

## Sediment Cleanup and Great Lakes Legacy Act

First Annual Midwest Environmental  
Compliance Conference  
Chicago, Illinois  
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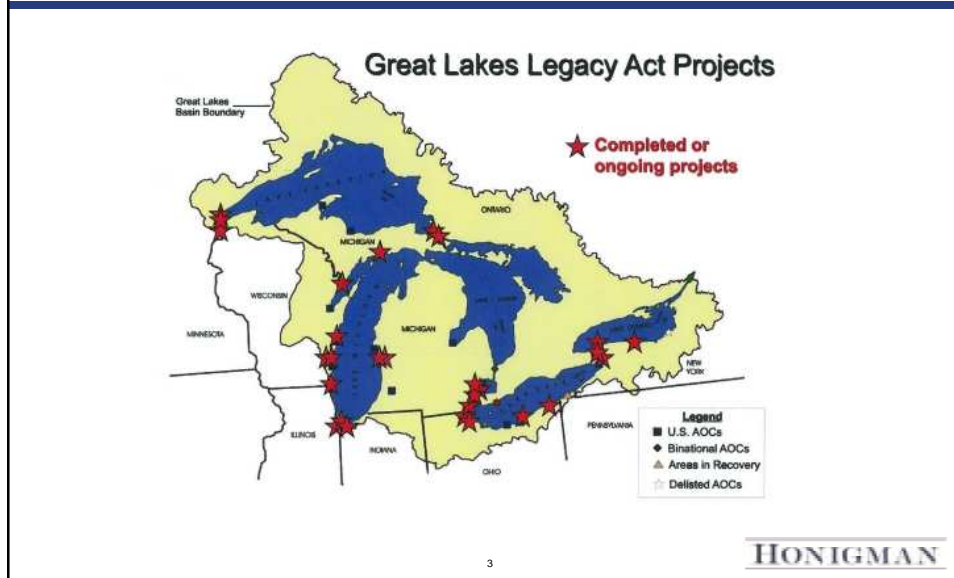
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## Great Lakes Legacy Act

- Overview of the Legacy Act
- Advantages
- Disadvantages
- Examples
  - St. Louis River (MN)
  - River Raisin (MI)
  - Spirit Lake (St. Louis River, MN)
- Value of the Legacy Act



# Great Lakes Legacy Act



## 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

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## Categories of Projects

- Remediation (up to \$50 M / yr authorized)
  - Requires 35% to 50% non-federal match for remedial activities
  - Requires 100% non-federal funding 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

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## 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”

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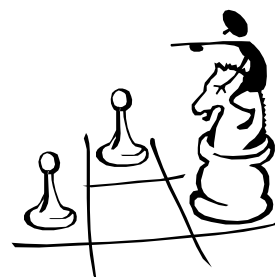
## Seeking GLLA Funds

- Consider whether GLLA funds may be available early in a site's life span and strategically plan to avoid or minimize the hurdles to obtain GLLA funds for a site involving a PRP or PRPs
- GLNPO accepts proposals on an on-going basis
- GLNPO appropriated funds are being fully utilized each year – submit early!

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## 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



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## Advantages Over CERCLA/RCRA

- GLNPO is an active problem-solver and can assist with challenging stakeholder issues
- Common goal is to complete risk–reduction projects while funding is available
  - All parties motivated
  - GLNPO has a “stake in the game”
  - No stipulated penalties
- Industry has embraced the Legacy Act Program and has participated as a non-federal partner at many sites in Areas of Concern

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## Limited Disadvantages

- No covenant not to sue
- No funding guarantee until Project Agreement signed
- Annual funding subject to Congressional appropriations
- Greater competition for available annual funding



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Examples of Successful GLLA projects  
Involving Industry

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St. Louis River Interlake Duluth Tar  
(SLRIDT) Site



The left photograph shows a red semi-truck with a long trailer carrying several large, dark, cylindrical objects, likely drums of tar, parked on a dirt lot in front of a large, light-colored industrial building. The right photograph shows a construction site where a large white liner is being laid out on a concrete or gravel surface next to a body of water. Several workers in safety gear are visible in the background.

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# 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

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# River Raisin GLLA Project



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## 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: Removal of inert historical navigationally dredged material from the CDF and disposal on Ford's nearby property
  - Cash contribution

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## Dredging Details – Base Project

- 109,000 Cubic Yard of Total Dredging
  - 3,000 CY of TSCA (>50 ppm PCBs)
  - 106,000 CY of non-TSCA (<50 ppm PCBs)
- TSCA Dredging
  - Mechanical Dredge with Silt Curtains
  - Processing at Ford Property
  - Disposal at EQ's Wayne County Landfill
- Non-TSCA Dredging
  - Hydraulic Dredge with Pipeline
  - Disposal at Sterling State Park CDF

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## Innovative In-Kind Example – Creating CDF Disposal Capacity

- Use of CDF required EPA and MDEQ to remove an equal volume (106,000 CY), for disposal elsewhere
  - Preserved capacity at CDF for future maintenance of the navigation channel
- Extensive chemical testing identified 112,000 CY of material identified as “inert” by MDEQ
- Material to be excavated, dewatered, and stockpiled on Ford property for future use at the site

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## Supplemental Project – 2012-2015

- During confirmatory sampling of the final DMU, PCB NAPL was discovered above TSCA levels
- Extensive new sampling focused on a 1.2 acre area in Fall 2012, Spring 2013 & Summer of 2014
- The NAPL area was delineated vertically and horizontally
- NAPL located in stiff glacial till/weathered bedrock – dredging challenges expected
- Construction anticipated in Fall 2015
- Partners: GLNPO, MDEQ and Ford

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## Spirit Lake



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## Spirit Lake

- Site impacted with PAHs
- GLLA Project – RI/FS
  - No Further Action ROD for sediment
  - Expected accumulation of clean sediment in a few areas not occurring at rate anticipated
  - Initial Phase - speed was critical – needed to sample on ice!
- Cost-share RI/FS with Industrial non-federal sponsor
- Remedy Selection about to occur
- Classic Legacy Act Example – accelerated sediment remediation; bonus of accelerating upland work
- Strong partnership between GLNPO, MPCA and the non-federal partners

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## Value of GLLA

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



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## Many Other Successful Projects

- Ashtabula, Ohio
- Tannery Bay – Sault Ste. Marie, Michigan
- Ottawa River, Toledo, Ohio
- Black Lagoon, Michigan
- Ruddiman Creek, Michigan
- Lower Rouge River, Michigan
- Kinnickinnic River, Wisconsin
- Grand Calumet, Indiana
- Buffalo River, New York

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## Questions ?

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