Industry Perspective on the Great Lakes Legacy Act Sediment Remediation Program

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Great Lakes Legacy Act

- Overview of the Legacy Act
- Advantages
- Disadvantages
- Examples
  - SLRIDT (St. Louis River, MN)
  - River Raisin (MI)
  - Spirit Lake (St. Louis River, MN)
Principle Uno for Contaminated Sediment Sites

- Implement cost effective remedies that will control sources and achieve long-term protection while minimizing short-term impacts
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
- Industry has embraced the Legacy Act Program and has participated as a non-federal partner at many sites in Areas of Concern
Disadvantages

- No covenant not to sue
- No funding guarantee until project agreement signed
- Annual funding subject to Congressional appropriations
Examples of Successful GLLA projects Involving Industry
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 GLLA Project
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
Time Frames

- Great Lakes Legacy Act Agreement Signed
  - Executed on April 3, 2012 by MDEQ and U.S. EPA
  - $17.3M total cost ($11.2M USEPA, $6.1M Non-Federal)

- Construction Contractors
  - Environmental Restoration: JF Brennan Company, Natural Resource Technology

- Two Components
  - CDF Excavation (Sterling State Park Confined Disposal Facility)
  - Sediment Remediation

- Mobilization Started May 7, 2012
- CDF Excavation Started June 4, 2012
- Dredge Mobilization on June 4, 2012
- Dredging Began on July 9, 2012
- Planned Remediation Completed in November (except surprise TSCA level PCB area)
Direct Impact of PCB Contamination on Beneficial Use Impairments

- Restrictions on Fish and Wildlife Consumption
- Bird or Animal Deformities or Reproduction Problems
- Restrictions on Dredging
Mechanical Dredge
Dredging Details

- 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
Dredging Operations: 12” Cutterhead Dredge
Cleanup Operations: 8” Cutterhead Dredge
CDF Excavation Overview

- Use of CDF required EPA and MDEQ to remove an equal volume (106,000 CY)
  - 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
Excavation Location & Transport Route
CDF Excavation Details

- **Hours of Operation:** Typically 6AM to 6PM
- **Approximately 7,000 truck loads**
  - 40 to 50 trucks per day
- **Excavation Activities:** June through January, 2012
- **Truck wash and Street Wash** to prevent soil and mud on roadway
Outreach

- May 9: Public Notice of MDEQ Dredging Permit
- May 10: Presentation to Commission on the Environment and Water Quality
- June 14: Public Information Session
- July 1: Flyers available for State Park Visitors and Marina Users
Coordinating Agencies

- U.S. EPA
- Michigan DEQ
- U.S. Army Corps of Engineers
- Port of Monroe
- City of Monroe – Committee on the Environment and Water Quality
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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Spirit Lake
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
  - Speed key – needed to sample on ice
- Cost-share RI/FS with Industrial non-federal sponsor
Spirit Lake

- Substantial progress, finalizing FS and currently evaluating remedies
- Strong partnership between GLNPO, MPCA and the non-federal partners
Questions?

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