

# Land Division Update

Sonja Favors, Chief  
Industrial Hazardous Waste  
Branch

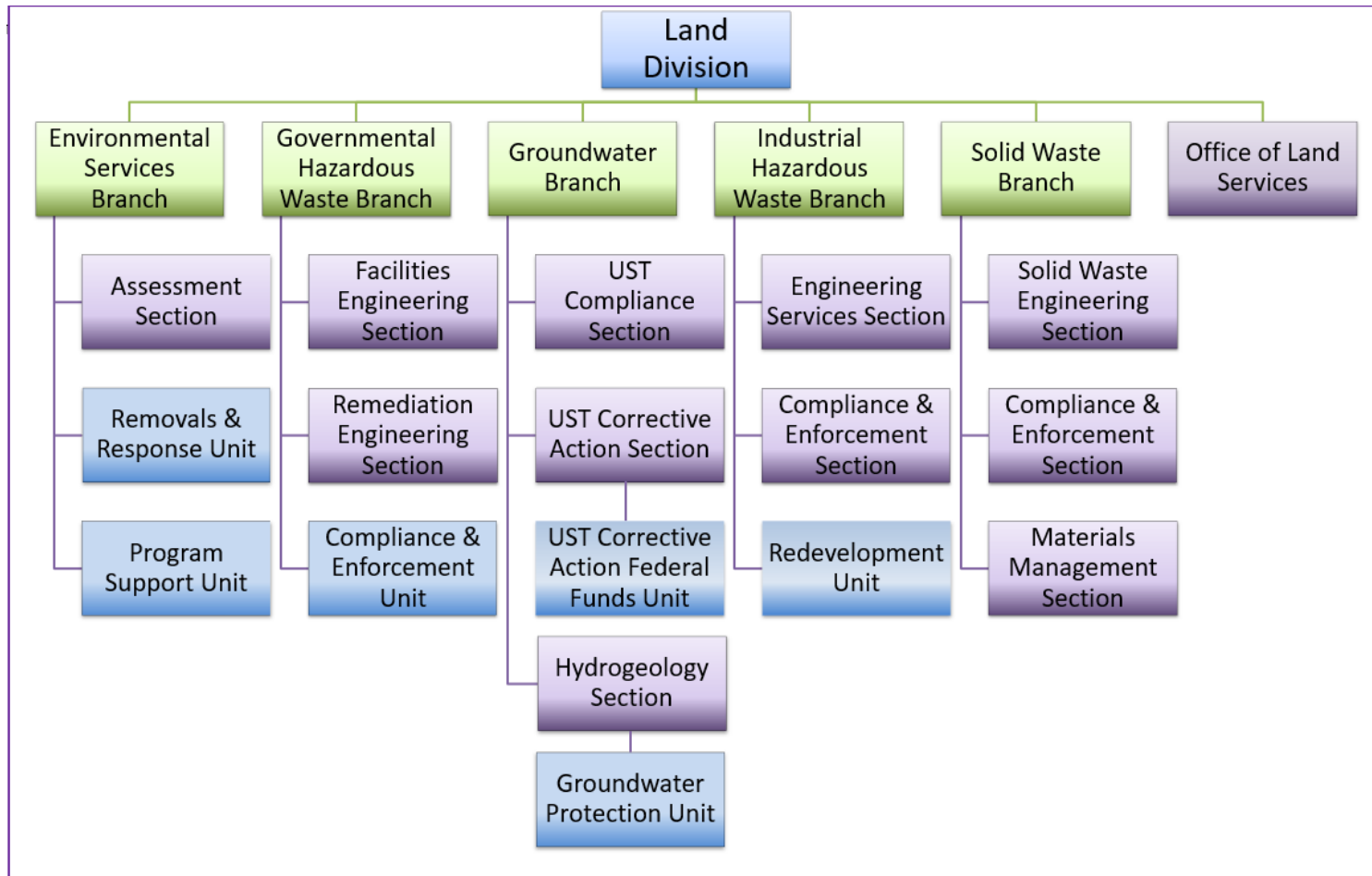
AWMA Coastal Plains Joint Technical Conference  
June 16, 2023  
Pensacola, Florida



- Personnel Update
- Brownfield Update
- Beneficial Use Program Update
- Emerging Contaminants - PFAS
- Program Modernization
- Compliance Activities
- CCR Update
- EJ Update
- Rulemaking Update



# Land Division Organizational Chart



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

## Recent Personnel Changes

UST Corrective Action  
Federal Funds Unit Chief

Rachael McManus

334-270-5621

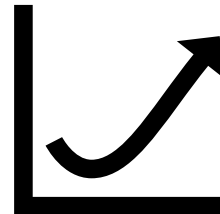
[rachael.mcmanus@adem.alabama.gov](mailto:rachael.mcmanus@adem.alabama.gov)

Remediation Engineering  
Section Chief

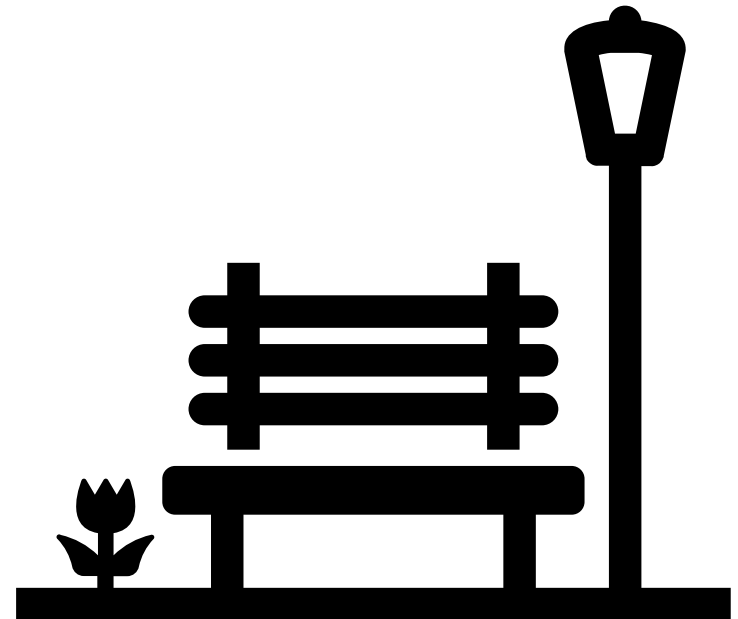
Justin B. Rigdon

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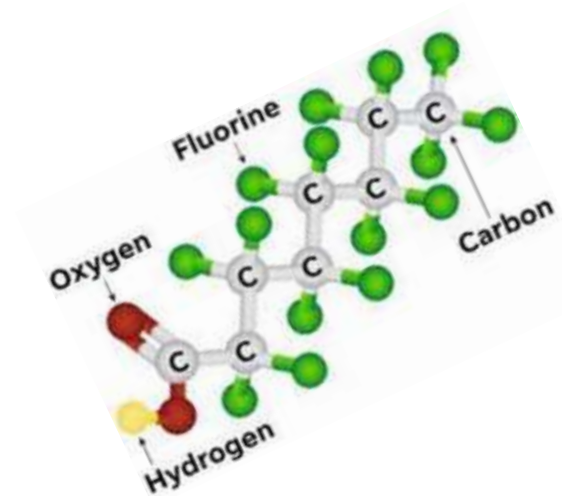


- Focused outreach/assessment activities in underserved areas
- Initiation of a brownfield cleanup program for small projects
- Evaluation of the program to look for ways to increase its impact



- 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.

- 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



# ADEM 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



AIR & WASTE MANAGEMENT ASSOCIATION

Alabama Chapter

adem.alabama.gov

The screenshot shows the ADEM website home page. At the top, the ADEM logo and 'Alabama Department of Environmental Management' are displayed. Below this is a navigation menu with links for 'ADEM Firms', 'ADEM Programs', 'Alabama Environmental Regulations and Laws', 'Compliance Information', 'Environmental Management Commission', 'Inside ADEM', 'More Information', 'Notices and Events', and 'Contact Us'. A search bar and a sign-up form for email notifications are also present. The main content area features a 'Welcome' message and a list of 'Upcoming' events. A large white overlay titled 'Compliance Assistance' is positioned over the right side of the page, listing various resources under three categories: Air, Land, and Water. A blue arrow points to the 'Compliance Assistance' button in the footer.

**ADEM** Alabama Department of Environmental Management

Home

ADEM Firms  
ADEM Programs  
Alabama Environmental Regulations and Laws  
Compliance Information  
Environmental Management Commission  
Inside ADEM  
More Information  
Notices and Events  
Contact Us

Enter your email address to sign up for ADEM Email Notifications!

Submit

Search the ADEM Website:

Search

E-Verify

TRANSLATIONS

Disability Assistance

For information contact the Department of Public Health

For information contact the Department of Public Health

Land Clearing Vegetation

Demographic Data

2021 DERA Announcement

Nondiscrimination Statement

Community Engagement

ARPA/SRF Update

PFAS Update

Compliance Assistance

### Compliance Assistance

#### Air

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

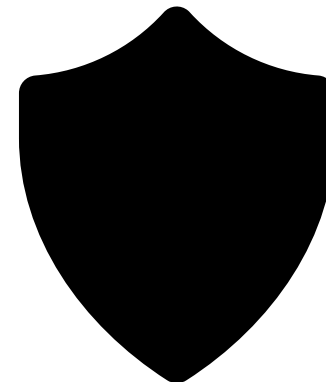
#### Land

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

#### Water

## 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



- Authorization Package submitted to EPA
  - December 29, 2021
- Completeness Determination from EPA Headquarters
  - “Undetermined”
- Next Steps
  - Amend state regulations as federal rules are updated
  - Upcoming federal rules:
    - Federal permitting program
    - Legacy Units
- CCR facilities are subject to both state and federal rules
  - Until Program Approved by EPA

## 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
  - One set of comments sent
  - Remaining ACMs under review
  - Groundwater remediation evaluations are ongoing





- 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 is the complete CCR Universe\***

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

- 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

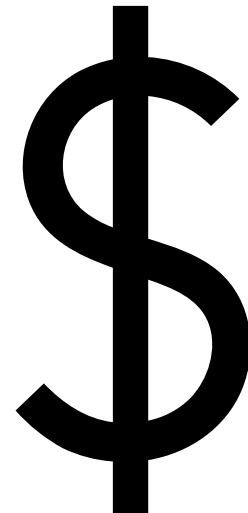
- Justice 40 Initiative

- 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



Hazardous Waste Program (Division 14)

UST Program (Division 6)

Future Rulemaking



- Public Hearing Held January 24, 2023
  - Rules Effective Date: June 12, 2023
- 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

- Public Hearing held on February 9, 2023
- EMC approval occurred on March 31, 2023
- Rules became effective on June 12, 2023
- Change to ADEM Admin. Code r. 335-6-15-.42
  - Alabama Code Title 41-1-11
- Changes include an update to the UST Regulation Fee

## Anticipated General Updates include:

- Recycling – Div. 335-13, Chapters 3, 10, and 13
- Scrap Tire – Div. 335-4
- Solid Waste Management Plan (SWMP) – Div. 335-13, Chapter 9
- EPA Solid Waste Infrastructure For Recycling (SWIFR) Funding to support rulemaking efforts



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