Land Division Update

Phillip D. Davis
Chief, Land Division

Air & Waste Management Association
Southern Section
Annual Meeting & Technical Conference

Biloxi, Mississippi
September 21, 2016
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Land Division Organization

- 5 Branches
- ~145 staff members
  - ~105 technical staff (environmental scientists, engineers and geologists)
  - 22 managers
- ~$26 million operating budget
  - State (Solid Waste, Scrap Tire, UST) & Federal (RCRA, CERCLA, DSMOA)
  - Self-generated (permit fees, waste approvals, VCP fees)
  - NO GENERAL FUND APPROPRIATION
- ~$45 million external funds (site remediation, grants, loans)
Land Division Programs

• Hazardous Waste
  – RCRA/CERCLA/Federal facilities
  – Brownfields/Voluntary Clean-up Program

• Solid Waste
  – Solid Waste landfills & unauthorized disposal site remediation
  – Recycling facilities and grants
  – Scrap Tires management

• Groundwater
  – Underground Storage Tank compliance and remediation
  – Groundwater protection
• North Birmingham Update

• EPA Hazardous Waste Enforcement Initiative
• EPA proposed addition to NPL – September 2014
• Citizen group petitioned EPA for Tarrant Preliminary Assessment (PA) – 2014
• PA report finalized by EPA – July 2015
• EPA Finalized SI report for the South Tarrant Neighborhood – July 14, 2016
  - Released to the Public – August 3, 2016
  - Site did not score high enough to be placed on NPL
  - Site was NFRAP (No Further Remedial Action Planned) under CERCLA

• CERCLA Removal Action – Total of 215 of ~1200 residential properties addressed since removal activities began
  - includes three schools and two apartment complexes
  - site access agreements from property owners required before removal can occur
• Projected EPA cost ceiling ~ $26M
• ADEM participating in Interagency Workgroup and Brownfield redevelopment
• 2017 Enforcement Initiative Published in Federal Register - September 15, 2015
  - https://yosemite.epa.gov/opa/admpress.nsf/0/25662047ebab45a085257f5d0071b4a0

• Air Toxics with a RCRA component of subpart AA, BB, & CC
  - Focus is on fugitive emissions of VOC’s from process vents, tanks, and equipment at LQGs and TSDs Title V Permit satisfies requirements of subpart AA, BB, & CC, if in compliance
  - EPA Guidance
Solid Waste Issues

- Title VI Civil Rights Complaints
- CCR Rulemaking Update
Title VI Civil Rights Complaints

- Solid Waste Landfills
  - Stone’s Throw (Tallassee) Landfill: 2003 major permit modification
  - Arrowhead (Uniontown) Landfill: 2011 permit renewal & 2012 major permit modification
  - Dothan Landfill: 2016 major permit modification, later rescinded by ADEM due to public notice deficiency

- Jeopardizes federal funding to ADEM
- EPA action expected “possible” in 2016
CCR Rulemaking Update

- EPA National CCR Rules (40 CFR 257)
  - Proposed Rule published – June 2010
  - Final Rule published in FR – April 2015; Effective – October 19, 2015
  - Direct final rule & companion proposal proposal published in FR – August 5, 2016
    - Extends the compliance deadlines established by the CCR regulations for certain inactive surface impoundments
- ADEM is drafting regulations
  - Stakeholders process will follow
  - Other R4 states are mixed on adoption plans
Groundwater Issues

- Eight Mile Mercaptan Update
- UST Rulemaking & Program Approval
Eight Mile Community Update

• Mercaptan release reported in 2008 in Mobile County
  – Lightning strike at Mobile Gas facility in Eight Mile area of Prichard
  – 40+/- CY of contaminated soil excavated and disposed at MSWLF
• Odor complaints from citizens began in late 2011
• Soil/groundwater investigation began in 2012
• Two ozone treatment systems installed and operated by MGC
• Weekly odor patrol performed by ADEM Field Office staff
• Numerous briefings w/local officials; 4 public meetings
UST Rulemaking

• New UST Requirements
• First major revision to the federal UST regulations since 1988
• Establish federal requirements similar to Energy Act of 2005
  – ADEM has already implemented several of the new federal rules
• ADEM’s current regulations remain in effect until revised
• ADEM must revise its UST regulations within 3 years (2018)
• Must also re-submit entire UST program to EPA for approval
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