

Industry Perspective on the Great Lakes Legacy Act Sediment Remediation Program

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Background. The Great Lakes Legacy Act (GLLA) was enacted by the U.S. Congress and signed into law in 2002 to accelerate remediation of contaminated sediment in Great Lakes Areas of Concern (AOCs) located in the United States. To encourage accelerated remediation, the GLLA Program provides partial funding for federal/nonfederal cleanup partnerships. The nonfederal sponsor provides the remainder of a project's funding, either through money or in-kind services.

Approach. The U.S. Environmental Protection Agency's Great Lakes National Program Office (GLNPO) administers the GLLA Program. GLNPO seeks nonfederal partners with which to team on sediment remediation projects in Great Lakes AOCs. These non-federal partners include States and industries. Types of projects include investigation and characterization, remediation with or without concurrent restoration, and some source control activities.

Lessons Learned. Industry has participated in several GLLA projects as the nonfederal sponsors. From these projects it is evident that the GLLA Program offers an efficient, effective alternative to typical enforcement-oriented remediation programs such as Superfund. Observations gained from several completed GLLA projects with industrial participation and the advantages of participation will be discussed.

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Battelle's 7th International Conference on Remediation of
Contaminated Sediments, Dallas

February 6, 2013

Principle Uno for Contaminated Sediment Sites

- Implement cost effective remedies that will control sources and achieve long-term protection while minimizing short-term impacts



Achieving Principle Uno?

- Ideas to address impediments to achieving Principle Uno?
- 58 invited participants from EPA, USACE, Mass DEP, Industry, and Consultants
 - All highly experienced in addressing contaminated sediment sites

Five Opportunities Emerged

1. Project Vision
2. Stakeholder Engagement
3. Focus on Risk Reduction
4. Incentives
5. Collaboration

Great Lakes Legacy Act

- GLLA embodies many of the opportunities identified at the Workshop

Great Lakes Legacy Act Projects



Great Lakes Legacy Act

- Overview
- Advantages
- Disadvantages
- Examples
 - SLRIDT (St. Louis River, MN)
 - River Raisin (MI)
 - Spirit Lake (St. Louis River, MN)
- Potential for GLLA-like programs elsewhere?



Alternate Approach – Great Lakes Legacy Act

- Enacted in November 2002 (Pub. L. 107-303)
- Reauthorized and amended in October 2008 (Pub. L. 110-365)
 - Bipartisan support
 - Collaborative effort by industry and environmental groups
- Purpose: Jump start sediment cleanups in Great Lakes Areas of Concern by partially funding public-private partnerships

Categories of Projects

- Remediation (up to \$50 M / yr authorized)
 - Requires 35% to 50% non-federal match for remedial activities
 - Requires 100% non-federal match for operation and maintenance
- Site Characterization (not more than 20% of the funds appropriated for remediation projects)
 - No non-federal match required
 - Only one site assessment per discrete site

General Criteria For Remediation Projects

- Must be within a U.S. Area of Concern; and
- Satisfy 1 of 3 things:
 - Monitor or evaluate contaminated sediment
 - Implement a plan to remediate contaminated sediment, including aquatic habitat restoration activities conducted in conjunction with remediation
 - Prevent further or renewed sediment contamination

Priorities For Use Of GLLA Funding

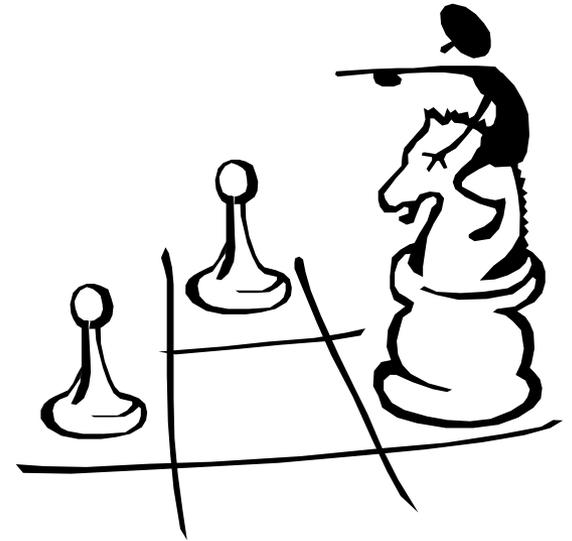
- Projects that will use an innovative approach, technology or technique that may provide greater environmental benefits, or equivalent environmental benefits at a reduced cost
- Projects that include remediation to be commenced not later than one year after the date of receipt of funds
- Projects that are “ready to go”

Seeking GLLA Funds

- Consider whether GLLA funds may be available early in a site's life span and strategically plan to avoid or minimize the hurdles faced to obtaining GLLA funds for a site involving a PRP or PRPs
- GLNPO accepts proposals on an on-going basis

Advantages Over CERCLA/RCRA

- Accelerate progress at sites
 - Don't get bogged down in CERCLA/RCRA/State Clean-up process issues
 - Don't spend time negotiating lengthy AOC or CD
- Creative, collaborative, can-do partner in GLNPO
 - Focus on efficiently reducing risk with the limited resources that are available



Advantages Over CERCLA/RCRA

- GLNPO is an active problem-solver and can assist with challenging stakeholder issues
- Common goal is to complete risk–reduction project while funding is available
 - All parties motivated
 - No stipulated penalties

Disadvantages

- No covenant not to sue
- No funding guarantee until sign project agreement
- Annual funding subject to Congressional appropriations



Examples of Successful GLLA projects Involving Industry

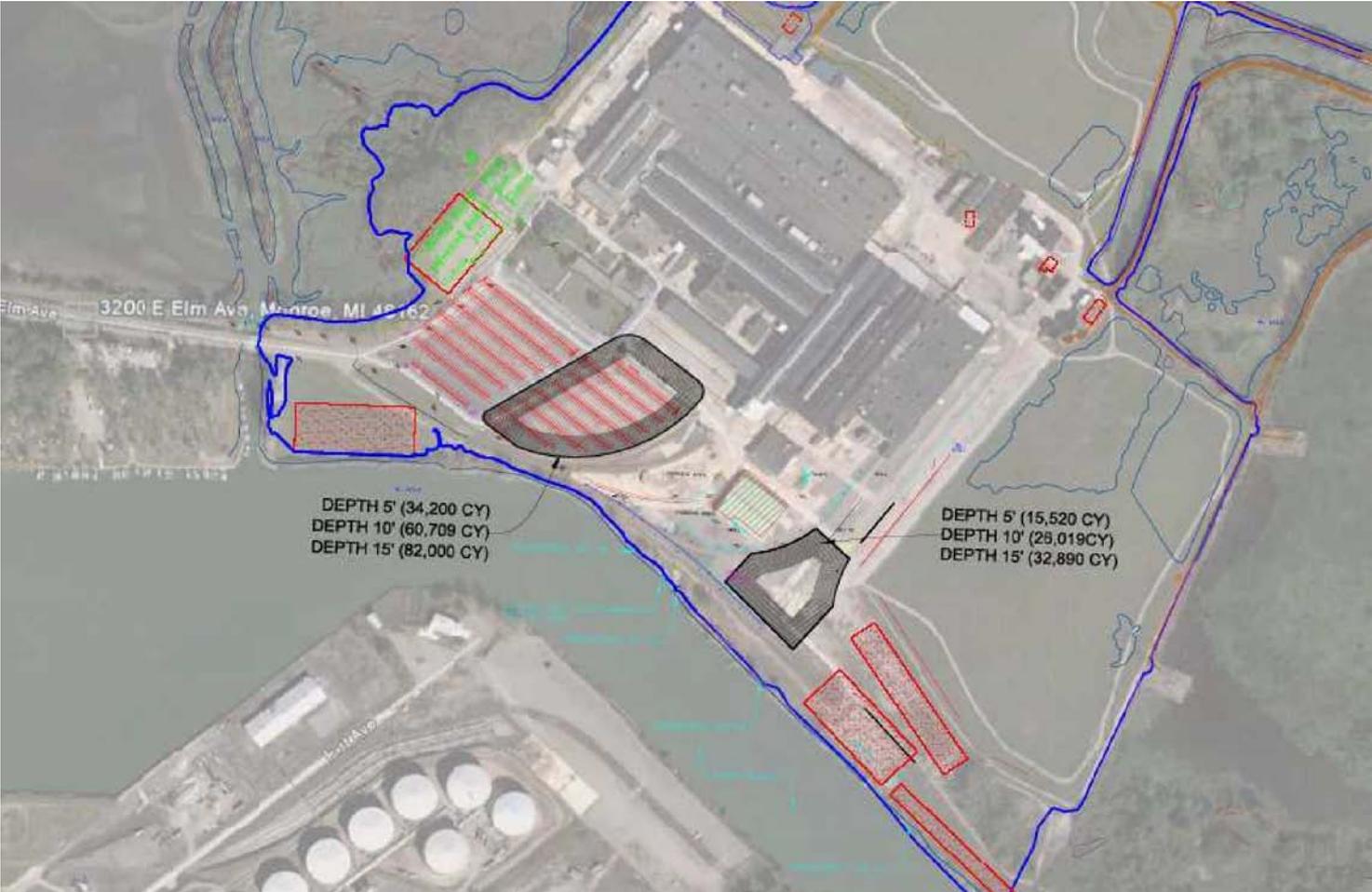
SLRIDT



SLRIDT

- Site impacted with PAHs
- GLLA project – “betterment” to ROD remedy
 - Use Activated Carbon Mat in CAD cap
 - Protect bioactive zone from COCs during cap consolidation
 - Barrier to root penetration
 - Cap thinner, resulting in better habitat
- Cost-share 50% GLLA/50% XIK Corp.
- Total Project Cost < \$3M

River Raisin



River Raisin

- Site impacted with PCBs
- GLLA Project
 - RD/RA – Dredging
 - Site recontaminated following a 1995 remedial action
- State of Michigan and Ford are non-federal sponsors
- MDEQ
 - Cash contributions
- Ford
 - In-kind service: Disposal of dredged sediment in CDF
 - Other contributions

Spirit Lake



Spirit Lake

- Site impacted with PAHs
- GLLA Project – RI/FS
 - No Further Action ROD
 - Expected accumulation of clean sediment in a few areas not occurring at rate anticipated
 - Speed key – needed to sample on ice
- Cost-share RI/FS with Industrial non-federal sponsor

Potential for GLLA-like Program Elsewhere?

- GLLA big success in remediating sites that have sat for decades
- Need coalition for NGOs and Industry
- Need bi-partisan support
- Hurdles
 - Funding
 - Polluter Pays

Summary

- GLNPO is a great partner
 - Expertise
 - Creative problem-solving
 - Stakeholder assistance
 - Focus on results, not process
 - Funding



Questions?

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