

Land Division Update

Stephen A. Cobb, Chief
Land Division

Southern Section Annual Meeting & Technical
Conference

September 29, 2023

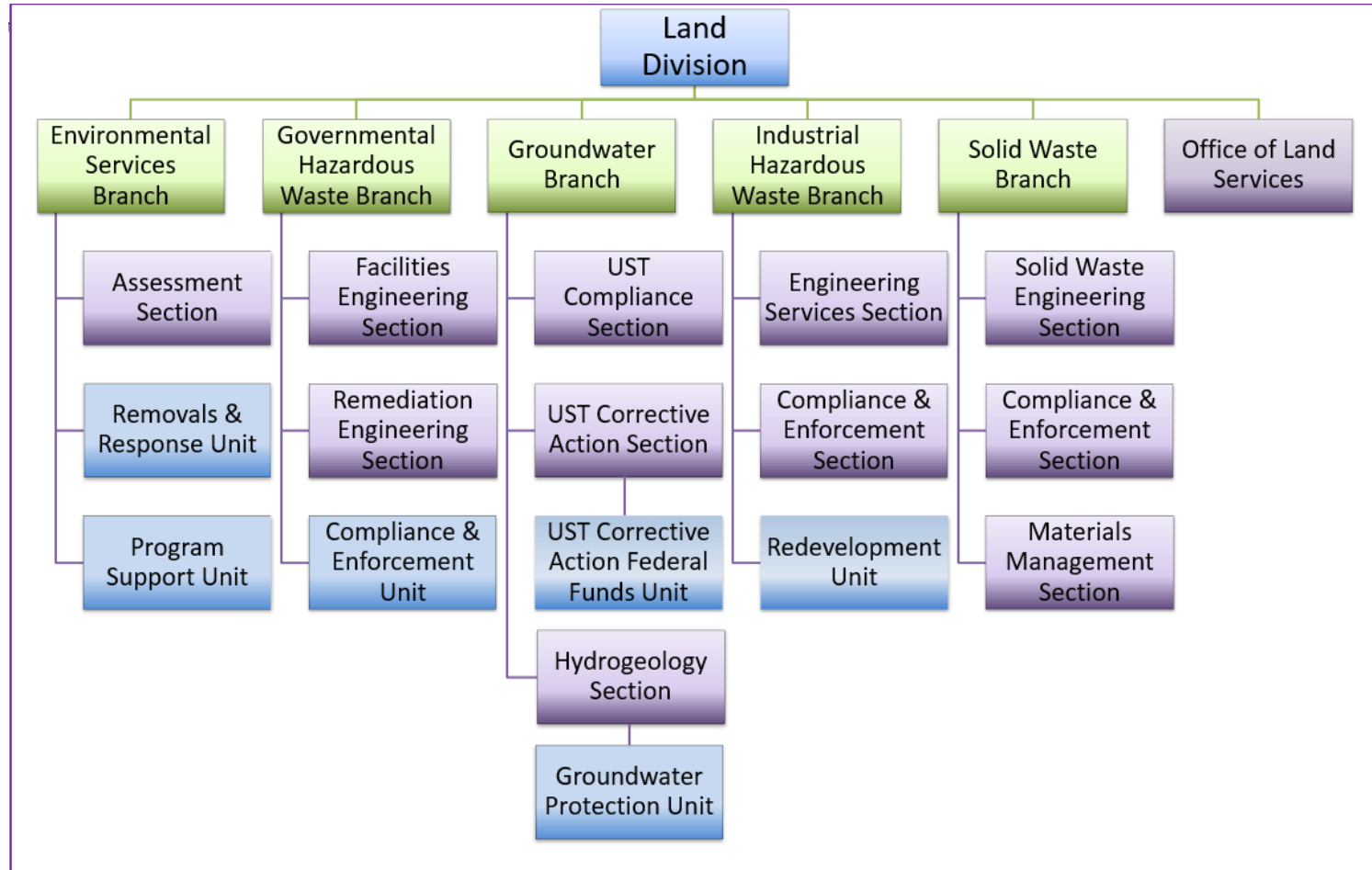
Perdido Beach Resort

- Personnel Update
- CCR Update
- Emerging Contaminants - PFAS
- Program Modernization
- Compliance Activities
- EJ Update
- Recent Achievements
- Future Rulemaking





Land Division Organizational Chart





Land Division Branch Chiefs

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



Land Division Organization

- 5 Branches
- ~ 145 staff members
 - ~ 113 technical staff (Scientists, Engineers, and Geologists)
 - 24 Managers
- ~ \$27 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
- ~\$44 million earmarked funds (site remediation, grants, loans)



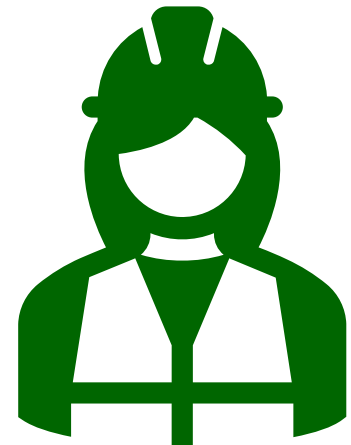
CCR Authorization Update

- Authorization Package submitted to EPA
 - December 29, 2021
- Completeness Determination from EPA Headquarters
 - Status: Proposed Denial
 - Filed NOI on 12/9/2022
 - Filed suit to compel action on 4/3/2023
 - EPA initially responded on 6/16/2023
 - Proposed Denial published in Federal Register on 8/3/2023
 - Comments must be received by 10/13/2023
 - In-Person Public Hearing held on 9/20/2023
 - Virtual hearing held on 9/27/2023
- Next Steps
 - Public Comments on Proposed Denial Due October 13
 - EPA Final Decision on Program Approval
 - Continuation of Program Implementation



CCR Corrective Measures

- Initial Assessment of Corrective Measures (ACM) submitted for all facilities
- Initial Departmental comments sent November 2019
 - Investigations incomplete therefore remedies premature
 - Adaptive Technologies too abstract
- Revised ACMs have been received
 - Working through second review of ACMs
 - Groundwater remediation evaluations are ongoing



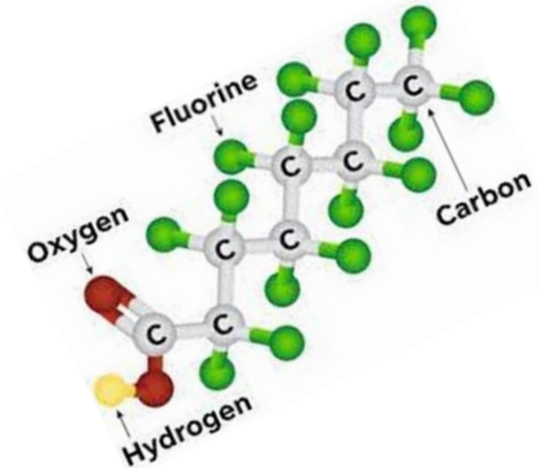


CCR Permitting Update

- APCO Plant Gadsden, CCR Permit No. 28-09, issued 12/18/2020
- APCO Plant Greene, CCR Permit No. 32-03, issued 12/18/2020
- APCO Plant Miller, CCR Permit No. 37-51, issued 12/18/2020
- APCO Plant Gaston, CCR Permit No. 59-16, issued 5/27/2021
- APCO Plant Barry, CCR Permit No. 49-35, issued 7/1/2021
- PowerSouth Plant Lowman, CCR Permit No. 65-06, issued 8/30/2021
- APCO Plant Gorgas, CCR Permit No. 64-12, issued 2/28/2022
- TVA Plant Colbert, CCR Permit No. 17-11, issued 10/25/2022
- **This accounts for all of the currently regulated CCR Universe**
- CCR facilities are subject to both state and federal rules
 - Until Program Approved by EPA

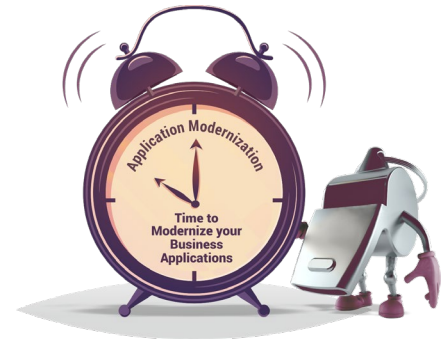
Emerging Contaminants PFAS

- 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 were due November 7, 2022
- Continued implementation/enforcement of July 2020 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
- Unauthorized Dump County Right of Way Program (NEW)
- UST Program (Compliance & Corrective Action)


Development of other Land program components scheduled for 2023/2024:

- Rest of Solid Waste, 8700-12, Hazardous Waste Transporters, Medical Waste, and Beneficial Use.

Hazardous Waste Enforcement Update

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

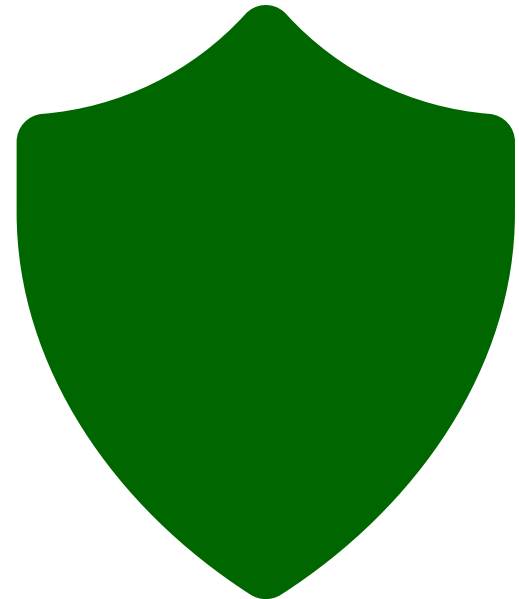
- Quarterly outreach to TSDFs and Large/Small Quantity Generators
 - via email
 - Numerous presentations at various conferences around state
 - Video calls/discussions
 - Development of videos for website posting
- #1 Common Inspection Finding Leading to SNC Determination
 - TSD Storage > 1 year or storage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



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

SW 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 > 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



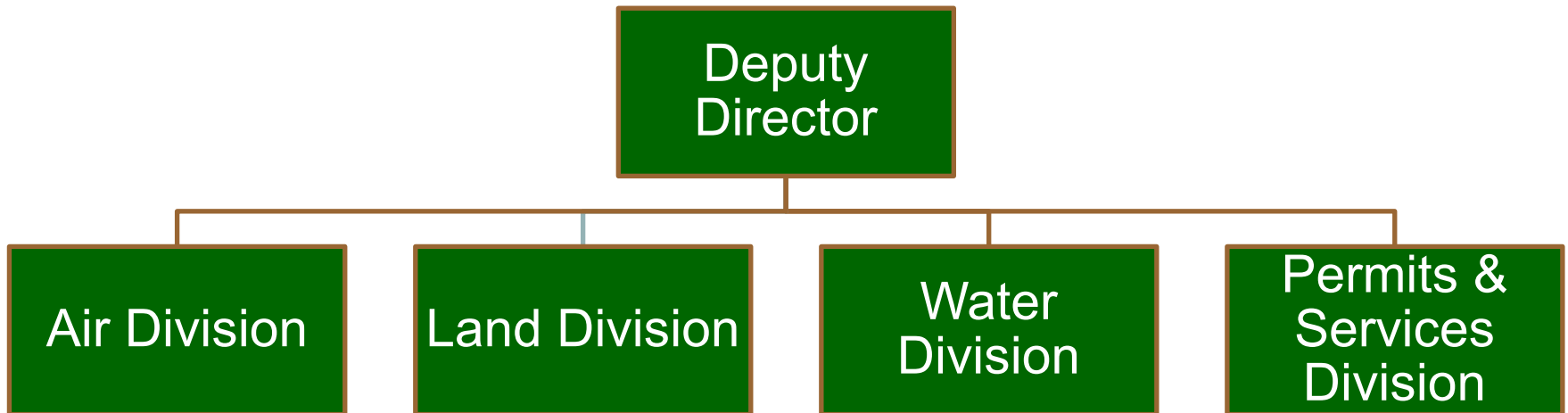
Enhanced Focus

- 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





Environmental Justice Structure



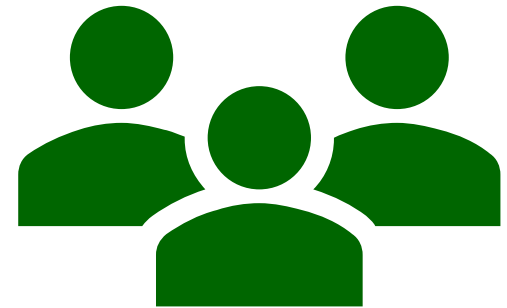


Environmental Justice Internal Efforts

- Continue to develop tools, publications, and staff
- Utilization of EJ Screen and Justice 40 Tools
- Considers factors such as ESL to determine Notice Options
- Public Comment period extensions when necessary
- Maintain relationship with the public and promote transparency

Environmental Justice Outreach Efforts

- Public Availability Meetings
- Computers staged at local libraries
- Phone number for public comments
- Community meetings
- Career fairs/youth groups/YMCA
- Annual Earth Day Festivities
- Post Card mailouts





Recent Achievements

- **School Recycling Challenge**
 - 16 schools collected 17,240 lbs. of recyclables in FYs 2022 and 2023
- **Alabama Recycling Fund Grants**
 - 22 grants were issued for FY23 along with 21 supplemental grants
 - 27 grantees and \$6 million to be awarded for FY24
- **Scrap Tire Demonstration Projects**
 - 21 Demonstration project were commissioned in FYs 2022 and 2023
- **Brownfield Assessments**
 - 14 Phase 1 Assessments occurred in FYs 2022 and 2023 along with 7 Phase 2 Assessments
- **Illegal Dump Site Remediation**
 - 63 Unauthorized Dump and Scrap Tire Sites were remediated in FYs 2022 and 2023. 41 were remediated by the Responsible Party while 22 were remediated through contractor or county remediation contracts.



Local Successes

- Alabama Recycling Fund Grants
 - 4 grants in 2 years to Baldwin County, Mobile County, Fairhope, and Gulf Shores
 - \$950,000 in monies awarded for various projects
- Scrap Tire Demonstration Projects
 - 5 Demonstration projects funded in Baldwin and Mobile Counties
 - ~\$542,000 in monies awarded for various projects
- Redevelopment/Brownfield
 - Africatown/City of Mobile was issued a \$300,000 EPA Assessment Grant for FY21. The Redevelopment Unit has been offering departmental oversight and attending community meetings with ALDOT.
- ADEM Right-of-Way Programs
 - Mobile and Baldwin Counties have active contracts for Scrap Tire (STROW) and the New Unauthorized Dump (UDROW) clean-up programs.
 - ~\$141,000 of reimbursements in STROW clean-up projects

Anticipated General Updates include:

- Medical Waste - Div. 335-17
- Brownfields - Div. 335-15
- Scrap Tire Regulations – Div. 335-4
- Recycling Regulations - Div. 335-13
- EPA Solid Waste Infrastructure For Recycling (SWIFR) Funding to support rulemaking efforts



Contact Information

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