

GEORGIA'S HAZARDOUS SITE RESPONSE PROGRAM

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INTRODUCTION

In its 1992 session, the Georgia General Assembly passed House Bill 1394, which enacted the Hazardous Site Response Act, O.C.G.A. §12-8-90 et seq., providing for a significant new program to enhance the protection of Georgia's surface and groundwater resources and to reverse any degradation that may have already occurred. This poster presentation is to communicate the rapidly evolving status of the program and to allow for a free interchange with interested parties.

PROGRAM ORGANIZATION

The Hazardous Site Response Program operates within the Hazardous Waste Management Branch of the Environmental Protection Division (EPD) of the Georgia Department of Natural Resources. The program operates under state authority and funding, having only historical antecedents in the federal "Superfund" program under CERCLA. The program is sometimes referred to as the "state superfund" program. Written inquiries should be directed to Tim Cash, program manager, at the author's address.

PURPOSE OF THE ACT

The Act requires owners of property where releases of hazardous substances or hazardous constituents have occurred to determine if those releases are reportable according to rules to be promulgated by the Board of Natural Resources, and if so, to notify EPD within 30 days of discovery, beginning July 1, 1993. This notification process will allow development of a site inventory and its annual publication. EPD will determine which sites require further action, in accordance with criteria yet to be established. The

owner of any site that requires further action shall be required to place a notice on all property instruments, including the county deedbook. The site inventory will be continually updated to track progress at each site, but a site shall not be removed from the inventory except where it is proven, through formal hearing, that a reportable release at the site did not actually occur. If a site is subsequently cleaned-up, the inventory will be adjusted to indicate that no further action is required, and a second notice to the property record may then be issued.

The Act authorizes EPD to compel cleanups at any site where a release of hazardous substances or constituents poses a threat to human health and the environment. EPD can issue orders, by consent or unilaterally, to site owners, operators, or any other party who has contributed to the release. If the responsible party cannot or will not comply with an order, EPD can hire a contractor to carry out investigations or cleanup activities, using a trust fund as described below.

FUNDING

The Act imposes fees on solid and hazardous wastes to fund the Hazardous Waste Trust Fund. Starting July 1, 1992, a surcharge of 50¢ per ton shall be collected by the disposal facility on every ton of solid waste (e.g., municipal garbage). Each small quantity generator of hazardous waste shall pay a flat fee of \$100/year. Each large quantity generator of hazardous waste shall pay a per ton fee for all hazardous waste it generates; receiving facilities will be responsible for the fee on hazardous waste imported from out of state. The fee varies according to the final disposition of the hazardous waste, from a high of \$20/ton if shipped off-site for disposal or incineration to a low of \$1/ton if recycled on-site. Fee collection will continue as long as the

Trust Fund has an unencumbered principal balance less than \$25 million.

Moneys in the Trust Fund may be used for the investigation or cleanup of sites, for emergency actions, for pollution prevention/waste reduction activities in EPD, for the state and local government share of costs for sites on the National Priority List, for EPD's administrative costs, and for source reduction and other project activities by the Georgia Hazardous Waste Management Authority.

Expenditures from the Trust Fund will be balanced not only by the fees described above, but by civil penalties and fines generated by several EPD programs, and by recovery from responsible parties of two to four times the cost of state-funded response actions.

SITES INVOLVED

Sites that will end up on the inventory include but are not limited to (1) sites where spills or other sudden releases have occurred, (2) sites where soil or groundwater contamination is discovered by the responsible party, and (3) sites where EPD determines, through complaint follow-up, referral from other programs, or otherwise, that a release may have occurred. Petroleum releases are not exempted, but petroleum releases from underground storage tanks shall continue to be handled by EPD's Underground Storage Tank Program. The inventory will include sites that are already in the federal CERCLA information system (CERCLIS), and a site's ineligibility for the National Priority List shall not exempt it from potential requirement for further action under the state's program. The state's RCRA (hazardous waste) program shall continue to have responsibility for cleanups at sites regulated under that program; nevertheless, contaminated RCRA sites shall be included in the inventory, and the Trust Fund may be used at RCRA sites if legal remedies under RCRA have been exhausted.

CONCLUSIONS

The Hazardous Site Response Act represents a safety net for the public's protection. The safety net catches sites with known or suspected contamination that may have escaped the imposition or enforcement of a cleanup requirement by another federal or state program, makes it convenient for the public to find out about

such sites through publication of a site inventory, and compels a cleanup where the priority for action is high.