

# Strategy for Cost-Sharing Remediation of Agrochemicals

**Project and Lands Committee**  
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**[sfwmd.gov](http://sfwmd.gov)**



## **Cost-Share Policy Approvals Requested**

- **Projects for which Project Implementation Reports have not been completed**
- **Projects with completed Project Implementation Reports, e.g.:**
  - **C-44 Reservoir/Stormwater Treatment Areas**
  - **C-43 West Storage Reservoir**



## Corps National Policy for Hazardous Substances

- Prohibits the Corps from participating in remediation of any material listed as a “hazardous substance” regulated under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- Requires that Non-Federal Sponsor perform any necessary remediation prior to certifying the land to Corps for the Federal project



# National Policy for Cost-Share on Hazardous Substances

- Investigations to identify the presence of hazardous substances are cost-shared
- Sponsor is responsible for the costs of developing a remediation plan
- Sponsor is responsible for the costs of remediation of any hazardous substances regulated by CERCLA



## Agrochemicals

- One primary purpose of Corps policy is to avoid using Civil Works funding for remediation where another entity is liable under CERCLA
- Federal law provides an exemption from liability under CERCLA for contamination resulting from application of agrochemicals registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)
- If the level of agrochemicals does not exceed the regulatory limits for agricultural use, landowner is not liable for remediation



# Policy Approved for Future Project Implementation Reports

- If the following criteria are met, then the Corps may recommend that Congress authorize cost-share for remediation :
  - Contamination results from commercially available products used for their intended purpose
  - Contamination does not exceed regulatory limits for the existing land use
  - Remediation is only required because the Federal project will change land use to an aquatic environment
  - Remediation is considered to be ecologically sound and cost-effective



# **Policy Approved for Future Project Implementation Reports (Continued)**

- Approved policy requires that Congress provide specific authority for Federal cost-share on remediation in the authorizing legislation for the project
- Policy approval only applies to future PIRs
  - For projects with completed PIRs, policy memo states that remediation of agrochemicals will not be cost-shared unless specifically authorized by Congress



# Alternative Policy Approval Requested for Projects with Completed PIRs

- SFWMD certifies land for the Federal project without remediating soils containing low levels of agrochemicals
- Corps integrates “remediation” into their construction contracts
- SFWMD provides cash contribution, in advance, for the additional costs of construction resulting from the presence of agrochemicals

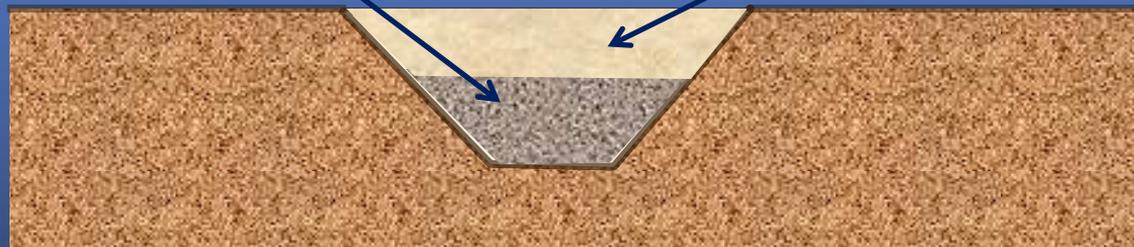


# Remediation of Agrochemicals During Construction - Example

- Place impacted soils in farm ditches, then cap with at least six inches of non-impacted fill material

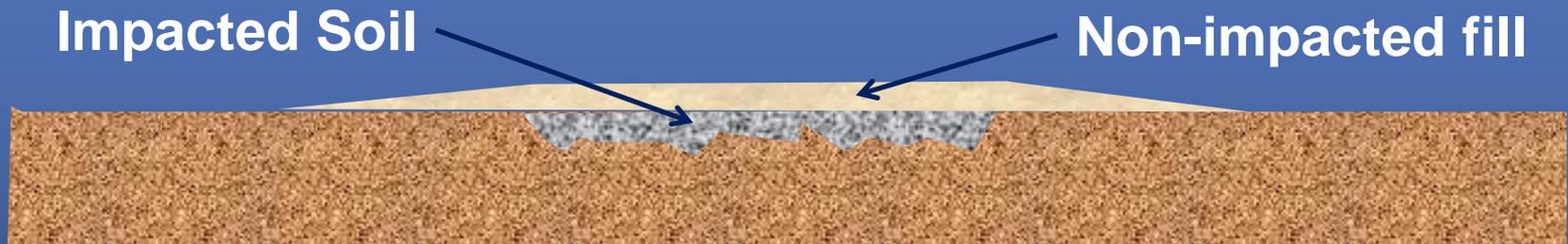
Impacted Soil

Non-impacted fill



# Remediation of Agrochemicals During Construction - Example

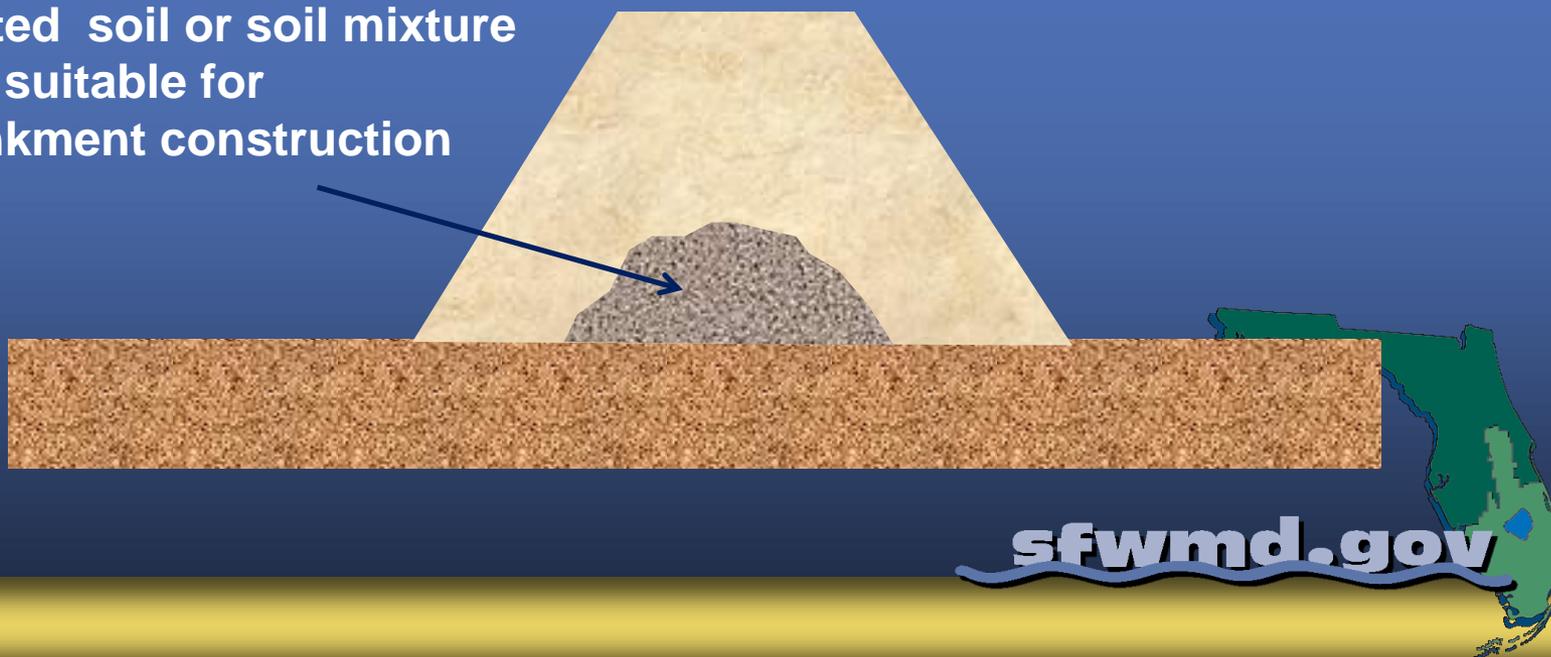
- Cap impacted soils in place with at least six inches of non-impacted fill material



# Remediation of Agrochemicals During Construction - Example

- Where compliant with construction plans and specifications, use impacted soils for constructing the core of levees or embankments

Impacted soil or soil mixture that is suitable for embankment construction



## Cost-Savings if Policy is Approved for C-44 Reservoir/STA Project

- SFWMD performs remediation prior to certifying lands to Corps \$20 mil
- Corps integrates remediation with project construction \$1.5 to \$4.5 mil
- Cost savings to taxpayers \$15.5 to \$18.5 mil



# Cost-Savings if Policy is Approved for C-43 West Reservoir Project

- SFWMD performs remediation prior to certifying lands to Corps ~ \$4 mil
- Corps integrates remediation with project construction ~ \$0.15 mil
- Cost savings to taxpayers ~ \$3.85 mil



# Status of Policy Approvals

- Policy for future Project Implementation Reports has been approved
  - Specific guidance is being developed
- Policy for projects with approved Project Implementation Reports is under review by Corps Headquarters
  - Policy approval being requested for C-44 Reservoir/STAs and C-43 West Reservoir
  - Policy decision targeted for February 2010



**Questions?**

