The Great Lakes Legacy Act: Using the Cost-Sharing Approach to Implement Contaminated Sediment Cleanup Projects

Panel Discussion Tuesday

Moderators
Marc Tuchman (U.S. EPA Great Lakes National Program Office)
Steven C. Nadeau (Honigman Miller Schwartz and Cohn LLP)—Coordinating Director of the Sediment Management Work Group (SMWG)

Panelists
Victor Magar (ENVIRON)
John Morris (Honeywell)
Robert Rule (demaximis, inc.)

For 10 years now, the Great Lakes Legacy Act (GLLA) has conducted sediment investigations and cleanups in the Great Lakes basin utilizing a cost-sharing approach. More recently, a restoration component often has been included in the projects. The non-Federal partners who have worked jointly with the Great Lakes National Program Office on these projects include states, industries, municipalities, and NGOs. This panel will provide perspectives from both the U.S. EPA and the non-Federal partners on the pros and cons of the cost-sharing approach as a mechanism to effectively and efficiently conduct sediment remediation activities.
The Great Lakes Legacy Program:
Using the Cost-Sharing Approach to Implement sediment clean-up projects in the Great Lakes

PANEL:

Marc Tuchman
US EPA, Great Lakes National Program Office

Steve Nadeau
Coordinating Director, Sediment Management Work Group

John Morris
Honeywell

Victor Magar
Environ

Bob Rule
demaximis
Great Lakes Legacy Act

**Goal:** Accelerate the pace of sediment remediation at Areas of Concern (AOCs)

**Mechanism:** Use *partnerships* as an innovative approach to conducting sediment remediation

**Minimum** 35% Non-Federal *match* required
Great Lakes Legacy Act Projects

Completed or ongoing projects
GLLA Remediation to date:

2,370,500 cubic yards remediated
Industries (36) Involved in GLLA Projects

- DuPont Co.
- GenCorp Inc.
- Honeywell International Inc.
- Illinois Tool Works, Inc.
- United Technologies
- Allied Waste Industries, Inc.
- Phelps Dodge (Now Freeport-McMoRan)
- Cabot Corp
- Detrex Corp
- XIK Corp
- Consumers Energy
- Varta Microbattery, Inc.
- The Mosaic Co.
- BP-Husky Refining
- BASF Corp.
- Arkema Corp
- Wisconsin Public Service
- Pollution Risk Services
- Cleveland Illuminating Co.
- Mallinckrodt Inc
- Millennium Inorganic Chemicals
- Ohio Power
- Olin Corp
- Occidental Chemical
- RMI Titanium Co
- Sherwin Williams
- Union Carbide
- CBS Operations (Viacom Intl)
- Elkem Metals
- Perstorp Polyols, Inc.
- Chevron USA
- Sunoco, Inc
- Pilkington North America
- U.S. Steel
- Ford
- Tyco
Cost-sharing Update

• 21 Clean-Ups Complete or Agreements Signed

• Total cost: $565 Million

• Leveraged $227 Million non-federal match (cash and in-kind)

• 10 years of successful implementation under GLLA
What is the incentive for industry to participate in GLLA?

• GLLA Funding for “unassigned” contamination

• Reduce potential for future liability

• Cooperative, Collaborative Approach

• Speed
A Non-Federal Sponsor’s Perspective on the Great Lakes Sediment Program

Battelle, New Orleans

January 13, 2015
GLLA Benefits – The Standard Ones

• Team Works Toward Common Objectives
• Collaborative, Cooperative Approach
• Speed of the Process Reduces Overhead
• Bias Toward Habitat Improvements
• Up to 50% Cost Share - $$$
GLLA Benefits – More Subtle Ones

• Significant Areas of Cost Avoidance
• Support from the Community
• Easier Allocation Process
• Speedy Field Decisions
• Off Ramps Out of the Process, if Necessary
• Jump Start on NRD
GLLA Drawbacks

- More Visibility
- Preference for Dredging
- Added Liability
- Limited Involvement in EPA Procurement
- Reduced Legal Protections
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Battelle Eighth International Conference on Remediation and Management of Contaminated Sediments

January 13, 2015  New Orleans, LA

Victor S Magar
ENVIRON International Corporation, Chicago, IL
Engineering Efficient, Cost-effective Solutions

- MNR to address stable, buried deposits
- Remedy based on surface (15 cm) sediment exposures
- MNR to address post-removal surface sediment recovery
Engineering Efficient, Cost-effective Solutions

- Cost-effective dredging
- Post-removal MNR to achieve long-term Remedial Goals
- Cost-effective CDF disposal
  - 3 GLLA sites have used CDFs
  - TSCA material stabilized and disposed off-site

USACE Confined Disposal Facility (CDF)
Merging Remediation and Mitigation / Restoration

Emergent Vegetation (EV)

Submerged Aquatic Vegetation (SAV)
Advantages of Working With GLNPO

- Collaborative resolution of key technical issues
  - USEPA and other stakeholders are active participants in the RI/FS and remedial design
- Support from the State and local communities
- Ability to leverage available resources
  - Disposal in USACE confined disposal facilities
  - Expedited removal
  - Integration of MNR into remedy
- Expedited schedule
- More cost-effective implementation, often with USEPA in the lead
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Robert W Rule
de maximis, inc.
Knoxville, TN
Remedy Implementation

Ashtabula River

Ottawa River
Remedy Implementation

- Cost Share and Work Distribution
  - Information / Cost Sharing
    - Share technical information, limited cost information
    - Work tasks breakdown water vs land
  - Decision Involvement
    - Weekly calls to disseminate information
    - Discussions on how best to accomplish the tasks
    - Contractor utilization (EPA or NFS)
    - USEPA availability
  - Timing / scheduling
    - Overall schedule control by both parties
Remedy Implementation

- Partnership
  - Decision Making Process
    - Work split water vs. land
  - Change Management
    - Discussion during weekly calls – decisions
    - Budget decisions - Is it valid?, Does it fit in budget?
  - Efficient Process
    - As long as within budget
Remedy Implementation

- **Multiple Group Member Matters**
  - Allocations
  - Cash Flow Considerations
  - Different needs by Group members
  - NRD

- **Data Needs Evaluation(s)**
  - Allocation – Interim or final
  - 3rd Party evaluations
  - On going releases – CSO, NPDES

- **Liability Release(s)**
  - No release / covenants for work
  - Need to work closely with other stakeholders (State, TSCA, CERCLA, USACE)
Value of GLLA

- GLNPO is a great partner
  - Expertise
  - Creative problem-solving
  - Stakeholder assistance
  - Focus on results, not process
  - Efficiency
  - Earlier site remediation
  - Funding
Time for a National Legacy Act? – Yes!!

• GLLA has proven track record as an outstanding & successful program

• Site investigations are being completed on a streamlined and cost-effective basis

• Cleanups are being completed on an accelerated basis, efficiently and cost-effectively
Potential Obstacles to Enactment of a National Legacy Act

• Potential Challenges Facing Proponents of a National Legacy Act equivalent
  ◦ Funding scarcity
  ◦ “Pollution pays” proponents (misunderstanding of the betterment aspect of the GLLA)
  ◦ Congressional priorities elsewhere
  ◦ Infrastructure for administering the program is not as readily available as GLNPO was for the GLLA
Potential Success in Enacting a National Legacy Act Program

Momentum in Support of a National Legacy Act equivalent

- The successful passage of the initial Great Lakes Legacy Act was the result of the momentum created by a bi-partisan, multi-stakeholder coalition!
- Many have argued that CERCLA & RCRA were never designed to address complex sites such as contaminated sediment sites
- The excellent success of the GLLA should serve as a great example of a viable alternative to CERCLA & RCRA
- With an appropriate champion or champions, enactment can be a reality!