

# Land Division Update

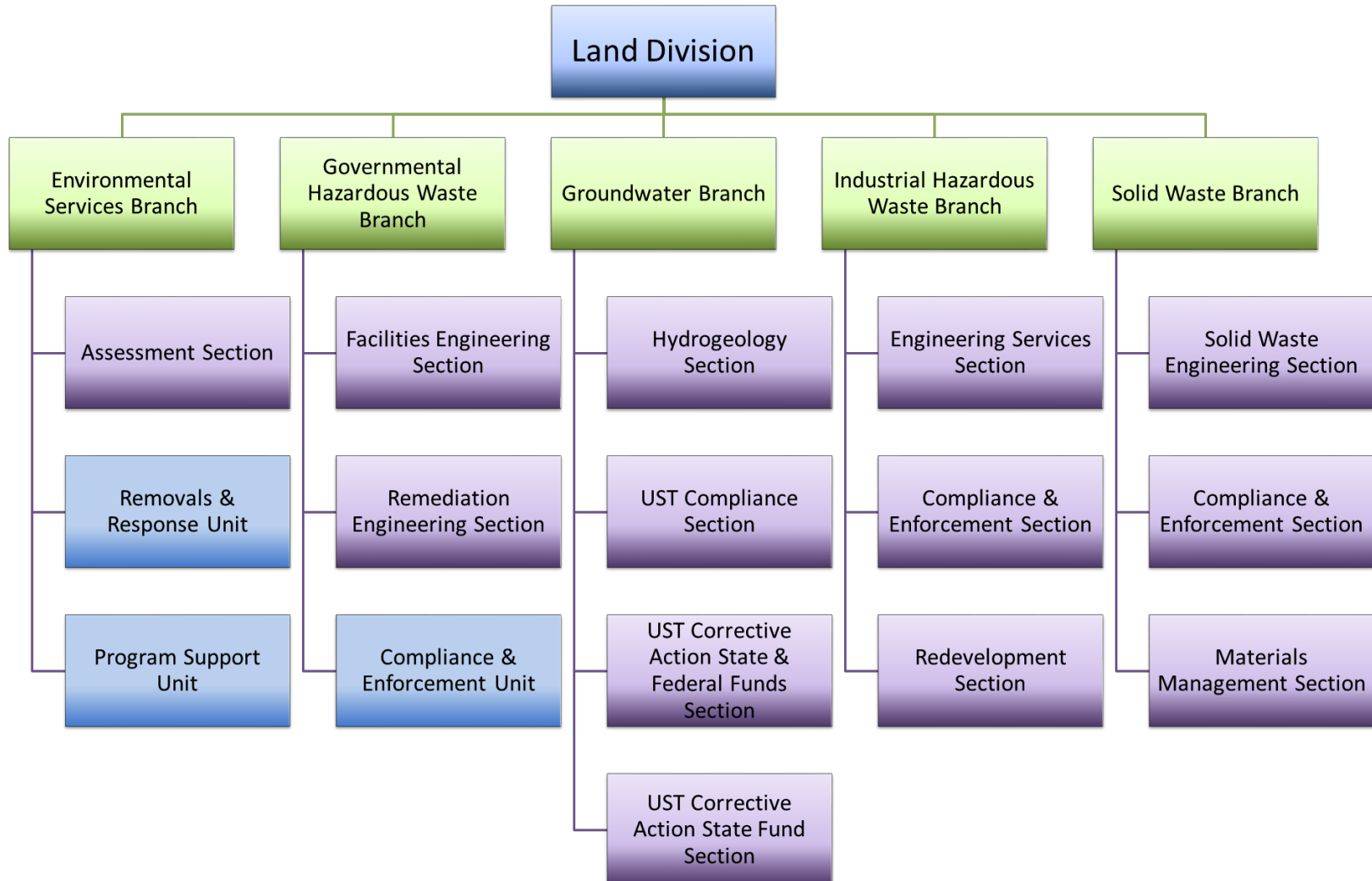
Stephen A. Cobb, Chief  
Land Division

Manufacture Alabama Environmental  
Conference

Prattville, Alabama  
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# Land Division Organizational Chart





# Land Program Update

- EPA - RCRA & Superfund Update
- Land Division Rulemaking Update
  - Solid Waste
  - Potential Rulemaking
  - Other Regulations of Interest
    - Groundwater
    - Hazardous Waste
    - Current Emerging Issue



# EPA- RCRA & Superfund Update

## EPA Transition from National Enforcement Initiatives to National Compliance Initiatives

- See Bodine memo dated August 21, 2018  
<https://www.epa.gov/sites/production/files/2018-08/documents/transitionfromneitonci082118.pdf>
- Focus on Compliance Assurance Tools
- Energy Extraction comply with Environmental Laws
- Cutting Hazardous Air Pollutants (HAPs)
- Reducing Toxic Air Emissions from Hazardous Waste Facilities

- Pharmaceuticals Rule
  - Under final OMB review
  - Anticipated final signature  
December 2018
- Generator Improvement Rule
  - Rule is in effect
  - Suit filed on a narrow portion of  
rule
- Retail Strategy
  - Aerosol Cans as Universal  
Waste
  - Anticipated FR publish date  
Fall 2019
- Definition of Solid Waste  
(DSW)
  - 2018 rule is in effect
  - States should proceed with  
adoption
- Future Compliance  
Directives
  - Predictive Analysis
  - e-Manifest
  - Biennial Report



# EPA- RCRA & Superfund Update

- Regulation of Airbags
  - EPA Takata memo issued June 2017
  - EPA memo for all airbags issued July 2018
  - Universal waste-like exemption expected to come in Final Rule
- Pharmaceutical Take-Back Program
  - EPA memo issued September 11, 2018
- 2017 Biennial Report Cycle
  - Data declared final on November 5, 2018
  - Data published to RCRAInfo Web scheduled for December 10, 2018
- RCRA Online Website
  - New Website found at <https://rcrapublic.epa.gov/rcraonline/>



# Recent Revisions to Division 13 Regulations

## Coal Combustion Residuals (CCR)

- ❑ In April 2018, ADEM adopted regulations (335-13-15) for the management of CCR in landfills & surface impoundments as authorized by the federal Water Infrastructure Improvements for the Nation (WIIN) Act of 2016

## Local Host Government Approval Process

- ❑ Also, in April 2018, ADEM amended the solid waste permitting application regulations (335-13-5) to reflect a modification in the local host government approval process due to a change in the Code of Alabama (i.e. Baker Bill)

## Regulation of Biosolids

- ❑ Issues earlier this year with biosolids entering the state by train to a MSWLF
- ❑ In other cases, continuous complaints from various parts of the state regarding land application of biosolids
- ❑ Received numerous complaints on a daily basis
  - Odor
  - Spills during transport
  - Insects
- ❑ Currently, the Department is evaluating the need for biosolid regulations, similar to EPA's 503(b) program





# Other Potential Revisions Under Consideration

- Extend SW permit terms to 10 years?
- Clarification of Adjacent Landowner Notification Requirements?
- Updates to CCR Rule
  - Recent Court Decisions
  - Pending changes to Federal Rules

## Division 6 Volume II – UST Regulations

- ❑ Rules updated and effective December 2017 to reflect 2015 EPA rules
  - October 13, 2018 implementation date for most new requirements
- ❑ Recently adopted rules to extend implementation date until December 8, 2020 for:
  - Sump integrity testing
  - Overfill equipment testing
  - Emergency generator tank leak detection
- ❑ Also, adopted rules to increase liability coverage to \$1.75 M per occurrence in accordance with recommendation of the State Tank Trust Fund Mgmt Board
- ❑ Updated rules effective December 7, 2018

## Division 14 – Hazardous Waste Regulations

- ❑ Annual update to capture EPA rules regarding
  - e-Manifest Fee Rule
  - Import/Exports Confidentiality Determinations
  - DSW – Response to vacatur of certain provisions
- ❑ Public comment period began October 21, 2018
- ❑ Public hearing scheduled for December 7, 2018
- ❑ Anticipated effective date is April 2019

## Per- and Polyfluoroalkyl substances - PFAS

- Man-made group of chemicals
- Unique surface-active properties, non-reactive and stable

### Performance chemicals

- Insecticides, Lubricants, and Aqueous Film Forming Foam/AFFF

### Surface treatments/coatings

- Carpet, Upholstery, Apparel, Paper, Packaging, Non-stick cookware





# Land Division Branch Chiefs

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