



GEORGIA
DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

Georgia EPD Update prepared for
2018 Georgia Brownfields Association
Seminar



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LEGISLATIVE WRAP-UP

Approved legislation includes:

- HB 205 Fracking Bill – EPD will develop rules packing this fall to implement
- HB 785 - clarifies that plastic to fuels operations are to be classified as recovered materials processing facilities and not solid waste handling facilities
- HB 792 - reauthorization of Hazardous Waste Trust Fund through June 2019; increase host fees for MSWL
- HB 885 - clarification of ag exemption to open burning rules
- SB 451 – codifies transfer of ag water metering program from SWCC to EPD

Approved AFY 2018/FY 2019 budget essentially flat, with only minor changes.. includes only minor changes.

- “Yes” item for asbestos inspection/enforcement position (to implement Georgia Asbestos Safety Act)
- Bond item to finance dam break analyses of state-owned dams.



MODERNIZATION OF SOLID WASTE RULES

Rule changes adopted by DNR Board on February 28, 2017.

- Culmination of stakeholder draft development process that began in summer of 2017

Changes include:

- All solid waste handling permits reviewed every 5 years to ensure design and operation plan reflects all permit modifications and applicable rule changes.
- Provides ability to reduce post-closure period for non-MSWL to 10 years.
- Modified CCR rules to ensure consistency with new federal rules.
- Increased flexibility in composting rules (Class 2 facilities).
- Clarified requirements in scrap tire management program.

Few stakeholders agreed with all changes but almost all were in favor of overall package.



GEORGIA UNDERGROUND STORAGE TANK (GUST) TRUST FUND

Created in 1988, provides UST owners/operators an affordable means of meeting federal financial responsibility requirements.

- Participation in the Fund is voluntary with premiums based solely upon throughput volume (\$0.0075 per gallon Environmental Assurance Fee).
- Around half of the gallons of fuel sold in Georgia come from Fund participants.

Actuarial study estimated liability on known claims (as of June 30, 2014) to be \$215M (excluding IBNR). Current unobligated cash balance in fund ≈ \$22M

- Significant portion of fund's liability created by sites not currently participating in fund. These claims (when presented) are charged to current fund participants.
- On a cash basis, actuaries project fund revenues and reserves to be adequate to cover expected annual paid losses (at least for the next 20 years based upon "normal" submission of claims for reimbursement). The Fund's large negative equity balance (reserves minus liability for known and future claims), however, only marginally improves over this time.
- Fund also incurs regulatory expense (registration, inspection, oversight of corrective action, etc.) for tank systems not participating in the fund.



OPTIONS FOR ADDRESSING FUND'S NEGATIVE EQUITY BALANCE

1. Assess additional fees on Fund participants based upon risk characteristics of the tank such as age and construction.
2. Assess fees such as annual tank registration or/or inspection fees on all UST to recover regulatory costs. All surrounding states have an annual tank fee, ranging from \$15 in Alabama to \$300 in North Carolina.
3. Assess an environmental damage offset fee on non-Fund participants to recover costs for releases associated with tank owners that no longer participate in the fund. Currently, these costs are borne solely by Fund participants.
4. Institute improved cost control mechanisms for corrective action projects and evaluate clean-up standards.
5. More frequent compliance and loss control inspections to improve compliance and reduce probability of releases.
7. Increase EAF to 1 cent per gallon.
8. Mandatory fund participation to avoid Fund's adverse selection problem. Georgia is one of only five states that has a voluntary fund (GA, ID, MO, UT and WA).





NEW HSRA RISK REDUCTION STANDARDS

Stakeholders engaged for nearly a year on potential updates. Briefing on a proposed rule package to DNR Board likely in May 2018.

Proposed rule package likely to include:

- Updates to Risk Reduction Standards (RSS)
 - Last updated in 1994. Changes will bring Georgia standards in alignment with scientific developments, federal standards, and common practice in other Region 4 states.
 - As a result of this review, the standards for some contaminants have been reduced, some have increased, and others have stayed the same.
- Allow area averaging for compliance with soil Type 2 and 4 RSS
- Allow groundwater use restriction option for Type 4 RSS

Rule package is certainly not the wholesale revision of the HSRA program that some stakeholders seek. It is an important step, however, in ensuring cleanup standards remain protective of human health and to provide some additional flexibility in complying with these standards.



DELEGATION OF CCR PERMIT PROGRAM

When state CCR rules were passed in 2016, federal coal ash disposal rule counterpart was self-implementing. State rules established a separate permitting program.

WIIN Act (December 2016) established EPA CCR permitting program and allowed this authority to be delegated to qualified states.

Georgia sent its initial primacy application package in March 2017 (first in the nation).

- Since that time, have been responding to EPA's comments on application.
- Submitted what we believe is a final application on April 16, 2018.
- Now expect the 180 day clock for review to begin.

To date, only one state application has been deemed “complete” and contains all necessary elements. Public notice and comment period has just been completed. Final determination is pending.



NEW VRP UNIT

Risk and Remediation Program will be reorganized to create a new VRP unit.

- Designated unit within program will handle all VRP applications, approvals, status reports, and CSRs.
- Will still evaluate HSRA release notifications

Establishing dedicated VRP unit will allow for focus on VRP projects, ensure greater alignment between program and Act, and promote consistency across VRP projects.

VRP Unit will be led by David Hayes.



GEORGIA BROWNFIELDS PROGRAM UPDATE

- 900 Brownfield Applications
- 500 properties have completed the program
- 515 final limitations of liability issued
- 5,600 acres of land made ready for reuse
- Over 900,000 tons of soil remediated

