforts, our state's environment will be protected and preserved for the enjoyment of future generations.

This publication is intended to acquaint the public with the procedures that the Environmental Management Commission follows in establishing the environmental regulations that the Department enforces. This publication also outlines the process ADEM uses to review environmental permit applications from an activity whose operation could affect the state's environment. These procedures are designed to afford the public and those affected by the Department's regulations notice and opportunity for input prior to a final decision.



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ADEM Website Tools



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What's Happening In Your County?

Citizen's Guide to Public Participation

Statewide - Lead Testing In Schools Report



Autauga	Baldwin
Barbour	Bibb
Blount	Bullock
Butler	Calhoun
Chambers	Cherokee
Chilton	Choctaw
Clarke	Clay
Cleburne	Coffee
Colbert	Conecuh
Coosa	Covington
Crenshaw	Cullman
Dale	Dallas
DeKalb	Elmore
Escambia	Etowah
Fayette	Franklin
Geneva	Greene
Hale	Henry
Houston	Jackson
Jefferson	Lamar
Lauderdale	Lawrence
Lee	Limestone
Lowndes	Macon
Madison	Marengo
Marion	Marshall
Mobile	Monroe
Montgomery	Morgan
Perry	Pickens
Pike	Randolph
Russell	St. Clair
Shelby	Sumter
Talladega	Tallapoosa
Tuscaloosa	Walker
Washington	Wilcox
Winston	



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What's Happening in Your County



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Disability Assistance



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Uniontown Wastewater Treatment System Report

Admin Orders:

Date	Description	County	Program
------	-------------	--------	---------

General Events:

19th Annual Groundwater Conference
June 12, 2019 8:00am

Gordon Persons Building Auditorium, Montgomery, AL
/misc/2019gwconference.cnt

News Releases:

September 15, 2022	ADEM Approves \$348 Million for Water, Sewer...
July 15, 2022	ADEM Awards Record \$2.3 Million in Recycling...
May 11, 2022	ADEM Installs Sea Turtle Sculpture at Grand Bay...
April 22, 2022	Area leaders join ADEM in breaking ground...
April 21, 2022	ADEM Promotes Public Awareness of Earth Day...
April 18, 2022	State Parks, ADEM show off roads, parking areas...
March 29, 2022	Hundreds of Systems in Alabama Apply for...
January 24, 2022	Arrowhead Landfill Jan.27 Public Hearing Postp...
January 18, 2022	ADEM Announces Comment Period and Public Hearing...
November 12, 2021	Calhoun County Recycling Campaign
October 1, 2021	ADEM Investigates Fuel Release in Pelham-Helena...
June 1, 2021	ADEM and State Department of Education Renew Ef...
May 27, 2021	ADEM Partners with Clay County Board of Educ...
May 27, 2021	ADEM Partners with Lauderdale County Board of E...
May 27, 2021	ADEM Partners With Randolph County Board of Edu...
May 27, 2021	ADEM Partners With Winston County Board of Educ...
May 19, 2021	ADEM Gives Green Light to Resuming Recreational...
May 19, 2021	ADEM to Hold Public Hearing Thursday on Propose...
May 14, 2021	Caution Advised for Water Activities in Perdido...
April 21, 2021	ADEM, RSA Go Green and Blue for Earth Day
April 16, 2021	ADEM Creates Video Series for Earth Day
March 25, 2021	ADEM Investigating Fire at Debris Pit in Robert...
March 22, 2021	ADEM Working Fuel Spill in Walker County's Whit...
March 10, 2021	ADEM Issues Cease and Desist Order for Land App...
January 29, 2021	Drinking Water Notice Issued to Mexia Water Sys...
November 3, 2020	Gadsden Public Hearing on Power Plant's Coal As...
October 29, 2020	Gadsden Public Hearing on Power Plant's Coal As...
October 20, 2020	ADEM To Hold Public Hearing Tonight on Coal Ash...

Public Hearings:

Subject	Date	Time	Location
Division 335-17 Rulemaking Changes-Medical... Public Notice	October 13, 2022	1:30pm	Main Hearing Room - ADEM
Division 1 Rulemaking Changes-General Admin... Public Notice	October 18, 2022	10:00am	Main Hearing Room - ADEM

Environmental Management Commission Meetings:

Date	Time	Agenda	Minutes	Video
October 14, 2022	11:00am	Agenda (amended 9-30-22)		
December 9, 2022	11:00am			

Public Notices:

Date	Description	County	Permit
September 14, 2022	NPDES Public Notice	Statewide	----
August 21, 2022	Division 335-1 Rulemaking Changes-General Admin...	Statewide	Proposed Revisions to the General Administration
August 21, 2022	Division 335-17 Rulemaking Changes-Medical...	Statewide	Proposed Revisions to the Medical Waste Program
August 21, 2022	Division 335-17 Rulemaking Changes-Medical...	Statewide	Proposed Revisions to the Medical Waste Program
January 19, 2022	Alabama Department of Environmental Management	Statewide	NPS FY 2023

Permit Applications Received (in the past 30 days):

Facility Name	Site Location	County	Permit Description
MARION MILITARY INSTITUTE	1101 WASHINGTON ST MARION	PERRY	WATER- CONSTRUCTION STORMWATER
PERRY COUNTY ASSOCIATES LLC	PERRY CO ASSOCIATES LF CR 1 S UNIONTOWN	PERRY	WATER- NPDES INDUST GENERAL

한국어 | Tiếng Việt | Español | Other

This page best viewed in IE7+ or Firefox.

For questions or comments about this website, please contact the [webmaster](#).



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Public Participation Resources



<https://adem.alabama.gov/moreinfo/commEngagement.cnt>

<https://adem.alabama.gov/MoreInfo/pubs/ADEMCCommunityEngagement.pdf>

<https://adem.alabama.gov/County/default.cnt>

<https://adem.alabama.gov/MoreInfo/pubs/citizensguide.pdf>

ADEM's Limitations

- ADEM is not a zoning authority
- ADEM sets limits on
 - Air emissions, water discharges, land usage/waste disposal, etc.
 - Can create a false hope and unreasonable expectations



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P&S Division:

Lynn Battle: 334-271-7955

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Alabama Department of Environmental Management

Division 17 Medical Waste Program Regulatory Update

Ashley Powell – Environmental Scientist,
Senior

Montgomery, Alabama
October 20, 2022



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Regulations and Laws



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- **ADEM Administrative Code 335-17 or Division 17**
- **Statutory authority under the Alabama Solid Wastes and Recyclable Materials Management Act, Code of Alabama 1975, Section 22-27-1, et seq.**
- **Division 17 is currently in the process of an extensive revision of the regulations**



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Changes Ahead!



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Chapter 1

Definitions



- **“Permitted Medical Waste Treatment Facility”**
- **“Registered Medical Waste Treatment Facility”**
- **“Operator”**

Chapter 2 Generators

- **Training of Employees**
- **Storage Requirements**
- **Transportation Exemption**
- **Liquid Medical Waste Disposal**
- **Notification for the Closure of Facility**



Chapter 4 Storage Facility



- **Added Requirements to Management Plan**
- **Added Time Limit on Storage**
- **Notification for the Closure of Facility**

Chapter 5

Transporters



- **Added Requirements for Paper Waste**
- **Spill Cleanup Kit in Transport Vehicles**
- **Maintain Training Records**
- **72-Hour to Transport for Treatment**
- **Management Plan**

Chapter 6

Treatment Facility



- **“Registered Medical Waste Treatment Facility**
- **“Permitted Medical Waste Treatment Facility”**
- **Added more requirements to the Management Plan**
- **Time Limit on Storage and Treatment**
- **Notification of Closure of Facility**

Chapter 8 Permit and Public Notice





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MW Program Contact



AIR & WASTE MANAGEMENT
A S S O C I A T I O N

Alabama Chapter

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Air Permitting Overview

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Air Permitting Overview



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- Application and Permitting Process
- Types of Air Permits
- Timelines
- Common Problems
- The Numbers

Application and Permitting Process



- Any source that plans to construct or modify equipment or a process that has the potential to emit air contaminants must apply for a permit
 - ❑ Application required prior to construction or modification
 - ❑ All must submit ADEM Form 103
 - ❑ Equipment/Process specific forms on website
- Determination is made
 - ❑ Exemption Letter
 - ❑ Permit Type Needed
- Draft developed and sent to facility for review
- Public Notice (if required)

Application and Permitting Process (cont.)

- Applicable fees must be paid prior to permit issuance
- Greenfield sites, PSD, and NSR permits require permit issuance **BEFORE** construction can begin
 - For certain projects, can begin construction 10 days after submitting an application (check with us before assuming)
- Permits must be issued **BEFORE** a source can begin operation
 - Temporary Authorization to Operate
 - Authorization to Operate

- True Minor Sources, PSD projects, Construction/Modification for Major Sources
- Do not typically require Public Notice, but greenfield and major PSD sites do
- Do not expire, but will be void if incorporated into a Major Source Operating Permit (Title V)

Synthetic Minor Operating Permits



- Public Notice required for greenfield sites and some others
 - 15 days
- Potential to emit is restricted by the permit to below Title V major source thresholds
 - Less than 100 TPY of any Criteria Pollutant
 - Less than 25 TPY of total HAPs
 - Less than 10 TPY of any single HAP



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Major Source Operating Permits



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- Required for sources who emit more than:
 - 100 TPY of any Criteria Pollutant
 - 25 TPY of total HAPs
 - 10 TPY of any single HAP
- Can include limits to stay below PSD major source thresholds
- Air Permits generally issued first
- Facility has one year after start-up (after ATO) to apply
- Consolidates provisions of all existing permits at a facility
- 30 day Public Notice, 45 day EPA review required
- Facility pays emissions fees
- Expire after 5 years

- Air Permits and Synthetic Minor Operating Permits
 - 4-6 weeks
- Air Permit with PSD Review
 - 4 months
- Major Source Operating Permits (Title V)
 - 4-6 months

Common Application Problems



- Incorrect forms submitted
- Incomplete forms or missing data
- Incorrect UTM coordinates for stacks
- Not submitting detailed or accurate process or facility diagrams
- Not including justification of emission estimates
- Incorrect potential to emit
- Not identifying applicable requirements



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Common Problems during Permitting Process



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- Modeling complexities
- Facility not responding to draft permits
- Comments received
- Public Hearings/Meetings requested

Our Numbers FY 2022

- No Permit Required....37
- Air Permits....26
 - 16 new
 - 10 existing process/equipment
- SMOPs....6
 - 3 new
 - 3 existing process/equipment
- MSOPs....72
 - 50 new or renewed
 - 22 modifications of existing



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Thank You!



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Samantha P. Sims, P.E.
Industrial Chemicals Section
(334) 271-7856
ssims@adem.alabama.gov

Title V Permit Petitions





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Title V Permits



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AKA: Major Source Operating Permits

Created by the 1990 Clean Air Act
Amendments.

Designed to be a compendium of a facility's
existing air regulations.

Added requirements include:

- Ongoing monitoring

- Reporting

- Public Notice

- EPA review



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Title V Permits



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Public Notice – 30 Days, electronic

EPA Review – 45 days

Significant comments:

Comments of a technical nature

Comments that demonstrate significant local interest.

What if significant comments are received?

ADEM prepares a Response to
Comments (RTC)

Makes changes to draft permit (if
necessary)

Submits package to EPA for
Review

EPA has 45 days to directly object to the issuance of the Title V permit.

If EPA does not object, the permit can be issued.

Commentors have 60 days to Petition EPA to Object to the permit.

Petitions are only allowed from commentors on issues raised during the comment period.

EPA's timeline to respond to petitions has improved, taking ~ 1 year now.

If EPA grants a Petition and Objects they issue an Order to the Agency laying out the resolution.

Resolution may include updates to the RTC, changes to the Statement of Basis and/or changes to the MSOP.

The Agency has 90 days to submit an intention to resolve.

If the resolution includes a change to the MSOP, the notice/petition cycle restarts, but only on the narrow issues at notice.



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Title V Permits



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ADEM received significant comments from NGOs on 10+ Title V renewal permits, starting in 2020.

EPA was petitioned over 2 of the Permits:

UOP

APC - Barry

EPA granted in part and denied in part the 2 petitions.

Minor issues: justification of monitoring, recordkeeping, and reporting.

2 major issues that will affect most Title V permits going forward.

Dust Plans

In the response to the APC – Barry petition, EPA stated that:

“ADEM should include in the permit the specific reasonable precautions that are required to prevent fugitive dust from the source,...”

Dust Plans

Going forward, facilities that have a propensity for dust issues will be required to incorporate a dust control plan into their Title V permit applications.

Source and Authority

In the response to the UOP petition, EPA stated that:

“...ADEM should provide a direct citation to the NSR permit and permitting record establishing those limits...”

Source and Authority

“The permit shall contain”

335-3-16-.05 (a)(1)

A statement or reference to the origin and authority for each term or condition in the permit and any difference in form as compared to the applicable requirement under this chapter upon which the term or condition is based

Source and Authority

Going forward the Statement of Basis will include references to the originating permits for BACT and minor for PSD limits.

How can you help?

Get a dust plan ready.

Reasonable specificity.

Know the history of your facility.

Be prepared to help us research the origin of limitations that may predate all of us.

Minor Source Permitting

EPA's Office of Inspector General review decided that EPA needed more oversight of State/Local minor source permitting.

EPA is looking to Spring of 23 for guidance/rulemaking.

EPA is also looking at 'clarifying' the definition of potential emissions.



Recycling 102: *Beyond* the 3 “R’s”

Blake Schmidt

Materials Management Section

ADEM – Land Division

October 20, 2022



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Recyclers?



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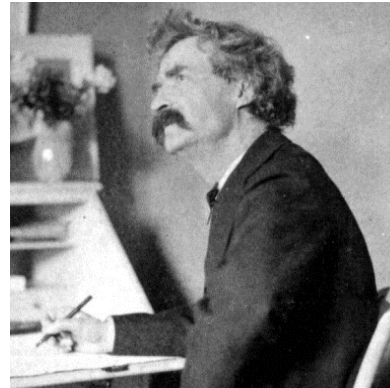
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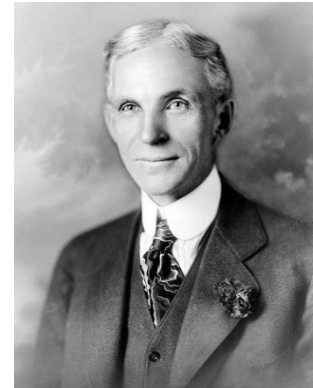
Maya Angelou



Thomas Edison



Mark Twain



Henry Ford

Recycling 101 Recap

- Reduce – Reuse – Recycle
- Born in the 1970's - Landfill Diversion
- Grassroots effort
- Inconsistent measurements
- Plateauing “diversion” rates



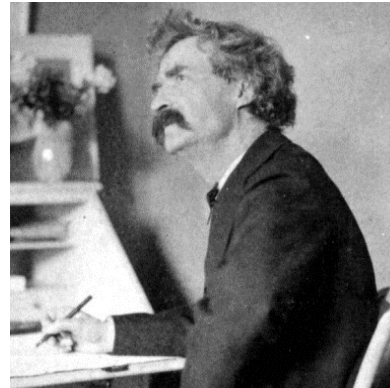


Maya Angelou

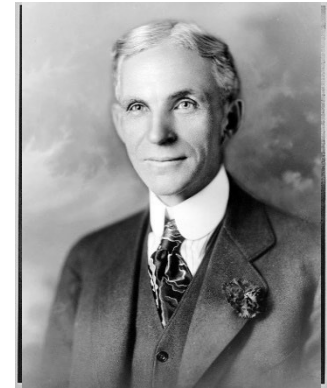
“Do the best
you can until
you know
better. Then
when you
know better,
do better.”



Thomas Edison



Mark Twain



Henry Ford



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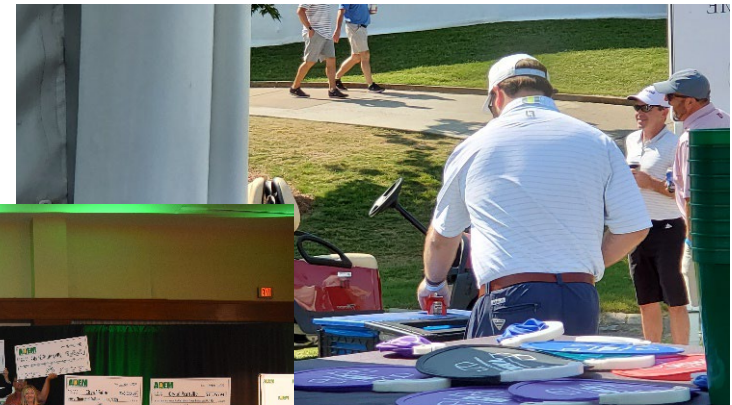
What lies *Beyond* the 3 “R’s”?

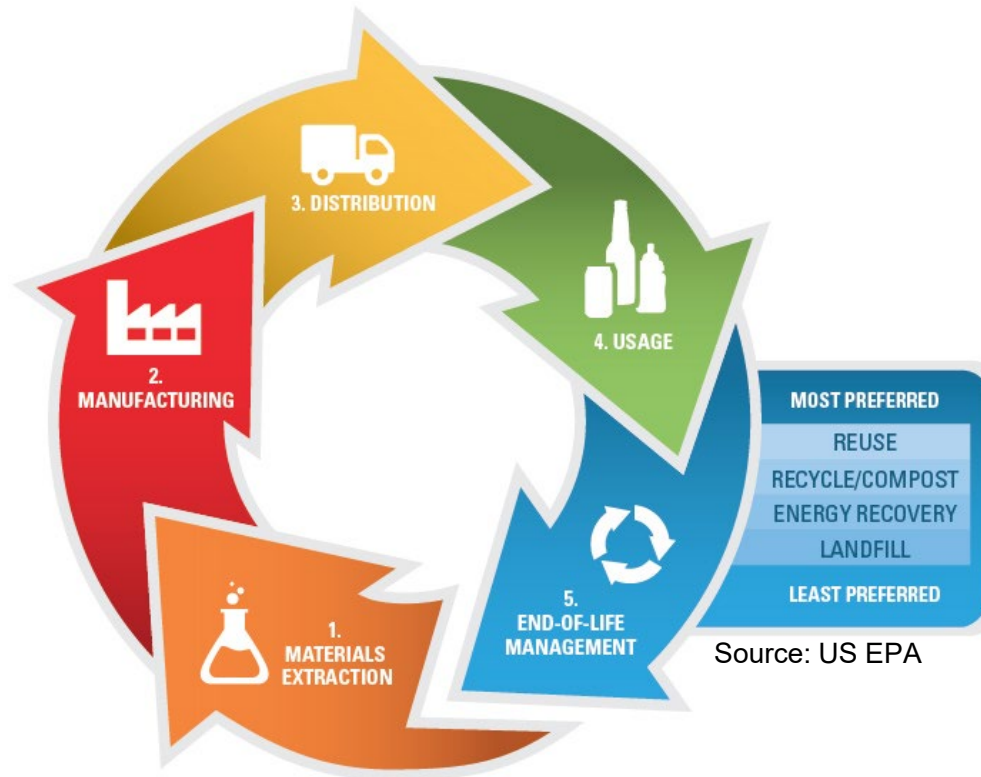


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Beyond “Reduce, Reuse, Recycle” we have discovered that recycling is communication, design, community, partnerships, collaborations, big ideas, and small everyday actions.





Source: US EPA

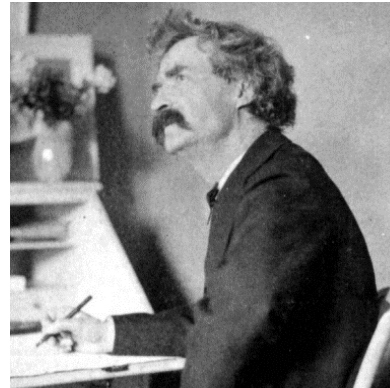


Maya Angelou

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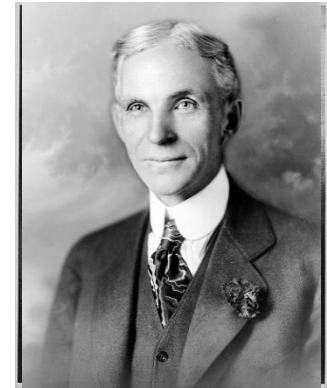


Thomas Edison



Mark Twain

“Continuous
improvement
is better than
delayed
perfection.”



Henry Ford

Origins of Contamination

- Improper collection (single stream vs dual stream)
- Waste commingled with recycling
- Community guidelines
- “Wishcycling”



OR





Wish-cycling: When well intentioned individuals attempt to recycle items that cannot be recycled





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Contamination



But don't just take it from us...

"Residents are still unsure what type of materials can be recycled and how to properly prepare these for reprocessing."

"Our biggest challenge is getting citizens to recycle properly."

"We continue to battle contamination daily and we try to get this message out."

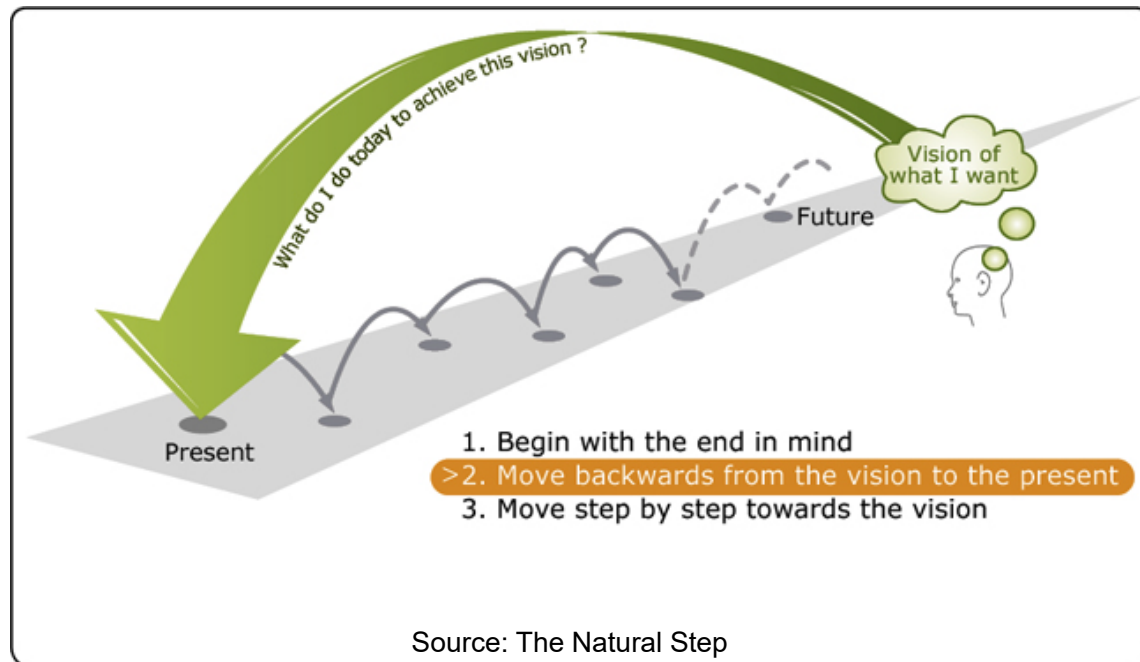
"Residents who, in good faith, try to recycle everything or use their recycle cart as a second trash cart create contamination in the recycling stream."

"Getting the public to understand that recycling is not their way to get rid of their household garbage"

"We have to make sure our citizens know which items are recyclable."

-Survey answers from ARF Grant recipients

- Zero Waste thinking starts with Backcasting
- Flexibility is required moving toward Zero Waste



Effective Communication

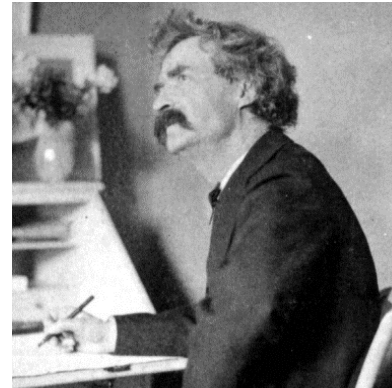


Maya Angelou

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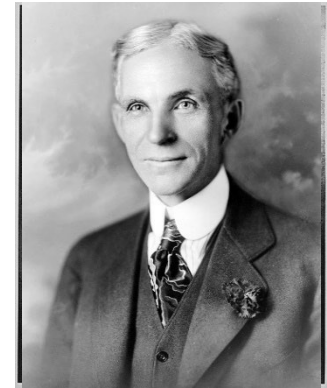


Thomas Edison



Mark Twain

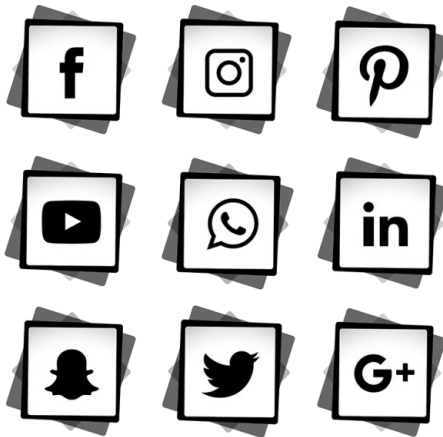
“Continuous
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perfection.”



Henry Ford

“If everyone is
moving
forward
together, then
success takes
care of itself.”

Awareness – Knowledge – Engagement - Advocacy



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Communication



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Opportunity and Preparedness



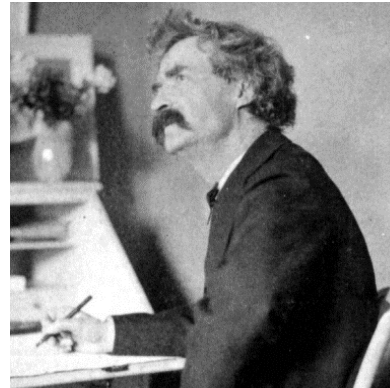
Maya Angelou

“Do the best you can until you know better. Then when you know better, do better.”



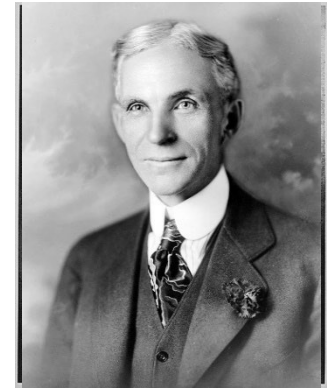
Thomas Edison

“Opportunity is missed by most people because it is dressed in overalls and looks like work.”



Mark Twain

“Continuous improvement is better than delayed perfection.”



Henry Ford

“If everyone is moving forward together, then success takes care of itself.”

Provide and seize opportunities for networking and relationships

- Grant Workshops
- Conventions
- Exhibitions
- Conferences
- Local Events



There are several entities that provide funding opportunities for recycling programs/projects

Millions in potential funding



“Growth is never by mere chance; it is the result of forces working together.” -- James Cash Penney



Expanding Universe

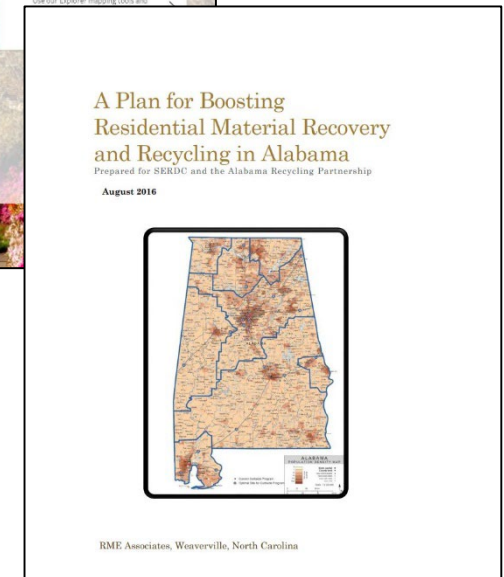
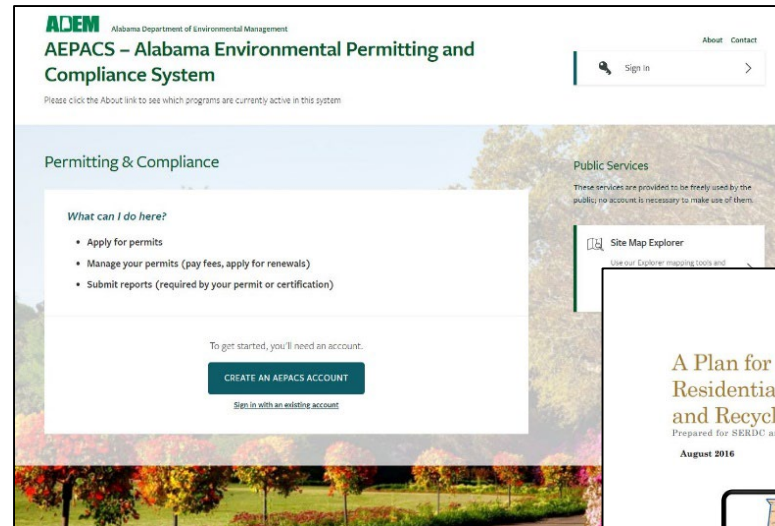


- National Recycling Strategy
- Advanced/Chemical Recycling
- EPR (Extended Producer Responsibility)
- Consumer Purchasing Awareness
- E-Waste Recycling
- Managing Food Use
- Food Waste/Organics Composting

What's on the Horizon? Alabama



- Increasing Statewide goals
- Enhanced Data collection/measurements
- Enhanced Statewide Education & Outreach
- Review State of Recycling and establish new/enhanced goals
- Collaboratively work with neighboring states and the region



Be Prepared



- As we continue on this path towards sustainability, is your community making preparations?
- What's your role?





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Save the Date – Grant Workshop



Registration Form

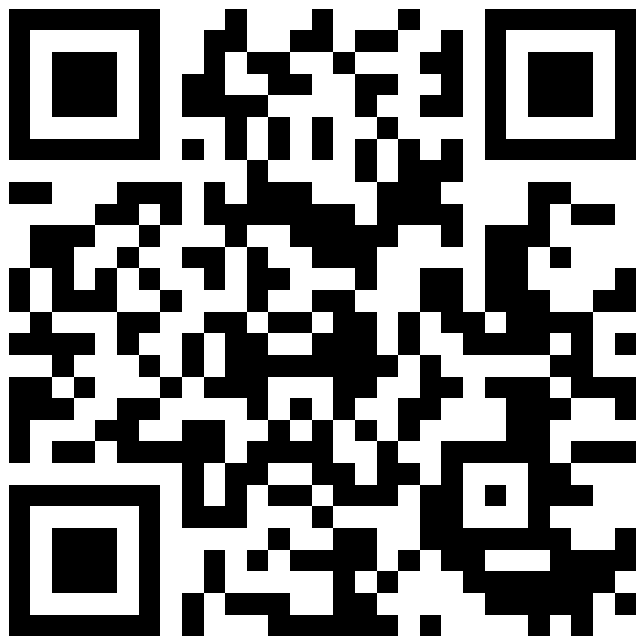
Recycling Grants
Workshop
2022

November 16th

Pelham Civic
Complex



Recycling Webpage:




ADEM

Alabama Department of Environmental Management

Home > ADEM Programs > Waste/Remediation/Underground Storage Tanks > Recycling

- ADEM Forms
- ADEM Programs
 - Air
 - Coastal
 - Waste/Remediation/Underground Storage Tanks
 - Brownfields / VCP & Inventory
 - Guidance / Reports
 - Permitting / Registration
 - Recycling**
 - Remediation / Cleanup
 - Scrap Tire Program
 - Tank Trust Fund
 - UST Compliance
 - UST Corrective Action
 - Waste / Remediation Forms
 - Waste Pre-Approval
 - Water



Lower High Falls, Talladega Forest - Bill Wilson

Recycling Program

General Overview

In 2008, the Solid Wastes and Recyclable Materials Management Act, also known as SWRMMA set forth a Statewide Solid Waste Reduction Goal of 25%. In addition, the Act established a statewide solid waste disposal fee of \$1/ton or \$0.25/cubic yard for all solid waste disposed in Alabama landfills. The revenues generated by this fee have enabled the Department to add staff necessary to carry out the programmatic requirements of the law.

The four main purposes of the SWRMMA are:

- Establish a Statewide waste reduction/recycling program, goal and measurement methodology;
- Provide stable funding for the Alabama Department of Environmental Management's solid waste and recycling programs;
- Establish a grants program for local recycling efforts; and
- Provide fiscal resources to remediate unauthorized dumps/illegal disposal sites.

Statewide Solid Waste Reduction Goal

Recycling Grants

Alabama Recycling Fund Grants promote local recycling efforts by providing reimbursement grants to local governments to develop, implement, and enhance recycling programs.

Please note: Proposed recycling projects must be consistent with the approved local Solid Waste Management Plan (SWMP). Funding can also be used for any needed revisions of the existing SWMP.



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Areas of Responsibility



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- **Cody Ennis: 334-271-7948**
cody.ennis@adem.alabama.gov
- **Alexis Rogers: 334-271-7874**
Alexis.rogers@adem.alabama.gov
- **Rick Kelsey, Chief: 334-271-7770**
rkelsey@adem.alabama.gov

Update on Modeling Issues

Scott Southwick
Meteorological Section
Air Division

A black outline map of the state of Alabama, showing its characteristic shape with a pointed top and a jagged coastline on the right and bottom. The map is positioned on the left side of the image.

Winter is at 6 am

Spring starts at 10

Summer is at 2 pm

And fall starts around 4:30

Dress Accordingly!

**W E L C O M E
T O
A L A B A M A**

Outline

- **What is Ambient Air?**
- **MERPS- Precursors of $\text{PM}_{2.5}$ & O_3**
- **$\text{NO}_2/\text{SO}_2/\text{PM}_{2.5}$ NAAQS Compliance**
- **Use of Actual Emissions in PSD permitting**

Ambient Air Issues in PSD modeling

- Defining ambient air in modeling is important for demonstrating compliance with PSD permitting requirements
- Ambient Air is the portion of the atmosphere, external to buildings, to which the general public has access (40 CFR 50.1(e))
- Where does plant property start and ambient air begin?
 - The area controlled by the facility for which public access is precluded by a fence or other physical barriers is considered plant property/non ambient air
- What is considered a physical barrier (i.e. patrolled or controlled)?
 - Fences, signage, patrols, natural barriers (water, marsh, terrain), railways?
- In the PSD application, a clear illustration of the plant boundaries, by segment, is preferred

Examples of Physical Barriers

Fencing



Signage



Waterway/Terrain



Railway



Ambient Air Example: Rail Line



Model Emission Rates for Precursors (MERPS)

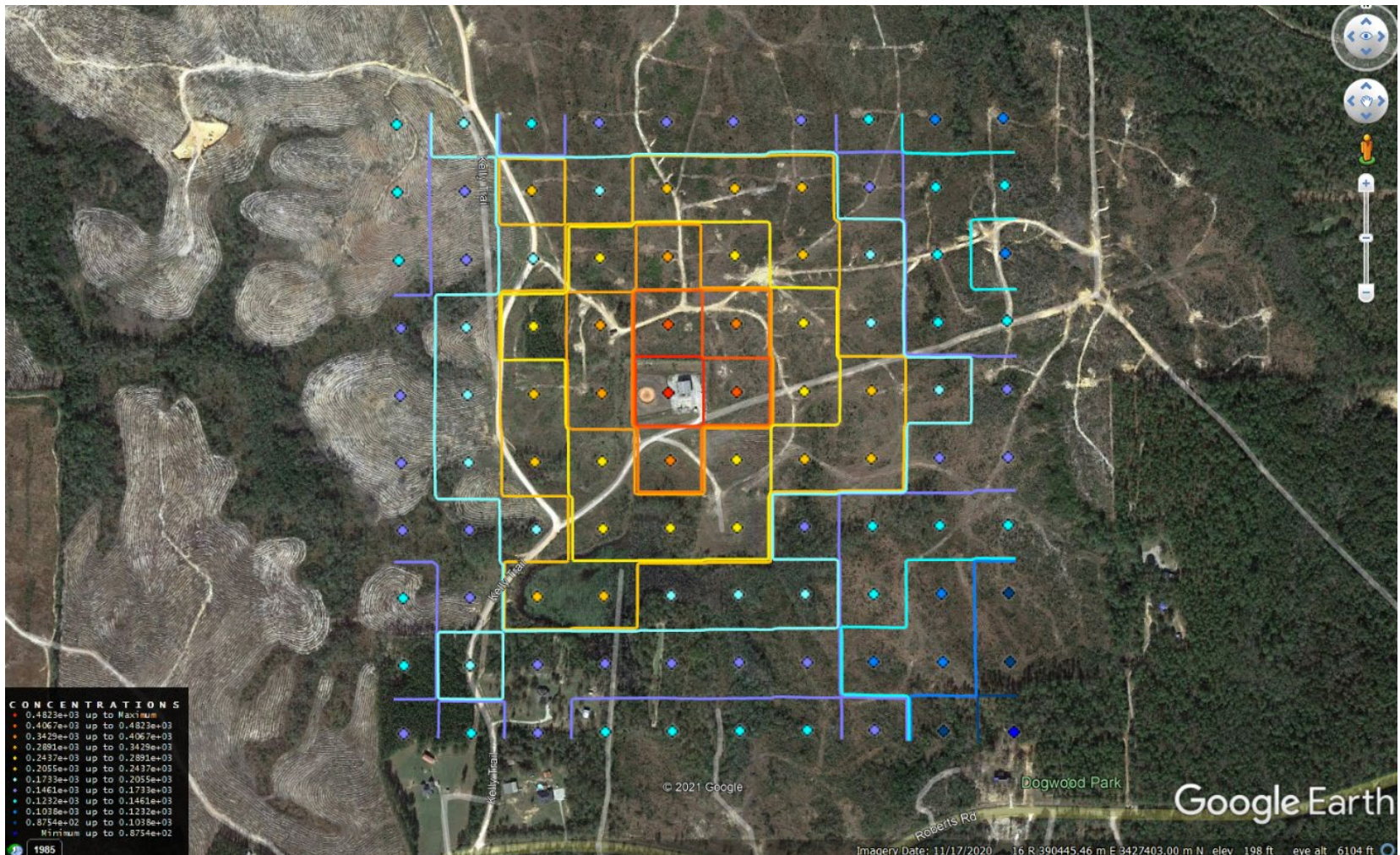
- There have been significant legal challenges associated with the PM_{2.5} and Ozone NAAQS/Increments
 - The basis of the arguments was that the pollutants were not being evaluated in total (holistically)
 - As a result of the challenges, EPA developed procedures for estimating the impact of the secondary formation of PM_{2.5} and O₃
- Precursors are regulated pollutants that contribute to the formation of secondary pollutants.
 - Nitrogen oxides (NO_x) and volatile organic compounds (VOCs) combine through photochemical reactions to produce **ozone (O₃)**.
 - Likewise, Sulfur dioxide (SO₂) and Nitrogen Dioxides (NO_x) photochemically react to create **fine particulate matter (PM_{2.5})**.
- PSD applicants need to assess the impacts of SO₂ and NO_x on O₃ and PM_{2.5} in the application, via a tool developed by EPA

Predicted NAAQS Violations

- In the last decade or so, EPA has revised the PM_{2.5}, SO₂ and NO₂ NAAQS
- As a result of these NAAQS changes, widespread predicted modeled violations are occurring during PSD permitting
- Resolving these violations can be a time and resource issue
 - If the violation(s) can't be resolved, sources are required to submit, formally, to ADEM the proposed "fix" to the issue(s).
 - Further tightening of the NAAQS, particularly PM_{2.5} in 2023, is expected to make compliance even more difficult

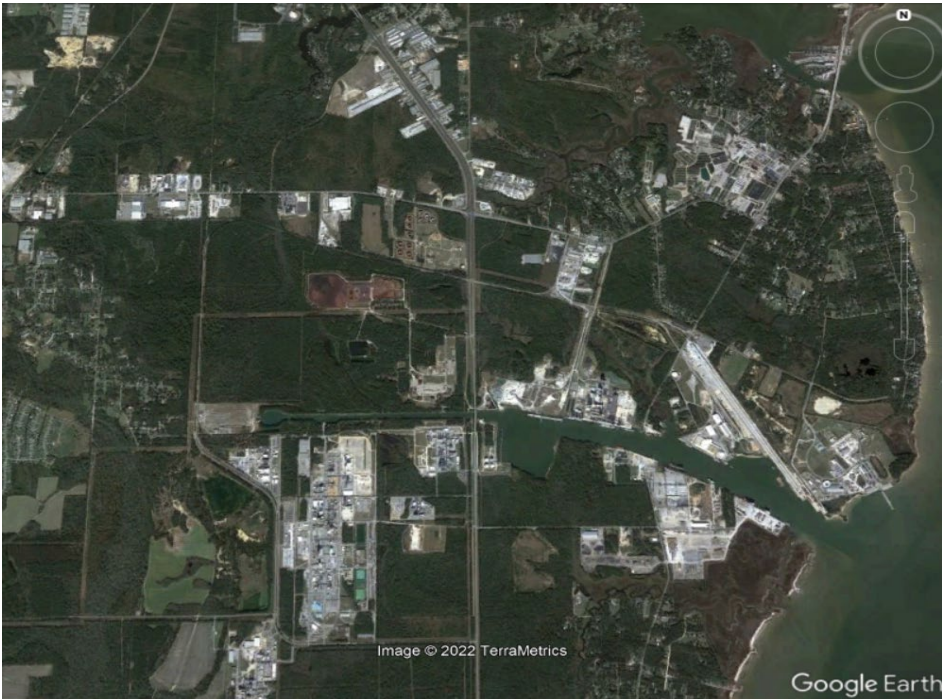
Predicted NAAQS Violations

- Plot files from the modeling can be used to visually identify predicted violations
 - Allows staff to determine if the predicted violations occur on plant property, on top of stacks, etc.

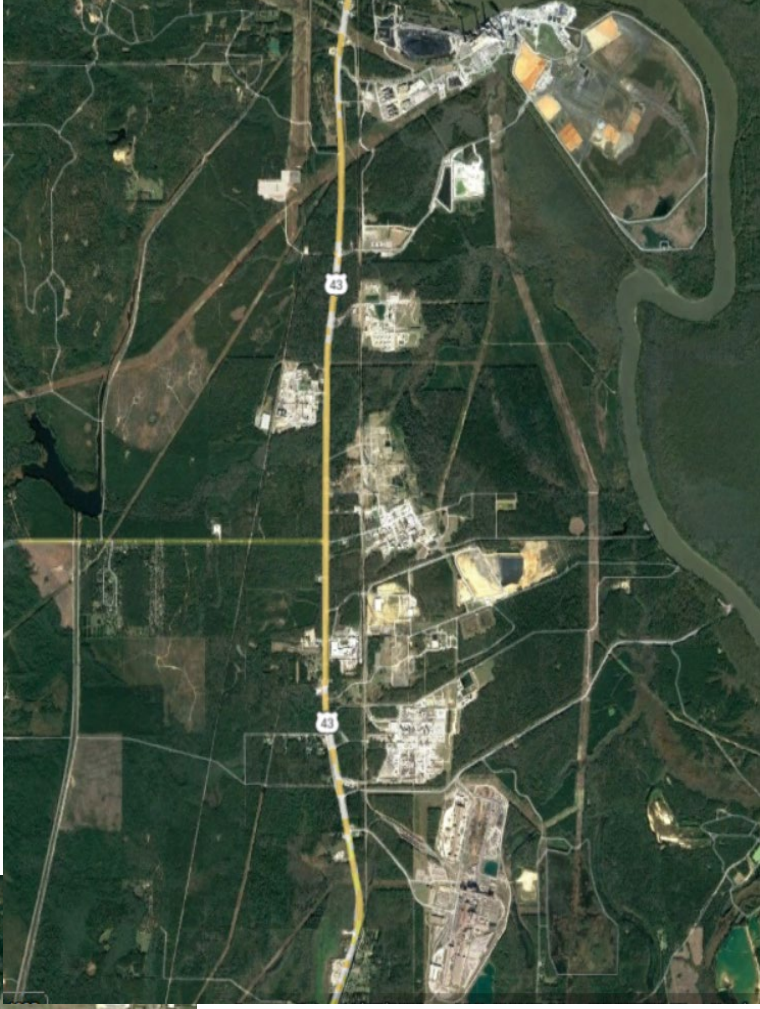


Actual Emissions in PSD Modeling

- Assuming that every source is operating at the potential/allowable emission rate all the time is an outdated concept and can lead to numerous predicted violations
- As a result, the concept of using actual emissions in modeling has reemerged
 - This is not new, but vague terms, such as *Temporally Representative Operating Level*, make developing actual emissions difficult
 - We have begun evaluating the use of actual emissions for industrialized areas of the state
 - We are also re-evaluating the way emissions inventories are developed



Industrialized Areas





Scott Southwick- ssouthwick@adem.alabama.gov phone- 334-279-3079

Leigh Bacon- lbb@adem.alabama.gov phone- 334-270-5689

Compliance and Enforcement Update

Jennifer Youngpeter, P.E.

Chief, Industrial Minerals Section

Energy Branch

Air Division

Alabama Department of Environmental Management

(334) 270-5676

jennifer.Youngpeter@adem.Alabama.gov



- Compliance Determination Methods
- ADEM's Enforcement Tools
- Statistics
- Compliance Issues
- Enforcement Reporting
- EPA's Role

Compliance Determination

- On-site Inspections
- Complaints
- Emission/Performance Testing
- Report Reviews
 - ❑ Annual/Semiannual plant-wide compliance reports
 - ❑ Monthly/Quarterly stack specific and pollutant specific reports
 - ❑ Deviation reports
 - ❑ MACT/NESHAP/NSPS Reports

Enforcement Tools

- Self-report, follow-up calls
- Letter of Inquiry
- Warning Letter
- Notice of Violation (NOV)
- Consent Order
- Unilateral (Administrative) Order
- Litigation
- Referral to EPA

- Penalty Development Factors
 - ❑ Seriousness of Violation
 - ❑ Standard of Care
 - ❑ Economic Benefit
 - ❑ Efforts to Minimize or Mitigate Effects of Violation
 - ❑ History of Previous Violations
 - ❑ Ability to Pay

Enforcement Statistics

- Five Year Snapshot
 - Warning Letters issued: 35/year
 - NOVs issued: 65/year

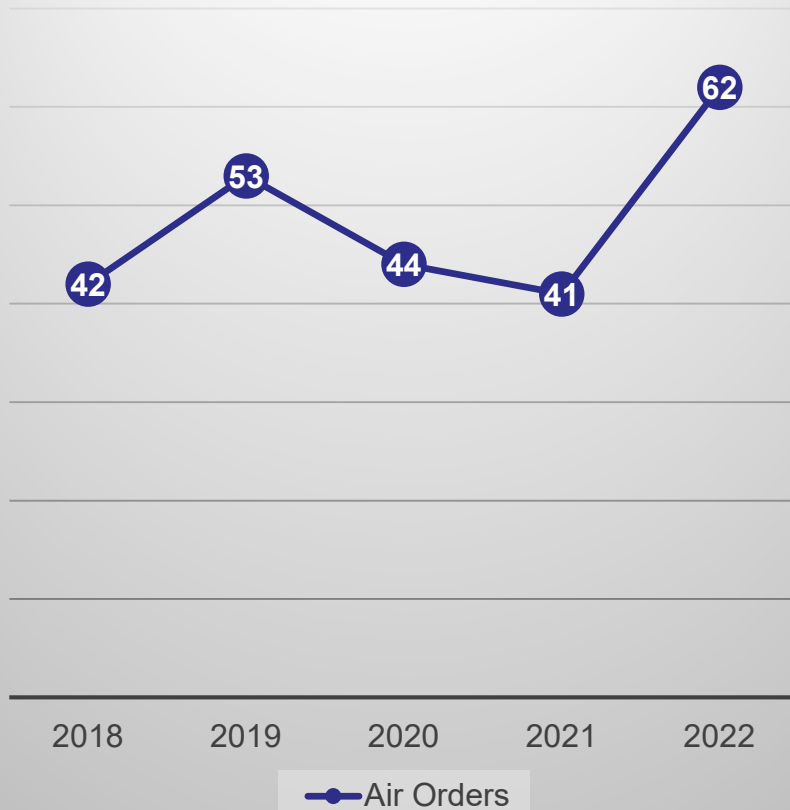
Enforcement Statistics

- Five Year Snapshot
 - Orders issued: 48/year
 - Fines assessed: \$787,800/year
 - Largest order penalty: \$250,000
 - Largest litigation penalty: \$1,050,000
 - Average penalty: \$16,000

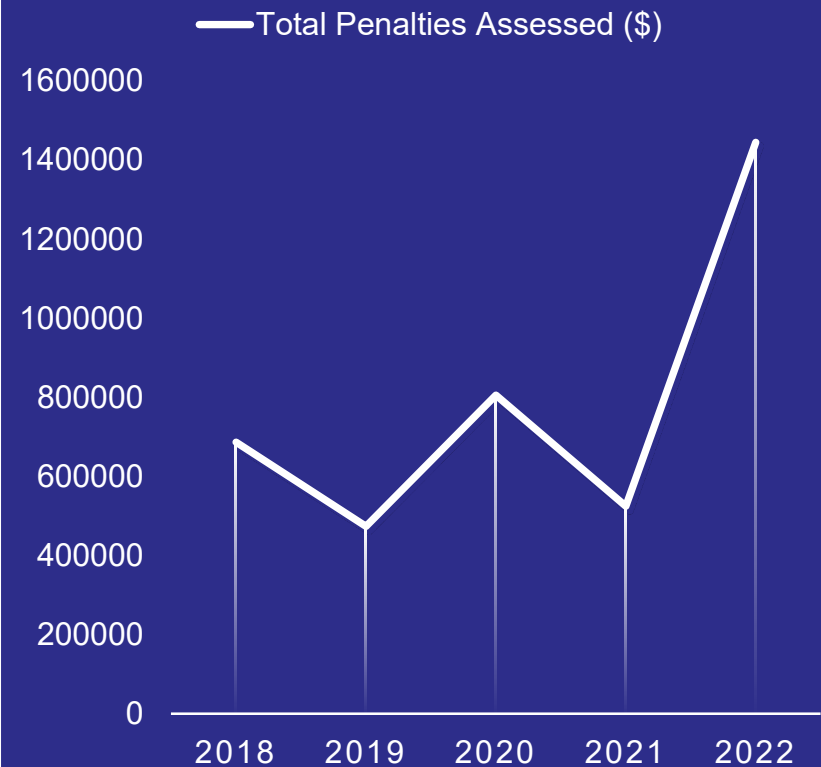
Enforcement Statistics



Air Orders



TOTAL PENALTIES ASSESSED (\$)



Violations Leading to Orders (2022)



- Failure to operate capture/control device (5)
- Failure to meet emission limit (17)
- Failure to submit air permit applications (7)
- Failure to monitor (6)
- Failure to maintain records (6)
- Failure to report violations within required timeframe (2)

Violations Leading to Orders (2022)



- Failure to obtain Authorization to Operate (7)
- Failure to obtain Temporary Authorization to Operate (7)
- Failure to submit required reports (2)
- Failure to minimize emissions (4)
- Failure to conduct required testing (5)

Violations Leading to Orders (2022)



- Open Burning (24)
- Asbestos (10)
 - Donald Barron, Chief of Special Services Section
(334) 271-7879 drb@adem.alabama.gov

Enforcement Reporting

- NOVs and Order discussed with EPA monthly, focus on HPVs
- Actions are uploaded to national database (Integrated Compliance Information System - ICIS)
 - ❑ ICIS is not a public system
 - ❑ From ICIS, actions are loaded to public database called ECHO (Enforcement and Compliance History Online)
www.epa.gov/echo

- EPA has authority to enforce:
 - ❑ SIP (State Implementation Plan)
 - ❑ ADEM's Air Pollution Control Regulations
 - ❑ ADEM's Air Permits
 - Minor Source
 - SMOP
 - Major Source (Title V)
 - NSR/PSD
- EPA may over-file a State Action if it believes:
 - ❑ Penalty is too low
 - ❑ State did not assess a penalty, but penalty is warranted
 - ❑ State compliance schedule too long
 - ❑ State did not adequately address the violation

- Inspections
 - ❑ EPA may choose to inspect any facility
 - ❑ ADEM usually will attend inspection
 - ❑ EPA inspection reports can take significant amount of time to be completed
 - ❑ Recent EPA inspections
 - 112R
 - Asphalt Processing
 - LDAR programs (using infrared cameras)

- New/Modification Submittals
 - Call your regulator
- Reporting
 - Self Reporting
 - 48 Hour Reporting
- **Read Your Permit**



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ANY
QUESTIONS
?

Air Quality Update

Dale Hurst

Air Division

Alabama Department of Environmental Management

October 20, 2022



Updates to Air Quality Standards



- Ozone
 - ❑ Current standard is 70ppb set in 2015
 - ❑ Decision was made to retain current standard in December 2020.
 - ❑ EPA decided to reconsider the December 2020 retention decision in October 2021
 - ❑ Review currently ongoing
 - ❑ EPA is hoping to complete the reconsideration by December 2023
 - ❑ EPA may leave the standard unchanged



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Ozone Design Values 2020-2022



Design Values 2020-2022	
Bay Road	56
Chickasaw	58
Fairhope	58
Wetumpka	53
Sumter County	53
Montgomery	58
Huntsville	61
Decatur	60
Hunstville	57
Tuscaloosa	55
Southside	57
Phenix City	56
Sand Mountain	57
Helena	61
Fairfield	63
McAdory	62
Tarrant	60
Corner	59
North Birmingham	63
Leeds	61

Updates to Air Quality Standards



- **PM_{2.5}**

- ❑ Current standards are 12 $\mu\text{g}/\text{m}^3$ (Annual) and 35 $\mu\text{g}/\text{m}^3$ (24-hour)
- ❑ Decision was made to retain current standards in December 2020
- ❑ EPA decided to reconsider the December 2020 retention decision in June 2021
- ❑ Proposal for revised standards expected any day
- ❑ EPA is hoping to finalize any revisions by Spring 2023
- ❑ Expected levels are as low as 8 $\mu\text{g}/\text{m}^3$ for the annual standard and possible retention of the 24-hour.



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PM2.5 Design Values 2019-2021



Design Values 2019-2021		
	Annual	24-Hour
Ashland	7.0	15
Chickasaw-Iroquois	8.0	16
Columbus Airport	8.6	22
Crossville	7.4	17
Decatur	7.3	14
Fairhope	7.6	15
Gadsden	8.2	20
Huntsville	7.3	16
Montgomery	8.3	19
Phenix City	9.3	23
Tuscaloosa	7.8	17
Leeds	8.2	16
McAdory	8.4	17
North Birmingham	11	25
Wylam	8.4	18
West Birmingham	9.6	22



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Diesel Emissions Reduction Act (DERA)



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- Created as part of the Energy Policy Act of 2005
- States began receiving funding in 2008
- Funding provided to states on an annual basis
- Program provides funding to states to install diesel emissions reduction devices, replace, rebuild, or repower program-eligible highway and non-road diesel engines
- Must control or replace **DIESEL-fired** equipment
- Funding available to public and private fleets

Questions

Dale Hurst 334-271-7882

Anthony Smiley 334-271-7803

