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ALABAMA'S TRADE ASSOCIATION FOR ALABAMA'S MANUFACTURERS

Land Division Update

Stephen A. Cobb, Chief
Land Division

Manufacture Alabama Annual
HR, Safety and Environmental Conference

November 10, 2022
Birmingham, Alabama



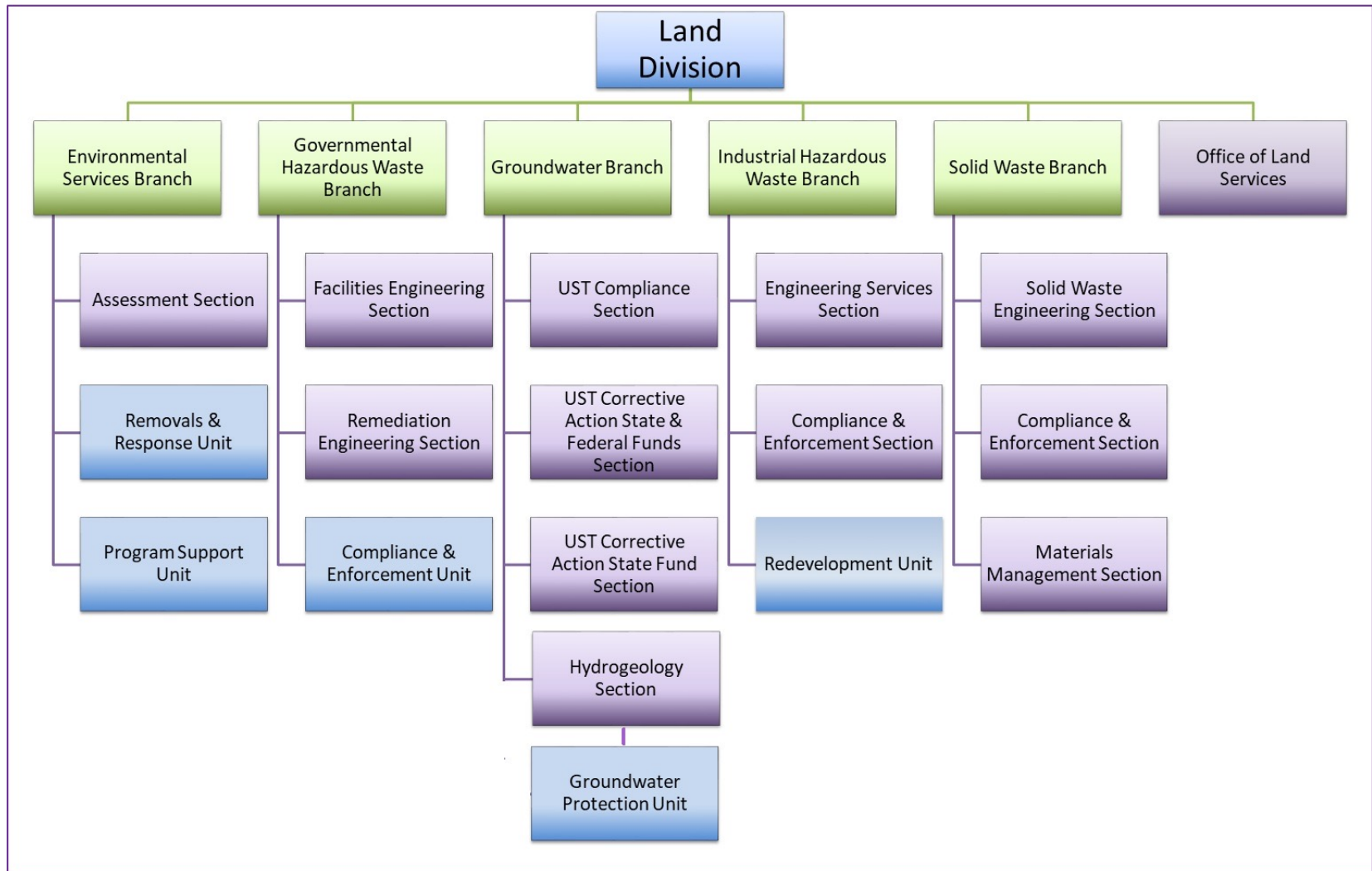
Land Division Update

- Personnel Update
- Brownfield Update
- Beneficial Use Program Update
- Emerging Contaminants - PFAS
- Program Modernization
- Enforcement Activities
- EJ Update
- 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



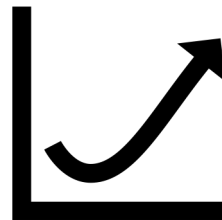
Recent Personnel Changes

Redevelopment Unit Chief

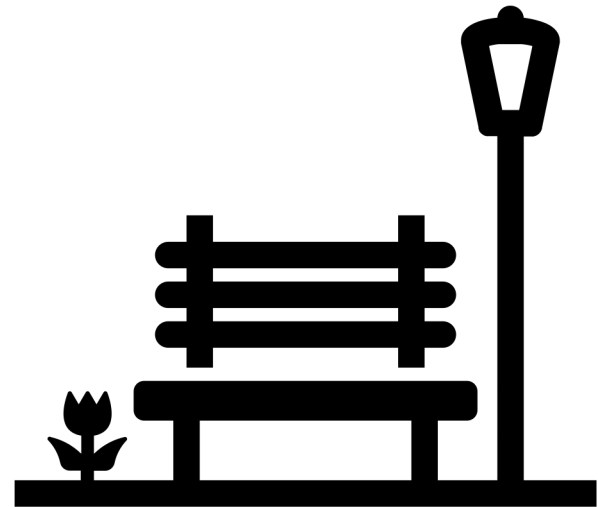
Crystal Collins

334-279-3067

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- Focused outreach/assessment activities in underserved areas
- Initiation of a brownfield cleanup program for small projects
- Evaluation of the program to look for ways to increase its impact





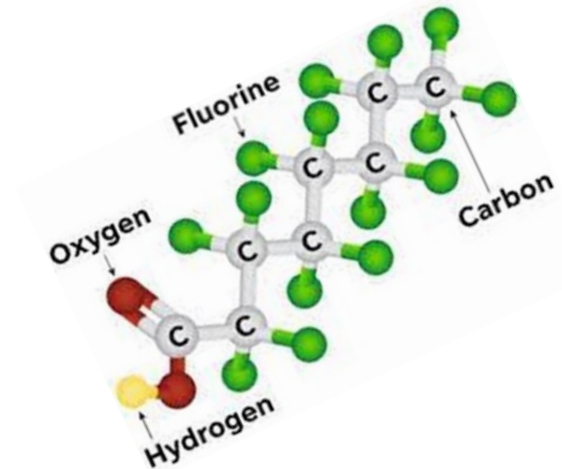
Beneficial Use Program Update

- 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.
 - Similar testing requirements to 40 CFR §503.
 - New standards for Food Processing Residuals (FPR) and FPR Treatment Impoundments.

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.

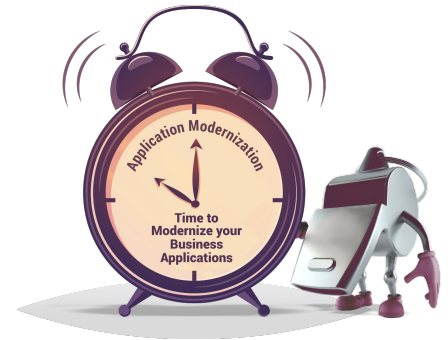




Program Modernization AEPACS

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).



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 compliance assistance 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**

NEW

Compliance Assistance Button

ADEM
Website

adem.alabama.gov

ADEM Alabama Department of Environmental Management

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Disability Assistance

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
 Additional Hazardous Waste Guidance Documents
 Large Quantity Generators Regulations
 Large Quantity Generators Top 10 Violations
 Small Quantity Generators
 Very Small Quantity Generators

Water

Community Engagement
ARPA/SRF Update
PFAS Update
Compliance Assistance



Solid Waste Enforcement Update

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 Update

- Environmental Justice (EJ)
 - Presidential Directives
 - Executive Order 13985
 - Executive Order 14008
 - Justice 40 Initiative
 - Recent Federal Legislation
 - Inflation Reduction Act
 - Bipartisan Infrastructure Law (BIL)



Environment Justice Update

- Justice 40 Initiative

- Investment Categories:

- Climate change, clean energy and energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, **remediation and reduction of legacy pollution**, and development of critical clean water and wastewater infrastructure

- Land Focus:

- Remediation and reduction of legacy pollution
 - Superfund Clean-up
 - Brownfield Revitalization
 - Recycling and Waste Management
 - Solid Waste Infrastructure for Recycling Grants
 - Recycling Education and Outreach Grants



Environmental Justice Update

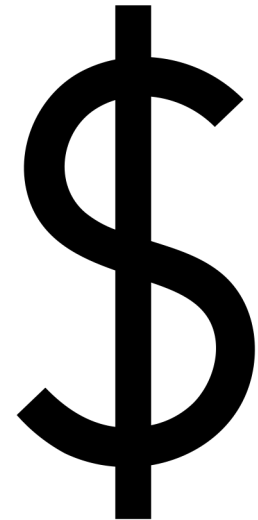
- Justice 40 Initiative

- Bipartisan Infrastructure Law (BIL)

- \$5.4 Billion – Cleaning up legacy pollution
 - \$3.5 Billion for Superfund site clean-up work
 - \$1.5 Billion for to scale-up community-led brownfields revitalization
 - \$350 Million for Recycling & Waste Management
 - \$275 Million for SW Infrastructure for Recycling Grants
 - \$75 Million for Recycling Education and Outreach

- Goals-

- 40% of the overall benefits of certain Federal investments flow to disadvantaged communities





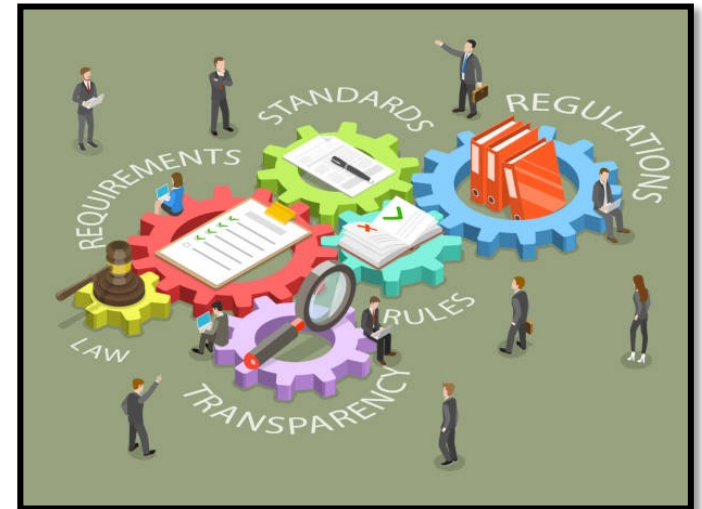
Rulemaking Update

Hazardous Waste Program (Division 14)

Solid Waste Program (Division 13)

Medical Waste Program (Division 17)

Future Rulemaking



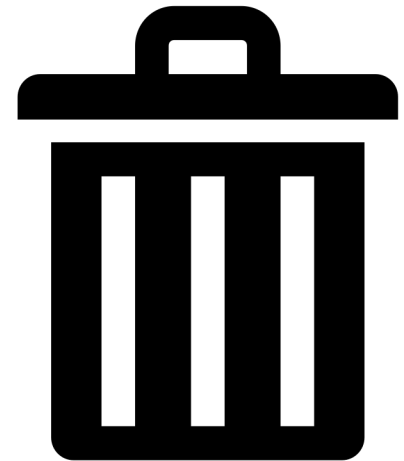


Division 14 **(Hazardous Waste)**

- 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)

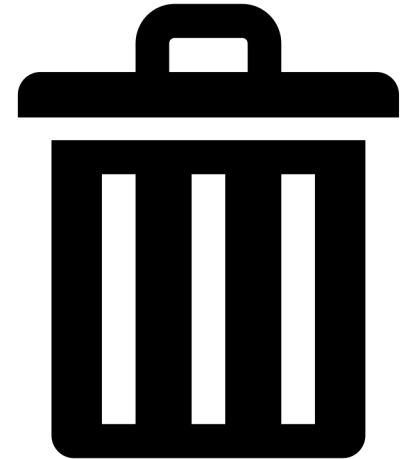




Division 13 (Solid Waste)

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





Division 17 (Medical Waste)

- Public Notice published on August 21, 2022
- Public Hearing held on October 13, 2022
- Proposed EMC Consideration: December 9, 2022
- Revisions include:
 - Clarified definitions
 - Generator requirements
 - Permit requirements
 - Enhanced public participation



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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