CCW
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Hazardous Waste Managers Conference & Training
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ADEM
CCW ad hoc Workgroup
2009 - 2010

CCW ad hoc Workgroup comprised of:
  Board Members (3)
  Subcommittee Chairs (HW, SW, CaBS)
  Task Force Members from each of the affected Subcommittees
Phase I Survey

• 3 sections of survey re: State management of CCW:
  • general information
  • landfills
  • surface impoundments
• 42 States
• 9 States do not have CCW disposal
• 13 States do not have CCW surface impoundments
In general, which of the following best describes how CCW is regulated in your State?

- Regulated only on a case-by-case basis, 2, 3%
- Under regulations designed specifically for CCW, 12, 22%
- Under general solid waste regulations, 18, 33%
- Under general industrial waste regulations, 18, 33%
- Unregulated*, 5, 9%
### Phase I Survey Results

#### States with CCW landfills that have permit programs for those landfills.

<table>
<thead>
<tr>
<th>CCW Landfill Permit Program</th>
<th>No</th>
<th>No Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
<td>36</td>
<td>86%</td>
</tr>
<tr>
<td>NO</td>
<td>3</td>
<td>7%</td>
</tr>
<tr>
<td>NO RESPONSE</td>
<td>8</td>
<td>22%</td>
</tr>
</tbody>
</table>

#### States with CCW surface impoundments that have permit programs for those impoundments

<table>
<thead>
<tr>
<th>YES</th>
<th>25</th>
<th>70%</th>
</tr>
</thead>
<tbody>
<tr>
<td>NO</td>
<td>3</td>
<td>8%</td>
</tr>
<tr>
<td>NO RESPONSE</td>
<td>3</td>
<td>8%</td>
</tr>
</tbody>
</table>

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*Note: CCW stands for Controlled Composting of Waste.*
Phase I Survey Results

Does your State have engineering standards that apply to construction of CCW landfills?

- Yes, 34, 81%
- No, 12, 33%
- No Response, 3, 7%

Does your State have engineering standards that apply to construction of CCW surface impoundments?

- Yes, 16, 45%
- No, 8, 22%
- No Response, 8, 22%
Phase I Survey Results

**Does your State have groundwater data for CCW landfills?**
- Yes, 33, 79%
- No, 6, 14%
- No response, 3, 7%

**Does your State have groundwater data for CCW surface impoundments?**
- Yes, 19, 53%
- No, 10, 28%
- No Response, 7, 19%
Phase I Survey Results

Other key points

• At least 15 States are considering revisions to CCW disposal regulations
• Survey results show that a large number of States require the following for landfills:
  • Bottom liners
  • Leachate collection systems
  • Final cover systems
  • Post closure care
  • Corrective action
State Regulation of CCW

“The [S]tates have proven that they can’t regulate this waste adequately, and that’s seen in the damage that is occurring all over the United States,” said Lisa Evans, a former E.P.A. lawyer who now works on hazardous-waste issues for the environmental advocacy group Earthjustice. “If the [S]tates could regulate the industry appropriately, they would have done so by now.”

New York Times, January 6, 2009

ASTSWMO State survey results appear to demonstrate States are regulating these materials
State Comments on EPA CCW Regulatory Approach

• CCW Should not be designated hazardous:
  • Coal ash passes TCLP test
  • Municipal waste has more constituents of concern, such as organics, that are regulated under Subtitle D
  • Hazardous designation would impair beneficial use

• Avoid adverse impact on existing State programs

• Funding, Funding, Funding
Phase II Survey

• Survey solicited State input impact of hazardous waste designation on:
  • Cost
  • Workload
  • Availability of expertise
• Quick turnaround
• 50 States & DC responded
• Remarkable participation
• Indication of State concern
Phase II Survey

Does your State oppose Subtitle C regulation of CCW?

Only 2 of the States that responded did not oppose Subtitle C.
Phase II Survey

Fiscal Impact of Subtitle C

• At least 38 States will need additional FTEs

• Most States could not guess how many

• 18 States estimated they would need 40 FTE @ $4M/year total
Phase II Survey

Can your State Add FTEs to your program?

In August, 94% of States said “NO”
CCW ad hoc Workgroup

Next Steps

• Analysis of Pre-publication version started prior to FR Publication
• Strategy for soliciting State response being developed
• Anticipate Requesting Extension of 90-day comment period which began with June 21 FR Notice
The Issues

- Safe Management of Coal Ash
- Groundwater Protection
- Drinking Water Protection
- Dam Safety/Structural Stability of Impoundments
- Capacity Issues
- Beneficial Use
- Cost of Implementation
Applicability to Other Wastes?

– **CCR is proposed to be Special Waste S001**
  - Will there be future S002, S003, ..., etc.?

– **Other “Special Wastes” ?** *(high volume/low toxicity)*
  - Cement kiln dust
  - Mining waste
  - Oil and gas drilling muds and oil production brines
  - Phosphate rock mining, beneficiation, and processing waste
  - Uranium waste
  - Other fossil fuel combustion waste
Applicability to Other Units?

- Under the NPDES program, large volume non-hazardous wastewaters are routinely managed in surface impoundments – are they next in line for Subtitle C regulation?

- Other Surface Impoundments?
  - Dam Safety
  - Groundwater Protection
  - Drinking Water Protection
Questions?