

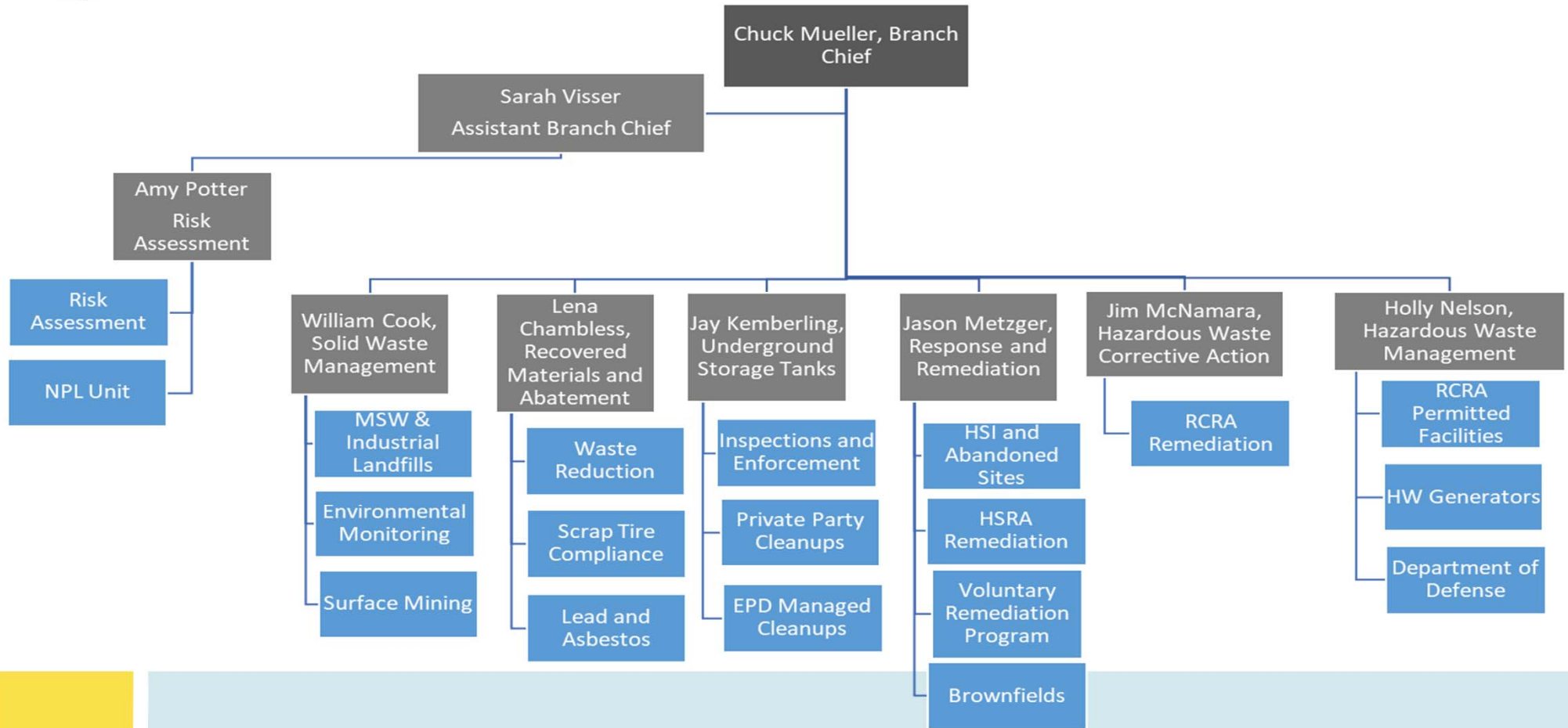
Land Protection Branch Update

Chuck Mueller
Branch Chief

GIEC
November 2022



BRANCH ORGANIZATION





COVID-19 UPDATE

- EPD offices are open, returning to “new normal”
- Enhanced Teleworking
- Space Consolidation
- Virtual meetings still encouraged
- Inspections, complaint investigations and monitoring have returned to pre-pandemic levels.
- Permit issuance/formal enforcement actions have not been impacted.
- Public hearings conducted virtually rather than in-person. Public participation levels are up.

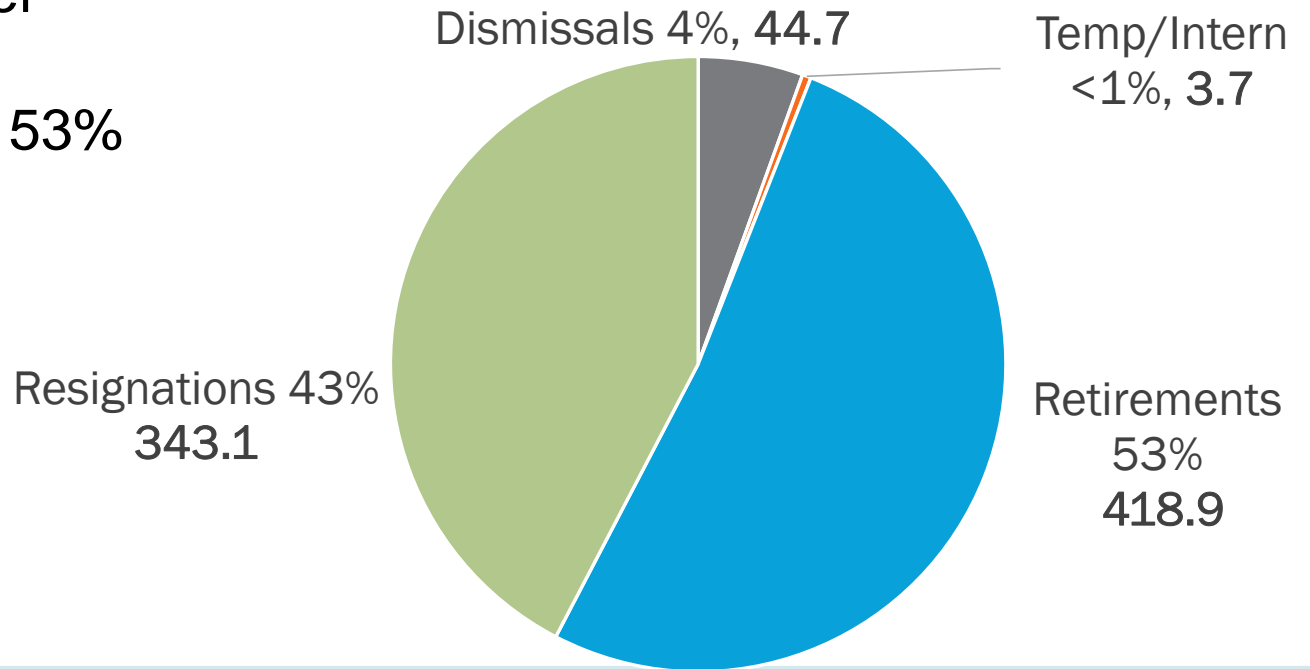


LAND BRANCH RETENTION CONCERNS

Land Branch Employees - 192
of Positions Turned Over
7/1/19-8/15/22 - 101
Percentage of Turnover - 53%

Dismissal – 9
Retirements – 19
Resignations – 70
Intern/Temp - 3

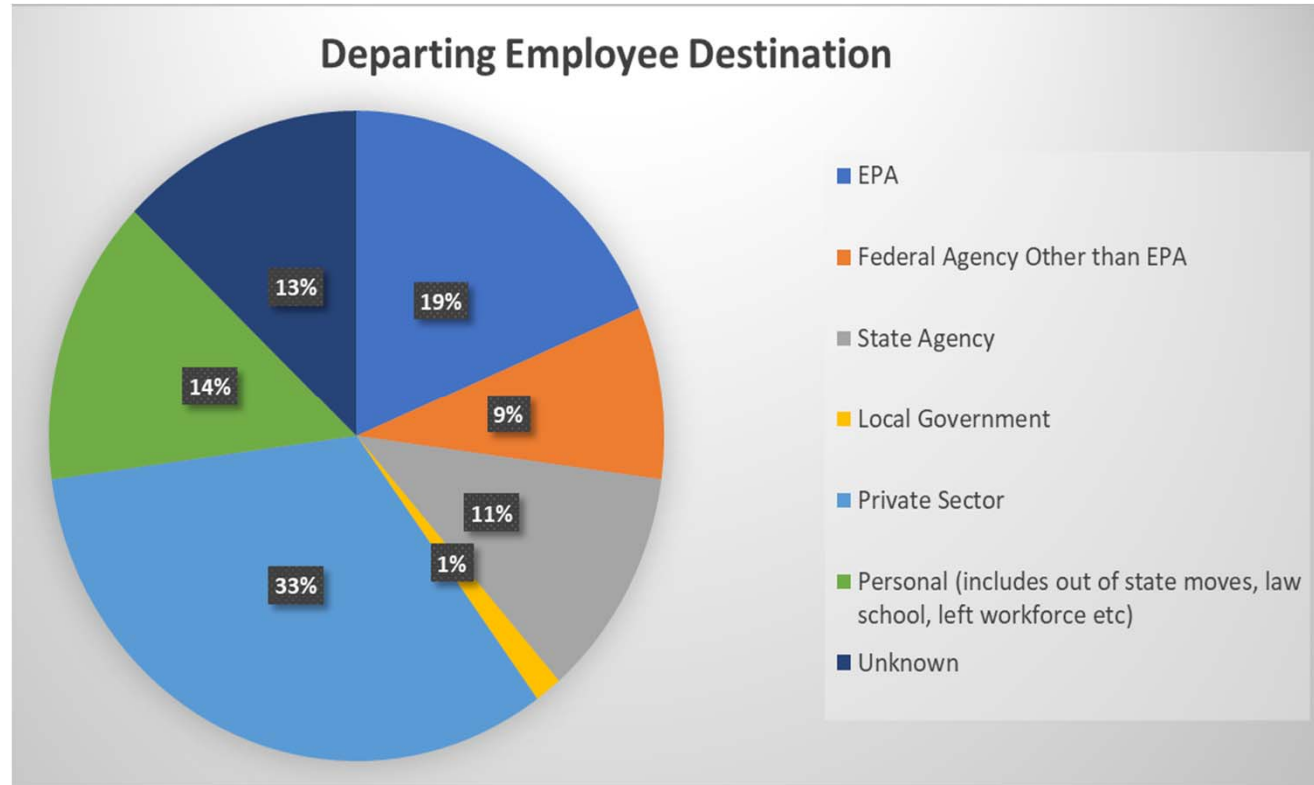
Years of Land Branch Experience Lost
810.5 Total





DEPARTING EMPLOYEE DESTINATION

EPA	13
Federal Agency Other than EPA	6
State Agency	8
Local Government	1
Private Sector	23
Personal (includes out of state moves, law school, left workforce etc)	10
Unknown	9
	70





PROGRAM UPDATES





CCR RULE REVISION – FEBRUARY 2022

Primary purpose: Update Georgia's CCR Rules to align with the most recent EPA changes

- Adding references to additions made to the Federal CCR Rules
- Deleting references to sections of the Federal CCR Regulations that have been removed as a result of litigation
- Clarify deed, permit, and post-closure care requirements





COAL COMBUSTION RESIDUALS (CCR) PERMITS

- Closure by Removal Permits Issued - Crisp (1), Hammond (3), McIntosh (1), McManus (1), Yates (2), Mitchell (1)
- Closure in Place Permits Issued - Bowen (1)
- Landfill Permits - 2 on Public Notice - Bowen & Wansley

January 2022, EPA issued a new interpretation of infiltration. This policy change has impacted the issuance of Closure in Place Permits.

We're working with EPA to ensure all issued permits will comply with the rules and be protective of human health and the environment.



TWIN PINES MINING PERMIT APPLICATION UPDATE

- In June US Army Corps of Engineers announced a new application for an Approved Jurisdictional Determination (AJD) would be needed because the Corps had neglected to perform the required tribal consultation. State deferred our review process at that time.
- Late August, Corps and mining company settled lawsuit, and the original AJD stood.
- Georgia EPD is completing our review of the Mining Land Use Plan and will then schedule a public meeting and comment period.
- After MLUP approved, all permits will go to public notice



FINANCING HAZARDOUS WASTE AND SOLID WASTE TRUST FUND

- Constitutional amendment and House Bill 511 passed, dedicating fees.
- Effective July 1, 2022
- Planning for increased funding
 - Staffing
 - New programs consistent with authorized uses





HAZARDOUS WASTE TRUST FUND



- Established in 1992
- Fees collected from generators of haz waste, solid waste tipping fees and fines for violations.
- Clean contaminated sites and reimburse local govts for old, leaking landfills

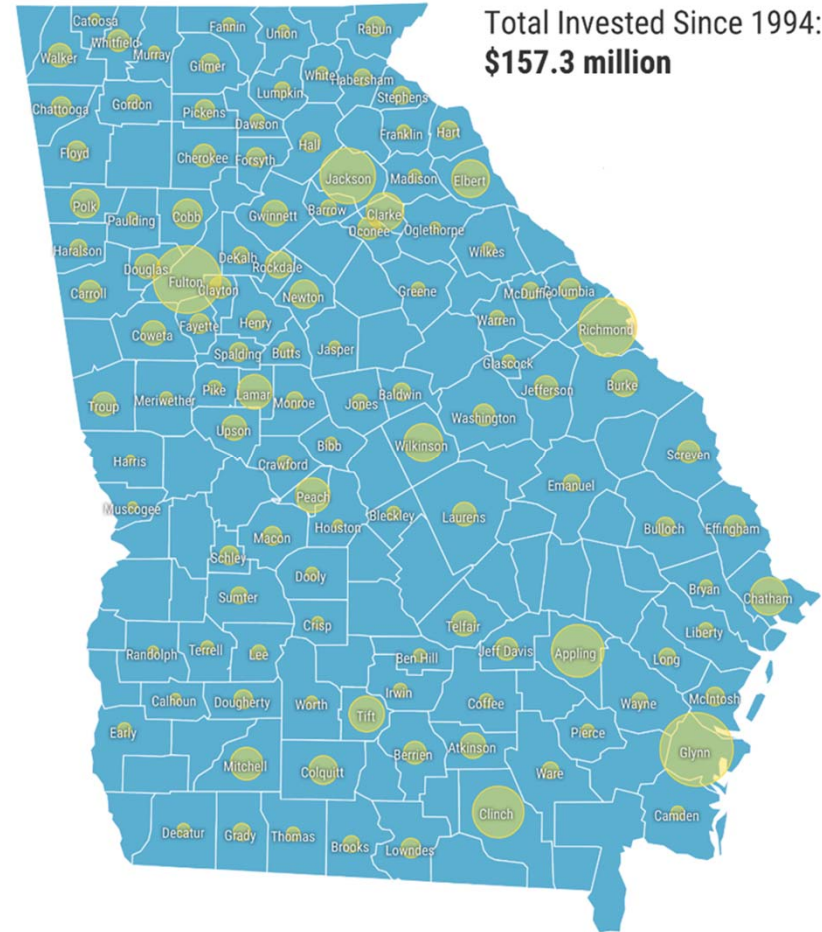


HAZARDOUS SITES INVENTORY

Since 1994, the Fund has identified 914 hazardous sites.

433 have been removed after meeting appropriate environmental standards or emergency action.

481 (53%) remain on the inventory. 61 are classified as abandoned and will need future state funds to cleanup.





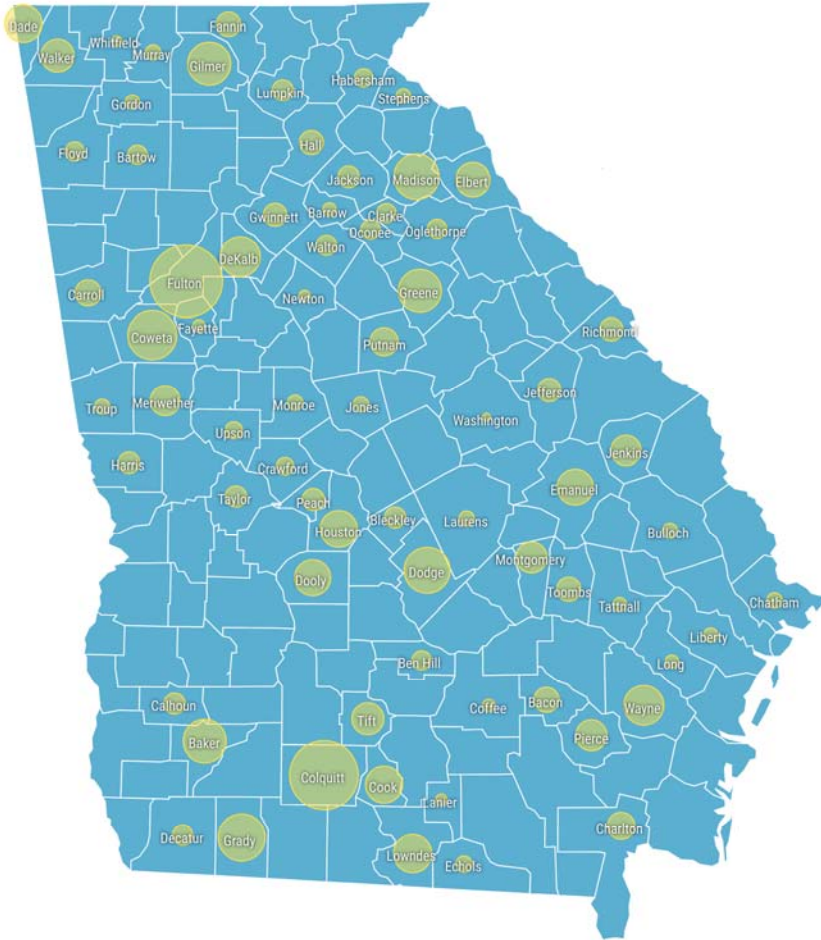
SOLID WASTE TRUST FUND

- Established in 1990
- Funds come from a fee on each new tire sold by retail dealers
- Funds programs including scrap tire management, scrap tire cleanups, abandoned landfills, emergencies at solid waste facilities, and grants to public entities.





LOCAL GOVERNMENT REIMBURSEMENTS



Funding is available for:

- Right of Way Cleanups
- Tire Dump Cleanups
- Amnesty Days

Since 2016 the program has reimbursed local governments more than **\$2.3 million** to remove the equivalent of **911,459** passenger tires!



RECYCLING, WASTE REDUCTION, DIVERSION GRANT

- New Program! - \$2 million to support solid waste efforts
- Broad range of projects are eligible
- Must be a public entity to apply, nonprofits and others may partner
- Applications were due September 30th
 - Received 42 for a total of \$14.7 million
 - Scoring underway – hope to announce awards in December

ALL the details here: <https://epd.georgia.gov/recycling-waste-reduction-and-diversion-grant>



SW PUBLIC PARTICIPATION GUIDANCE

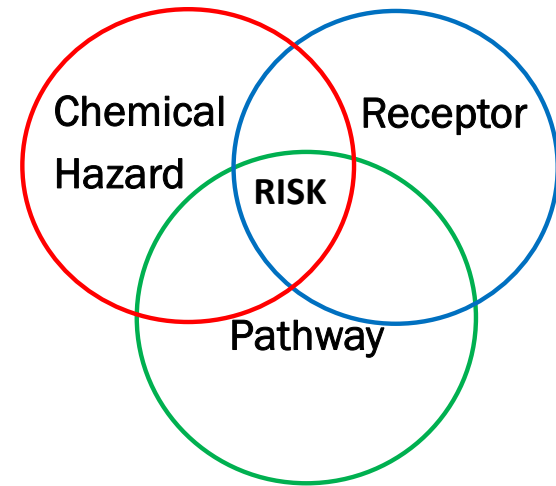
- New Public Participation Guidance for Landfill Permitting
- Clarifies how to meet the statutory requirements
- Draft posted to LPB Public Advisory:
- <https://epd.georgia.gov/public-advisory-draft-permit-application-guidance>
- Comments accepted via email to solidwaste.permits@dnr.ga.gov by September 15th
- Reviewing comments and evaluating changes



HAZARDOUS WASTE GUIDANCE

Complete and available on our website:

- Soil Leaching
 - Area Averaging
 - Vapor Intrusion
-
- RPs are becoming more familiar and utilizing them more
 - Seems to have improved internal and external consistency





HAZARDOUS WASTE GUIDANCE

Georgia Risk Assessment Guidance

- Technical Advisory Committee meeting, discussing and starting to work on drafting
- Focus is on streamlining the process, improving consistency across programs, and addressing chemical specific issues
- Goal is to have a draft for broader stakeholder input by Fall 2023



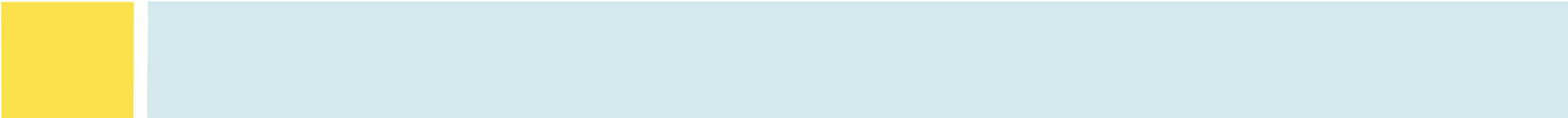
POTENTIAL RULEMAKING

Nothing firm yet, but discussing:

- UST – GUST participation
- PBR for Dimensional Stone
- HWTf criteria for local government reimbursement eligibility

No plans to address PFAS until EPA finalizes it's rulemaking

No plans to address HSRA revisions until GRAG is finalized





SPECIFIC QUESTIONS OF INTEREST

Q. Is EPD seeing an increase in Brownfield applications related to the Infrastructure Investment and Jobs Act?

A. No, The IIJA has had no effect on the number of brownfield applications to the Georgia Brownfield Program. However, it is too early to know whether there will be an increase in applications for the US EPA Brownfield Grants (likely). The solicitations for the EPA Grant competition were posted on September 22nd, and applications are due on November 22nd. So far, Georgia has received 8 requests from applicants for state acknowledgement letters.



SPECIFIC QUESTIONS OF INTEREST

Q. How is EPD addressing sites that have reached or are soon to reach completion of 30 years of Post Closure Care under Hazardous Waste Corrective Action?

A. Language has been added to all Post Closure Care permits stating that the facility's post-closure care period will continue until an adequate site-specific demonstration can be made that the contamination no longer poses a threat to human health and the environment, pursuant to 40 CFR 264.117(a)(2)(ii).



SPECIFIC QUESTIONS OF INTEREST

Q. Of the initial approximate 80 RCRA sites with Part B Permits how many have reached end points for either closure, corrective action complete, and/or completion of post closure care?

A. RCRAInfo shows that 27 of the 77 (35%) facilities on EPD's list have reached corrective action endpoints.

All facilities with PCC permits have completed closure; one storage facility is closing now.



QUESTIONS?

