Coal Combustion Residuals State Permit Program Guidance Document; Interim Final

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Office of Land and Emergency Management
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Notice

The information and procedures set forth here are intended as a technical resource to States that may be useful in developing and submitting a State Coal Combustion Residuals (CCR) Permit Program to EPA for approval. This Guidance does not constitute rulemaking by the Agency, and cannot be relied on to create a substantive or procedural right enforceable by any party in litigation with the United States. As indicated by the use of non-mandatory language such as "may" and "should," it only provides recommendations and does not impose any legally binding requirements.

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Introduction

This guidance document is designed to provide information about the provisions of the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act, Section 2301, related to Coal Combustion Residuals (CCR) as well as the process and procedures EPA generally intends to use to review and make determinations on State Coal Combustion Residuals Permit Programs. The purpose of this document is to provide States guidance for developing and submitting a State CCR Permit Program for EPA approval.

The document has four (4) chapters. The first two are in the form of questions and answers. The first chapter provides an overview of the provisions of the WIIN Act. The second chapter contains the process and procedures EPA is currently planning to use to review and make determinations on State CCR programs as well as the documentation EPA generally expects to request from States seeking approval of a program. The third and fourth chapters consist of checklists to aid the States as they are considering and developing their program submittals. Chapter 3 contains a checklist of all the requirements of the current CCR rule at 40 CFR Part 257 subpart D. Chapter 4 provides a checklist of those items EPA generally expects a State would submit when seeking approval of its CCR program.

EPA encourages States who are or may be considering submitting a CCR program to EPA for approval to consult with EPA early in the process. Such consultations will enable EPA and the State to work through areas where the State program may be different from the federal CCR regulation. EPA intends to provide as much flexibility to the State programs as possible, consistent with the WIIN Act's standard for approval of State programs: that State program requires each coal combustion residuals unit located in the State to achieve compliance with either: (1) the Federal CCR requirements at 40 CFR part 257; or (2) other State criteria that the Administrator, after consultation with the State, determines to be *at least as protective as* the Federal requirements.

EPA will accept comments on this guidance for 30 days. Comments should be submitted to the docket EPA has established for this action. [Docket ID #: EPA-HQ-OLEM-2017-0458; Title: Coal Combustion Residuals (CCR) State Permit Program Guidance Document (Interim Final)] Detailed instructions for submitting comments are on EPA's web site (https://www.epa.gov/dockets/commenting-epa-dockets) and will be in an upcoming Federal Register Notice formally announcing the availability of this guidance for comment. The current version of the guidance describes EPA's statutory interpretations and the way in which EPA generally intends to review State programs. As such, EPA encourages States to consult this interim final guidance as they develop and submit programs to EPA for review and approval.

EPA anticipates that this guidance is likely to be updated as informed by comments received on this interim final guidance and will respond to these comments as appropriate. In addition, there are some areas of the WIIN Act; for example, the periodic review of State programs, on which the Agency has not yet focused. This document includes information on the portions of the WIIN Act that are most important for initial EPA review and approval of state programs.

As EPA approves State programs, EPA intends to make that information available to our State partners and to the public. EPA recognizes that all affected parties are interested in the specifics of State programs, especially where those programs may differ from the federal CCR rule. We believe that a repository of this information will be particularly valuable.

EPA looks forward to working with States and other key stakeholders as we move forward in implementing the WIIN Act.

Chapter 1 – Frequently Asked Questions on the WIIN ACT

This chapter discusses the provisions of the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act related to Coal Combustion Residuals (CCRs). The questions are organized by area of interest of the CCR program.

Note: For purposes of this guidance document, the terms "State CCR Permit Program" and "State CCR Program mean a CCR permit program or "other system of prior approval and conditions" which has been submitted to EPA for approval as provided for in the WIIN Act.

General Statutory and Process Questions

1. What are the major provisions of the 2016 WIIN Act related to Coal Combustion Residuals (CCRs)?

Section 2301 of the WIIN Act of 2016 amended Section 4005 of the Resource Conservation and Recovery Act (RCRA). Some of the key provisions are:

- States may, but are not required to, develop and submit a CCR permit ("or other system of prior approval") program to EPA for approval.
- The program does not have to be identical to the current CCR rule (40 CFR Part 257 subpart D) but must be "at least as protective as" the CCR rule.
- EPA has 180 days to act on a State submission; EPA must provide public notice and an opportunity for comment prior to EPA approval.
- EPA may approve a program "in whole or in part".
- Once approved, the State permit program operates "in lieu of" the federal CCR rule.
- The CCR rule applies to a CCR unit until a permit (or other mechanism specifically allowed as an "other system of prior approval and conditions" under an approved State program) is in effect for that unit.
- In States that do not have an approved permit program ("non-participating States"), EPA must implement a permit program, "subject to the availability of appropriations specifically provided to carry out a program…"
- EPA must implement a permit program in Indian Country.
- EPA may use its information gathering and enforcement authorities under RCRA Sections 3007 and 3008 to enforce the CCR rule or permit provisions.
- EPA must review State permit programs at least once every 12 years and in certain specific situations.

2. Will there be an approval process and/or "application" process by States to receive approval of their CCR permit program or other system of prior approval and conditions (hereafter called permit program) by EPA?

Yes, there will be an approval process for state permit programs. The WIIN Act does not require EPA to promulgate a rule to establish the process and program contents for state approval. Thus, at this time, EPA is developing this guidance document in order to assist

States in developing permit program applications that are complete and adequate. The guidance addresses the statutorily required components of the state permit program application, demonstration of adequacy including legal and procedural requirements, allowable state flexibilities, and a checklist to help ensure that a permit program meets the statutory requirement of "as protective as" the federal part 257 regulations.

3. Will the approval process be done at the EPA Regional level or at the HQ level?

At this time, we expect to delegate the authority to approve State permit programs from the Administrator to the Regional Administrators with concurrence from the Assistant Administrator for the Office of Land and Emergency Management and the Office of General Counsel.

4. Will an application for approval of a State CCR permit program require an Attorney General statement or can existing regulations (provided they are adequate) be proof that the State has the power to regulate CCRs?

EPA asks that a State submit a written certification from the State Attorney General (or an independent legal counsel for the State) that the laws, regulations, and any applicable guidance cited in the application are enacted at the time the certification is signed and are fully effective when the State permit program is approved. EPA recognizes that States may have difficulty in obtaining an AG statement and continues to evaluate other potential options.

For additional details see the Question # 3 in Chapter 2.

5. Will States have the opportunity to review what EPA proposes to include in a State CCR permit program approval package and provide input to EPA before finalization?

Yes. We are currently working on the details of a process to obtain input from all stakeholders on this guidance. Moreover, as stated earlier, EPA expects that the guidance will be updated over time as both States and EPA gain experience in the submission of State program materials and in their review.

6. Will EPA need to publish an implementation rulemaking or will EPA be able to address implementation through guidance?

The statute does not require EPA to promulgate a rule in order to implement its provisions. Initially, therefore, we are planning to address implementation through guidance. It is possible, though, that EPA would propose a rule that incorporates some aspects of implementation in the future.

7. When will States need to submit "to the Administrator…evidence of a permit program or other system of prior approval and conditions under State law for regulation by the State of coal combustion residuals units that are located in the State that after approval by the Administrator, will operate in lieu of regulation of coal combustion residuals units in the State…?"

The statute does not establish any deadline by which a State needs to submit their application for program approval.

8. Do States need to let EPA know sometime soon of their intent to submit such evidence?

As noted above, there is no deadline by which a State needs either to inform EPA of its intent to submit a program for EPA approval or to actually submit that program. However, if a State does wish to develop and submit for approval a CCR permit program, EPA encourages them to reach out to EPA so that we can work together informally before the official submittal occurs.

9. Must a State have its regulations in place before formally submitting an application for program approval?

Review of State regulations is a critical part of the approval process for a State CCR permit program as the regulations form an important part of EPA's determination that the program will be "at least as protective as" the federal CCR rule.

Thus, EPA strongly recommends the State have regulations in place prior to formally submitting an application for program approval. Although the statute does not require final regulations to be in place as a prerequisite for program approval, not having those regulations in place could, in the end result in significant delays and legal complications.

An example: Assume the State submitted a program approval application to EPA and it contained draft or proposed regulations. EPA then approved the program based on those proposed rules. If the final State regulations differ from the State program that EPA had approved, the State would need to come back to EPA to obtain approval for the revised program in order for the revised program (and any State permits) to operate in lieu of the CCR rule. This is because the statute explicitly provides that facilities must continue to comply with the CCR rule until a permit that requires compliance with the *approved* state program is in effect. This would also mean that if the State had already issued permits based on its final rule, but before EPA had approved their CCR permitting program, the facility would still be required to comply with both the federal CCR rule and the state permit.

EPA recognizes, however, that promulgating regulations is a complex and demanding process; therefore, EPA encourages States to work with EPA as they are developing or amending their regulations to ensure that potential issues are identified and discussed early in the process.

In addition, after its initial program submission and EPA approval, a State may submit an application for modifications to its approved program to obtain additional flexibilities. For example, if the State's regulations initially incorporated 40 CFR part 257 by reference and the State submitted this program and obtained EPA approval, the State could in the future modify its regulations to incorporate additional flexibilities and submit this modified program to EPA for approval.

Statutory Criteria for EPA Approval of a State CCR Permit Program

1. **If a State submitted a permit program now, would the 180-day clock start for EPA to approve program even though no guidance, etc. has been issued on permit programs?**

   The 180-day clock for EPA to evaluate a State program would begin once the State had submitted sufficient evidence to allow EPA to determine whether the standard in 4005(d)(1) has been met. This could occur even though EPA had not yet issued guidance on the "form…and evidence" necessary to make that determination. However, if EPA determined that a State's initial submission was insufficient, the 180-day review period would not commence until the submission was determined to be complete or sufficient. The 180-day clock would also apply to an evaluation of an application for modification to an approved program.

   EPA does anticipate taking some time up front to make such a "completeness" determination. EPA would inform the State of the results of that determination as soon as possible. Where EPA and the State have been working closely on the submission as it is being developed, EPA believes that the "completeness" determination should be simple.

2. **What criteria will a State have to meet to get an EPA approved CCR permit program?**

   The statute directs EPA to approve any State program that requires each coal combustion residuals unit located in the State to achieve compliance with either: (1) the Federal CCR requirements at 40 CFR part 257; or (2) other State criteria that the Administrator, after consultation with the State, determines to be *at least as protective as* the Federal requirements. Section 4005(d)(1)(B).

   EPA is proposing to use existing regulations, including the provisions in 40 CFR part 239 as potentially useful sources of guidance. EPA would encourage that the elements of the program submission to EPA track those outlined in part 239. On a technical or substantive level, the State submission will have to provide evidence that the State program is at least as protective as the federal part 257 regulations. Chapter 4 of this guidance document contains a checklist of the materials EPA believes would constitute a "complete" CCR permit program application.

3. If a State adopts the EPA CCR rule by reference, would EPA view that State as having an approved permit program?

If a State adopted the CCR rule by reference, and implemented it through an existing permit program, the State program would meet the statutory standard for approval (see 4005(d)(1)(B)(i), but under the process laid out in the statute, the State would still need to submit an application for a permit program in order to obtain approval for a permit program. In this case, EPA believes that the application for program approval could be streamlined. (See Chapter 2 for details.)

Also, if a State only adopts the CCR rule by reference, their permit conditions would have to align with the State regulations (that is, they could not deviate from the CCR federal rule). If the State wanted to be able to issue permits that could accommodate site-specific deviations from the regulations (i.e., "flexibilities"), they would need to seek approval of the State program provisions that authorize such actions. EPA recommends that such provisions lay out the standards by which the State would determine whether those flexibilities would be granted, along with the evidence the State believes demonstrate that the provision is "at least as protective as the [federal] criteria." This can be done at the same time the State seeks approval from the program that otherwise incorporates the federal rules by reference or through a subsequent program modification.

4. Will EPA approve a State permit program that allows flexibilities that EPA didn't specifically allow in the CCR rule (b/c of lack of State permit program)?

Yes, provided evidence is submitted so that EPA can determine the program is at least as protective as the federal program. The statute requires this determination, as noted earlier, be subject to public notice and an opportunity for comment. At this time, EPA anticipates that there is likely to be significant public interest in State program approvals and is therefore evaluating the most effective method or methods of public notification.

5. Where the legislation says permit program or "other system of prior approval and conditions," what does that mean?

This language is the same as the provision in RCRA 4005(c) for Municipal Solid Waste Landfills, which authorizes States to adopt either a permit program or some other system to regulate their units. Where a State wishes to submit an "other system of prior approval and conditions to EPA for approval, the elements of a such a submission will generally be the same as for a permit program. (As stated at the beginning of this chapter, for the purposes of this guidance document, EPA is using the term permit program or CCR program to refer to either a permit program or to an "other system" as authorized by the WIIN Act. EPA encourages any State considering using an "other system" to consult with EPA early in the process.

6. What will constitute adequate "evidence of a permit program or other system?"

EPA is proposing in this guidance program components that a State would submit to demonstrate this adequacy. These program components are based on existing regulations, including the provisions in parts 239, 256, and 258 which have been used in the past for approval of State programs. The program components are essentially the same whether a State has a permit program or an "other" system.

a. Will EPA require evidence that the State permitting program is at least as stringent as RCRA D requirements even though State programs are not "authorized" in the same way as RCRA C programs?

Yes, the statute requires evidence that the State program will require each coal combustion residuals unit located in the State to achieve compliance with either: (1) the Federal CCR requirements at 40 CFR 257; or (2) other State criteria that the Administrator, after consultation with the State, determines to be at least as protective as the Federal requirements. Section 4005(d)(1)(B).

b. Will the State's submission have to be compared to the federal requirements and pass a test of stringency line-by-line?

The State's submission will be compared to the federal CCR part 257 requirements and must be at least as protective as those.

7. Will EPA require CCR to be a solid waste under the State program as one of the criteria for approval of a State program, or will it be acceptable to develop a CCR permit program meeting the RCRA Subtitle D Part 257 requirements even though CCR is not designated a solid waste in the State?

Section 4005(d)(1) provides that a permit program can be approved as long as EPA can determine that the State program will require each CCR unit located in the State to achieve compliance with either: (1) the Federal CCR requirements; or (2) other State criteria that the Administrator, after consultation with the State, determines to be "at least as protective as" the 257 regulations. The statute doesn't require that the State permit program be a "waste" permit program.

8. **If a State has existing permit rules dealing with permitting processing and procedures and relies on permit review guidance and best professional judgement in the technical review of a permit application, would EPA consider some form of a conditional State CCR permit program approval?**

   EPA would need to evaluate the State program on its merits, based on the evidence the State submits. However, it seems unlikely that the State could demonstrate that such a program would meet the statutory requirement "that the [State] program or other system **requires each coal combustion residuals unit located in the State to achieve compliance** with" the Federal or State requirements. Section 4005(d)(1)(B)(emphasis added).

9. **What is adequate public participation?**

   EPA anticipates that States will use their existing public participation programs, especially where these are part of programs already approved by EPA.

   Public participation plays an integral role in a State permitting program. A good public participation program will create an inclusive dialogue, allowing interested parties to talk openly and frankly with one another about issues and search for mutually agreeable solutions to differences. The State should keep these overarching themes in mind when planning and conducting public participation activities and outreach:

   - communicating risk effectively;
   - assessing and addressing environmental justice, cultural, and tribal concerns;
   - supporting community-based environmental protection;
   - assessing and responding to technical assistance needs;
   - using traditional and new media effectively;
   - planning for public participation when resources are limited; and
   - evaluating public participation activities.

Partial Approval of a State CCR Permit Program

1. **What does "partial approval" mean?**

   "Partial approval" refers to the situation where EPA has approved a State program that includes or covers only a portion of the units covered by the federal CCR rule, or includes only a portion of the federal regulatory requirements.

   So, for example, if a State submits a permit program for approval that only covers some types of units (e.g., landfills) or doesn't cover all elements of the CCR regulations (i.e., doesn't cover structural stability), EPA could grant a "partial approval" that would only cover those elements in the State's permit program. It could also apply where one or two

State requirements do not meet the statutory standard for approval; in such cases, EPA could approve all of the State program except for those provisions.

All units or operations that are not covered by the approved State program would remain subject to the federal part 257 regulations.

2. **If a State has existing rules and issues permits for only certain types of CCR facilities (such as CCR landfills but not CCR impoundments) that the State believes meet the federal CCR permit program approval criteria, would EPA consider this a reason to provide a partial approval**?

   Yes.

3. **Would there be any expectation by EPA that a State given a partial CCR permit program approval is obligated to later seek "whole" program approval?**

   No. The statute expressly authorizes EPA to approve a program "in whole or in part."; however, a State which has received partial approval is always free to come back to EPA at a later time and seek approval for its whole program or additional elements of a CCR program. In this situation, EPA anticipates that a State would only be required to submit information on the new elements for which it is seeking approval.

4. **If a State met all the approval criteria but prohibited by rule any permitting of a new or expansion of an existing CCR impoundment (therefore, there would not be any State permit rules for such types of CCR disposal facilities), would EPA consider that a "whole" or "partial" State CCR permit program approval?**

   If the State program prohibits new CCR surface impoundments and expansions of existing CCR surface impoundments, while regulating existing CCR surface impoundments, EPA likely consider that to be a "whole" State program (albeit one that is more stringent than the Federal program). If the State has not done that, (i.e., does not regulate existing CCR surface impoundments at all) then EPA would likely consider it a partial program approval.

Non-Participating States

1. **What happens if a State does not seek approval of its CCR permit program?**

   In that case, the State will be a non-participating State, and facilities will either remain subject to the CCR rule, or subject to an EPA permit program (if Congress provides EPA with specific appropriations to implement a CCR permit program).

   The definition of a non-participating State is
   "a State—
   ''(i) for which the Administrator has not approved a State permit program or other system of prior approval and conditions under paragraph (1)(B);

''(ii) the Governor of which has not submitted to the Administrator for approval evidence to operate a State permit program or other system of prior approval and conditions under paragraph (1)(A);
"(iii) the Governor of which provides notice to the Administrator that, not fewer than 90 days after the date on which the Governor provides the notice to the Administrator, the State will relinquish an approval under paragraph (1)(B) to operator a permit program or other system of prior approval and conditions; or
"(iv) for which the Administrator has withdrawn approval for a permit program or other system of prior approval and conditions under paragraph (1)(E).

2. **What does EPA plan to do about permit program implementation in non-participating States?**

   It will depend on when (and whether) Congress provides specific appropriations. EPA cannot implement a permit program in non-participating States without a specific appropriation to do so. The WIIN Act provides: "in the case of a non-participating State and subject to the availability of appropriations specifically provided in an appropriations Act to carry out a program in a nonparticipating State, the Administrator shall implement a permit program for CCR facilities."

3. **When will EPA begin implementing its own permit program in non-participating States?**

   It will depend on when (and whether) Congress provides specific appropriations. EPA cannot implement a permit program in non-participating States without a specific appropriation to do so.

Transitional Issues Prior to Implementation of an Approved State, or EPA, CCR Permit Program

1. **Does the self-implementing EPA rule remain in effect until a State permit program is approved?**

   Yes, the statute expressly provides that a facility must continue to comply with the part 257 federal CCR regulations until an approved state permit is in effect for that facility, or, in the case of a non-participating state, until the EPA permit is in effect. Section 4005(d)(3).

2. **What are the potential ramifications for existing State CCR permit programs, meaning, what happens to State permits already issued when the new federally approved permit program comes into place?**

   If a State remains a "non-participating" State (that is, one without an approved CCR permit program) then the federal CCR regulations will continue to apply to those facilities even though they may have State permits.

If the State becomes a State with an approved CCR permit program, it is most likely that the State will need to review any existing permits to ensure that they comply with the requirements of the approved program. If the permits do not, they would need to be revised and reissued in order for the State permit to operate in lieu of the federal CCR regulations.

3. **Is it assumed that facility operators will need to comply with federal rules until a State program has been approved by EPA, even though there will be no EPA program to "certify" compliance. After a State permitting program is approved by EPA), time will be needed to implement the State program, including operators preparing permit applications, State permit reviews, public notice and comment, etc. Will EPA consider approving a State permit program that provides operators time (a few years at most) to obtain permits under the new State program? In the case of one State, the State would probably require continued compliance with our existing regulations until operators receive permits under new rules.**

   The statute expressly provides that a facility must continue to comply with the part 257 federal CCR regulations until a permit issued by an approved State or EPA is in effect. Section 4005(d)(3). No matter how long it takes to get a permit in place and approved, the facility must be in compliance with the federal rule until such permit is issued.

4. **Once a State CCR permit program gets EPA approval, would EPA expect that facilities in the State continue to comply with the self-implementing EPA rule until the facility is issued a new State permit under the approved State program**?

   Yes. The statute expressly provides that a facility must continue to comply with the part 257 federal CCR regulations until a permit issued by an approved State or EPA is in effect. Section 4005(d)(3).

5. **Could a State receive permitting program approval for surface impoundments if they are regulated under their wastewater program and not as waste management units (regulations would be as stringent as 257, but the units wouldn't be labeled waste management units and multiple construction and operation permits would be issued to cover various aspects of the rule). For example, a construction permit would be issued that would cover design and location aspects of the rule and an operational permit would be issued to cover monitoring, structural stability, etc., and another construction permit would be issued to cover closure and another operational permit to cover post closure care requirements.**

   Section 4004(d)(1) provides that a permit program can be approved as long as it will require each CCR unit located in the State to achieve compliance with either: (1) the Federal CCR requirements; or (2) other State criteria that the Administrator, after consultation with the State, determines to be "at least as protective as" the part 257 CCR regulations. It doesn't specify that the State permit program needs to be a "waste" permit program.

6. **For a State where certain elements of the CCR part 257 criteria (e.g., structural stability) fall under a different State agency than the rest of the criteria, could that State seek a partial approval for only a portion of the surface impoundment requirements (e.g., not the structural stability portion)? Is this something that can be considered under the partial program approval provision?**

   Yes, this could be considered a "partial approval." Any approval would need to be clear what was covered and what wasn't, as any activity or aspect that was not part of the approved State program would remain subject to the federal CCR rules.

7. **If a state did not submit their CCR regulations under the Solid Waste Management Plan (SWMP) approval process prior to the WIIN legislation, can the State now submit their State regulations for EPA approval so that their State regulations could operate in lieu of the EPA regulations under the new federal legislation?**

   A State is not precluded from submitting its program for approval now if they chose not to seek approval for their SWMP. The State would need to submit a CCR permitting program for review and approval from EPA (which may not be the same as their State regulations). In order to be approved the State permit program must require each CCR unit located in the State to achieve compliance with either: (1) the Federal CCR requirements; or (2) other State criteria that the Administrator, after consultation with the State, determines to be "at least as protective as" the federal CCR criteria in part 257.

8. **If a State did develop CCR regulations as part of the SWMP approval process, what does the State have to do now? Does this new legislation create a different mechanism?**

   The WIIN Act does not require the State to do anything – however if the State chooses, it can submit their permit programs to EPA for approval.

   Under the SWMP approval process, a State with an approved SWMP, could grant an extension to the compliance dates in the CCR rule to an entity unable to comply, but the State rule still could not operate "in lieu of" the federal part 257 regulations.

   Under the WIIN Act, States (with the approved SWMP) could submit their permitting program (and regulations) to EPA for program review and approval. If approved, permits issued under the State program would operate in lieu of the federal regulations. However, a State with an approved program, but without an approved SWMP, cannot issue compliance schedules extending the compliance dates in the federal CCR rule as that part of the statute was not amended by the WIIN Act. Should a facility in a State with an approved program not be able to comply with the deadlines in the CCR rule, the State can use other means at its disposal to address the situation (e.g., compliance order).

9. What is the difference between approval of a Solid Waste Management Plan (SWMP) and a CCR Permit Program?

Below is a chart comparing the State CCR permit program to the State SWMP.

State CCR Permit Program	State SWMP
• WIIN Section 2301, amends RCRA Section 4005 • EPA enforcement authority for CCR rule under 3007 & 3008 • State may develop & submit CCR permit program to EPA for approval • Program may be different from, but must be "as protective as" federal rule • EPA has 180 days to approve/disapprove a permit program • Public notice and opportunity for comment required. • Permit operates "in lieu of" federal rule • Until permit is issued federal CCR rule applies	• RCRA Sections 4002, 4003, & 4005(a), 4006, 4007. • SWMPs are to encourage and facilitate solid waste management planning • EPA required to promulgated guidelines for SWMPs • Minimum requirements for plans (4003)– must prohibit establishment of new open dumps and provide for closing or upgrading of existing open dumps • EPA has 6 months to approve a SWMP • Approved SWMP allows State to set a schedule for compliance for an entity that cannot meet regulatory requirements; schedule cannot exceed 5 years from promulgation of regulations • Federal regulations remain applicable to all units

Future EPA Review of an Approved State CCR Permit Program

The WIIN Act provides for the periodic review of State programs as well as review of programs in specific circumstances (for example, a significant release).

EPA Authorities

1. Does EPA have enforcement authority now?

Yes. The legislation is currently in effect, so EPA is authorized to use RCRA 3007 to gather information and 3008 to enforce the prohibition on open dumping (disposal in a CCR unit that is not in compliance with the CCR regulations) in both approved and "non-participating" States.

2. What is the process for EPA enforcement in both participating and non -participating States?

The WIIN Act provides that EPA may use the authority provided in Sections 3007 and 3008 to enforce the provision on open dumping (that is, disposal in a CCR unit that is not in compliance with the CCR regulations and/or with the provisions of a permit in an approved State or an EPA-issued permit].

In a "non-participating" or "non-approved" State, EPA intends to follow its usual policies and procedures for sending information requests under Section 3007 or for commencing administrative or judicial actions under Section 3008 as the WIIN Act sets no specific conditions or requirements.

In a "participating" or "approved" State, the WIIN Act provides that EPA may commence an administrative or judicial action if:

(a) The State requests assistance; or

(b) The Administrator determines, after considering any other administrative or judicial enforcement action involving the CCR unit, that an enforcement action is likely to be necessary to ensure that the CCR unit is operating in accord with the criteria established under the permit program or other system of prior approval and conditions.

In addition, before issuing an order or commencing a civil action, the Administrator must notify the State in which the CCR unit is located.

3. Does the WIIN Act require any additional actions by EPA if it takes an enforcement action in a State with an approved CCR program?

The WIIN Act requires that, no later than December 31, 2017 and December 31 of every year afterwards, the Administrator submit a report to the Senate Environment and Public Works Committee and the House Committee on Energy and Commerce, a report that describes any

enforcement action taken in an "approved" State including a description of the basis for the enforcement action.

4. Will citizen suits under RCRA section 7002 still be allowed if a permit program exists in the State?

The legislation does not modify or otherwise affect citizens' ability to file suit under section 7002. See 4005(d)(7).

5. Is enforcement in the legislation under 3007 and 3008 restricted to open dumping only?

Yes; however, it is important to remember that "open dumping" is a defined term under RCRA. RCRA defines "open dumping" to mean a CCR unit that is not in compliance with the CCR regulations (or its permit, either issued by EPA or under an approved State permit program). See sections 1004, 4005(a), 4005(d)(3)-(4).

6. Will EPA need to implement a tribal "consultation" process?

Yes, EPA is currently working on issues relating to facilities in Indian Country. There are three facilities subject to the CCR rule that are located in Indian Country. EPA will conduct a targeted consultation discussion process with the tribes affected.

Effect of Other Federal Actions on Implementation

1. Specifically, the provision in the CCR legislation regarding non-participating States is as follows:

***In a non-participating State and subject to the availability of appropriations specifically provided in an appropriations Act to carry out a program in a non-participating State, the Administrator shall implement a permit program*.**

a. Did the President's FY 18 budget request to Congress request that funding be specifically appropriated to carry out the WIIN Act in nonparticipating states?

No.

b. If funding is not appropriated for EPA to implement a permit program in a non-participating State, is the default that the EPA rule would continue to be self-implementing?

Yes. The statute expressly provides that a facility must continue to comply with the part 257 federal CCR regulations until a permit issued by an approved State or EPA is in effect. Section 4005(d)(3).

2. **What is the status of the court settlement regarding the EPA CCR rule – has it been approved by the judge? Does the new law impact the court settlement? If so, how?**

   The settlement was approved on June 14, 2016. The new statute does not affect the settlement in any way.

Chapter 2 - Frequently Asked Questions Related to the Process for Seeking EPA Approval of State CCR Permit Program or Other System of Prior Approval and Conditions.

This chapter contains questions and answers on the process for obtaining EPA approval for State CCR permit programs or other system of prior approval and conditions.

Note: As stated in the beginning of Chapter 1, for purposes of this guidance document, the terms "State CCR Permit Program" and "State CCR Program means a CCR permit program or "other system of prior approval and conditions" which has been submitted to EPA for approval as provided for in the WIIN Act.

The process that EPA is proposing to generally follow for review and approval of State CCR programs as well as the materials that EPA is asking States to submit is based on the existing regulations at 40 CFR Part 239 for municipal solid waste programs and our experience in reviewing and approving State programs in general.

EPA strongly encourages States that are considering submitting an application for CCR permit program approval to get in touch with EPA early in order to facilitate the process. EPA will work closely with States throughout the process.

1. What components will a State need to submit as part of their CCR permit program?

The WIIN Act requires a State seeking an adequacy determination to submit to EPA an application with "evidence of a permit program or other system of prior approval and conditions under State law for regulation by the State of coal combustion residuals units that are located in the State." EPA has reviewed the requirements in 40 CFR parts 239, 256 and 258 as potential models for determining whether the statutory criteria have been met and has used these as a basis for this guidance.

Using the part 239 regulation as a model, EPA believes that a State submission should include the following:

> (a) A transmittal letter, signed by the State Director, requesting program approval. If more than one State agency has implementation responsibilities, the transmittal letter should designate a lead agency and be jointly signed by all State agencies with implementation responsibilities or by the State Governor;
>
> (b) A narrative description of the State permit program (see question 2 below);
>
> (c) A legal certification;
>
> (d) Copies of all applicable State statutes, regulations, and guidance; and
>
> (e) A completed part 257 Checklist

2. What is meant by "narrative description" of the State program?

A narrative description means generally an explanation of how the State's program works and, using part 239 as a model, generally would include the following elements:

(a) An explanation of the jurisdiction and responsibilities of all State agencies and local agencies implementing the permit program and description of the coordination and communication responsibilities of the lead State agency to facilitate communications between EPA and the State if more than one State agency has implementation responsibilities;

(b) An explanation of how the State will ensure that existing and new facilities are permitted or otherwise approved and in compliance with either

(1) 40 CFR part 257 federal regulations (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a)); or

(2) Such other State criteria that the Administrator, after consultation with the State, determines to be as protective as the criteria described in clause (1);

(c) A demonstration, along with any supporting evidence that the State has for an adequate permit program. Using part 239 as a model, this would address the State's requirements for compliance monitoring, enforcement, and intervention in civil proceedings. (see questions 4, 5, 6 and 7);

(d) The number, type, size, and location of CCR units within the State's jurisdiction that received waste on or after October 19, 2015;

(e) A description of the State's public participation procedures that create an inclusive dialogue, allowing interested parties to talk openly and frankly with one another about issues and search for mutually agreeable solutions to differences.

3. What is EPA's current thinking about whether the application should contain a legal certification and if so, which State Official should certify?

Based on our experience in reviewing and approving State programs, EPA generally believes that a State should submit written certification from the State Attorney General that the laws, regulations, and any applicable guidance cited in the application are enacted at the time the certification is signed and are fully effective when the State permit program is approved. EPA also generally believes that this certification could be signed by the independent legal counsel for the State rather than the Attorney General, provided that such counsel has authority to independently represent the lead State agency in court on matters pertaining to the State program.

In addition, if a State plans to use guidance to supplement statutes and regulations, EPA believes that the State legal certification should address the issue and provide evidence that the State has the authority to use the guidance to develop enforceable permits which will ensure that the CCR unit achieves compliance with relevant standards issued pursuant to:

(a) 40 CFR part 257 federal regulations (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a)); or

(b) Such other State criteria that the Administrator, after consultation with the State, determines to be as protective as the criteria described in clause (a);

and that the guidance was duly issued in accordance with State law.

Note: EPA is aware that it can often be difficult to for the State Program to obtain an AG certification in a timely manner. EPA believes that this may be at least partially addressed by allowing for a certification by the independent legal counsel for the program in lieu of the AG. EPA continues to evaluate other potential options.

EPA will be drafting a model legal certification for States to use if they choose.

4. What is an "adequate permit program"?

(a) An adequate permit program **must meet the statutory requirements** (that is it must ensure that each CCR unit in the State achieves compliance with either the 40 CFR part 257 regulations or another system that EPA has determined is "at least as protective as" those regulations).

(b) EPA also believes that an adequate permit program **provides for public participation** by ensuring that:

(1) Documents for permit determinations are made available for public review and comment; and

(2) Final determinations on permit applications are made known to the public.

(3) Public comments on permit determinations are considered.

Thus, EPA believes that in its narrative description of its program, the State should describe its public participation procedures for permit issuance and post-permit actions and include a copy of these procedures in its permit program application if a State has an approved 40 CFR part 258 program, a State's public participation program was submitted and approved at that time. A State may reference this and provide appropriate citations in its CCR program application.

(c) EPA also believes that a State should have **the authority to collect all information** necessary to issue permits that are adequate to ensure compliance with:

(1) 40 CFR part 257 federal regulations (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a)); or

(2) Such other State criteria that the Administrator, after consultation with the State, determines to be as protective as the criteria described in clause (1);

(See also question 6 on enforcement authorities)

(d) So, for CCR units that will be covered by permit program, State law should require that:

(1) All CCR units shall have a permit incorporating the conditions identified in Q&A (3) above; (Note: for new units which will begin construction or operation after the State CCR permit program is approved, the permit should be in effect before the unit begins construction and operation. The statute requires that new units that begin construction or operation before the State program is approved meet the requirements for new units in the CCR rule until the State program is approved and a permit is in effect.)

(2) All existing CCR units shall have a permit incorporating the conditions identified in Q&A (3) above;

(3) The State shall have the authority to impose requirements for CCR units adequate to ensure compliance with either the applicable criteria for CCR under 40 CFR part 257, subpart D; or such other State criteria including paragraphs (i)-(vi) that the Administrator after consultation with the State, determines to be at least as protective as 40 CFR part 257.

(i) Location Restrictions for CCR units;

(ii) Operating Criteria for CCR units (including structural stability)

(iii) Design Criteria for CCR units (including structural stability);

(iv) Groundwater monitoring and corrective action for CCR units;

(v) Closure and post-closure care for CCR units;

(vi) Recordkeeping, notification, and posting of information to the internet for CCR units

5. What is EPA's current thinking about a State's compliance monitoring authority?

(a) Based on our experience with other program approvals, EPA believes that a State's application for program approval should demonstrate that the State has the authority to:

(1) Obtain any and all information necessary, including records and reports, from an owner or operator of a CCR unit, to determine whether the owner or operator is in compliance with the State requirements;

(2) Conduct monitoring or testing to ensure that owners and operators are in compliance with the State requirements; and

(3) Enter (including the authority to inspect and take samples) any site or premise subject to the permit program or in which records relevant to the operation of the CCR unit or activities are kept.

(b) EPA is also considering that a State show that its compliance monitoring program provides for inspections adequate to determine compliance with the approved State permit program and that it provides mechanisms to:

(1) Verify the accuracy of information submitted by owners or operators of the CCR unit;

(2) Verify the adequacy of methods (including sampling) used by owners or operators in developing that information;

(3) Produce evidence admissible in an enforcement proceeding; and

(4) Receive and ensure proper consideration of information submitted by the public (for example, a way to receive and respond in some way to tips and complaints).

6. What is EPA's current thinking about a State's enforcement authority?

Using the existing regulations as a model, EPA believes that a State seeking approval should demonstrate that it has the authority to impose the following remedies for violation of State program requirements:

(a) To restrain immediately and effectively any person by administrative or court order or by suit in a court of competent jurisdiction from engaging in any activity which may endanger or cause damage to human health or the environment.

(b) To sue in a court of competent jurisdiction to enjoin any threatened or continuing activity which violates any statute, regulation, order, or permit which is part of or issued pursuant to the State program.

(c) To sue in a court of competent jurisdiction to recover civil penalties for violations of a statute or regulation which is part of the State program or of an order or permit which is issued pursuant to the State program.

7. What is EPA's current thinking about whether a State should provide for intervention in civil enforcement proceedings?

Using the existing regulations and the criteria used to approve Municipal Solid Waste Programs as a model, EPA believes that a State seeking approval should demonstrate that intervention in the State civil enforcement process is possible by providing either:

(a) Authority that allows intervention, as a right, in any civil action to obtain remedies specified in Q & A (6) by any citizen having an interest that is or may be adversely affected; or,

(b) Assurance by the appropriate State agency that:

(1) It will provide notice and opportunity for public involvement in all proposed settlements of civil enforcement actions (except where immediate action is necessary to adequately protect human health and the environment); and,

(2) It will investigate and provide responses to citizen complaints about violations; and,

(3) It will not oppose citizen intervention when permissive intervention is allowed by statute, rule, or regulation.

8. What criteria and procedures will EPA use to make adequacy determinations?

(a) The statute directs a State seeking an adequacy determination to submit to EPA an application with "evidence of a permit program or other system of prior approval and conditions under State law for regulation by the State of coal combustion residuals units that are located in the State."

As discussed in earlier Q & As, in order to approve a State program, the statute requires EPA to determine, based on the evidence, that the State program will require each coal combustion residuals unit located in the State to achieve compliance with either: (1) the Federal CCR requirements at 40 CFR part 257; or (2) other State criteria that the Administrator, after consultation with the State, determines to be at least as protective as the Federal requirements. Section 4005(d)(1)(B). EPA has looked at the requirements in parts 239, 256 and 258 as potential models for determining whether the statutory criteria have been met. At this time, EPA suggests that States work with their appropriate Regional CCR contact to develop an application package based the statutory requirements and taking into account EPA's regulations under 40 CFR parts 239, 256 and 258.

(b) EPA's goal is to review the application and timely notify the State whether its application is administratively complete. EPA will work closely with the State to develop/ensure that the package is administratively complete. The statute establishes a 180-day review period for final determination of adequacy, which begins when EPA determines a State application to be administratively complete.

(c) After receipt and review of a complete application, EPA will make a tentative determination on whether the State program meets the statutory standard for approval. EPA will publish the tentative determination on the adequacy of the State program in the FEDERAL REGISTER. Currently, using the part 239 regulations as a model, EPA anticipates that this FR Notice would:

(1) Specify EPA's tentative determination;

(2) Afford the public at least 30 days to comment on the State application and the Regional Administrator's tentative determination;

(3) Include a specific statement of the areas of concern, if EPA determines the State program may not be adequate; and

(4) Note the availability for inspection by the public of the State permit program application.

(d) Within 180 days of determining that a State program application is administratively complete, EPA will make a final determination of adequacy after review and consideration of all public comments. EPA is considering a provision that would allow the Agency, after consultation with the State Director, to extend the review period (e.g., to obtain more evidence to support an application). EPA will give notice of a final determination in the FEDERAL REGISTER. The document must include a statement of the reasons for the determination and a response to significant comments received.

9.Are there streamlined procedures for States that already have Municipal Solid Waste (MSW) programs approved?

EPA believes that States that already have MSW programs approved will be able to use much of that information in their CCR program submission. Where this is the situation, States should reference this prior approval in their program narrative and on the appropriate checklist.

10. Are there streamlined procedures for States that have adopted the federal CCR rule by reference?

Yes. If a State has adopted the entire federal CCR rule by reference, then a State does not need to submit a Part 257 checklist. The State should explain that they have adopted the federal rule by reference in their narrative description. It is important to remember, however, that if a State only adopts the federal rules by reference, then the CCR rule, as written, applies in the State, with only the flexibilities provided in the rule itself.

Also, as explained in Chapter 1, if a State only adopts the CCR rule by reference, their permit conditions would have to align with the State regulations (that is, they could not deviate from the CCR federal rule). If the State wanted to be able to issue permits that could accommodate site-specific deviations from the regulations (i.e., "flexibilities"), they would need to seek approval of the State program provisions that authorize such actions. EPA recommends that such provisions lay out the standards by which the State would determine whether those flexibilities would be granted, along with the evidence the State believes demonstrate that the provision is "at least as protective as the [federal] criteria." This can be done at the same time the State seeks approval from the program that otherwise incorporates the federal rules by reference or through a subsequent program modification.

11. What are the approval procedures for partial permit program approvals?

The statute does not establish a different process for partial approvals and EPA does not envision establishing a separate process.

However, if a State is applying for a partial program approval, then EPA will make a determination of "completeness" based on the submission of the required elements for the part of the program for which the State is seeking approval.

12. How are permit programs implemented in "non-participating States"?

The WIIN Act directly addresses this issue. Under the WIIN Act, *a Non-Participating State* means a State-

> (i) for which the Administrator has not approved a State permit program under 4005(d) paragraph (1)(B);
>
> (ii) the Governor of which has not submitted to the Administrator for approval evidence to operate a State permit program 4005(d) under paragraph (1)(A);
>
> (iii) the Governor of which provides notice to the Administrator that, not fewer than 90 days after the date on which the Governor provides the notice to the Administrator, the

> State will relinquish an approval under 4005(d) paragraph (1)(B) to operator a permit program; or
>
> (iv) for which the Administrator has withdrawn approval for a permit program or other stem of prior approval and conditions 4005(d) under paragraph (1)(E).

Further, the WIIN Act provides:

(a) In the case of a non-participating State and subject to the availability of appropriations specifically provided in an Appropriations Act to carry out a program in a non-participating State, EPA shall implement a permit program to require each coal combustion residuals unit located in the non-participating State to achieve compliance with applicable criteria established by EPA under part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a)).

(b) Until such time appropriations are provided and a permit is in effect, the facility shall comply with 40 CFR part 257 subpart D. See 4005(d)(3).

Thus, if a State elects not to submit a CCR permit program to EPA for approval (or if later the Governor notifies EPA that the State will give up its approved permit program or if EPA withdraws program approval), then facilities in that State must continue to comply with the CCR rule. A permit program may operate under State law, but it does not operate in lieu of the federal rule unless EPA has approved that program. EPA will only issue permits in "non-participating States" if it receives specific appropriations to do so.

13. How are permit programs implemented in Indian Country?

EPA is the permit issuing authority in Indian Country.

The WIIN Act specifically addresses this situation:

(a) EPA shall establish and carry out a permit program, in accordance with this subsection, for coal combustion residuals units in Indian country (as defined in section 1151 of title 18, United States Code) to require each coal combustion residuals unit located in Indian country to achieve compliance with the applicable criteria established by EPA under part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a)).

(b) Until such time a permit is issued, the facility shall comply with 40 CFR part 257 subpart D.

14. How will federal enforcement work?

EPA may use its authorities under RCRA section 3007 to gather information and section 3008 to enforce the prohibition on open dumping disposal in a CCR unit that is not in compliance with the CCR regulations) in both approved and "non-participating" States.

In States with approved programs, however, the WIIN Act states that, EPA may commence an administrative or judicial enforcement action under 3008 if

> (1) The State requests assistance in an enforcement action; or
>
> (2) EPA determines that an enforcement action is likely to be necessary to ensure the CCR unit is operating in accordance with the criteria established under the permit program. If EPA determines an enforcement action is likely to be necessary, he shall notify the State in which the CCR unit is located before issuing an order or commencing action.

Moreover, the WIIN Act imposes an additional requirement if EPA takes an action in an approved State. If EPA takes such an action, then, not later than December 31, 2017, and December 31 of each year thereafter, the Administrator must submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the enforcement action, including a description of the basis for the enforcement action. If the Administrator does not take any such enforcement action, a report is not required.

15. What flexibilities will EPA allow the States to have in their permit programs?

(a) The statute lays out the standard under which EPA can approve State programs that differ from the federal regulations (i.e., that incorporate flexibilities). Specifically, the statute requires "evidence" that the State program "requires each coal combustion residuals unit located in the State to achieve compliance with…other State criteria that the Administrator, after consultation with the State, determines to be at least as protective as the Federal requirements." Section 4005(d)(1)(B)(ii).

(b) EPA is currently evaluating the existing 40 CFR part 258 regulations (Criteria for municipal solid waste landfills) to determine whether there is sufficient evidence in the record for that rule, which EPA could use to support a determination that a State program incorporating these provisions would be "at least as protective" as EPA's CCR requirements.

Some examples of the provisions in part 258 that at this point it appears we may have sufficient evidence to support are:

> (1) Allowing a certification from or authorized by the State Director of a State with an approved permit program in lieu of a certification from a qualified professional engineer;
>
> (2) Allowing groundwater monitoring requirements under §§257.91-257.95 to be suspended if there is evidence that there is no potential for migration of hazardous

constituents to the uppermost aquifer during the active life of the unit and post-closure care (see §258.50(b));

(3) Allowing the State Director to establish alternative groundwater protection standards for constituents for which MCLs have not been established (see §258.56 (i) and (j));

(4) Allowing the State Director to determine that remediation of a release of an Appendix IV constituent is not necessary under certain conditions (see §258.57(e)); and

(5) Allowing the State Director to specify an alternative length of time to demonstrate that remedies are complete (see §258.58(e)(2)).

These provisions appear to have been adopted based solely on a finding that they would protect human health and the environment, which we believe should generally apply to CCR facilities.

(c)It is important to note that States remain free to propose additional flexibilities beyond those identified above. EPA may lack the facts to determine that the alternative provisions will meet the statutory standard; therefore, the State will be responsible for providing the evidence to support a finding that the State requirements are "at least as protective as" the federal requirements in 40 CFR part 257 subpart D.

(d) Are the Requirements for Posting Information on publicly available websites a potential area for State flexibility?

Potentially yes; for example, if a State had a requirement that it posted all information required by the CCR rule on its public records website.

However, based on EPA's current knowledge, most States do not have such requirements; if a State does not wish to pick up these particular requirements, then on its program submission, it should indicate that to EPA. EPA could then grant a partial program approval—the CCR units would be subject to State requirements and then to the CCR rule for the internet posting requirements.

(e) Finally, it is important to remember that EPA approval of a State CCR program, including any alternative State requirements, is a "final agency action".

Therefore, EPA will need to be able to defend any determination that alternative State requirements are "at least as protective as" the federal requirements. This means that EPA will need to point to facts that prove this determination is reasonable.

Our current judgment is that it seems unlikely that EPA (or a State) could collect enough factual evidence to successfully support a provision that provided blanket authorization for a State to establish alternative provisions in a permit "provided they are at least as protective as the federal requirements." Such a provision is so broad that it would allow every single provision to be modified in any manner that the State subsequently determined would be protective. Such a provision would effectively delegate to the State the statutory finding that EPA is required to make (i.e., that the alternative State requirement is at least as protective as the federal regulations).

In summary, the narrower and more specific the State's alternative requirement(s), the easier it will be to support and ultimately approve and defend if challenged.

16. What does a CCR unit have to do now to be considered in compliance with the new legislation?

Until the State where the CCR unit is located obtains approval for a permit program, and a State permit is in effect for the unit, a CCR unit must continue to follow the self-implementing provisions in the 40 CFR part 257 regulations. See 4005(d)(3)

The WIIN Act also specifies that a CCR unit shall be considered to be in compliance (i.e., not an open dump) for purposes of this part, only if the CCR unit is operating in accordance with

(1) The requirements of a permit issued by

(i) The State in accordance with an EPA approved program or system, or

(ii) EPA; or

(2) The Federal criteria for coal combustion residuals units under 40 CFR part 257 (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a)).

17. How will EPA look at beneficial use in the CCR permit program implementation review process?

EPA will not be reviewing (or approving) a State's beneficial use program as part of evaluating whether to approve the State's CCR permit program. However, EPA will need to evaluate whether the State's CCR permit program regulates the same activities as the federal regulations in part 257. In that regard, EPA would need to evaluate the state's beneficial use definition, to ensure that activities that are considered to be the disposal of CCR under the federal regulations are also regulated as such under a State's CCR permit program.

The next 4 questions deal with the statutory provisions related to modifying permit programs, periodic review of approved State programs, and withdrawal of approved programs. EPA has been focusing on the initial approval of State programs and so at this time, EPA is providing the information on the statutory provisions and some of the provisions in the current 40 CFR part 239 regulations which form the basis for much of this guidance.

EPA anticipates that additional discussion on these will occur in the future but is providing some information in this draft for completeness.

17. What procedures should a State follow if a State needs to modify their permit program? When will a State need to modify its approved permit program?

The following describe the procedures in part 239 the EPA is currently considering as a model:

(a) Approved State permit programs may be modified for various reasons; such as changes in federal or State statutory or regulatory authority.

(b) If the federal statutory or regulatory authorities that have significant implications for State CCR permit programs change, approved States may be required to revise their permit programs. These changes may necessitate submission of a new or revised application. Such a change at the federal level and resultant State requirements would be made known to the States either in a FEDERAL REGISTER document containing the change or through the appropriate EPA Regional Office.

(c) States that modify their programs should notify EPA of the modifications in a time frame agreed to by EPA and the State. Program modifications include changes in State statutory or regulatory authority or relevant guidance or shifting of responsibility for the State program within the lead agency or to a new or different State agency or agencies. For example, if the State initially incorporates 40 CFR part 257 by reference and then modifies the State regulations to obtain approved flexibilities. Changes to the State's permit program, as described in its application which may result in the program becoming inadequate, should be reported to EPA. In addition, changes to a State's basic statutory or regulatory authority or guidance which were not part of the State's initial application, but may have a significant impact on the adequacy of the State's permit program, also should be reported to EPA.

Note: EPA recognizes that there may be some changes that do not need to come to EPA as program modifications; for example, corrections of typographical errors. More detail to follow as we continue our work in this area.

(d) EPA will review the modifications and determine whether the State Director should submit a revised application. If a revised application is necessary, EPA will inform the State Director in writing that a revised application is necessary, specifying the required revisions and establishing a schedule for submission of the revised application.

(f) For all revised permit program applications, the State should submit to EPA an amended application that addresses those portions of its program that have changed or are being amended. For such revised programs, EPA will make an adequacy determination using the criteria found in question 8.

(g) EPA shall provide for public participation on its determination.

18. What criteria and procedures does the WIIN Act provide for review of State programs?

The WIIN Act provides that:

EPA shall review a State permit program that is approved under 4005(d) subparagraph (B)—

(1) From time to time, as EPA determines necessary, but not less frequently than once every 12 years;

(2) Not later than 3 years after the date on which EPA revises the applicable criteria for coal combustion residuals units under part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a));

(3) Not later than 1 year after the date of a significant release (as defined by EPA), that was not authorized at the time the release occurred, from a coal combustion residuals unit located in the State; and

(4) On request of any other State that asserts that the soil, groundwater, or surface water of the State is or is likely to be adversely affected by a release or potential release from a coal combustion residuals unit located in the State for which the program.

19. What does the WIIN Act require of EPA should EPA determine that there are deficiencies in a State program?

The WIIN Act provides that:

EPA shall provide to a State notice of deficiencies with respect to the permit program of the State that is approved under 4005(d) subparagraph (B), and an opportunity for a public hearing, if EPA determines that:

(1) A revision or correction to the permit program of the State is necessary to ensure that the permit program continues to ensure that each coal combustion residuals unit located in the State

achieves compliance with the criteria described in 4005(d) clauses (i) and (ii) of subparagraph (B);

(2) The State has not implemented an adequate permit program that requires each coal combustion residuals unit located in the State to achieve compliance with the criteria described in 4005(d) subparagraph (B); or

(3) The State has, at any time, approved or failed to revoke a permit for a coal combustion residuals unit, a release from which adversely affects or is likely to adversely affect the soil, groundwater, or surface water of another State.

20. What are the criteria and procedures for withdrawal of determination of adequacy of a permit program and reinstatement of adequacy?

The WIIN Act provides that:

(a) EPA shall withdraw approval of a State permit program if, after EPA provides notice and an opportunity for a public hearing to the relevant State and EPA determines that the State has not corrected the deficiencies identified by the Administrator.

(b) EPA shall initiate withdrawal of determination of adequacy by publishing the tentative withdrawal of determination of adequacy of the State program in the FEDERAL REGISTER. Notice of the tentative determination must:

(1) Afford the public at least 60 days after the notice to comment on EPA's tentative determination;

(2) Include a specific statement of EPA's areas of concern and reason to believe the State program may no longer be adequate; and

(3) Indicate that a public hearing will be held by EPA if sufficient public interest is expressed during the comment period or when the Regional Administrator determines that such a hearing might clarify issues involved in the tentative withdrawal determination.

(c) If EPA finds, after the public hearing (if any) and review and consideration of all public comments, that the State is in compliance with this part, the withdrawal proceedings shall be terminated and the decision shall be published in the FEDERAL REGISTER. The document must include a statement of the reasons for this determination and a response to significant comments received. If EPA finds that the State program is not in compliance with this Part by the date prescribed by the Administrator or any extension approved by the EPA, a final notice of inadequacy shall be published in the FEDERAL REGISTER declaring the State permit program inadequate to ensure compliance with the relevant Subtitle D CCR federal criteria or such other State criteria that EPA, after consultation with the State, determined to be as protective as the 257 criteria. The document will include a statement of the reasons for this determination and response to significant comments received.

Chapter 3 – 257 Checklist: List of the 40 CFR 257, subpart D Requirements

This chapter lists the 40 CFR 257 subpart D regulatory requirements for CCR units. EPA believes this checklist will be useful to States as they are developing and submitting their applications for CCR program approval to EPA. EPA further believes a completed checklist, submitted as part of an application for CCR program approval, will facilitate EPA review of the State's program as it will highlight those areas or requirements in the State program which are different from the federal CCR rule.

In addition, where some elements may have been approved as part of a Municipal Solid Waste Program, the State should note that fact on the checklist. Where a State has adopted the CCR rule by reference, completion of this checklist is not required.

This checklist covers the requirements for landfills first, followed by those for surface impoundments. We hope this will make it easier for States who may be considering a partial program, for example, for landfills and not for surface impoundments.

Within each category of CCR unit the list is organized by major regulatory requirement.

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
1						**§ 257.53 Definitions**			
2						*The owner of operator of the CCR unit must include all definitions*			
3	all					Specify each definition that differs from those listed in section 257.53.			
4						**§ 257.60 Placement Above the Uppermost Aquifer**			
5						*The owner of operator of the CCR unit must meet all the requirements (a) through (d).*			
6	(a)					The base of CCR unit should be at least 1.52 meters (5 ft.) above the upper limit of the uppermost aquifer, or, the owner must demonstrate that there will not be an intermittent, recurring, or sustained hydraulic connection with uppermost aquifer during normal and seasonal water table fluctuations. The owner or operator must demonstrate by the dates specified in paragraph (c) of this section that the CCR unit meets the minimum requirements for placement above the uppermost aquifer.			
7	(b)					Obtain a certificate from professional engineer, stating that the requirements meet comply with the recordkeeping requirements specified in § 257.105(e).			
8	(c)	(1)				For an existing surface impoundment, the owner or operator of the CCR unit must complete the demonstration required by paragraph (a) no later than October 17, 2018 for an existing CCR surface impoundment.			
9	(c)	(2)				For a new CCR landfill, new CCR impoundment, or any lateral expansion of a CCR unit, the owner or operator of the CCR unit must complete the demonstration required by paragraph (a) no later than the date of initial receipt of CCR in the CCR unit for a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit.			
10	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility's operating record as required by § 257.105(e).			
11	(c)	(4)				An owner or operator of an existing CCR surface impoundment who fails to demonstrate compliance with the requirements of paragraph (a) of this section by the date specified is subject to the requirements of § 257.101(b)(1).			
12	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
13	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).			
14						**§ 257.61 Wetlands**			
15						*The owner of operator of the CCR unit must first meet requirements (a) or requirements (a)(1) through (5), in addition to meeting requirements (b) through (d) and all their components.*			
16	(a)					CCR units must not be located in wetlands, as defined in § 232.2 of this chapter, unless the owner or operator demonstrates by the dates specified in paragraph (c) of this section that the CCR unit meets the requirements of paragraphs (a)(1) through (5) of this section.			
17	(a)	(1)				*The owner or operator of CCR unit must:* Provide a rebuttal of the presumption that an alternative to the CCR unit is reasonably available that does not involve wetlands where applicable under § 404 of the Clean Water Act or applicable state wetlands laws.			
18	(a)	(2)				The construction and operation of the CCR unit will not cause or contribute to violations of the following applicable regulations:			
19	(a)	(2)	(i)			State or federal water quality standard;			
20	(a)	(2)	(ii)			Toxic effluent standard or prohibition under section 307 of the Clean Water Act;			
21	(a)	(2)	(iii)			Endangered or threatened species, or a critical habitat protected under the Endangered Species Act of 1973;			
22	(a)	(2)	(iv)			Marine Protection, Research, and Sanctuaries Act of 1972			
23	(a)	(3)				*The CCR unit will not cause or contribute to significant degradation of wetlands by addressing all of the following factors:*			
24	(a)	(3)	(i)			Erosion, stability and migration potential of native wetland soils used to support the CCR unit;			
25	(a)	(3)	(ii)			Erosion, stability and migration potential of dredged and fill materials used to support the CCR unit;			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
26	(a)	(3)	(iii)			The volume and chemical nature of the CCR;			
27	(a)	(3)	(iv)			Impacts on fish, wildlife, other aquatic resources and their habitat from release of CCR;			
28	(a)	(3)	(v)			The potential effects of catastrophic release of CCR to the wetland and the resulting impacts on the environment; and			
29	(a)	(3)	(vi)			Any additional factors, as necessary, to demonstrate sufficient protection of ecological resources in the wetland.			
30	(a)	(4)				*The owner or operator of CCR unit must also:* Demonstrate that steps have been taken to attempt to achieve no net loss of wetlands (as defined by acreage and function) by first avoiding impacts to wetlands to the maximum extent reasonable as required by paragraphs (a)(1) through (3), then minimizing unavoidable impacts to the maximum extent reasonable, and offsetting remaining unavoidable wetland impacts through all appropriate and reasonable compensatory mitigation actions (e.g., restoration of existing degraded wetlands or creation of man-made wetlands) to the extent required under section 404 of the Clean Water Act or applicable state wetlands laws.			
31	(a)	(5)				Sufficient information is available to make a reasoned determination with respect to the demonstrations in paragraphs (a)(1) through (4).			
32	(b)					The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements of paragraph (a).			
33	(c)	(1)				The owner or operator of the existing CCR surface impoundment must complete the demonstration by October 17, 2018.			
34	(c)	(2)				The owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit must complete the demonstration no later than the date of initial receipt of CCR in the CCR unit.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
35	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility's operating record as required by § 257.105(e).			
36	(c)	(4)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.			
37	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.			
38	(d)					The owner or operator comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).			
39						**§ 257.62 Fault Areas**			
40						*The owner of operator of the CCR unit must meet all the requirements (a) through (d).*			
41	(a)					CCR unit should be located within 60 meters (200 feet) of the outermost damage zone of a fault that has had displacement in Holocene time, unless the owner or operator demonstrates that an alternative setback distance of less than 60 meters will prevent damage to the structural integrity of the CCR unit.			
42	(b)					The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the demonstration meets these requirements of paragraph (a).			
43	(c)	(1)				The owner or operator of the existing CCR surface impoundment must complete the demonstration by October 17, 2018.			
44	(c)	(2)				The owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit must complete the demonstration no later than the date of initial receipt of CCR in the CCR unit.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
45	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility's operating record as required by § 257.105(e).			
46	(c)	(4)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.			
47	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.			
48	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).			
49						**§ 257.63 Seismic Impact Zones**			
50						*The owner of operator of the CCR unit must meet all the requirements (a) through (d).*			
51	(a)					CCR units and any expansions must not be located in seismic impact zones, unless the owner or operator demonstrates that all structural components including liners, leachate collection and removal systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site.			
52	(b)					The owner or operator of the CCR unit must: obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements of paragraph (a)			
53	(c)	(1)				The owner or operator of the existing CCR surface impoundment must complete the demonstration by October 17, 2018.			
54	(c)	(2)				The owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit must complete the demonstration no later than the date of initial receipt of CCR in the CCR unit.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
55	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility's operating record as required by § 257.105(e).			
56	(c)	(4)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.			
57	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.			
58	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).			
59						**§ 257.64 Unstable Areas**			
60						*The owner of operator of the CCR unit must meet all the requirements (a) through (e) and all their components.*			
61	(a)					A CCR unit must not be located in an unstable area, unless the owner or operator demonstrates that recognized and generally accepted good engineering practices have been incorporated into the design of the CCR unit to ensure that the integrity of the structural components of the CCR unit will not be disrupted.			
62	(b)	(1)				*When determining whether an area is unstable or not, the owner or operator must consider, at a minimum, all of the following:*			
						On-site or local soil conditions that may result in significant differential settling;			
64	(b)	(2)				On-site or local geologic or geomorphologic features; and			
65	(b)	(3)				On-site or local human-made features or events (both surface and subsurface).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
66	(c)					The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements in paragraph (a).			
67	(d)	(1)				The owner or operator of the CCR unit must complete the demonstration required in paragraph (a) no later than October 17, 2018 for existing CCR surface impoundments and existing CCR landfills.			
68	(d)	(2)				The owner or operator of the CCR unit must complete the demonstration required in paragraph (a) no later than the date of initial receipt of CCR in the CCR unit for a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit.			
69	(d)	(3)				The owner or operator has completed the demonstration required by paragraph (a) when the demonstration is placed in the facility's operating record as required by § 257.105(e).			
70	(d)	(4)				An owner or operator of an existing CCR unit who fails to demonstrate compliance with the requirements of paragraph (a) of this section by the date specified is subject to the requirements of § 257.101(b)(1) or (d), respectively.			
71	(d)	(5)				An owner or operator of a new CCR unit, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.			
72	(e)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).			
73						**§ 257.70 Design Criteria for New CCR Landfills and Any Lateral Expansion of a CCR Landfill**			
74						*The owner of operator of the CCR unit must meet all the requirements (a) through (g) and all their components.* **These requirements do not apply to existing CCR surface impoundments that are incised CCR units, unless incised CCR surface impoundment is subsequen*			
75	(a)	(1)				CCR landfills must be designed, constructed, operated, and maintained with either a composite liner that meets the requirements of paragraph (b) of this section or an alternative composite liner that meets the requirements in paragraph (c) of this section, and a leachate collection and removal system that meets the requirements of paragraph (d) of this section.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
76	(a)	(2)				Prior to construction of an overfill the underlying surface impoundment must meet the requirements of § 257.102(d).			
77	(b)					A composite liner must consist of two components; the upper component consisting of, at a minimum, a 30-mil geomembrane liner (GM), and the lower component consisting of at least a twofoot layer of compacted soil with a hydraulic conductivity of no more than 1 × 10¥7 centimeters per second (cm/sec). GM components consisting of high density polyethylene (HDPE) must be at least 60-mil thick. The GM or upper liner component must be installed in direct and uniform contact with the compacted soil or lower liner component.			
78	(b)	(1)				*The composite liner must be:* Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the CCR or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;			
79	(b)	(2)				Constructed of materials that provide appropriate shear resistance of the upper and lower component interface to prevent sliding of the upper component including on slopes;			
80	(b)	(3)				Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and			
81	(b)	(4)				Installed to cover all surrounding earth likely to be in contact with the CCR or leachate.			
82	(c)	(1)				*If the owner or operator elects to install an alternative composite liner, all of the following requirements must be met:*			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
						An alternative composite liner must consist of two components; the upper component consisting of, at a minimum, a 30-mil GM, and a lower component, that is not a geomembrane, with a liquid flow rate no greater than the liquid flow rate of two feet of compacted soil with a hydraulic conductivity of no more than 1 × 10¥7 cm/sec. GM components consisting of high density polyethylene (HDPE) must be at least 60-mil thick. If the lower component of the alternative liner is compacted soil, the GM must be installed in direct and uniform contact with the compacted soil.			
83	(c)	(2)				The owner or operator must obtain certification from a qualified professional engineer that the liquid flow rate through the lower component of the alternative composite liner is no greater than the liquid flow rate through two feet of compacted soil with a hydraulic conductivity of 1 × 10¥7 cm/ sec. The hydraulic conductivity for the two feet of compacted soil used in the comparison shall be no greater than 1 × 10¥7 cm/sec. The hydraulic conductivity of any alternative to the two feet of compacted soil must be determined using recognized and generally accepted methods. The liquid flow rate comparison must be made using Equation 1 of this section, which is derived from Darcy's Law for gravity flow through porous media. Where, Q = flow rate (cubic centimeters/second); A = surface area of the liner (squared centimeters); q = flow rate per unit area (cubic centimeters/ second/squared centimeter); k = hydraulic conductivity of the liner (centimeters/second); h = hydraulic head above the liner (centimeters); and t = thickness of the liner (centimeters).			
84	(c)	(3)				The alternative composite liner must meet the requirements specified in paragraphs (b)(1) through (4) of this section.			
85	(d)	(1)				*The leachate collection and removal system must be designed, constructed, operated, and maintained to collect and remove leachate from the landfill during the active life and post-closure care period. The leachate collection and removal system must be:*			
						Designed and operated to maintain less than a 30-centimeter depth of leachate over the composite liner or alternative composite liner;			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
86	(d)	(2)				Constructed of materials that are chemically resistant to the CCR and any non-CCR waste managed in the CCR unit and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying waste, waste cover materials, and equipment used at the CCR unit; and			
87	(d)	(3)				Designed and operated to minimize clogging during the active life and post-closure care period.			
88	(e)					Prior to construction of the CCR landfill or any lateral expansion of a CCR landfill, the owner or operator must obtain a certification from a qualified professional engineer that the design of the composite liner (or, if applicable, alternative composite liner) and the leachate collection and removal system meets the requirements of this section.			
89	(f)					Upon completion of construction of the CCR landfill or any lateral expansion of a CCR landfill, the owner or operator must obtain a certification from a qualified professional engineer that the composite liner (or, if applicable, alternative composite liner) and the leachate collection and removal system has been constructed in accordance with the requirements of this section.			
90	(g)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(f), the notification requirements specified in § 257.106(f), and the Internet requirements specified in § 257.107(f).			
91						**§ 257.80 Air Criteria**			
92						*The owner of operator of the CCR unit must meet all the requirements (a) through (d) and all their components.*			
93	(a)					The owner or operator of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit must adopt measures that will effectively minimize CCR from becoming airborne at the facility, including CCR fugitive dust originating from CCR units, roads, and other CCR management and material handling activities.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
94	(b)					The owner or operator of the CCR unit must prepare and operate in accordance with a CCR fugitive dust control plan as specified in paragraphs (b)(1) through (7) of this section. This requirement applies in addition to, not in place of, any applicable standards under the Occupational Safety and Health Act.			
95	(b)	(1)				The CCR fugitive dust control plan must identify and describe the CCR fugitive dust control measures the owner or operator will use to minimize CCR from becoming airborne at the facility. The owner or operator must select, and include in the CCR fugitive dust control plan, the CCR fugitive dust control measures that are most appropriate for site conditions, along with an explanation of how the measures selected are applicable and appropriate for site conditions. Examples of control measures that may be appropriate include: Locating CCR inside an enclosure or partial enclosure; operating a water spray or fogging system; reducing fall distances at material drop points; using wind barriers, compaction, or vegetative covers; establishing and enforcing reduced vehicle speed limits; paving and sweeping roads; covering trucks transporting CCR; reducing or halting operations during high wind events; or applying a daily cover.			
96	(b)	(2)				If the owner or operator operates a CCR landfill or any lateral expansion of a CCR landfill, the CCR fugitive dust control plan must include procedures to emplace CCR as conditioned CCR. Conditioned CCR means wetting CCR with water to a moisture content that will prevent wind dispersal, but will not result in free liquids. In lieu of water, CCR conditioning may be accomplished with an appropriate chemical dust suppression agent.			
97	(b)	(3)				The CCR fugitive dust control plan must include procedures to log citizen complaints received by the owner or operator involving CCR fugitive dust events at the facility.			
98	(b)	(4)				The CCR fugitive dust control plan must include a description of the procedures the owner or operator will follow to periodically assess the effectiveness of the control plan.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
99	(b)	(5)				The owner or operator of a CCR unit must prepare an initial CCR fugitive dust control plan for the facility no later than October 19, 2015, or by initial receipt of CCR in any CCR unit at the facility if the owner or operator becomes subject to this subpart after October 19, 2015. The owner or operator has completed the initial CCR fugitive dust control plan when the plan has been placed in the facility's operating record as required by § 257.105(g)(1).			
100	(b)	(6)				Amendment of the plan. The owner or operator of a CCR unit subject to the requirements of this section may amend the written CCR fugitive dust control plan at any time provided the revised plan is placed in the facility's operating record as required by § 257.105(g)(1). The owner or operator must amend the written plan whenever there is a change in conditions that would substantially affect the written plan in effect, such as the construction and operation of a new CCR unit.			
101	(b)	(7)				The owner or operator must obtain a certification from a qualified professional engineer that the initial CCR fugitive dust control plan, or any subsequent amendment of it, meets the requirements of this section.			
102	(c)					Annual CCR fugitive dust control report. The owner or operator of a CCR unit must prepare an annual CCR fugitive dust control report that includes a description of the actions taken by the owner or operator to control CCR fugitive dust, a record of all citizen complaints, and a summary of any corrective measures taken. The initial annual report must be completed no later than 14 months after placing the initial CCR fugitive dust control plan in the facility's operating record. The deadline for completing a subsequent report is one year after the date of completing the previous report. For purposes of this paragraph (c), the owner or operator has completed the annual CCR fugitive dust control report when the plan has been placed in the facility's operating record as required by § 257.105(g)(2).			
103	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(g), the notification requirements specified in § 257.106(g), and the internet requirements specified in § 257.107(g).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
104						**§ 257.81 Run-on and Run-off Controls for CCR Landfills**			
105						*The owner of operator of the CCR unit must meet all the requirements (a) through (d) and all their components.*			
106	(a)	(1)				*The owner or operator of a CCR landfill or lateral extension must construct, operate, and maintain:* A run-on control system to prevent flow onto the active portion of the CCR unit during the peak discharge from a 24-hour, 25-year storm; and			
107	(a)	(2)				A run-off control system from the active portion of the CCR to collect and control at least to collect and control at least the water volume resulting from a 24-hour, 25-year storm.			
108	(b)					Run-off from the active portion of the CCR unit must be handled in accordance with the surface water requirements under § 257.3–3.			
109	(c)	(1)				The owner or operator must prepare initial and periodic run-on and run-off control system plans for the CCR unit according to the timeframes specified in paragraphs (c)(3) and (4) of this section. These plans must document how the run-on and run-off control systems have been designed and constructed to meet the applicable requirements of this section. Each plan must be supported by appropriate engineering calculations. The owner or operator has completed the initial run-on and run-off control system plan when the plan has been placed in the facility's operating record as required by § 257.105(g)(3).			
110	(c)	(2)				Amendment of the plan. The owner or operator may amend the written run-on and run-off control system plan at any time provided the revised plan is placed in the facility's operating record as required by § 257.105(g)(3). The owner or operator must amend the written run-on and runoff control system plan whenever there is a change in conditions that would substantially affect the written plan in effect.			
111	(c)	(3)	(i)			The owner or operator of an existing CCR unit must prepare the initial run-on and runoff control system plan no later than October 17, 2016, for new units and any lateral expansion of a CCR landfill.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
112	(c)	(3)	(ii)			For a new CCR landfil or any lateral expansion of a landfill, the owner or operator must prepare the initial run-on and run-off control system plan no later than the date of initial receipt of CCR in the CCR unit.			
113	(c)	(4)				Frequency for revising the plan. The owner or operator of the CCR unit must prepare periodic run-on and runoff control system plans required by paragraph (c)(1) of this section every five years. The date of completing the initial plan is the basis for establishing the deadline to complete the first subsequent plan. The owner or operator may complete any required plan prior to the required deadline provided the owner or operator places the completed plan into the facility's operating record within a reasonable amount of time. In all cases, the deadline for completing a subsequent plan is based on the date of completing the previous plan. For purposes of this paragraph (c)(4), the owner or operator has completed a periodic run-on and run-off control system plan when the plan has been placed in the facility's operating record as required by § 257.105(g)(3).			
114	(c)	(5)				The owner or operator must obtain a certification from a qualified professional engineer stating that the initial and periodic run-on and run-off control system plans meet the requirements of this section.			
115	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(g), the notification requirements specified in § 257.106(g), and the internet requirements specified in § 257.107(g).			
116						**§ 257.84 Inspection Requirements for CCR Landfills**			
117						*The owner of operator of the CCR unit must meet all the requirements (a) through (c) and all their components.*			
118	(a)	(1)	(i)			*All CCR landfills and any lateral expansion of a CCR landfill must be examined by a qualified person as follows:* At intervals not exceeding seven days, inspect for any appearances of actual or potential structural weakness and other conditions which are disrupting or have the potential to disrupt the operation or safety of the CCR unit; and			
119	(a)	(1)	(ii)			The results of the inspection by a qualified person must be recorded in the facility's operating record as required by § 257.105(g)(8).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
120	(a)	(2)	(i)			Existing CCR landfills. The owner or operator of the CCR unit must initiate the inspections required under paragraph (a) of this section no later than October 19, 2015.			
121	(a)	(2)	(ii)			New CCR landfills and any lateral expansion of a CCR landfill. The owner or operator of the CCR unit must initiate the inspections required under paragraph (a) of this section upon initial receipt of CCR by the CCR unit.			
122	(b)	(1)	(i)			Existing and new CCR landfills and any lateral expansion of a CCR landfill must be inspected on a periodic basis by a qualified professional engineer to ensure that the design, construction, operation, and maintenance of the CCR unit is consistent with recognized and generally accepted good engineering standards. The inspection must, at a minimum, include:			
123	(b)	(1)	(ii)			A review of available information regarding the status and condition of the CCR unit, including, but not limited to, files available in the operating record (e.g., the results of inspections by a qualified person, and results of previous annual inspections); and			
124	(b)	(1)	(ii)			A visual inspection of the CCR unit to identify signs of distress or malfunction of the CCR unit.			
125	(b)	(2)	(i)			The qualified professional engineer must prepare a report following each inspection that addresses the following: Any changes in geometry of the structure since the previous annual inspection;			
126	(b)	(2)	(ii)			The approximate volume of CCR contained in the unit at the time of the inspection;			
127	(b)	(2)	(iii)			Any appearances of an actual or potential structural weakness of the CCR unit, in addition to any existing conditions that are disrupting or have the potential to disrupt the operation and safety of the CCR unit; and			
128	(b)	(2)	(iv)			Any other change(s) which may have affected the stability or operation of the CCR unit since the previous annual inspection.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
129	(b)	(3)	(i)			The owner or operator of the CCR unit must complete the initial inspection required by paragraphs (b)(1) and (2) of this section no later than January 18, 2016.			
130	(b)	(3)	(ii)			New CCR landfills and any lateral expansion of a CCR landfill. The owner or operator of the CCR unit must complete the initial annual inspection required by paragraphs (b)(1) and (2) of this section no later than 14 months following the date of initial receipt of CCR in the CCR unit.			
131	(b)	(4)				Frequency of inspections. The owner or operator of the CCR unit must conduct the inspection required by paragraphs (b)(1) and (2) of this section on an annual basis. The date of completing the initial inspection report is the basis for establishing the deadline to complete the first subsequent inspection. Any required inspection may be conducted prior to the required deadline provided the owner or operator places the completed inspection report into the facility's operating record within a reasonable amount of time. In all cases, the deadline for completing subsequent inspection reports is based on the date of completing the previous inspection report. For purposes of this section, the owner or operator has completed an inspection when the inspection report has been placed in the facility's operating record as required by § 257.105(g)(9).			
132	(b)	(5)				If a deficiency or release is identified during an inspection, the owner or operator must remedy the deficiency or release as soon as feasible and prepare documentation detailing the corrective measures taken.			
133	(c)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(g), the notification requirements specified in § 257.106(g), and the internet requirements specified in § 257.107(g).			
134						**§ 257.90 Applicability**			
135						*The owner of operator of the CCR unit must meet all the requirements (a) through (f), and all their components.*			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
136	(a)					All CCR landfills, CCR surface impoundments, and lateral expansions of CCR units are subject to the groundwater monitoring and corrective action requirements under §§257.90 through 257.98.			
137	(b)	(1)	(i)			*The owner or operator of an existing CCR landfill and existing CCR surface impoundment must be in compliance with the following groundwater monitoring requirements no later than October 17, 2017:* Install the groundwater monitoring system as required by § 257.91;			
138	(b)	(1)	(ii)			Develop the groundwater sampling and analysis program to include selection of the statistical procedures to be used for evaluating groundwater monitoring data as required by § 257.93;			
139	(b)	(1)	(iii)			Initiate the detection monitoring program to include obtaining a minimum of eight independent samples for each background and downgradient well as required by § 257.94(b); and			
140	(b)	(1)	(iv)			Begin evaluating the groundwater monitoring data for statistically significant increases over background levels for the constituents listed in appendix III of this part as required by § 257.94.			
141	(b)	(2)				Prior to initial receipt of CCR by the CCR unit, the owner or operator of a new CCR landfill, new CCR surface impoundment, and all lateral expansions of CCR units, must be in compliance with the groundwater monitoring requirements specified in paragraph (b)(1)(i) and (ii) of this section. In addition, the owner or operator of the CCR unit must initiate the detection monitoring program to include obtaining a minimum of eight independent samples for each background well as required by § 257.94(b).			
142	(c)					Once a groundwater monitoring system and groundwater monitoring program has been established at the CCR unit as required by this subpart, the owner or operator must conduct groundwater monitoring and, if necessary, corrective action throughout the active life and post-closure care period of the CCR unit.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
143	(d)					In the event of a release from a CCR unit, the owner or operator must immediately take all necessary measures to control the source(s) of releases so as to reduce or eliminate, to the maximum extent feasible, further releases of contaminants into the environment. The owner or operator of the CCR unit must comply with all applicable requirements in §§ 257.96, 257.97, and 257.98.			
144	(e)					The owner or operator of an existing CCR landfill and existing CCR surface impoundment, must prepare an annual groundwater monitoring and corrective action report no later than January 31, 2018, and annually thereafter. For new CCR landfills, new CCR surface impoundments, and all lateral expansions of CCR units, the owner or operator must prepare the initial annual groundwater monitoring and corrective action report no later than January 31 of the year following the calendar year a groundwater monitoring system has been established for such CCR unit as required by this subpart, and annually thereafter. For the preceding calendar year, the annual report must document the status of the groundwater monitoring and corrective action program for the CCR unit, summarize key actions completed, describe any problems encountered, discuss actions to resolve the problems, and project key activities for the upcoming year. For purposes of this section, the owner or operator has prepared the annual report when the report is placed in the facility's operating record as required by § 257.105(h)(1).			
145	(e)	(1)				*At a minimum, the annual groundwater monitoring and corrective action report must contain the following information, to the extent available:* A map, aerial image, or diagram showing the CCR unit and all background (or upgradient) and downgradient monitoring wells, to include the well identification numbers, that are part of the groundwater monitoring program for the CCR unit;			
146	(e)	(2)				Identification of any monitoring wells that were installed or decommissioned during the preceding year, along with a narrative description of why those actions were taken;			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
147	(e)	(3)				In addition to all the monitoring data obtained under §§ 257.90 through 257.98, a summary including the number of groundwater samples that were collected for analysis for each background and downgradient well, the dates the samples were collected, and whether the sample was required by the detection monitoring or assessment monitoring programs;			
148	(e)	(4)				A narrative discussion of any transition between monitoring programs (e.g., the date and circumstances for transitioning from detection monitoring to assessment monitoring in addition to identifying the constituent(s) detected at a statistically significant increase over background levels); and			
149	(e)	(5)				Other information required to be included in the annual report as specified in §§ 257.90 through 257.98.			
150	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the internet requirements specified in § 257.107(h).			
151						**§ 257.91 Groundwater monitoring systems**			
152						*The owner of operator of the CCR unit must meet all the requirements (a) through (g) and all their components.*			
153	(a)	(1)				The owner or operator of a CCR unit must install a groundwater monitoring system that consists of a sufficient number of wells, installed at appropriate locations and depths, to yield groundwater samples from the uppermost aquifer that accurately represent the quality of background groundwater that has not been affected by leakage from a CCR unit.			
154	(a)	(1)	(i)			*A determination of background quality may include sampling of wells that are not hydraulically upgradient of the CCR management area where:*			
						Hydrogeologic conditions do not allow the owner or operator of the CCR unit to determine what wells are hydraulically upgradient; or			
155	(a)	(1)	(ii)			Sampling at other wells will provide an indication of background groundwater quality that is as representative or more representative than that provided by the upgradient wells; and			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
156	(a)	(2)				Accurately represent the quality of groundwater passing the waste boundary of the CCR unit. The downgradient monitoring system must be installed at the waste boundary that ensures detection of groundwater contamination in the uppermost aquifer. All potential contaminant pathways must be monitored.			
157	(b)	(1)				The number, spacing, and depths of monitoring systems shall be determined based upon site-specific technical information that must include thorough characterization of: Aquifer thickness, groundwater flow rate, groundwater flow direction including seasonal and temporal fluctuations in groundwater flow; and			
158	(b)	(2)				Saturated and unsaturated geologic units and fill materials overlying the uppermost aquifer, materials comprising the uppermost aquifer, and materials comprising the confining unit defining the lower boundary of the uppermost aquifer, including, but not limited to, thicknesses, stratigraphy, lithology, hydraulic conductivities, porosities and effective porosities.			
159	(c)	(1)				The groundwater monitoring system must include the minimum number of monitoring wells necessary to meet the performance standards specified in paragraph (a) of this section, based on the site-specific information specified in paragraph (b) of this section. The groundwater monitoring system must contain: A minimum of one upgradient and three downgradient monitoring wells; and			
160	(c)	(2)				Additional monitoring wells as necessary to accurately represent the quality of background groundwater that has not been affected by leakage from the CCR unit and the quality of groundwater passing the waste boundary of the CCR unit.			
161	(d)	(1)				The owner or operator of multiple CCR units may install a multiunit groundwater monitoring system instead of separate groundwater monitoring systems for each CCR unit.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
162	(d)	(1)	(i)			*The multiunit groundwater monitoring system must be equally as capable of detecting monitored constituents at the waste boundary of the CCR unit as the individual groundwater monitoring system specified in paragraphs (a) through (c) of this section for each CCR unit based on the following factors:*			
						Number, spacing, and orientation of each CCR unit;			
163	(d)	(1)	(ii)			Hydrogeologic setting;			
164	(d)	(1)	(iii)			Site history;			
165	(d)	(1)	(iv)			Engineering design of the CCR unit.			
166	(d)	(2)				If the owner or operator elects to install a multiunit groundwater monitoring system, and if the multiunit system includes at least one existing unlined CCR surface impoundment as determined by § 257.71(a), and if at any time after October 19, 2015 the owner or operator determines in any sampling event that the concentrations of one or more constituents listed in appendix IV to this part are detected at statistically significant levels above the groundwater protection standard established under § 257.95(h) for the multiunit system, then all unlined CCR surface impoundments comprising the multiunit groundwater monitoring system are subject to the closure requirements under § 257.101(a) to retrofit or close.			
167	(e)	(1)				Monitoring wells must be cased in a manner that maintains the integrity of the monitoring well borehole. This casing must be screened or perforated and packed with gravel or sand, where necessary, to enable collection of groundwater samples. The annular space (i.e., the space between the borehole and well casing) above the sampling depth must be sealed to prevent contamination of samples and the groundwater. The owner or operator of the CCR unit must document and include in the operating record the design, installation, development, and decommissioning of any monitoring wells, piezometers and other measurement, sampling, and analytical devices. The qualified professional engineer must be given access to this documentation when completing the groundwater monitoring system certification required under paragraph (f) of this section.			
168	(e)	(2)				The monitoring wells, piezometers, and other measurement, sampling, and analytical devices must be operated and maintained so that they perform to the design specifications throughout the life of the monitoring program.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
169	(f)					The owner or operator must obtain a certification from a qualified professional engineer stating that the groundwater monitoring system has been designed and constructed to meet the requirements of this section. If the groundwater monitoring system includes the minimum number of monitoring wells specified in paragraph (c)(1) of this section, the certification must document the basis supporting this determination.			
170	(g)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the internet requirements specified in § 257.107(h).			
171						**§ 257.93 Groundwater Sampling and Analysis Requirements**			
172						*The owner of operator of the CCR unit must meet all the requirements (a) through (j) and all their components.*			
173	(a)					The groundwater monitoring program must include consistent sampling and analysis procedures that are designed to ensure monitoring results that provide an accurate representation of groundwater quality at the background and downgradient wells required by § 257.91.			
174	(a)	(1)				*The owner or operator of the CCR unit must develop a sampling and analysis program that includes procedures and techniques for:* Sample collection;			
175	(a)	(2)				Sample preservation and shipment;			
176	(a)	(3)				Analytical procedures;			
177	(a)	(4)				Chain of custody control; and			
178	(a)	(5)				Quality assurance and quality control.			
179	(b)					The groundwater monitoring program must include sampling and analytical methods that are appropriate for groundwater sampling and that accurately measure hazardous constituents and other monitoring parameters in groundwater samples. For purposes of §§ 257.90 through 257.98, the term constituent refers to both hazardous constituents and other monitoring parameters listed in either appendix III or IV of this part.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
180	(c)					Groundwater elevations must be measured in each well immediately prior to purging, each time groundwater is sampled. The owner or operator of the CCR unit must determine the rate and direction of groundwater flow each time groundwater is sampled. Groundwater elevations in wells which monitor the same CCR management area must be measured within a period of time short enough to avoid temporal variations in groundwater flow which could preclude accurate determination of groundwater flow rate and direction.			
181	(d)					The owner or operator of the CCR unit must establish background groundwater quality in a hydraulically upgradient or background well(s) for each of the constituents required in the particular groundwater monitoring program that applies to the CCR unit as determined under § 257.94(a) or § 257.95(a). Background groundwater quality may be established at wells that are not located hydraulically upgradient from the CCR unit if it meets the requirements of § 257.91(a)(1).			
182	(e)					The number of samples collected when conducting detection monitoring and assessment monitoring (for both downgradient and background wells) must be consistent with the statistical procedures chosen under paragraph (f) of this section and the performance standards under paragraph (g) of this section. The sampling procedures shall be those specified under § 257.94(b) through (d) for detection monitoring, § 257.95(b) through (d) for assessment monitoring, and § 257.96(b) for corrective action.			
183	(f)	(1)				*The owner or operator of the CCR unit must select one of the statistical methods specified in paragraphs (f)(1) through (5) of this section to be used in evaluating groundwater monitoring data for each specified constituent. The statistical test chosen shall be conducted separately for each constituent in each monitoring well.* A parametric analysis of variance followed by multiple comparison procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's mean and the background mean levels for each constituent.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
184	(f)	(2)				An analysis of variance based on ranks followed by multiple comparison procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's median and the background median levels for each constituent.			
185	(f)	(3)				A tolerance or prediction interval procedure, in which an interval for each constituent is established from the distribution of the background data and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit.			
186	(f)	(4)				A control chart approach that gives control limits for each constituent.			
187	(f)	(5)				Another statistical test method that meets the performance standards of paragraph (g) of this section.			
188	(f)	(6)				The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the selected statistical method is appropriate for evaluating the groundwater monitoring data for the CCR management area. The certification must include a narrative description of the statistical method selected to evaluate the groundwater monitoring data.			
189	(g)	(1)				*Any statistical method chosen under paragraph (f) of this section shall comply with the following performance standards, as appropriate, based on the statistical test method used:* The statistical method used to evaluate groundwater monitoring data shall be appropriate for the distribution of constituents. Normal distributions of data values shall use parametric methods. Non-normal distributions shall use non-parametric methods. If the distribution of the constituents is shown by the owner or operator of the CCR unit to be inappropriate for a normal theory test, then the data must be transformed or a distribution-free (non-parametric) theory test must be used. If the distributions for the constituents differ, more than one statistical method may be needed.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
190	(g)	(2)				If an individual well comparison procedure is used to compare an individual compliance well constituent concentration with background constituent concentrations or a groundwater protection standard, the test shall be done at a Type I error level no less than 0.01 for each testing period. If a multiple comparison procedure is used, the Type I experiment wise error rate for each testing period shall be no less than 0.05; however, the Type I error of no less than 0.01 for individual well comparisons must be maintained. This performance standard does not apply to tolerance intervals, prediction intervals, or control charts.			
191	(g)	(3)				If a control chart approach is used to evaluate groundwater monitoring data, the specific type of control chart and its associated parameter values shall be such that this approach is at least as effective as any other approach in this section for evaluating groundwater data. The parameter values shall be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.			
192	(g)	(4)				If a tolerance interval or a predictional interval is used to evaluate groundwater monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval must contain, shall be such that this approach is at least as effective as any other approach in this section for evaluating groundwater data. These parameters shall be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.			
193	(g)	(5)				The statistical method must account for data below the limit of detection with one or more statistical procedures that shall at least as effective as any other approach in this section for evaluating groundwater data. Any practical quantitation limit that is used in the statistical method shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.			
194	(g)	(6)				If necessary, the statistical method must include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
195	(h)					The owner or operator of the CCR unit must determine whether or not there is a statistically significant increase over background values for each constituent required in the particular groundwater monitoring program that applies to the CCR unit, as determined under § 257.94(a) or § 257.95(a).			
196	(h)	(1)				In determining whether a statistically significant increase has occurred, the owner or operator must compare the groundwater quality of each constituent at each monitoring well designated pursuant to § 257.91(a)(2) or (d)(1) to the background value of that constituent, according to the statistical procedures and performance standards specified under paragraphs (f) and (g) of this section.			
197	(h)	(2)				Within 90 days after completing sampling and analysis, the owner or operator must determine whether there has been a statistically significant increase over background for any constituent at each monitoring well.			
198	(i)					The owner or operator must measure ‘‘total recoverable metals’’ concentrations in measuring groundwater quality. Measurement of total recoverable metals captures both the particulate fraction and dissolved fraction of metals in natural waters. Groundwater samples shall not be fieldfiltered prior to analysis.			
199	(j)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).			
200						**§ 257.94 Detection Monitoring Program**			
201						*The owner of operator of the CCR unit must meet all the requirements (a) through (f) and all their components.*			
202	(a)					The owner or operator of a CCR unit must conduct detection monitoring at all groundwater monitoring wells consistent with this section. At a minimum, a detection monitoring program must include groundwater monitoring for all constituents listed in appendix III to this part.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
203	(b)					Except as provided in paragraph (d) of this section, the monitoring frequency for the constituents listed in appendix III to this part shall be at least semiannual during the active life of the CCR unit and the post-closure period. For existing CCR landfills and existing CCR surface impoundments, a minimum of eight independent samples from each background and downgradient well must be collected and analyzed for the constituents listed in appendix III and IV to this part no later than October 17, 2017. For new CCR landfills, new CCR surface impoundments, and all lateral expansions of CCR units, a minimum of eight independent samples for each background well must be collected and analyzed for the constituents listed in appendices III and IV to this part during the first six months of sampling.			
204	(c)					The number of samples collected and analyzed for each background well and downgradient well during subsequent semiannual sampling events must be consistent with § 257.93(e), and must account for any unique characteristics of the site, but must be at least one sample from each background and downgradient well.			
205	(d)	(1)				The owner or operator of a CCR unit may demonstrate the need for an alternative monitoring frequency for repeated sampling and analysis for constituents listed in appendix III to this part during the active life and the post-closure care period based on the availability of groundwater. If there is not adequate groundwater flow to sample wells semiannually, the alternative frequency shall be no less than annual. The need to vary monitoring frequency must be evaluated on a site-specific basis. The demonstration must be supported by, at a minimum, the information specified in paragraphs (d)(1) and (2) of this section.			
206	(d)	(1)	(i)			*The alternative frequency must be based on consideration of the following factors:* Lithology of the aquifer and unsaturated zone;			
207	(d)	(1)	(ii)			Hydraulic conductivity of the aquifer and unsaturated zone; and			
208	(d)	(1)	(iii)			Groundwater flow rates.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
209	(d)	(2)				Information documenting that the alternative frequency will be no less effective in ensuring that any leakage from the CCR unit will be discovered within a timeframe that will not materially delay establishment of an assessment monitoring program.			
210	(d)	(3)				The owner or operator must obtain a certification from a qualified demonstration for an alternative groundwater sampling and analysis frequency meets the requirements of this section. The owner or operator must include the demonstration providing the basis for the alternative monitoring frequency and the certification by a qualified professional engineer in the annual groundwater monitoring and corrective action report required by § 257.90(e).			
211	(e)	(1)				*If the owner or operator of the CCR unit determines, pursuant to § 257.93(h) that there is a statistically significant increase over background levels for one or more of the constituents listed in appendix III to this part at any monitoring well at the waste boundary specified under § 257.91(a)(2), the owner or operator must:* Except as provided for in paragraph (e)(2) of this section, within 90 days of detecting a statistically significant increase over background levels for any constituent, establish an assessment monitoring program meeting the requirements of § 257.95.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
212	(e)	(2)				The owner or operator may demonstrate that a source other than the CCR unit caused the statistically significant increase over background levels for a constituent or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality. The owner or operator must complete the written demonstration within 90 days of detecting a statistically significant increase over background levels to include obtaining a certification from a qualified professional engineer verifying the accuracy of the information in the report. If a successful demonstration is completed within the 90-day period, the owner or operator of the CCR unit may continue with a detection monitoring program under this section. If a successful demonstration is not completed within the 90-day period, the owner or operator of the CCR unit must initiate an assessment monitoring program as required under § 257.95. The owner or operator must also include the demonstration in the annual groundwater monitoring and corrective action report required by § 257.90(e), in addition to the certification by a qualified professional engineer.			
213	(e)	(3)				The owner or operator of a CCR unit must prepare a notification stating that an assessment monitoring program has been established. The owner or operator has completed the notification when the notification is placed in the facility's operating record as required by § 257.105(h)(5).			
214	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).			
215						**§ 257.95 Assessment Monitoring Program**			
216						*The owner of operator of the CCR unit must meet all the requirements (a) through (h) and all their components.*			
217	(a)					Assessment monitoring is required whenever a statistically significant increase over background levels has been detected for one or more of the constituents listed in appendix III to this part.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
218	(b)					Within 90 days of triggering an assessment monitoring program, and annually thereafter, the owner or operator of the CCR unit must sample and analyze the groundwater for all constituents listed in appendix IV to this part. The number of samples collected and analyzed for each well during each sampling event must be consistent with § 257.93(e), and must account for any unique characteristics of the site, but must be at least one sample from each well.			
219	(c)	(1)				The owner or operator of a CCR unit may demonstrate the need for an alternative monitoring frequency for repeated sampling and analysis for constituents listed in appendix IV to this part during the active life and the post-closure care period based on the availability of groundwater. If there is not adequate groundwater flow to sample wells semiannually, the alternative frequency shall be no less than annual. The need to vary monitoring frequency must be evaluated on a site-specific basis. The demonstration must be supported by, at a minimum, the information specified in paragraphs (c)(1) and (2) of this section. Information documenting that the need for less frequent sampling.			
220	(c)	(1)	(i)			*The alternative frequency must be based on consideration of the following factors:*			
						Lithology of the aquifer and unsaturated zone;			
221	(c)	(1)	(ii)			Hydraulic conductivity of the aquifer and unsaturated zone; and			
222	(c)	(1)	(iii)			Groundwater flow rates.			
223	(c)	(2)				Information documenting that the alternative frequency will be no less effective in ensuring that any leakage from the CCR unit will be discovered within a timeframe that will not materially delay the initiation of any necessary remediation measures.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
224	(c)	(3)				The owner or operator must obtain a certification from a qualified professional engineer stating that the demonstration for an alternative groundwater sampling and analysis frequency meets the requirements of this section. The owner or operator must include the demonstration providing the basis for the alternative monitoring frequency and the certification by a qualified professional engineer in the annual groundwater monitoring and corrective action report required by § 257.90(e).			
222	(d)	(1)				*After obtaining the results from the initial and subsequent sampling events required in paragraph (b) of this section, the owner or operator must:* Within 90 days of obtaining the results, and on at least a semiannual basis thereafter, resample all wells that were installed pursuant to the requirements of § 257.91, conduct analyses for all parameters in appendix III to this part and for those constituents in appendix IV to this part that are detected in response to paragraph (b) of this section, and record their concentrations in the facility operating record. The number of samples collected and analyzed for each background well and downgradient well during subsequent semiannual sampling events must be consistent with § 257.93(e), and must account for any unique characteristics of the site, but must be at least one sample from each background and downgradient well;			
223	(d)	(2)				Establish groundwater protection standards for all constituents detected pursuant to paragraph (b) or (d) of this section. The groundwater protection standards must be established in accordance with paragraph (h) of this section; and			
224	(d)	(3)				Include the recorded concentrations required by paragraph (d)(1) of this section, identify the background concentrations established under § 257.94(b), and identify the groundwater protection standards established under paragraph (d)(2) of this section in the annual groundwater monitoring and corrective action report required by § 257.90(e).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
225	(e)					If the concentrations of all constituents listed in appendices III and IV to this part are shown to be at or below background values, using the statistical procedures in § 257.93(g), for two consecutive sampling events, the owner or operator may return to detection monitoring of the CCR unit. The owner or operator must prepare a notification stating that detection monitoring is resuming for the CCR unit. The owner or operator has completed the notification when the notification is placed in the facility's operating record as required by § 257.105(h)(7).			
226	(f)					If the concentrations of any constituent in appendices III and IV to this part are above background values, but all concentrations are below the groundwater protection standard established under paragraph (h) of this section, using the statistical procedures in § 257.93(g), the owner or operator must continue assessment monitoring in accordance with this section.			
227	(g)					If one or more constituents in appendix IV to this part are detected at statistically significant levels above the groundwater protection standard established under paragraph (h) of this section in any sampling event, the owner or operator must prepare a notification identifying the constituents in appendix IV to this part that have exceeded the groundwater protection standard. The owner or operator has completed the notification when the notification is placed in the facility's operating record as required by § 257.105(h)(8).			
228	(g)	(1)	(i)			*The owner or operator of the CCR unit also must:* Characterize the nature and extent of the release and any relevant site conditions that may affect the remedy ultimately selected. The characterization must be sufficient to support a complete and accurate assessment of the corrective measures necessary to effectively clean up all releases from the CCR unit pursuant to § 257.96. Characterization of the release includes the following minimum measures: Install additional monitoring wells necessary to define the contaminant plume(s);			
230	(g)	(1)	(ii)			Collect data on the nature and estimated quantity of material released including specific information on the constituents listed in appendix IV of this part and the levels at which they are present in the material released;			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
231	(g)	(1)	(iii)			Install at least one additional monitoring well at the facility boundary in the direction of contaminant migration and sample this well in accordance with paragraph (d)(1) of this section; and			
232	(g)	(1)	(iv)			Sample all wells in accordance with paragraph (d)(1) of this section to characterize the nature and extent of the release.			
233	(g)	(2)				Notify all persons who own the land or reside on the land that directly overlies any part of the plume of contamination if contaminants have migrated off-site if indicated by sampling of wells in accordance with paragraph (g)(1) of this section.			
234	(g)	(2)	(i)			The owner or operator has completed the notifications when they are placed in the facility's operating record as required by § 257.105(h)(8).			
235	(g)	(3)	(i)			*Within 90 days of finding that any of the constituents listed in appendix IV to this part have been detected at a statistically significant level exceeding the groundwater protection standards the owner or operator must either:* Initiate an assessment of corrective measures as required by § 257.96; or			
236	(g)	(3)	(ii)			Demonstrate that a source other than the CCR unit caused the contamination, or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality. Any such demonstration must be supported by a report that includes the factual or evidentiary basis for any conclusions and must be certified to be accurate by a qualified professional engineer. If a successful demonstration is made, the owner or operator must continue monitoring in accordance with the assessment monitoring program pursuant to this section, and may return to detection monitoring if the constituents in appendices III and IV to this part are at or below background as specified in paragraph (e) of this section. The owner or operator must also include the demonstration in the annual groundwater monitoring and corrective action report required by § 257.90(e), in addition to the certification by a qualified professional engineer.			
237	(g)	(4)				If a successful demonstration has not been made at the end of the 90 day period provided by paragraph (g)(3)(ii) of this section, the owner or operator of the CCR unit must initiate the assessment of corrective measures requirements under § 257.96.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
238	(g)	(5)				If an assessment of corrective measures is required under § 257.96 by either paragraph (g)(3)(i) or (g)(4) of this section, and if the CCR unit is an existing unlined CCR surface impoundment as determined by § 257.71(a), then the CCR unit is subject to the closure requirements under § 257.101(a) to retrofit or close. In addition, the owner or operator must prepare a notification stating that an assessment of corrective measures has been initiated.			
239	(h)					The owner or operator of the CCR unit must establish a groundwater protection standard for each constituent in appendix IV to this part detected in the groundwater.			
240	(h)	(1)				*The groundwater protection standard shall be:* The owner or operator of the CCR unit must establish a groundwater protection standard for each constituent in appendix IV to this part detected in the groundwater. The groundwater protection standard shall be: For constituents for which a maximum contaminant level (MCL) has been established under §§ 141.62 and 141.66 of this title, the MCL for that constituent;			
241	(h)	(2)				For constituents for which an MCL has not been established, the background concentration for the constituent established from wells in accordance with § 257.91; or			
242	(h)	(3)				For constituents for which the background level is higher than the MCL identified under paragraph (h)(1) of this section, the background concentration. (i) The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).			
243						**§ 257.96 Assessment of Corrective Measures**			
244						*The owner of operator of the CCR unit must meet all the requirements (a) through (f) and all their components.*			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
245	(a)					Within 90 days of finding that any constituent listed in appendix IV to this part has been detected at a statistically significant level exceeding the groundwater protection standard defined under § 257.95(h), or immediately upon detection of a release from a CCR unit, the owner or operator must initiate an assessment of corrective measures to prevent further releases, to remediate any releases and to restore affected area to original conditions. The assessment of corrective measures must be completed within 90 days, unless the owner or operator demonstrates the need for additional time to complete the assessment of corrective measures due to site-specific conditions or circumstances. The owner or operator must obtain a certification from a qualified professional engineer attesting that the demonstration is accurate. The 90-day deadline to complete the assessment of corrective measures may be extended for no longer than 60 days. The owner or operator must also include the demonstration in the annual groundwater monitoring and corrective action report required by § 257.90(e), in addition to the certification by a qualified professional engineer.			
246	(b)					The owner or operator of the CCR unit must continue to monitor groundwater in accordance with the assessment monitoring program as specified in § 257.95.			
247	(c)	(1)				*The assessment under paragraph (a) of this section must include an analysis of the effectiveness of potential corrective measures in meeting all of the requirements and objectives of the remedy as described under § 257.97 addressing at least the following:* The performance, reliability, ease of implementation, and potential impacts of appropriate potential remedies, including safety impacts, cross-media impacts, and control of exposure to any residual contamination;			
248	(c)	(2)				The time required to begin and complete the remedy;			
249	(c)	(3)				The institutional requirements, such as state or local permit requirements or other environmental or public health requirements that may substantially affect implementation of the remedy(s).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
250	(d)					The owner or operator must place the completed assessment of corrective measures in the facility's operating record. The assessment has been completed when it is placed in the facility's operating record as required by § 257.105(h)(10).			
251	(e)					The owner or operator must discuss the results of the corrective measures assessment at least 30 days prior to the selection of remedy, in a public meeting with interested and affected parties.			
252	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).			
253						**§ 257.97 Selection of Remedy**			
254						*The owner of operator of the CCR unit must meet all the requirements (a) through (e) and all their components.*			
255	(a)					Based on the results of the corrective measures assessment conducted under § 257.96, the owner or operator must, as soon as feasible, select a remedy that, at a minimum, meets the standards listed in paragraph (b) of this section. This requirement applies to, not in place of, any applicable standards under the Occupational Safety and Health Act. The owner or operator must prepare a semiannual report describing the progress in selecting and designing the remedy. Upon selection of a remedy, the owner or operator must prepare a final report describing the selected remedy and how it meets the standards specified in paragraph (b) of this section. The owner or operator must obtain a certification from a qualified professional engineer that the remedy selected meets the requirements of this section. The report has been completed when it is placed in the operating record as required by § 257.105(h)(12).			
256	(b)	(1)				*Remedies must:* Be protective of human health and the environment;			
257	(b)	(2)				Attain the groundwater protection standard as specified pursuant to § 257.95(h);			
258	(b)	(3)				Control the source(s) of releases so as to reduce or eliminate, to the maximum extent feasible, further releases of constituents in appendix IV to this part into the environment;			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
259	(b)	(4)				Remove from the environment as much of the contaminated material that was released from the CCR unit as is feasible, taking into account factors such as avoiding inappropriate disturbance of sensitive ecosystems;			
260	(b)	(5)				Comply with standards for management of wastes as specified in § 257.98(d).			
261	(c)					*In selecting a remedy that meets the standards of paragraph (b) of this section, the owner or operator of the CCR unit shall consider the following evaluation factors:* The long- and short-term effectiveness and protectiveness of the potential remedy(s), along with the degree of certainty that the remedy will prove successful.			
262	(c)	(1)	(i)			*The remedy will prove successful based on consideration of the following:* Magnitude of reduction of existing risks;			
263	(c)	(1)	(ii)			Magnitude of residual risks in terms of likelihood of further releases due to CCR remaining following implementation of a remedy;			
264	(c)	(1)	(iii)			The type and degree of long-term management required, including monitoring, operation, and maintenance;			
265	(c)	(1)	(iv)			Short-term risks that might be posed to the community or the environment during implementation of such a remedy, including potential threats to human health and the environment associated with excavation, transportation, and redisposal of contaminant;			
266	(c)	(1)	(v)			Time until full protection is achieved;			
267	(c)	(1)	(vi)			Potential for exposure of humans and environmental receptors to remaining wastes, considering the potential threat to human health and the environment associated with excavation, transportation, re-disposal, or containment;			
268	(c)	(1)	(vii)			Long-term reliability of the engineering and institutional controls; and (viii) Potential need for replacement of the remedy.			
269	(c)	(2)	(i)			*The effectiveness of the remedy in controlling the source to reduce further releases based on consideration of the following factors:*			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
						The extent to which containment practices will reduce further releases; and			
270	(c)	(2)	(ii)			The extent to which treatment technologies may be used.			
271	(c)	(3)	(i)			*The ease or difficulty of implementing a potential remedy(s) based on consideration of the following types of factors:* Degree of difficulty associated with constructing the technology;			
272	(c)	(3)	(ii)			Expected operational reliability of the technologies;			
273	(c)	(3)	(iii)			Need to coordinate with and obtain necessary approvals and permits from other agencies;			
274	(c)	(3)	(iv)			Availability of necessary equipment and specialists; and			
275	(c)	(3)	(v)			Available capacity and location of needed treatment, storage, and disposal services.			
276	(c)	(4)				The degree to which community concerns are addressed by a potential remedy(s).			
277	(d)					The owner or operator must specify as part of the selected remedy a schedule(s) for implementing and completing remedial activities. Such a schedule must require the completion of remedial activities within a reasonable period of time taking into consideration the factors set forth in paragraphs (d)(1) through (6) of this section.			
278	(d)	(1)				*The owner or operator of the CCR unit must consider the following factors in determining the schedule of remedial activities:* Extent and nature of contamination, as determined by the characterization required under § 257.95(g);			
279	(d)	(2)				Reasonable probabilities of remedial technologies in achieving compliance with the groundwater protection standards established under § 257.95(h) and other objectives of the remedy;			
280	(d)	(3)				Availability of treatment or disposal capacity for CCR managed during implementation of the remedy;			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
281	(d)	(4)				Potential risks to human health and the environment from exposure to contamination prior to completion of the remedy;			
282	(d)	(5)	(i)			Resource value of the aquifer including: Current and future uses;			
283	(d)	(5)	(ii)			Proximity and withdrawal rate of users;			
284	(d)	(5)	(iii)			Groundwater quantity and quality;			
285	(d)	(5)	(iv)			The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to CCR constituents;			
286	(d)	(5)	(v)			The hydrogeologic characteristic of the facility and surrounding land; and (vi) The availability of alternative water supplies; and			
287	(d)	(6)				Other relevant factors.			
288	(e)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).			
289						**§ 257.98 Implementation of the Corrective Action Program**			
290						*The owner of operator of the CCR unit must meet all the requirements (a) through (f) and all their components.*			
291	(a)					Within 90 days of selecting a remedy under § 257.97, the owner or operator must initiate remedial activities.			
292	(a)	(1)				*Based on the schedule established under § 257.97(d) for implementation and completion of remedial activities the owner or operator must:* Establish and implement a corrective action groundwater monitoring program.			
293	(a)	(1)	(i)			*The corrective action groundwater monitoring program must:* At a minimum, meets the requirements of an assessment monitoring program under § 257.95;			
294	(a)	(1)	(ii)			Documents the effectiveness of the corrective action remedy; and			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
295	(a)	(1)	(iii)			Demonstrates compliance with the groundwater protection standard pursuant to paragraph (c) of this section.			
296	(a)	(2)				Implement the corrective action remedy selected under § 257.97; and			
297	(a)	(3)				Take any interim measures necessary to reduce the contaminants leaching from the CCR unit, and/or potential exposures to human or ecological receptors. Interim measures must, to the greatest extent feasible, be consistent with the objectives of and contribute to the performance of any remedy that may be required pursuant to § 257.97.			
298	(a)	(3)	(i)			*The following factors must be considered by an owner or operator in determining whether interim measures are necessary:* Time required to develop and implement a final remedy;			
299	(a)	(3)	(ii)			Actual or potential exposure of nearby populations or environmental receptors to any of the constituents listed in appendix IV of this part;			
300	(a)	(3)	(iii)			Actual or potential contamination of drinking water supplies or sensitive ecosystems;			
301	(a)	(3)	(iv)			Further degradation of the groundwater that may occur if remedial action is not initiated expeditiously;			
302	(a)	(3)	(v)			Weather conditions that may cause any of the constituents listed in appendix IV to this part to migrate or be released;			
303	(a)	(3)	(vi)			Potential for exposure to any of the constituents listed in appendix IV to this part as a result of an accident or failure of a container or handling system; and			
304	(a)	(3)	(vii)			Other situations that may pose threats to human health and the environment.			
305	(b)					If an owner or operator of the CCR unit, determines, at any time, that compliance with the requirements of § 257.97(b) is not being achieved through the remedy selected, the owner or operator must implement other methods or techniques that could feasibly achieve compliance with the requirements.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
306	(c)	(1)				*Remedies selected pursuant to § 257.97 shall be considered complete when:* The owner or operator of the CCR unit demonstrates compliance with the groundwater protection standards established under § 257.95(h) has been achieved at all points within the plume of contamination that lie beyond the groundwater monitoring well system established under § 257.91.			
307	(c)	(2)				Compliance with the groundwater protection standards established under § 257.95(h) has been achieved by demonstrating that concentrations of constituents listed in appendix IV to this part have not exceeded the groundwater protection standard(s) for a period of three consecutive years using the statistical procedures and performance standards in § 257.93(f) and (g).			
308	(c)	(3)				All actions required to complete the remedy have been satisfied.			
309	(d)					All CCR that are managed pursuant to a remedy required under § 257.97, or an interim measure required under paragraph (a)(3) of this section, shall be managed in a manner that complies with all applicable RCRA requirements.			
310	(e)					Upon completion of the remedy, the owner or operator must prepare a notification stating that the remedy has been completed. The owner or operator must obtain a certification from a qualified professional engineer attesting that the remedy has been completed in compliance with the requirements of paragraph (c) of this section. The report has been completed when it is placed in the operating record as required by § 257.105(h)(13).			
311	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the internet requirements specified in § 257.107(h).			
312						**§ 257.101 Closure or Retrofit of CCR Units**			
313						*The owner of operator of the CCR unit must meet all the requirements (a) through (d) and all their components.*			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
314	(a)	(1)				The owner or operator of an existing unlined CCR surface impoundment, as determined under § 257.71(a), is subject to the requirements of paragraph (a)(1) of this section. Except as provided by paragraph (a)(3) of this section, if at any time after October 19, 2015 an owner or operator of an existing unlined CCR surface impoundment determines in any sampling event that the concentrations of one or more constituents listed in appendix IV to this part are detected at statistically significant levels above the groundwater protection standard established under § 257.95(h) for such CCR unit, within six months of making such determination, the owner or operator of the existing unlined CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR surface impoundment and either retrofit or close the CCR unit in accordance with the requirements of § 257.102.			
315	(a)	(2)				An owner or operator of an existing unlined CCR surface impoundment that closes in accordance with paragraph (a)(1) of this section must include a statement in the notification required under § 257.102(g) or (k)(5) that the CCR surface impoundment is closing or retrofitting under the requirements of paragraph (a)(1) of this section.			
316	(a)	(3)				The timeframe specified in paragraph (a)(1) of this section does not apply if the owner or operator complies with the alternative closure procedures specified in § 257.103.			
317	(a)	(4)				At any time after the initiation of closure under paragraph (a)(1) of this section, the owner or operator may cease closure activities and initiate a retrofit of the CCR unit in accordance with the requirements of § 257.102(k).			
318	(b)	(1)				The owner or operator of an existing CCR surface impoundment is subject to the requirements of paragraph (b)(1) of this section. Except as provided by paragraph (b)(4) of this section, within six months of determining that an existing CCR surface impoundment has not demonstrated compliance with any location standard specified in §§ 257.60(a), 257.61(a), 257.62(a), 257.63(a), and 257.64(a), the owner or operator of the CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR unit and close the CCR unit in accordance with the requirements of § 257.102.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
319	(b)	(2)				Within six months of either failing to complete the initial or any subsequent periodic safety factor assessment required by § 257.73(e) by the deadlines specified in § 257.73(f)(1) through (3) or failing to document that the calculated factors of safety for the existing CCR surface impoundment achieve the minimum safety factors specified in § 257.73(e)(1)(i) through (iv), the owner or operator of the CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR unit and close the CCR unit in accordance with the requirements of § 257.102.			
320	(b)	(3)				An owner or operator of an existing CCR surface impoundment that closes in accordance with paragraphs (b)(1) or (2) of this section must include a statement in the notification required under § 257.102(g) that the CCR surface impoundment is closing under the requirements of paragraphs (b)(1) or (2) of this section.			
321	(b)	(4)				The timeframe specified in paragraph (b)(1) of this section does not apply if the owner or operator complies with the alternative closure procedures specified in § 257.103.			
322	(c)	(1)				The owner or operator of a new CCR surface impoundment is subject to the requirements of paragraph (c)(1) of this section. Within six months of either failing to complete the initial or any subsequent periodic safety factor assessment required by § 257.74(e) by the deadlines specified in § 257.74(f)(1) through (3) or failing to document that the calculated factors of safety for the new CCR surface impoundment achieve the minimum safety factors specified in § 257.74(e)(1)(i) through (v), the owner or operator of the CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR unit and close the CCR unit in accordance with the requirements of § 257.102.			
323	(c)	(2)				An owner or operator of an new CCR surface impoundment that closes in accordance with paragraph (c)(1) of this section must include a statement in the notification required under § 257.102(g) that the CCR surface impoundment is closing under the requirements of paragraph (c)(1) of this section.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
324	(d)	(1)				The owner or operator of an existing CCR landfill is subject to the requirements of paragraph (d)(1) of this section. Except as provided by paragraph (d)(3) of this section, within six months of determining that an existing CCR landfill has not demonstrated compliance with the location restriction for unstable areas specified in § 257.64(a), the owner or operator of the CCR unit must cease placing CCR and non-CCR waste streams into such CCR landfill and close the CCR unit in accordance with the requirements of § 257.102.			
325	(d)	(2)				An owner or operator of an existing CCR landfill that closes in accordance with paragraph (d)(1) of this section must include a statement in the notification required under § 257.102(g) that the CCR landfill is closing under the requirements of paragraph (d)(1) of this section.			
326	(d)	(3)				The timeframe specified in paragraph (d)(1) of this section does not apply if the owner or operator complies with the alternative closure procedures specified in § 257.103.			
327						**§ 257.102 Criteria for Conducting the Closure or Retrofit of CCR Units**			
328						*The owner of operator of the CCR unit must meet all the requirements (a) through (k) and all their components.*			
329	(a)					Closure of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit must be completed either by leaving the CCR in place and installing a final cover system or through removal of the CCR and decontamination of the CCR unit, as described in paragraphs (b) through (j) of this section. Retrofit of a CCR surface impoundment must be completed in accordance with the requirements in paragraph (k) of this section.			
330	(b)	(1)				The owner or operator of a CCR unit must prepare a written closure plan that describes the steps necessary to close the CCR unit at any point during the active life of the CCR unit consistent with recognized and generally accepted good engineering practices.			
331	(b)	(1)	(i)			*The written closure plan must include, at a minimum, the information specified in paragraphs (b)(1)(i) through (vi) of this section:* A narrative description of how the CCR unit will be closed in accordance with this section.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
332	(b)	(1)	(ii)			If closure of the CCR unit will be accomplished through removal of CCR from the CCR unit, a description of the procedures to remove the CCR and decontaminate the CCR unit in accordance with paragraph (c) of this section.			
333	(b)	(1)	(iii)			If closure of the CCR unit will be accomplished by leaving CCR in place, a description of the final cover system, designed in accordance with paragraph (d) of this section, and the methods and procedures to be used to install the final cover. The closure plan must also discuss how the final cover system will achieve the performance standards specified in paragraph (d) of this section.			
334	(b)	(1)	(iv)			An estimate of the maximum inventory of CCR ever on-site over the active life of the CCR unit.			
335	(b)	(1)	(v)			An estimate of the largest area of the CCR unit ever requiring a final cover as required by paragraph (d) of this section at any time during the CCR unit's active life.			
336	(b)	(1)	(v)			A schedule for completing all activities necessary to satisfy the closure criteria in this section, including an estimate of the year in which all closure activities for the CCR unit will be completed. The schedule should provide sufficient information to describe the sequential steps that will be taken to close the CCR unit, including identification of major milestones such as coordinating with and obtaining necessary approvals and permits from other agencies, the dewatering and stabilization phases of CCR surface impoundment closure, or installation of the final cover system, and the estimated timeframes to complete each step or phase of CCR unit closure. When preparing the written closure plan, if the owner or operator of a CCR unit estimates that the time required to complete closure will exceed the timeframes specified in paragraph (f)(1) of this section, the written closure plan must include the site-specific information, factors and considerations that would support any time extension sought under paragraph (f)(2) of this section.			
337	(b)	(2)	(i)			The owner or operator ofan existing CCR landfill and existing CCR surface impoundment must prepare an initial written closure plan consistent with the requirements specified in paragraph (b)(1) of this section, no later than October 17, 2016.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
338	(b)	(2)	(ii)			For new CCR landfills and new CCR surface impoundments, and any lateral expansion of a CCR unit, the owner or operator must prepare an initial written closure plan consistent with the requirements specified in paragraph (b)(1) of this section, no later than the date of the initial receipt of CCR in the CCR unit.			
339	(b)	(2)	(iii)			The owner or operator has completed the written closure plan when the plan, including the certification required by paragraph (b)(4) of this section, has been placed in the facility's operating record as required by § 257.105(i)(4).			
340	(b)	(3)	(i)			The owner or operator may amend the initial or any subsequent written closure plan developed pursuant to paragraph (b)(1) of this section at any time.			
341	(b)	(3)	(ii)	(A)		*The owner or operator must amend the written closure plan whenever:* There is a change in the operation of the CCR unit that would substantially affect the written closure plan in effect; or			
342	(b)	(3)	(ii)	(B)		Before or after closure activities have commenced, unanticipated events necessitate a revision of the written closure plan.			
343	(b)	(3)	(iii)			The owner or operator must amend the closure plan at least 60 days prior to a planned change in the operation of the facility or CCR unit, or no later than 60 days after an unanticipated event requires the need to revise an existing written closure plan. If a written closure plan is revised after closure activities have commenced for a CCR unit, the owner or operator must amend the current closure plan no later than 30 days following the triggering event.			
344	(b)	(4)				The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the initial and any amendment of requirements of this section.			
345	(c)					An owner or operator may elect to close a CCR unit by removing and decontaminating all areas affected by releases from the CCR unit. CCR removal and decontamination of the CCR unit are complete when constituent concentrations throughout the CCR unit and any areas affected by releases from the CCR unit have been removed and groundwater monitoring concentrations do not exceed the groundwater protection standard established pursuant to § 257.95(h) for constituents listed in appendix IV to this part.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
346	(d)	(1)	(i)			*The owner or operator of a CCR unit must ensure that, at a minimum, the CCR unit is closed in a manner that will:* Control, minimize or eliminate, to the maximum extent feasible, postclosure infiltration of liquids into the waste and releases of CCR, leachate, or contaminated run-off to the ground or surface waters or to the atmosphere;			
347	(d)	(1)	(ii)			Preclude the probability of future impoundment of water, sediment, or slurry;			
348	(d)	(1)	(iii)			Include measures that provide for major slope stability to prevent the sloughing or movement of the final cover system during the closure and post-closure care period;			
349	(d)	(1)	(iv)			Minimize the need for further maintenance of the CCR unit; and			
350	(d)	(1)	(v)			Be completed in the shortest amount of time consistent with recognized and generally accepted good engineering practices.			
351	(d)	(2)	(i)			*The owner or operator of a CCR surface impoundment or any lateral expansion of a CCR surface impoundment must meet the requirements of paragraphs (d)(2)(i) and (ii) of this section prior to installing the final cover system required under paragraph (d)(3) of this section.* Free liquids must be eliminated by removing liquid wastes or solidifying the remaining wastes and waste residues.			
352	(d)	(2)	(ii)			Remaining wastes must be stabilized sufficient to support the final cover system.			
353	(d)	(3)				If a CCR unit is closed by leaving CCR in place, the owner or operator must install a final cover system that is designed to minimize infiltration and erosion, and at a minimum, meets the requirements of paragraph (d)(3)(i) of this section, or the requirements of the alternative final cover system specified in paragraph (d)(3)(ii) of this section.			
354	(d)	(3)	(i)			The final cover system must be designed and constructed to meet the criteria in paragraphs (d)(3)(i)(A) through (D) of this section.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
355	(d)	(3)	(i)	(A)		*The design of the final cover system must be included in the written closure plan required by paragraph (b) of this section.* The permeability of the final cover system must be less than or equal to the permeability of any bottom liner system or natural subsoils present, or a permeability no greater than 1 × 10¥5 cm/sec, whichever is less.			
356	(d)	(3)	(i)	(B)		The infiltration of liquids through the closed CCR unit must be minimized by the use of an infiltration layer that contains a minimum of 18 inches of earthen material.			
357	(d)	(3)	(i)	(C)		The erosion of the final cover system must be minimized by the use of an erosion layer that contains a minimum of six inches of earthen material that is capable of sustaining native plant growth.			
358	(d)	(3)	(i)	(D)		The disruption of the integrity of the final cover system must be minimized through a design that accommodates settling and subsidence.			
359	(d)	(3)	(ii)			The owner or operator may select an alternative final cover system design, provided the alternative final cover system is designed and constructed to meet the criteria in paragraphs (f)(3)(ii)(A) through (D) of this section.			
360	(d)	(3)	(ii)	(A)		*The design of the final cover system must be included in the written closure plan required by paragraph (b) of this section.* The design of the final cover system must include an infiltration layer that achieves an equivalent reduction in infiltration as the infiltration layer specified in paragraphs (d)(3)(i)(A) and (B) of this section.			
361	(d)	(3)	(ii)	(B)		The design of the final cover system must include an erosion layer that provides equivalent protection from wind or water erosion as the erosion layer specified in paragraph (d)(3)(i)(C) of this section.			
362	(d)	(3)	(ii)	(C)		The disruption of the integrity of the final cover system must be minimized through a design that accommodates settling and subsidence.			
363	(d)	(3)	(iii)			The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the design of the final cover system meets the requirements of this section.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
364	(e)					Except as provided for in paragraph (e)(4) of this section and § 257.103, the owner or operator of a CCR unit must commence closure of the CCR unit no later than the applicable timeframes specified in either paragraph (e)(1) or (2) of this section.			
365	(e)	(1)	(i)			*The owner or operator must commence closure of the CCR unit no later than 30 days after the date on which the CCR unit either:* Receives the known final receipt of waste, either CCR or any non-CCR waste stream; or			
366	(e)	(1)	(ii)			Removes the known final volume of CCR from the CCR unit for the purpose of beneficial use of CCR.			
367	(e)	(2)	(i)			Except as provided by paragraph (e)(2)(ii) of this section, the owner or operator must commence closure of a CCR unit that has not received CCR or any non-CCR waste stream or is no longer removing CCR for the purpose of beneficial use within two years of the last receipt of waste or within two years of the last removal of CCR material for the purpose of beneficial use.			
368	(e)	(2)	(ii)			Notwithstanding paragraph (e)(2)(i) of this section, the owner or operator of the CCR unit may secure an additional two years to initiate closure of the idle unit provided the owner or operator provides written documentation that the CCR unit will continue to accept wastes or will start removing CCR for the purpose of beneficial use. The documentation must be supported by, at a minimum, the information specified in paragraphs (e)(2)(ii)(A) and (B) of this section. The owner or operator may obtain two-year extensions provided the owner or operator continues to be able to demonstrate that there is reasonable likelihood that the CCR unit will accept wastes in the foreseeable future or will remove CCR from the unit for the purpose of beneficial use. The owner or operator must place each completed demonstration, if more than one time extension is sought, in the facility's operating record as required by § 257.105(i)(5) prior to the end of any two-year period.			
369	(e)	(2)	(ii)	(A)		Information documenting that the CCR unit has remaining storage or disposal capacity or that the CCR unit can have CCR removed for the purpose of beneficial use; and			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
370	(e)	(2)	(ii)	(B)		Information demonstrating that that there is a reasonable likelihood that the CCR unit will resume receiving CCR or non-CCR waste streams in the foreseeable future or that CCR can be removed for the purpose of beneficial use. The narrative must include a best estimate as to when the CCR unit will resume receiving CCR or non-CCR waste streams. The situations listed in paragraphs (e)(2)(ii)(B)(1) through (4) of this section are examples of situations that would support a determination that the CCR unit will resume receiving CCR or non-CCR waste streams in the foreseeable future.			
371	(e)	(2)	(ii)	(B)	(1)	Normal plant operations include periods during which the CCR unit does not receive CCR or non-CCR waste streams, such as the alternating use of two or more CCR units whereby at any point in time one CCR unit is receiving CCR while CCR is being removed from a second CCR unit after its dewatering.			
372	(e)	(2)	(ii)	(B)	(2)	The CCR unit is dedicated to a coal-fired boiler unit that is temporarily idled (e.g., CCR is not being generated) and there is a reasonable likelihood that the coal-fired boiler will resume operations in the future.			
373	(e)	(2)	(ii)	(B)	(3)	The CCR unit is dedicated to an operating coal-fired boiler (i.e., CCR is being generated); however, no CCR are being placed in the CCR unit because the CCR are being entirely diverted to beneficial uses, but there is a reasonable likelihood that the CCR unit will again be used in the foreseeable future.			
374	(e)	(2)	(ii)	(B)	(4)	The CCR unit currently receives only non-CCR waste streams and those non-CCR waste streams are not generated for an extended period of time, but there is a reasonable likelihood that the CCR unit will again receive non-CCR waste streams in the future.			
375	(e)	(2)	(iii)			In order to obtain additional time extension(s) to initiate closure of a CCR unit beyond the two years provided by paragraph (e)(2)(i) of this section, the owner or operator of the CCR unit must include with the demonstration required by paragraph (e)(2)(ii) of this section the following statement signed by the owner or operator or an authorized representative: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
376	(e)	(3)	(i)			*For purposes of this subpart, closure of the CCR unit has commenced if the owner or operator has ceased placing waste and completes any of the following actions or activities:* Taken any steps necessary to implement the written closure plan required by paragraph (b) of this section;			
377	(e)	(3)	(ii)			Submitted a completed application for any required state or agency permit or permit modification; or			
378	(e)	(3)	(iii)			Taken any steps necessary to comply with any state or other agency standards that are a prerequisite, or are otherwise applicable, to initiating or completing the closure of a CCR unit.			
379	(e)	(4)	(ii)			An owner or operator of an existing unlined CCR surface impoundment closing the CCR unit as required by § 257.101(a);			
380	(e)	(4)	(iii)			An owner or operator of an existing CCR surface impoundment closing the CCR unit as required by § 257.101(b);			
381	(e)	(4)	(iv)			An owner or operator of a new CCR surface impoundment closing the CCR unit as required by § 257.101(c); or			
382	(f)					An owner or operator of an existing CCR landfill closing the CCR unit as required by § 257.101(d). (f) Completion of closure activities.			
383	(f)	(1)	(i)			*Except as provided for in paragraph (f)(2) of this section, the owner or operator must complete closure of the CCR unit:* For existing and new CCR landfills and any lateral expansion of a CCR landfill, within six months of commencing closure activities.			
384	(f)	(1)	(ii)			For existing and new CCR surface impoundments and any lateral expansion of a CCR surface impoundment, within five years of commencing closure activities.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
385	(f)	(2)	(i)			The timeframes for completing closure of a CCR unit specified under paragraphs (f)(1) of this section may be extended if the owner or operator can demonstrate that it was not feasible to complete closure of the CCR unit within the required timeframes due to factors beyond the facility's control. If the owner or operator is seeking a time extension beyond the time specified in the written closure plan as required by paragraph (b)(1) of this section, the demonstration must include a narrative discussion providing the basis for additional time beyond that specified in the closure plan. The owner or operator must place each completed demonstration, if more than one time extension is sought, in the facility's operating record as required by § 257.105(i)(6) prior to the end of any two-year period.			
386	(f)	(2)	(i)	(A)		*Factors that may support such a demonstration include:* Complications stemming from the climate and weather, such as unusual amounts of precipitation or a significantly shortened construction season;			
387	(f)	(2)	(i)	(B)		Time required to dewater a surface impoundment due to the volume of CCR contained in the CCR unit or the characteristics of the CCR in the unit;			
388	(f)	(2)	(i)	(C)		The geology and terrain surrounding the CCR unit will affect the amount of material needed to close the CCR unit; or			
389	(f)	(2)	(i)	(D)		Time required or delays caused by the need to coordinate with and obtain necessary approvals and permits from a state or other agency.			
390	(f)	(2)	(ii)	(A)		CCR surface impoundments of 40 acres or smaller may extend the time to complete closure by no longer than two years.			
391	(f)	(2)	(ii)	(B)		CCR surface impoundments larger than 40 acres may extend the timeframe to complete closure of the CCR unit multiple times, in two-year increments. For each two-year extension sought, the owner or operator must substantiate the factual circumstances demonstrating the need for the extension. No more than a total of five two-year extensions may be obtained for any CCR surface impoundment.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
392	(f)	(2)	(ii)	(C)		CCR landfills may extend the timeframe to complete closure of the CCR unit multiple times, in one-year increments. For each one-year extension sought, the owner or operator must substantiate the factual circumstances demonstrating the need for the extension. No more than a total of two one-year extensions may be obtained for any CCR landfill.			
393	(f)	(2)	(iii)			*In order to obtain additional time extension(s) to complete closure of a CCR unit beyond the times provided by paragraph (f)(1) of this section, the owner or operator of the CCR unit must include with the demonstration required by paragraph (f)(2)(i) of this section the following statement signed by the owner or operator or an authorized representative:*			
						I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.			
394	(f)	(3)				Upon completion, the owner or operator of the CCR unit must obtain a certification from a qualified professional engineer verifying that closure has been completed in accordance with the closure plan specified in paragraph (b) of this section and the requirements of this section.			
395	(g)					No later than the date the owner or operator initiates closure of a CCR unit, the owner or operator must prepare a notification of intent to close a CCR unit. The notification must include the certification by a qualified professional engineer for the design of the final cover system as required by § 257.102(d)(3)(iii), if applicable. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(7).			
396	(h)					Within 30 days of completion of closure of the CCR unit, the owner or operator must prepare a notification of closure of a CCR unit. The notification must include the certification by a qualified professional engineer as required by § 257.102(f)(3). The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(8).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
397	(i)	(1)				Except as provided by paragraph (i)(4) of this section, following closure of a CCR unit, the owner or operator must record a notation on the deed to the property, or some other instrument that is normally examined during title search.			
398	(i)	(2)	(i)			*The notation on the deed must in perpetuity notify any potential purchaser of the property that:* The land has been used as a CCR unit; and			
399	(i)	(2)	(ii)			Its use is restricted under the postclosure care requirements as provided by § 257.104(d)(1)(iii).			
400	(i)	(3)				Within 30 days of recording a notation on the deed to the property, the owner or operator must prepare a notification stating that the notation has been recorded. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(9).			
401	(i)	(4)				An owner or operator that closes a CCR unit in accordance with paragraph (c) of this section is not subject to the requirements of paragraphs (i)(1) through (3) of this section.			
402	(j)					The owner or operator of the CCR unit must comply with the closure recordkeeping requirements specified in § 257.105(i), the closure notification requirements specified in § 257.106(i), and the closure Internet requirements specified in § 257.107(i).			
403	(k)	(1)	(i)			*To retrofit an existing CCR surface impoundment, the owner or operator must:* First remove all CCR, including any contaminated soils and sediments from the CCR unit; and			
404	(k)	(1)	(ii)			Comply with the requirements in § 257.72.			
405	(k)	(1)	(iii)			A CCR surface impoundment undergoing a retrofit remains subject to all other requirements of this subpart, including the requirement to conduct any necessary corrective action.			
406	(k)	(2)	(i)			The owner or operator must prepare a written retrofit plan that describes the steps necessary to retrofit the CCR unit consistent with recognized and generally accepted good engineering practices.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
407	(k)	(2)	(i)	(A)		*The written retrofit plan must include, at a minimum, all of the following information:*			
						A narrative description of the specific measures that will be taken to retrofit the CCR unit in accordance with this section.			
408	(k)	(2)	(i)	(B)		A description of the procedures to remove all CCR and contaminated soils and sediments from the CCR unit.			
409	(k)	(2)	(i)	(C)		An estimate of the maximum amount of CCR that will be removed as part of the retrofit operation.			
410	(k)	(2)	(i)	(D)		An estimate of the largest area of the CCR unit that will be affected by the retrofit operation.			
411	(k)	(2)	(i)	(E)		A schedule for completing all activities necessary to satisfy the retrofit criteria in this section, including an estimate of the year in which retrofit activities of the CCR unit will be completed.			
412	(k)	(2)	(ii)	(A)		Timeframes for preparing the initial written retrofit plan. No later than 60 days prior to date of initiating retrofit activities, the owner or operator must prepare an initial written retrofit plan consistent with the requirements specified in paragraph (k)(2) of this section.			
413	(k)	(2)	(ii)	(A)	(1)	*For purposes of this subpart, initiation of retrofit activities has commenced if the owner or operator has ceased placing waste in the unit and completes any of the following actions or activities:*			
						Taken any steps necessary to implement the written retrofit plan;			
414	(k)	(2)	(ii)	(A)	(2)	Submitted a completed application for any required state or agency permit or permit modification; or			
415	(k)	(2)	(ii)	(A)	(3)	Taken any steps necessary to comply with any state or other agency standards that are a prerequisite, or are otherwise applicable, to initiating or completing the retrofit of a CCR unit.			
416	(k)	(2)	(ii)	(B)		The owner or operator has completed the written retrofit plan when the plan, including the certification required by paragraph (k)(2)(iv) of this section, has been placed in the facility's operating record as required by § 257.105(j)(1).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
417	(k)	(2)	(iii)	(A)		The owner or operator may amend the initial or any subsequent written retrofit plan at any time.			
418	(k)	(2)	(iii)	(B)	(1)	*The owner or operator must amend the written retrofit plan whenever:* There is a change in the operation of the CCR unit that would substantially affect the written retrofit plan in effect; or			
419	(k)	(2)	(iii)	(B)	(2)	Before or after retrofit activities have commenced, unanticipated events necessitate a revision of the written retrofit plan.			
420	(k)	(2)	(iii)	(C)		The owner or operator must amend the retrofit plan at least 60 days prior to a planned change in the operation of the facility or CCR unit, or no later than 60 days after an unanticipated event requires the revision of an existing written retrofit plan. If a written retrofit plan is revised after retrofit activities have commenced for a CCR unit, the owner or operator must amend the current retrofit plan no later than 30 days following the triggering event.			
421	(k)	(2)	(iv)			The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the activities outlined in the written retrofit plan, including any amendment of the plan, meet the requirements of this section.			
422	(k)	(3)				Deadline for completion of activities related to the retrofit of a CCR unit. Any CCR surface impoundment that is being retrofitted must complete all retrofit activities within the same time frames and procedures specified for the closure of a CCR surface impoundment in § 257.102(f) or, where applicable, § 257.103.			
423	(k)	(4)				Upon completion, the owner or operator must obtain a certification from a qualified professional engineer verifying that the retrofit activities have been completed in accordance with the retrofit plan specified in paragraph (k)(2) of this section and the requirements of this section.			
424	(k)	(5)				No later than the date the owner or operator initiates the retrofit of a CCR unit, the owner or operator must prepare a notification of intent to retrofit a CCR unit. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(j)(5).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
425	(k)	(6)				Within 30 days of completing the retrofit activities specified in paragraph (k)(1) of this section, the owner or operator must prepare a notification of completion of retrofit activities. The notification must include the certification by a qualified professional engineer as required by paragraph (k)(4) of this section. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(j)(6).			
426	(k)	(7)				At any time after the initiation of a CCR unit retrofit, the owner or operator may cease the retrofit and initiate closure of the CCR unit in accordance with the requirements of § 257.102.			
427	(k)	(8)				The owner or operator of the CCR unit must comply with the retrofit recordkeeping requirements specified in § 257.105(j), the retrofit notification requirements specified in § 257.106(j), and the retrofit Internet requirements specified in § 257.107(j).			
428						**§ 257.103 Alternative Closure Requirements**			
429						*The owner of operator of the CCR unit must meet either requirement (a) and all its components or (b) and all its components, in addition to requirements (c) through (d).*			
430	(a)	(1)				The owner or operator of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit that is subject to closure pursuant to § 257.101(a), (b)(1), or (d) may continue to receive CCR in the unit provided the owner or operator meets the requirements of either paragraph (a) or (b) of this section. Notwithstanding the provisions of § 257.101(a), (b)(1), or (d), a CCR unit may continue to receive CCR if the owner or operator of the CCR unit certifies that the CCR must continue to be managed in that CCR unit due to the absence of alternative disposal capacity both on-site and off-site of the facility.			
431	(a)	(1)	(i)			*To qualify under this paragraph (a)(1), the owner or operator of the CCR unit must document that all of the following conditions have been met:* No alternative disposal capacity is available on-site or off-site. An increase in costs or the inconvenience of existing capacity is not sufficient to support qualification under this section;			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
432	(a)	(1)	(ii)			The owner or operator has made, and continues to make, efforts to obtain additional capacity. Qualification under this subsection lasts only as long as no alternative capacity is available. Once alternative capacity is identified, the owner or operator must arrange to use such capacity as soon as feasible;			
433	(a)	(1)	(iii)			The owner or operator must remain in compliance with all other requirements of this subpart, including the requirement to conduct any necessary corrective action; and			
434	(a)	(1)	(iv)			The owner or operator must prepare an annual progress report documenting the continued lack of alternative capacity and the progress towards the development of alternative CCR disposal capacity.			
435	(a)	(2)				Once alternative capacity is available, the CCR unit must cease receiving CCR and initiate closure following the timeframes in § 257.102(e) and (f).			
436	(a)	(3)				If no alternative capacity is identified within five years after the initial certification, the CCR unit must cease receiving CCR and close in accordance with the timeframes in § 257.102(e) and (f).			
437	(b)	(1)				Notwithstanding the provisions of § 257.101(a), (b)(1), and (d), a CCR unit may continue to receive CCR if the owner or operator certifies that the facility will cease operation of the coalfired boilers within the timeframes specified in paragraphs (b)(2) through (4) of this section, but in the interim period (prior to closure of the coal-fired boiler), the facility must continue to use the CCR unit due to the absence of alternative disposal capacity both onsite and off-site of the facility.			
438	(b)	(1)	(i)			*To qualify under this paragraph (b)(1), the owner or operator of the CCR unit must document that all of the following conditions have been met:* No alternative disposal capacity is available on-site or off-site. An increase in costs or the inconvenience of existing capacity is not sufficient to support qualification under this section.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
439	(b)	(1)	(ii)			The owner or operator must remain in compliance with all other requirements of this subpart, including the requirement to conduct any necessary corrective action; and			
440	(b)	(1)	(iii)			The owner or operator must prepare an annual progress report documenting the continued lack of alternative capacity and the progress towards the closure of the coal-fired boiler.			
441	(b)	(2)				For a CCR surface impoundment that is 40 acres or smaller, the coal-fired boiler must cease operation and the CCR surface impoundment must have completed closure no later than October 17, 2023.			
442	(b)	(3)				For a CCR surface impoundment that is larger than 40 acres, the coalfired boiler must cease operation, and the CCR surface impoundment must complete closure no later than October 17, 2028.			
443	(b)	(4)				For a CCR landfill, the coal-fired boiler must cease operation, and the CCR landfill must complete closure no later than April 19, 2021.			
444	(c)	(1)				Required notices and progress reports. An owner or operator of a CCR unit that closes in accordance with paragraphs (a) or (b) of this section must complete the notices and progress reports specified in paragraphs (c)(1) through (3) of this section. Within six months of becoming subject to closure pursuant to § 257.101(a), (b)(1), or (d), the owner or operator must prepare and place in the facility's operating record a notification of intent to comply with the alternative closure requirements of this section. The notification must describe why the CCR unit qualifies for the alternative closure provisions under either paragraph (a) or (b) of this section, in addition to providing the documentation and certifications required by paragraph (a) or (b) of this section.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
445	(c)	(2)				The owner or operator must prepare the periodic progress reports required by paragraphs (a)(1)(iv) or (b)(1)(iii), in addition to describing any problems encountered and a description of the actions taken to resolve the problems.			
446	(c)	(2)	(i)			*The annual progress reports must be completed according to the following schedule:* The first annual progress report must be prepared no later than 13 months after completing the notification of intent to comply with the alternative closure requirements required by paragraph (c)(1) of this section.			
447	(c)	(2)	(ii)			The second annual progress report must be prepared no later than 12 months after completing the first annual progress report. Additional annual progress reports must be prepared within 12 months of completing the previous annual progress report.			
448	(c)	(2)	(iii)			The owner or operator has completed the progress reports specified in paragraph (c)(2) of this section when the reports are placed in the facility's operating record as required by § 257.105(i)(10).			
449	(c)	(3)				An owner or operator of a CCR unit must also prepare the notification of intent to close a CCR unit as required by § 257.102(g).			
450	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(i), the notification requirements specified in § 257.106(i), and the Internet requirements specified in § 257.107(i).			
451						**§ 257.104 Post-Closure Care Requirements**			
452						*The owner of operator of the CCR unit must meet all the requirements (a) through (f) and all their components.*			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
453	(a)	(1)				Except as provided by paragraph (a)(2) of this section, §257.104 applies to the owners or operators of CCR landfills, CCR surface impoundments, and all lateral expansions of CCR units that are subject to the closure criteria under §257.102.			
454	(a)	(2)				An owner or operator of a CCR unit that elects to close a CCR unit by removing CCR as provided by § 257.102(c) is not subject to the postclosure care criteria under this section.			
455	(b)	(1)				*Following closure of the CCR unit, the owner or operator must conduct post-closure care for the CCR unit, which must consist of at least the following:* Maintaining the integrity and effectiveness of the final cover system, including making repairs to the final cover as necessary to correct the effects of settlement, subsidence, erosion, or other events, and preventing run-on and run-off from eroding or otherwise damaging the final cover;			
456	(b)	(2)				If the CCR unit is subject to the design criteria under § 257.70, maintaining the integrity and effectiveness of the leachate collection and removal system and operating the leachate collection and removal system in accordance with the requirements of § 257.70; and			
457	(b)	(3)				Maintaining the groundwater monitoring system and monitoring the groundwater in accordance with the requirements of §§ 257.90 through 257.98.			
458	(c)	(1)				Except as provided by paragraph (c)(2) of this section, the owner or operator of the CCR unit must conduct post-closure care for 30 years.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
459	(c)	(2)				If at the end of the post-closure care period the owner or operator of the CCR unit is operating under assessment monitoring in accordance with § 257.95, the owner or operator must continue to conduct post-closure care until the owner or operator returns to detection monitoring in accordance with § 257.95.			
460	(d)	(1)	(i)			*The owner or operator of a CCR unit must prepare a written post-closure plan that includes, at a minimum, the information specified in paragraphs (d)(1)(i) through (iii) of this section.* A description of the monitoring and maintenance activities required in paragraph (b) of this section for the CCR unit, and the frequency at which these activities will be performed;			
461	(d)	(1)	(ii)			The name, address, telephone number, and email address of the person or office to contact about the facility during the post-closure care period; and			
462	(d)	(1)	(iii)			A description of the planned uses of the property during the post-closure period. Post-closure use of the property shall not disturb the integrity of the final cover, liner(s), or any other component of the containment system, or the function of the monitoring systems unless necessary to comply with the requirements in this subpart. Any other disturbance is allowed if the owner or operator of the CCR unit demonstrates that disturbance of the final cover, liner, or other component of the containment system, including any removal of CCR, will not increase the potential threat to human health or the environment. The demonstration must be certified by a qualified professional engineer, and notification shall be provided to the State Director that the demonstration has been placed in the operating record and on the owners or operator's publicly accessible Internet site.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
463	(d)	(2)	(i)			The owner or operator of an existing CCR landfill and existing CCR surface impoundment must prepare an initial written post-closure plan consistent with the requirements specified in paragraph (d)(1) of this section no later than October 17, 2016.			
464	(d)	(2)	(ii)			The owner or operator of a new CCR landfill, new CCR surface impoundment, and any lateral expansion of a CCR unit must prepare an initial written postclosure plan consistent with the requirements specified in paragraph (d)(1) of this section no later than the date of the initial receipt of CCR in the CCR unit.			
465	(d)	(2)	(iii)			The owner or operator has completed the written post-closure plan when the plan, including the certification required by paragraph (d)(4) of this section, has been placed in the facility's operating record as required by § 257.105(i)(4).			
466	(d)	(3)	(i)			The owner or operator may amend the initial or any subsequent written post-closure plan developed pursuant to paragraph (d)(1) of this section at any time.			
467	(d)	(3)	(ii)	(A)		*The owner or operator must amend the written closure plan whenever:* There is a change in the operation of the CCR unit that would substantially affect the written post-closure plan in effect; or			
468	(d)	(3)	(ii)	(B)		After post-closure activities have commenced, unanticipated events necessitate a revision of the written post-closure plan.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
469	(d)	(3)	(iii)			The owner or operator must amend the written post-closure plan at least 60 days prior to a planned change in the operation of the facility or CCR unit, or no later than 60 days after an unanticipated event requires the need to revise an existing written post-closure plan. If a written post-closure plan is revised after post-closure activities have commenced for a CCR unit, the owner or operator must amend the written post-closure plan no later than 30 days following the triggering event.			
470	(d)	(4)				The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the initial and any amendment of the written post-closure plan meets the requirements of this section.			
471	(e)					Notification of completion of postclosure care period. No later than 60 days following the completion of the post-closure care period, the owner or operator of the CCR unit must prepare a notification verifying that post-closure care has been completed. The notification must include the certification by a qualified professional engineer verifying that post-closure care has been completed in accordance with the closure plan specified in paragraph (d) of this section and the requirements of this section. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(13).			
472	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(i), the notification requirements specified in § 257.106(i), and the Internet requirements specified in § 257.107(i).			
473						**§ 257.105 Recordkeeping Requirements**			
474						*The owner of operator of the CCR unit must meet all the requirements (a) through (j) and all their components.*			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
475	(a)					Each owner or operator of a CCR unit subject to the requirements of this subpart must maintain files of all information required by this section in a written operating record at their facility.			
476	(b)					Unless specified otherwise, each file must be retained for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, record, or study.			
477	(c)					An owner or operator of more than one CCR unit subject to the provisions of this subpart may comply with the requirements of this section in one recordkeeping system provided the system identifies each file by the name of each CCR unit. The files may be maintained on microfilm, on a computer, on computer disks, on a storage system accessible by a computer, on magnetic tape disks, or on microfiche.			
478	(d)					The owner or operator of a CCR unit must submit to the State Director and/or appropriate Tribal authority any demonstration or documentation required by this subpart, if requested, when such information is not otherwise available on the owner or operator's publicly accessible Internet site.			
479	(e)					The owner or operator of a CCR unit subject to this subpart must place the demonstrations documenting whether or not the CCR unit is in compliance with the requirements under §§ 257.60(a), 257.61(a), 257.62(a), 257.63(a), and 257.64(a), as it becomes available, in the facility's operating record.			
480	(f)	(1)				*The owner or operator of a CCR unit subject to this subpart must place the following the facility's operating record:* The design and construction certifications as required by § 257.70(e) and (f).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
481	(f)	(2)				The documentation of liner type as required by § 257.71(a).			
482	(f)	(3)				The design and construction certifications as required by § 257.72(c) and (d).			
483	(f)	(4)				Documentation prepared by the owner or operator stating that the permanent identification marker was installed as required by §§ 257.73(a)(1) and 257.74(a)(1).			
484	(f)	(5)				The initial and periodic hazard potential classification assessments as required by §§ 257.73(a)(2) and 257.74(a)(2).			
485	(f)	(6)				The emergency action plan (EAP), and any amendment of the EAP, as required by §§ 257.73(a)(3) and 257.74(a)(3), except that only the most recent EAP must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.			
486	(f)	(7)				Documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders as required by §§ 257.73(a)(3)(i)(E) and 257.74(a)(3)(i)(E).			
487	(f)	(8)				Documentation prepared by the owner or operator recording all activations of the emergency action plan as required by §§ 257.73(a)(3)(v) and 257.74(a)(3)(v).			
488	(f)	(9)				The history of construction, and any revisions of it, as required by § 257.73(c), except that these files must be maintained until the CCR unit completes closure of the unit in accordance with § 257.102.			
489	(f)	(10)				The initial and periodic structural stability assessments as required by §§ 257.73(d) and 257.74(d).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
490	(f)	(11)				Documentation detailing the corrective measures taken to remedy the deficiency or release as required by §§ 257.73(d)(2) and 257.74(d)(2).			
491	(f)	(12)				The initial and periodic safety factor assessments as required by §§ 257.73(e) and 257.74(e).			
492	(f)	(13)				The design and construction plans, and any revisions of it, as required by § 257.74(c), except that these files must be maintained until the CCR unit completes closure of the unit in accordance with § 257.102.			
493	(g)	(1)				*The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:* The CCR fugitive dust control plan, and any subsequent amendment of the plan, required by § 257.80(b), except that only the most recent control plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.			
494	(g)	(2)				The annual CCR fugitive dust control report required by § 257.80(c).			
495	(g)	(3)				The initial and periodic run-on and run-off control system plans as required by § 257.81(c).			
496	(g)	(4)				The initial and periodic inflow design flood control system plan as required by § 257.82(c).			
497	(g)	(5)				Documentation recording the results of each inspection and instrumentation monitoring by a qualified person as required by § 257.83(a).			
498	(g)	(6)				The periodic inspection report as required by § 257.83(b)(2).			
499	(g)	(7)				Documentation detailing the corrective measures taken to remedy the deficiency or release as required by §§ 257.83(b)(5) and 257.84(b)(5).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
500	(g)	(8)				Documentation recording the results of the weekly inspection by a qualified person as required by § 257.84(a).			
501	(g)	(9)				The periodic inspection report as required by § 257.84(b)(2).			
502	(h)	(1)				*The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:* The annual groundwater monitoring and corrective action report as required by § 257.90(e).			
503	(h)	(2)				Documentation of the design, installation, development, and decommissioning of any monitoring wells, piezometers and other measurement, sampling, and analytical devices as required by § 257.91(e)(1).			
504	(h)	(3)				The groundwater monitoring system certification as required by § 257.91(f).			
505	(h)	(4)				The selection of a statistical method certification as required by § 257.93(f)(6).			
506	(h)	(5)				Within 30 days of establishing an assessment monitoring program, the notification as required by § 257.94(e)(3).			
507	(h)	(6)				The results of appendices III and IV to this part constituent concentrations as required by § 257.95(d)(1).			
508	(h)	(7)				Within 30 days of returning to a detection monitoring program, the notification as required by § 257.95(e).			
509	(h)	(8)				Within 30 days of detecting one or more constituents in appendix IV to this part at statistically significant levels above the groundwater protection standard, the notifications as required by § 257.95(g).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
510	(h)	(9)				Within 30 days of initiating the assessment of corrective measures requirements, the notification as required by § 257.95(g)(5).			
511	(h)	(10)				The completed assessment of corrective measures as required by § 257.96(d).			
512	(h)	(11)				Documentation prepared by the owner or operator recording the public meeting for the corrective measures assessment as required by § 257.96(e).			
513	(h)	(12)				The semiannual report describing the progress in selecting and designing the remedy and the selection of remedy report as required by § 257.97(a), except that the selection of remedy report must be maintained until the remedy has been completed.			
514	(h)	(13)				Within 30 days of completing the remedy, the notification as required by § 257.98(e).			
515	(i)	(1)				*The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:* The notification of intent to initiate closure of the CCR unit as required by § 257.100(c)(1).			
516	(i)	(2)				The annual progress reports of closure implementation as required by § 257.100(c)(2)(i) and (ii).			
517	(i)	(3)				The notification of closure completion as required by § 257.100(c)(3).			
518	(i)	(4)				The written closure plan, and any amendment of the plan, as required by § 257.102(b), except that only the most recent closure plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
519	(i)	(5)				The written demonstration(s), including the certification required by § 257.102(e)(2)(iii), for a time extension for initiating closure as required by § 257.102(e)(2)(ii).			
520	(i)	(6)				The written demonstration(s), including the certification required by § 257.102(f)(2)(iii), for a time extension for completing closure as required by § 257.102(f)(2)(i).			
521	(i)	(7)				The notification of intent to close a CCR unit as required by § 257.102(g).			
522	(i)	(8)				The notification of completion of closure of a CCR unit as required by § 257.102(h).			
523	(i)	(9)				The notification recording a notation on the deed as required by § 257.102(i).			
524	(i)	(10)				The notification of intent to comply with the alternative closure requirements as required by § 257.103(c)(1).			
525	(i)	(11)				The annual progress reports under the alternative closure requirements as required by § 257.103(c)(2).			
526	(i)	(12)				The written post-closure plan, and any amendment of the plan, as required by § 257.104(d), except that only the most recent closure plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.			
527	(i)	(13)				The notification of completion of post-closure care period as required by § 257.104(e).			
528	(j)	(1)				*The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:*			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
						The written retrofit plan, and any amendment of the plan, as required by § 257.102(k)(2), except that only the most recent retrofit plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.			
529	(j)	(2)				The notification of intent that the retrofit activities will proceed in accordance with the alternative procedures in § 257.103.			
530	(j)	(3)				The annual progress reports required under the alternative requirements as required by § 257.103.			
531	(j)	(4)				The written demonstration(s), including the certification in § 257.102(f)(2)(iii), for a time extension for completing retrofit activities as required by § 257.102(k)(3).			
532	(j)	(5)				The notification of intent to initiate retrofit of a CCR unit as required by § 257.102(k)(5).			
533	(j)	(6)				The notification of completion of retrofit activities as required by § 257.102(k)(6).			
534						**§ 257.106 Notification Requirements**			
535						*The owner of operator of the CCR unit must meet all the requirements (a) through (j) and all their components.*			
536	(a)					The notifications required under paragraphs (e) through (i) of this section must be sent to the relevant State Director and/or appropriate Tribal authority before the close of business on the day the notification is required to be completed. For purposes of this section, before the close of business means the notification must be postmarked or sent by electronic mail (email). If a notification deadline falls on a weekend or federal holiday, the notification deadline is automatically extended to the next business day.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
537	(b)					If any CCR unit is located in its entirety within Indian Country, the notifications of this section must be sent to the appropriate Tribal authority. If any CCR unit is located in part within Indian Country, the notifications of this section must be sent both to the appropriate State Director and Tribal authority.			
538	(c)					Notifications may be combined as long as the deadline requirement for each notification is met.			
539	(d)					Unless otherwise required in this section, the notifications specified in this section must be sent to the State Director and/or appropriate Tribal authority within 30 days of placing in the operating record the information required by § 257.105.			
540	(e)					Location restrictions. The owner or operator of a CCR unit subject to the requirements of this subpart must notify the State Director and/or appropriate Tribal authority that each demonstration specified under § 257.105(e) has been placed in the operating record and on the owner or operator's publicly accessible internet site.			
541	(f)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible internet site.			
542	(f)	(1)				*The owner or operator must:*			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
						Within 60 days of commencing construction of a new CCR unit, provide notification of the availability of the design certification specified under § 257.105(f)(1) or (3). If the owner or operator of the CCR unit elects to install an alternative composite liner, the owner or operator must also submit to the State Director and/or appropriate Tribal authority a copy of the alternative composite liner design.			
543	(f)	(2)				No later than the date of initial receipt of CCR by a new CCR unit, provide notification of the availability of the construction certification specified under § 257.105(f)(1) or (3).			
544	(f)	(3)				Provide notification of the availability of the documentation of liner type specified under § 257.105(f)(2).			
545	(f)	(4)				Provide notification of the availability of the initial and periodic hazard potential classification assessments specified under § 257.105(f)(5).			
546	(f)	(5)				Provide notification of the availability of emergency action plan (EAP), and any revisions of the EAP, specified under § 257.105(f)(6).			
547	(f)	(6)				Provide notification of the availability of documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders specified under § 257.105(f)(7).			
548	(f)	(7)				Provide notification of documentation prepared by the owner or operator recording all activations of the emergency action plan specified under § 257.105(f)(8).			
549	(f)	(8)				Provide notification of the availability of the history of construction, and any revision of it, specified under § 257.105(f)(9).			
550	(f)	(9)				Provide notification of the availability of the initial and periodic structural stability assessments specified under § 257.105(f)(10).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
551	(f)	(10)				Provide notification of the availability of the documentation detailing the corrective measures taken to remedy the deficiency or release specified under § 257.105(f)(11).			
552	(f)	(11)				Provide notification of the availability of the initial and periodic safety factor assessments specified under § 257.105(f)(12).			
553	(f)	(12)				Provide notification of the availability of the design and construction plans, and any revision of them, specified under § 257.105(f)(13).			
554	(g)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible internet site.			
555	(g)	(1)				*The owner or operator must:* Provide notification of the availability of the CCR fugitive dust control plan, or any subsequent amendment of the plan, specified under § 257.105(g)(1).			
556	(g)	(2)				Provide notification of the availability of the annual CCR fugitive dust control report specified under § 257.105(g)(2).			
557	(g)	(3)				Provide notification of the availability of the initial and periodic run-on and run-off control system plans specified under § 257.105(g)(3).			
558	(g)	(4)				Provide notification of the availability of the initial and periodic inflow design flood control system plans specified under § 257.105(g)(4).			
559	(g)	(5)				Provide notification of the availability of the periodic inspection reports specified under § 257.105(g)(6).			
560	(g)	(6)				Provide notification of the availability of the documentation detailing the corrective measures taken to remedy the deficiency or release specified under § 257.105(g)(7).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
561	(g)	(7)				Provide notification of the availability of the periodic inspection reports specified under § 257.105(g)(9).			
562	(h)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible internet site.			
563	(h)	(1)				*The owner or operator must:* Provide notification of the availability of the annual groundwater specified under § 257.105(h)(1).			
564	(h)	(2)				Provide notification of the availability of the groundwater monitoring system certification specified under § 257.105(h)(3).			
565	(h)	(3)				Provide notification of the availability of the selection of a statistical method certification specified under § 257.105(h)(4).			
566	(h)	(4)				Provide notification that an assessment monitoring programs has been established specified under § 257.105(h)(5).			
567	(h)	(5)				Provide notification that the CCR unit is returning to a detection monitoring program specified under § 257.105(h)(7).			
568	(h)	(6)				Provide notification that one or more constituents in appendix IV to this part have been detected at statistically significant levels above the groundwater protection standard and the notifications to land owners specified under § 257.105(h)(8).			
569	(h)	(7)				Provide notification that an assessment of corrective measures has been initiated specified under § 257.105(h)(9).			
570	(h)	(8)				Provide notification of the availability of assessment of corrective measures specified under § 257.105(h)(10).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
571	(h)	(9)				Provide notification of the availability of the semiannual report describing the progress in selecting and designing the remedy and the selection of remedy report specified under § 257.105(h)(12).			
572	(h)	(10)				Provide notification of the completion of the remedy specified under § 257.105(h)(13).			
573	(i)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible Internet site.			
574	(i)	(1)				*The owner or operator must:* Provide notification of the intent to initiate closure of the CCR unit specified under § 257.105(i)(1).			
575	(i)	(2)				Provide notification of the availability of the annual progress reports of closure implementation specified under § 257.105(i)(2).			
576	(i)	(3)				Provide notification of closure completion specified under § 257.105(i)(3).			
577	(i)	(4)				Provide notification of the availability of the written closure plan, and any amendment of the plan, specified under § 257.105(i)(4).			
578	(i)	(5)				Provide notification of the availability of the demonstration(s) for a time extension for initiating closure specified under § 257.105(i)(5).			
579	(i)	(6)				Provide notification of the availability of the demonstration(s) for a time extension for completing closure specified under § 257.105(i)(6).			
580	(i)	(7)				Provide notification of intent to close a CCR unit specified under § 257.105(i)(7).			
581	(i)	(8)				Provide notification of completion of closure of a CCR unit specified under § 257.105(i)(8).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
582	(i)	(9)				Provide notification of the deed notation as required by § 257.105(i)(9).			
583	(i)	(10)				Provide notification of intent to comply with the alternative closure requirements specified under § 257.105(i)(10).			
584	(i)	(11)				The annual progress reports under the alternative closure requirements as required by § 257.105(i)(11).			
585	(i)	(12)				Provide notification of the availability of the written post-closure plan, and any amendment of the plan, specified under § 257.105(i)(12).			
586	(i)	(13)				Provide notification of completion of post-closure care specified under § 257.105(i)(13).			
587	(j)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible Internet site.			
588	(j)	(1)				*The owner or operator must:* Provide notification of the availability of the written retrofit plan, and any amendment of the plan, specified under § 257.105(j)(1).			
589	(j)	(2)				Provide notification of intent to comply with the alternative retrofit requirements specified under § 257.105(j)(2).			
590	(j)	(3)				The annual progress reports under the alternative retrofit requirements as required by § 257.105(j)(3).			
591	(j)	(4)				Provide notification of the availability of the demonstration(s) for a time extension for completing retrofit activities specified under § 257.105(j)(4).			
592	(j)	(5)				Provide notification of intent to initiate retrofit of a CCR unit specified under § 257.105(j)(5).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
593	(j)	(6)				Provide notification of completion of retrofit activities specified under § 257.105(j)(6).			
594						**§ 257.107 Publicly Accessible Internet Site Requirements**			
595						*The owner of operator of the CCR unit must meet all the requirements (a) through (j) and all their components.*			
596	(a)					Each owner or operator of a CCR unit subject to the requirements of this subpart must maintain a publicly accessible Internet site (CCR Web site) containing the information specified in this section. The owner or operator's Web site must be titled ''CCR Rule Compliance Data and Information.''			
597	(b)					An owner or operator of more than one CCR unit subject to the provisions of this subpart may comply with the requirements of this section by using the same Internet site for multiple CCR units provided the CCR Web site clearly delineates information by the name or identification number of each unit.			
598	(c)					Unless otherwise required in this section, the information required to be posted to the CCR Web site must be made available to the public for at least five years following the date on which the information was first posted to the CCR Web site.			
599	(d)					Unless otherwise required in this section, the information must be posted to the CCR Web site within 30 days of placing the pertinent information required by § 257.105 in the operating record.			
600	(e)					Location restrictions. The owner or operator of a CCR unit subject to this subpart must place each demonstration specified under § 257.105(e) on the owner or operator's CCR Web site.			
601	(f)	(1)				*The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:*			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
						Within 60 days of commencing construction of a new unit, the design certification specified under § 257.105(f)(1) or (3).			
602	(f)	(2)				No later than the date of initial receipt of CCR by a new CCR unit, the construction certification specified under § 257.105(f)(1) or (3).			
603	(f)	(3)				The documentation of liner type specified under § 257.105(f)(2).			
604	(f)	(4)				The initial and periodic hazard potential classification assessments specified under § 257.105(f)(5).			
605	(f)	(5)				The emergency action plan (EAP) specified under § 257.105(f)(6), except that only the most recent EAP must be maintained on the CCR Web site irrespective of the time requirement specified in paragraph (c) of this section.			
606	(f)	(6)				Documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders specified under § 257.105(f)(7).			
607	(f)	(7)				Documentation prepared by the owner or operator recording any activation of the emergency action plan specified under § 257.105(f)(8).			
608	(f)	(8)				The history of construction, and any revisions of it, specified under § 257.105(f)(9).			
609	(f)	(9)				The initial and periodic structural stability assessments specified under § 257.105(f)(10).			
610	(f)	(10)				The documentation detailing the corrective measures taken to remedy the § 257.105(f)(11).			
611	(f)	(11)				The initial and periodic safety factor assessments specified under § 257.105(f)(12).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
612	(f)	(12)				The design and construction plans, and any revisions of them, specified under § 257.105(f)(13).			
613	(g)	(1)				*The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:* The CCR fugitive dust control plan, or any subsequent amendment of the plan, specified under § 257.105(g)(1) except that only the most recent plan must be maintained on the CCR Web site irrespective of the time requirement specified in paragraph (c) of this section.			
614	(g)	(2)				The annual CCR fugitive dust control report specified under § 257.105(g)(2).			
615	(g)	(3)				The initial and periodic run-on and run-off control system plans specified under § 257.105(g)(3).			
616	(g)	(4)				The initial and periodic inflow design flood control system plans specified under § 257.105(g)(4).			
617	(g)	(5)				The periodic inspection reports specified under § 257.105(g)(6).			
618	(g)	(6)				The documentation detailing the corrective measures taken to remedy the deficiency or release specified under § 257.105(g)(7).			
619	(g)	(7)				The periodic inspection reports specified under § 257.105(g)(9).			
620	(h)	(1)				*The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:* The annual groundwater monitoring and corrective action report specified under § 257.105(h)(1).			
621	(h)	(2)				The groundwater monitoring system certification specified under § 257.105(h)(3).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
622	(h)	(3)				The selection of a statistical method certification specified under § 257.105(h)(4).			
623	(h)	(4)				The notification that an assessment monitoring programs has been established specified under § 257.105(h)(5).			
624	(h)	(5)				The notification that the CCR unit is returning to a detection monitoring program specified under § 257.105(h)(7).			
625	(h)	(6)				The notification that one or more constituents in appendix IV to this part have been detected at statistically significant levels above the groundwater protection standard and the notifications to land owners specified under § 257.105(h)(8).			
626	(h)	(7)				The notification that an assessment of corrective measures has been initiated specified under § 257.105(h)(9).			
627	(h)	(8)				The assessment of corrective measures specified under § 257.105(h)(10).			
628	(h)	(9)				The semiannual reports describing the progress in selecting and designing remedy and the selection of remedy report specified under § 257.105(h)(12), except that the selection of the remedy report must be maintained until the remedy has been completed.			
629	(h)	(10)				The notification that the remedy has been completed specified under § 257.105(h)(13).			
630	(i)	(1)				*The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:* The notification of intent to initiate closure of the CCR unit specified under § 257.105(i)(1).			
631	(i)	(2)				The annual progress reports of closure implementation specified under § 257.105(i)(2).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
632	(i)	(3)				The notification of closure completion specified under § 257.105(i)(3).			
633	(i)	(4)				The written closure plan, and any amendment of the plan, specified under § 257.105(i)(4).			
634	(i)	(5)				The demonstration(s) for a time extension for initiating closure specified under § 257.105(i)(5).			
635	(i)	(6)				The demonstration(s) for a time extension for completing closure specified under § 257.105(i)(6).			
636	(i)	(7)				The notification of intent to close a CCR unit specified under § 257.105(i)(7).			
637	(i)	(8)				The notification of completion of closure of a CCR unit specified under § 257.105(i)(8).			
638	(i)	(9)				The notification recording a notation on the deed as required by § 257.105(i)(9).			
639	(i)	(10)				The notification of intent to comply with the alternative closure requirements as required by § 257.105(i)(10).			
640	(i)	(11)				The annual progress reports under the alternative closure requirements as required by § 257.105(i)(11).			
641	(i)	(12)				The written post-closure plan, and any amendment of the plan, specified under § 257.105(i)(12).			
642	(i)	(13)				The notification of completion of post-closure care specified under § 257.105(i)(13).			
643	(j)	(1)				*The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:* The written retrofit plan, and any amendment of the plan, specified under § 257.105(j)(1).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR Landfills**	
								Existing	**New & Lateral Expansions**
644	(j)	(2)				The notification of intent to comply with the alternative retrofit requirements as required by § 257.105(j)(2).			
645	(j)	(3)				The annual progress reports under the alternative retrofit requirements as required by § 257.105(j)(3).			
646	(j)	(4)				The demonstration(s) for a time extension for completing retrofit activities specified under § 257.105(j)(4).			
647	(j)	(5)				The notification of intent to retrofit a CCR unit specified under § 257.105(j)(5).			
648	(j)	(6)				The notification of completion of retrofit activities specified under § 257.105(j)(6).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
1						**§ 257.53 Definitions**			
2						*The owner of operator of the CCR unit must include all definitions*			
3	all					Specify each definition that differs from those listed in section 257.53.			
1						**§ 257.60 Placement Above the Uppermost Aquifer**			
2						*The owner of operator of the CCR unit must meet all the requirements (a) through (d).*			
3	(a)					The base of CCR unit should be at least 1.52 meters (5 ft.) above the upper limit of the uppermost aquifer, or, the owner must demonstrate that there will not be an intermittent, recurring, or sustained hydraulic connection with uppermost aquifer during normal and seasonal water table fluctuations. The owner or operator must demonstrate by the dates specified in paragraph (c) of this section that the CCR unit meets the minimum requirements for placement above the uppermost aquifer.			
4	(b)					Obtain a certificate from professional engineer, stating that the requirements meet comply with the recordkeeping requirements specified in § 257.105(e).			
5	(c)	(1)				For an existing surface impoundment, the owner or operator of the CCR unit must complete the demonstration required by paragraph (a) no later than October 17, 2018 for an existing CCR surface impoundment.			
6	(c)	(2)				For a new CCR landfill, new CCR impoundment, or any lateral expansion of a CCR unit, the owner or operator of the CCR unit must complete the demonstration required by paragraph (a) no later than the date of initial receipt of CCR in the CCR unit for a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit.			
7	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility's operating record as required by § 257.105(e).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
8	(c)	(4)				An owner or operator of an existing CCR surface impoundment who fails to demonstrate compliance with the requirements of paragraph (a) of this section by the date specified is subject to the requirements of § 257.101(b)(1).			
9	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.			
10	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).			
11						**§ 257.61 Wetlands**			
12						*The owner of operator of the CCR unit must first meet requirements (a) or requirements (a)(1) through (5), in addition to meeting requirements (b) through (d) and all their components.*			
13	(a)					CCR units must not be located in wetlands, as defined in § 232.2 of this chapter, unless the owner or operator demonstrates by the dates specified in paragraph (c) of this section that the CCR unit meets the requirements of paragraphs (a)(1) through (5) of this section.			
14	(a)	(1)				*The owner or operator of CCR unit must:* Provide a rebuttal of the presumption that an alternative to the CCR unit is reasonably available that does not involve wetlands where applicable under § 404 of the Clean Water Act or applicable state wetlands laws.			
15	(a)	(2)				*The construction and operation of the CCR unit will not cause or contribute to violations of the following applicable regulations:*			
16	(a)	(2)	(i)			State or federal water quality standard;			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
17	(a)	(2)	(ii)			Toxic effluent standard or prohibition under section 307 of the Clean Water Act;			
18	(a)	(2)	(iii)			Endangered or threatened species, or a critical habitat protected under the Endangered Species Act of 1973;			
19	(a)	(2)	(iv)			Marine Protection, Research, and Sanctuaries Act of 1972			
20	(a)	(3)				The CCR unit will not cause or contribute to significant degradation of wetlands by addressing all of the following factors:			
21	(a)	(3)	(i)			Erosion, stability and migration potential of native wetland soils used to support the CCR unit;			
22	(a)	(3)	(ii)			Erosion, stability and migration potential of dredged and fill materials used to support the CCR unit;			
23	(a)	(3)	(iii)			The volume and chemical nature of the CCR;			
24	(a)	(3)	(iv)			Impacts on fish, wildlife, other aquatic resources and their habitat from release of CCR;			
25	(a)	(3)	(v)			The potential effects of catastrophic release of CCR to the wetland and the resulting impacts on the environment; and			
26	(a)	(3)	(vi)			Any additional factors, as necessary, to demonstrate sufficient protection of ecological resources in the wetland.			
27	(a)	(4)				*The owner or operator of CCR unit must also:*			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
						Demonstrate that steps have been taken to attempt to achieve no net loss of wetlands (as defined by acreage and function) by first avoiding impacts to wetlands to the maximum extent reasonable as required by paragraphs (a)(1) through (3), then minimizing unavoidable impacts to the maximum extent reasonable, and offsetting remaining unavoidable wetland impacts through all appropriate and reasonable compensatory mitigation actions (e.g., restoration of existing degraded wetlands or creation of man-made wetlands) to the extent required under section 404 of the Clean Water Act or applicable state wetlands laws.			
28	(a)	(5)				Sufficient information is available to make a reasoned determination with respect to the demonstrations in paragraphs (a)(1) through (4).			
29	(b)					The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements of paragraph (a).			
30	(c)	(1)				The owner or operator of the existing CCR surface impoundment must complete the demonstration by October 17, 2018.			
31	(c)	(2)				The owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit must complete the demonstration no later than the date of initial receipt of CCR in the CCR unit.			
32	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility's operating record as required by § 257.105(e).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
33	(c)	(4)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.			
34	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.			
35	(d)					The owner or operator comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).			
36						**§ 257.62 Fault Areas**			
37						*The owner of operator of the CCR unit must meet all the requirements (a) through (d).*			
38	(a)					CCR unit should be located within 60 meters (200 feet) of the outermost damage zone of a fault that has had displacement in Holocene time, unless the owner or operator demonstrates that an alternative setback distance of less than 60 meters will prevent damage to the structural integrity of the CCR unit.			
39	(b)					The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the demonstration meets these requirements of paragraph (a).			
40	(c)	(1)				The owner or operator of the existing CCR surface impoundment must complete the demonstration by October 17, 2018.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
41	(c)	(2)				The owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit must complete the demonstration no later than the date of initial receipt of CCR in the CCR unit.			
42	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility's operating record as required by § 257.105(e).			
43	(c)	(4)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.			
44	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.			
45	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).			
46						**§ 257.63 Seismic Impact Zones**			
47						*The owner of operator of the CCR unit must meet all the requirements (a) through (d).*			
48	(a)					CCR units and any expansions must not be located in seismic impact zones, unless the owner or operator demonstrates that all structural components including liners, leachate collection and removal systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
49	(b)					The owner or operator of the CCR unit must: obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements of paragraph (a)			
50	(c)	(1)				The owner or operator of the existing CCR surface impoundment must complete the demonstration by October 17, 2018.			
51	(c)	(2)				The owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit must complete the demonstration no later than the date of initial receipt of CCR in the CCR unit.			
52	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility's operating record as required by § 257.105(e).			
53	(c)	(4)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.			
54	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.			
55	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).			
56						**§ 257.64 Unstable Areas**			
57						*The owner of operator of the CCR unit must meet all the requirements (a) through (e) and all their components.*			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
58	(a)					A CCR unit must not be located in an unstable area, unless the owner or operator demonstrates that recognized and generally accepted good engineering practices have been incorporated into the design of the CCR unit to ensure that the integrity of the structural components of the CCR unit will not be disrupted.			
59	(b)	(1)				*When determining whether an area is unstable or not, the owner or operator must consider, at a minimum, all of the following:*			
						On-site or local soil conditions that may result in significant differential settling;			
60	(b)	(2)				On-site or local geologic or geomorphologic features; and			
61	(b)	(3)				On-site or local human-made features or events (both surface and subsurface).			
62	(c)					The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements in paragraph (a).			
63	(d)	(1)				The owner or operator of the CCR unit must complete the demonstration required in paragraph (a) no later than October 17, 2018 for existing CCR surface impoundments and existing CCR landfills.			
64	(d)	(2)				The owner or operator of the CCR unit must complete the demonstration required in paragraph (a) no later than the date of initial receipt of CCR in the CCR unit for a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit.			
65	(d)	(3)				The owner or operator has completed the demonstration required by paragraph (a) when the demonstration is placed in the facility's operating record as required by § 257.105(e).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
66	(d)	(4)				An owner or operator of an existing CCR unit who fails to demonstrate compliance with the requirements of paragraph (a) of this section by the date specified is subject to the requirements of § 257.101(b)(1) or (d), respectively.			
67	(d)	(5)				An owner or operator of a new CCR unit, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.			
68	(e)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).			
69						**§ 257.71 Liner Design Criteria for Existing CCR Surface Impoundments**			
70						*The owner of operator of the CCR unit must meet all the requirements (a) through (c) and all their components.*			
71	(a)	(1)	(i)			*By October 17, 2016, the owner or operator of an existing CCR surface impoundment must document whether or not such unit was constructed with any one of the following:* A liner consisting of a minimum of two feet of compacted soil with a hydraulic conductivity of no more than 1 × 10^-7 cm/sec;			
72	(a)	(1)	(ii)			A composite liner that meets the requirements of § 257.70(b);			
73	(a)	(1)	(iii)			An alternative composite liner that meets the requirements of § 257.70(c).			
74	(a)	(2)				The hydraulic conductivity of the compacted soil must be determined using recognized and generally accepted methods.			
75	(a)	(3)	(i)			*An existing CCR surface impoundment is considered to be an existing unlined CCR surface impoundment if either 3(i) or 3(ii):*			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
						The owner or operator of the CCR unit determines that the CCR unit is not constructed with a liner that meets the requirements of paragraphs (a)(1)(i), (ii), or (iii) of this section; or			
76	(a)	(3)	(ii)			The owner or operator of the CCR unit fails to document whether the CCR unit was constructed with a liner that meets the requirements of paragraphs (a)(1)(i), (ii), or (iii) of this section.			
77	(a)	(4)				All existing unlined CCR surface impoundments are subject to the requirements of § 257.101(a).			
78	(b)					The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer attesting that the documentation as to whether a CCR unit meets the requirements of paragraph (a) of this section is accurate.			
79	(c)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(f), the notification requirements specified in § 257.106(f), and the internet requirements specified in § 257.107(f).			
80						**§ 257.72 Liner Design Criteria for New CCR Surface Impoundments and Any Lateral Expansion of a CCR Surface Impoundment**			
81						*The owner of operator of the CCR unit must meet all the requirements (a) through (e).*			
82	(a)					CCR impoundments and lateral expansions must be designed, constructed, operated, and maintained with either a composite liner or an alternative composite liner that meets the requirements of § 257.70(b) or (c).			
83	(b)					Any liner specified in this section must be installed to cover all surrounding earth likely to be in contact with CCR. Dikes shall not be constructed on top of the composite liner.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
84	(c)					Prior to construction of the impoundment or expansion, the owner or operator must obtain certification from a qualified professional engineer that the design of the composite liner or, if applicable, the design of an alternative composite liner complies with the requirements of this section.			
85	(d)					Upon completion, the owner or operator must: obtain certification from a qualified professional engineer that the composite liner or if applicable, the alternative composite liner has been constructed in accordance with the requirements of this section; comply with the recordkeeping requirements specified in § 257.105(f), the notification requirements specified in § 257.106(f), and the internet requirements specified in § 257.107(f).			
86	(e)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(f), the notification requirements specified in § 257.106(f), and the Internet requirements specified in § 257.107(f).			
87						**§ 257.73 Structural Integrity Criteria for Existing CCR Surface Impoundments**			
88						*The owner of operator of the CCR unit must meet all the requirements (a) through (g) and all their components.* **These requirements do not apply to existing CCR surface impoundments that are incised CCR units, unless incised CCR surface impoundment is subsequently modified (e.g., a dike is constructed) such that the CCR unit no longer meets the definition of an incised CCR unit.*			
89	(a)	(1)				By December 17, 2015, the owner or operator of the CCR unit must place on or immediately adjacent to the CCR unit a permanent identification marker, at least six feet high, showing the identification number of the CCR unit, if one has been assigned by the state, the name associated with the CCR unit and the name of the owner or operator of the CCR unit.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
90	(a)	(2)	(i)			The owner or operator of the CCR unit must conduct initial and periodic hazard potential classification assessments of the CCR unit according to the timeframes specified in paragraph (f) of this section. The owner or operator must document the hazard potential classification of each CCR unit as either a high hazard potential CCR surface impoundment, a significant hazard potential CCR surface impoundment, or a low hazard potential CCR surface impoundment. The owner or operator must also document the basis for each hazard potential classification.			
91	(a)	(2)	(ii)			The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the initial hazard potential classification and each subsequent periodic classification specified in paragraph (a)(2)(i) of this section was conducted in accordance with the requirements of this section.			
92	(a)	(3)	(i)			No later than April 17, 2017, the owner or operator of a CCR unit determined to be either a high hazard potential CCR surface impoundment or a significant hazard potential CCR surface impoundment under paragraph (a)(2) of this section must prepare and maintain a written EAP.			
93	(a)	(3)	(i)	(A)		*At a minimum, the EAP must:* Define the events or circumstances involving the CCR unit that represent a safety emergency, along with a description of the procedures that will be followed to detect a safety emergency in a timely manner;			
94	(a)	(3)	(i)	(B)		Define responsible persons, their respective responsibilities, and notification procedures in the event of a safety emergency involving the CCR unit;			
95	(a)	(3)	(i)	(C)		Provide contact information of emergency responders;			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
96	(a)	(3)	(i)	(D)		Include a map which delineates the downstream area which would be affected in the event of a CCR unit failure and a physical description of the CCR unit; and			
97	(a)	(3)	(i)	(E)		Include provisions for an annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders.			
98	(a)	(3)	(ii)	(A)		The owner or operator of a CCR unit subject to the requirements of paragraph (a)(3)(i) of this section may amend the written EAP at any time provided the revised plan is placed in the facility's operating record as required by § 257.105(f)(6). The owner or operator must amend the written EAP whenever there is a change in conditions that would substantially affect the EAP in effect.			
99	(a)	(3)	(ii)	(B)		The written EAP must be evaluated, at a minimum, every five years to ensure the information required in paragraph (a)(3)(i) of this section is accurate. As necessary, the EAP must be updated and a revised EAP placed in the facility's operating record as required by § 257.105(f)(6).			
100	(a)	(3)	(iii)	(A)		If the owner or operator of a CCR unit determines during a periodic hazard potential assessment that the CCR unit is no longer classified as either a high hazard potential CCR surface impoundment or a significant hazard potential CCR surface impoundment, then the owner or operator of the CCR unit is no longer subject to the requirement to prepare and maintain a written EAP beginning on the date the periodic hazard potential assessment documentation is placed in the facility's operating record as required by § 257.105(f)(5).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
101	(a)	(3)	(iii)	(B)		If the owner or operator of a CCR unit classified as a low hazard potential CCR surface impoundment subsequently determines that the CCR unit is properly re-classified as either a high hazard potential CCR surface impoundment or a significant hazard potential CCR surface impoundment, then the owner or operator of the CCR unit must prepare a written EAP for the CCR unit as required by paragraph (a)(3)(i) of this section within six months of completing such periodic hazard potential assessment.			
102	(a)	(3)	(iv)			(iv) The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the written EAP, and any subsequent amendment of the EAP, meets the requirements of paragraph (a)(3) of this section. (v) Activation of the EAP. The EAP must be implemented once events or circumstances involving the CCR unit that represent a safety emergency are detected, including conditions identified during periodic structural stability assessments, annual inspections, and inspections by a qualified person.			
103	(a)	(4)				The CCR unit and surrounding areas must be designed, constructed, operated, and maintained with vegetated slopes of dikes not to exceed a height of 6 inches above the slope of the dike, except for slopes which are protected with an alternate form(s) of slope protection.			
104	(b)					The requirements of paragraphs (c) through (e) of this section apply to an owner or operator of an existing CCR surface impoundment that either: has a height of five feet or more and a storage volume of 20 acre-feet or more; or has a height of 20 feet or more.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
105	(c)	(1)				No later than October 17, 2016, the owner or operator of the CCR unit must compile a history of construction, which shall contain, to the extent feasible, the information specified in paragraphs (c)(1)(i) through (xi) of this section.			
106	(c)	(1)	(i)			The name and address of the person(s) owning or operating the CCR unit; the name associated with the CCR unit; and the identification number of the CCR unit if one has been assigned by the state.			
107	(c)	(1)	(ii)			The location of the CCR unit identified on the most recent U.S. Geological Survey (USGS) 7½ minute or 15 minute topographic quadrangle map, or a topographic map of equivalent scale if a USGS map is not available.			
108	(c)	(1)	(iii)			A statement of the purpose for which the CCR unit is being used.			
109	(c)	(1)	(iv)			The name and size in acres of the watershed within which the CCR unit is located.			
110	(c)	(1)	(v)			A description of the physical and engineering properties of the foundation and abutment materials on which the CCR unit is constructed.			
111	(c)	(1)	(vi)			A statement of the type, size, range, and physical and engineering properties of the materials used in constructing each zone or stage of the CCR unit; the method of site preparation and construction of each zone of the CCR unit; and the approximate dates of construction of each successive stage of construction of the CCR unit.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
112	(c)	(1)	(vii)			At a scale that details engineering structures and appurtenances relevant to the design, construction, operation, and maintenance of the CCR unit, detailed dimensional drawings of the CCR unit, including a plan view and cross sections of the length and width of the CCR unit, showing all zones, foundation improvements, drainage provisions, spillways, diversion ditches, outlets, instrument locations, and slope protection, in addition to the normal operating pool surface elevation and the maximum pool surface elevation following peak discharge from the inflow design flood, the expected maximum depth of CCR within the CCR surface impoundment, and any identifiable natural or manmade features that could adversely affect operation of the CCR unit due to malfunction or mis-operation.			
113	(c)	(1)	(viii)			A description of the type, purpose, and location of existing instrumentation. (ix) Area-capacity curves for the CCR unit.			
114	(c)	(1)	(ix)			A description of each spillway and diversion design features and capacities and calculations used in their determination.			
115	(c)	(1)	(x)			The construction specifications and provisions for surveillance, maintenance, and repair of the CCR unit.			
116	(c)	(1)	(xi)			Any record or knowledge of structural instability of the CCR unit.			
117	(c)	(2)				If there is a significant change to any information compiled under paragraph (c)(1) of this section, the owner or operator of the CCR unit must update the relevant information and place it in the facility's operating record as required by § 257.105(f)(9).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
118	(d)	(1)				The owner or operator of the CCR unit must conduct initial and periodic structural stability assessments and document whether the design, construction, operation, and maintenance of the CCR unit is consistent with recognized and generally accepted good engineering practices for the maximum volume of CCR and CCR wastewater which can be impounded therein.			
119	(d)	(1)	(i)			*The assessment must, at a minimum, document whether the CCR unit has been designed, constructed, operated, and maintained with:* Stable foundations and abutments;			
120	(d)	(1)	(iii)			Adequate slope protection to protect against surface erosion, wave action, and adverse effects of sudden drawdown;			
121	(d)	(1)	(iii)			Dikes mechanically compacted to a density sufficient to withstand the range of loading conditions in the CCR unit;			
122	(d)	(1)	(iv)			Vegetated slopes of dikes and surrounding areas not to exceed a height of six inches above the slope of the dike, except for slopes which have an alternate form or forms of slope protection;			
123	(d)	(1)	(v)			A single spillway or a combination of spillways configured as specified in paragraph (d)(1)(v)(A) of this section. The combined capacity of all spillways must be designed, constructed, operated, and maintained to adequately manage flow during and following the peak discharge from the event specified in paragraph (d)(1)(v)(B) of this section.			
124	(d)	(1)	(v)	(A)		All spillways must be either of non-erodible construction and designed to carry sustained flows; or earth- or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
125	(d)	(1)	(v)	(B)		The combined capacity of all spillways must adequately manage flow during and following the peak discharge from a: probable maximum flood (PMF) for a high hazard potential CCR surface impoundment; or 1000-year flood for a significant hazard potential CCR surface impoundment; or 100-year flood for a low hazard potential CCR surface impoundment.			
126	(d)	(1)	(vi)			Hydraulic structures underlying the base of the CCR unit or passing through the dike of the CCR unit that maintain structural integrity and are free of significant deterioration, deformation, distortion, bedding deficiencies, sedimentation, and debris which may negatively affect the operation of the hydraulic structure; and			
127	(d)	(1)	(vii)			For CCR units with downstream slopes which can be inundated by the pool of an adjacent water body, such as a river, stream or lake, downstream slopes that maintain structural stability during low pool of the adjacent water body or sudden drawdown of the adjacent water body.			
128	(d)	(2)				The periodic assessment described in paragraph (d)(1) of this section must identify any structural stability deficiencies associated with the CCR unit in addition to recommending corrective measures. If a deficiency or a release is identified during the periodic assessment, the owner or operator unit must remedy the deficiency or release as soon as feasible and prepare documentation detailing the corrective measures taken.			
129	(d)	(3)				The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the initial assessment and each subsequent periodic assessment was conducted in accordance with the requirements of this section.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
130	(e)	(1)				The owner or operator must conduct an initial and periodic safety factor assessments for each CCR unit and document whether the calculated factors of safety for each CCR unit achieve the minimum safety factors specified in paragraphs (e)(1)(i) through (iv) of this section for the critical cross section of the embankment. The critical cross section is the cross section anticipated to be the most susceptible of all cross sections to structural failure based on appropriate engineering considerations, including loading conditions. The safety factor assessments must be supported by appropriate engineering calculations.			
131	(e)	(1)	(i)			The calculated static factor of safety under the long-term, maximum storage pool loading condition must equal or exceed 1.50.			
132	(e)	(1)	(ii)			The calculated static factor of safety under the maximum surcharge pool loading condition must equal or exceed 1.40.			
133	(e)	(1)	(iii)			The calculated seismic factor of safety must equal or exceed 1.00.			
134	(e)	(1)	(iv)			For dikes constructed of soils that have susceptibility to liquefaction, the calculated liquefaction factor of safety must equal or exceed 1.20.			
135	(e)	(2)				The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the initial assessment and each subsequent periodic assessment specified in paragraph (e)(1) of this section meets the requirements of this section.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
136	(f)	(1)				Except as provided by paragraph (f)(2) of this section, the owner or operator of the CCR unit must complete the initial assessments required by paragraphs (a)(2), (d), and (e) of this section no later than October 17, 2016. The owner or operator has completed an initial assessment when the owner or operator has placed the assessment required by paragraphs (a)(2), (d), and (e) of this section in the facility's operating record as required by § 257.105(f)(5), (10), and (12).			
137	(f)	(2)				The owner or operator of the CCR unit may elect to use a previously completed assessment to serve as the initial assessment required by paragraphs (a)(2), (d), and (e) of this section provided that the previously completed assessment(s):			
138	(f)	(2)	(i)			Was completed no earlier than 42 months prior to October 17, 2016; and			
139	(f)	(2)	(ii)			Meets the applicable requirements of paragraphs (a)(2), (d), and (e) of this section.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
140	(f)	(3)				The owner or operator of the CCR unit must conduct and complete the assessments required by paragraphs (a)(2), (d), and (e) of this section every five years. The date of completing the initial assessment is the basis for establishing the deadline to complete the first subsequent assessment. If the owner or operator elects to use a previously completed assessment(s) in lieu of the initial assessment as provided by paragraph (f)(2) of this section, the date of the report for the previously completed assessment is the basis for establishing the deadline to complete the first subsequent assessment. The owner or operator may complete any required assessment prior to the required deadline provided the owner or operator places the completed assessment(s) into the facility's operating record within a reasonable amount of time. In all cases, the deadline for completing subsequent assessments is based on the date of completing the previous assessment. For purposes of this paragraph (f)(3), the owner or operator has completed an assessment when the relevant assessment(s) required by paragraphs (a)(2), (d), and (e) of this section has been placed in the facility's operating record as required by § 257.105(f)(5), (10), and (12).			
141	(f)	(4)				Closure of the CCR unit. An owner or operator of a CCR unit who either fails to complete a timely safety factor assessment or fails to demonstrate minimum safety factors as required by paragraph (e) of this section is subject to the requirements of § 257.101(b)(2).			
142	(g)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(f), the notification requirements specified in § 257.106(f), and the internet requirements specified in § 257.107(f).			
143	**§ 257.74 Structural Integrity Criteria for New CCR Surface Impoundments and Any Lateral Expansion of a CCR Surface Impoundment**								

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
144						*The owner of operator of the CCR unit must meet all the requirements (a) through (g) and all their components.* **These requirements do not apply to existing CCR surface impoundments that are incised CCR units, unless incised CCR surface impoundment is subsequen*			
145	(a)					The requirements of paragraphs (a)(1) through (4) of this section apply to all new CCR surface impoundments and any lateral expansion of a CCR surface impoundment, except for those new CCR surface impoundments that are incised CCR units. If an incised CCR surface impoundment is subsequently modified (e.g., a dike is constructed) such that the CCR unit no longer meets the definition of an incised CCR unit, the CCR unit is subject to the requirements of paragraphs (a)(1) through (4) of this section.			
146	(a)	(1)				No later than the initial receipt of CCR, the owner or operator of the CCR unit must place on or immediately adjacent to the CCR unit a permanent identification marker, at least six feet high showing the identification number of the CCR unit, if one has been assigned by the state, the name associated with the CCR unit and the name of the owner or operator of the CCR unit.			
147	(a)	(2)	(i)			The owner or operator of the CCR unit must conduct initial and periodic hazard potential classification assessments of the CCR unit according to the timeframes specified in paragraph (f) of this section. The owner or operator must document the hazard potential classification of each CCR unit as either a high hazard potential CCR surface impoundment, a significant hazard potential CCR surface impoundment, or a low hazard potential CCR surface impoundment. The owner or operator must also document the basis for each hazard potential classification.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
148	(a)	(2)	(ii)			The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the initial hazard potential classification and each subsequent periodic classification specified in paragraph (a)(2)(i) of this section was conducted in accordance with the requirements of this section.			
149	(a)	(3)	(i)			Development of the plan. Prior to the initial receipt of CCR in the CCR unit, the owner or operator of a CCR unit determined to be either a high hazard potential CCR surface impoundment or a significant hazard potential CCR surface impoundment under paragraph (a)(2) of this section must prepare and maintain a written EAP. At a minimum, the EAP must:			
150	(a)	(3)	(i)	(A)		Define the events or circumstances involving the CCR unit that represent a safety emergency, along with a description of the procedures that will be followed to detect a safety emergency in a timely manner;			
151	(a)	(3)	(i)	(B)		Define responsible persons, their respective responsibilities, and notification procedures in the event of a safety emergency involving the CCR unit;			
152	(a)	(3)	(i)	(C)		Provide contact information of emergency responders;			
153	(a)	(3)	(i)	(D)		Include a map which delineates the downstream area which would be affected in the event of a CCR unit failure and a physical description of the CCR unit; and			
154	(a)	(3)	(i)	(E)		Include provisions for an annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
155	(a)	(3)	(ii)	(A)		The owner or operator of a CCR unit subject to the requirements of paragraph (a)(3)(i) of this section may amend the written EAP at any time provided the revised plan is placed in the facility's operating record as required by § 257.105(f)(6). The owner or operator must amend the written EAP whenever there is a change in conditions that would substantially affect the EAP in effect.			
156	(a)	(3)	(ii)	(B)		The written EAP must be evaluated, at a minimum, every five years to ensure the information required in paragraph (a)(3)(i) of this section is accurate. As necessary, the EAP must be updated and a revised EAP placed in the facility's operating record as required by § 257.105(f)(6).			
157	(a)	(3)	(iii)	(A)		If the owner or operator of a CCR unit determines during a periodic hazard potential assessment that the CCR unit is no longer classified as either a high hazard potential CCR surface impoundment or a significant hazard potential CCR surface impoundment, then the owner or operator of the CCR unit is no longer subject to the requirement to prepare and maintain a written EAP beginning on the date the periodic hazard potential assessment documentation is placed in the facility's operating record as required by § 257.105(f)(5).			
158	(a)	(3)	(iii)	(B)		If the owner or operator of a CCR unit classified as a low hazard potential CCR surface impoundment subsequently determines that the CCR unit is properly re-classified as either a high hazard potential CCR surface impoundment or a significant hazard potential CCR surface impoundment, then the owner or operator of the CCR unit must prepare a written EAP for the CCR unit as required by paragraph (a)(3)(i) of this section within six months of completing such periodic hazard potential assessment.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
159	(a)	(3)	(iv)			The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the written EAP, and any subsequent amendment of the EAP, meets the requirements of paragraph (a)(3) of this section.			
160	(a)	(3)	(v)			Activation of the EAP. The EAP must be implemented once events or circumstances involving the CCR unit that represent a safety emergency are detected, including conditions identified during periodic structural stability assessments, annual inspections, and inspections by a qualified person.			
161	(a)	(4)				The CCR unit and surrounding areas must be designed, constructed, operated, and maintained with vegetated slopes of dikes not to exceed a height of six inches above the slope of the dike, except for slopes which are protected with an alternate form(s) of slope protection.			
162	(b)					The requirements of paragraphs (c) through (e) of this section apply to an owner or operator of a new CCR surface impoundment and any lateral expansion of a CCR surface impoundment that either: (1) Has a height of five feet or more and a storage volume of 20 acre-feet or more; or (2) Has a height of 20 feet or more.			
163	(c)	(1)				No later than the initial receipt of CCR in the CCR unit, the owner or operator unit must compile the design and construction plans for the CCR unit, which must include, to the extent feasible, the information specified in paragraphs (c)(1)(i) through (xi) of this section.			
164	(c)	(1)	(i)			The name and address of the person(s) owning or operating the CCR unit; the name associated with the CCR unit; and the identification number of the CCR unit if one has been assigned by the state.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
165	(c)	(1)	(ii)			The location of the CCR unit identified on the most recent U.S. Geological Survey (USGS) 7½ minute or 15 minute topographic quadrangle map, or a topographic map of equivalent scale if a USGS map is not available.			
166	(c)	(1)	(iii)			A statement of the purpose for which the CCR unit is being used.			
167	(c)	(1)	(iv)			The name and size in acres of the watershed within which the CCR unit is located.			
168	(c)	(1)	(v)			A description of the physical and engineering properties of the foundation and abutment materials on which the CCR unit is constructed.			
169	(c)	(1)	(vi)			A statement of the type, size, range, and physical and engineering properties of the materials used in constructing each zone or stage of the CCR unit; the method of site preparation and construction of each zone of the CCR unit; and the dates of construction of each successive stage of construction of the CCR unit.			
170	(c)	(1)	(vii)			At a scale that details engineering structures and appurtenances relevant to the design, construction, operation, and maintenance of the CCR unit, detailed dimensional drawings of the CCR unit, including a plan view and cross sections of the length and width of the CCR unit, showing all zones, foundation improvements, drainage provisions, spillways, diversion ditches, outlets, instrument locations, and slope protection, in addition to the normal operating pool surface elevation and the maximum pool surface elevation following peak discharge from the inflow design flood, the expected maximum depth of CCR within the CCR surface impoundment, and any identifiable natural or manmade features that could adversely affect operation of the CCR unit due to malfunction or mis-operation.			
171	(c)	(1)	(viii)			A description of the type, purpose, and location of existing instrumentation.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
172	(c)	(1)	(ix)			Area-capacity curves for the CCR unit.			
173	(c)	(1)	(x)			A description of each spillway and diversion design features and capacities and calculations used in their determination.			
174	(c)	(1)	(xi)			The construction specifications and provisions for surveillance, maintenance, and repair of the CCR unit.			
175	(c)	(1)	(xii)			Any record or knowledge of structural instability of the CCR unit.			
178	(c)	(2)				Changes in the design and construction. If there is a significant change to any information compiled under paragraph (c)(1) of this section, the owner or operator of the CCR unit must update the relevant information and place it in the facility's operating record as required by § 257.105(f)(13).			
179	(d)	(1)				Periodic structural stability assessments. The owner or operator of the CCR unit must conduct initial and periodic structural stability assessments and document whether the design, construction, operation, and maintenance of the CCR unit is consistent with recognized and generally accepted good engineering practices for the maximum volume of CCR and CCR wastewater which can be impounded therein. The assessment must, at a minimum, document whether the CCR unit has been designed, constructed, operated, and maintained with:			
180	(d)	(1)	(i)			Stable foundations and abutments;			
181	(d)	(1)	(ii)			Adequate slope protection to protect against surface erosion, wave action, and adverse effects of sudden drawdown;			
182	(d)	(1)	(iii)			Dikes mechanically compacted to a density sufficient to withstand the range of loading conditions in the CCR unit;			
183	(d)	(1)	(iv)			Vegetated slopes of dikes and surrounding areas not to exceed a height of six inches above the slope of the dike, except for slopes which have an alternate form or forms of slope protection;			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
184	(d)	(1)	(v)			A single spillway or a combination of spillways configured as specified in paragraph (d)(1)(v)(A) of this section. The combined capacity of all spillways must be designed, constructed, operated, and maintained to adequately manage flow during and following the peak discharge from the event specified in paragraph (d)(1)(v)(B) of this section.			
185	(d)	(1)	(v)	(A)		All spillways must be either of non-erodible construction and designed to carry sustained flows; or earth- or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected.			
186	(d)	(1)	(v)	(B)		The combined capacity of all spillways must adequately manage flow during and following the peak discharge from a: probable maximum flood (PMF) for a high hazard potential CCR surface impoundment; or 1000-year flood for a significant hazard potential CCR surface impoundment; or 100-year flood for a low hazard potential CCR surface impoundment.			
187	(d)	(1)	(vi)			Hydraulic structures underlying the base of the CCR unit or passing through the dike of the CCR unit that maintain structural integrity and are free of significant deterioration, deformation, distortion, bedding deficiencies, sedimentation, and debris which may negatively affect the operation of the hydraulic structure; and			
188	(d)	(1)	(vii)			For CCR units with downstream slopes which can be inundated by the pool of an adjacent water body, such as a river, stream or lake, downstream slopes that maintain structural stability during low pool of the adjacent water body or sudden drawdown of the adjacent water body.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
189	(d)	(2)				The periodic assessment described in paragraph (d)(1) of this section must identify any structural stability deficiencies associated with the CCR unit in addition to recommending corrective measures. If a deficiency or a release is identified during the periodic assessment, the owner or operator unit must remedy the deficiency or release as soon as feasible and prepare documentation detailing the corrective measures taken.			
190	(d)	(3)				The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the initial assessment and each subsequent periodic assessment was conducted in accordance with the requirements of this section.			
191	(e)	(1)				The owner or operator must conduct an initial and periodic safety factor assessments for each CCR unit and document whether the calculated factors of safety for each CCR unit achieve the minimum safety factors specified in paragraphs (e)(1)(i) through (v) of this section for the critical cross section of the embankment. The critical cross section is the cross section anticipated to be the most susceptible of all cross sections to structural failure based on appropriate engineering considerations, including loading conditions. The safety factor assessments must be supported by appropriate engineering calculations.			
192	(e)	(1)	(i)			The calculated static factor of safety under the end-of-construction loading condition must equal or exceed 1.30. The assessment of this loading condition is only required for the initial safety factor assessment and is not required for subsequent assessments.			
193	(e)	(1)	(ii)			The calculated static factor of safety under the long-term, maximum storage pool loading condition must equal or exceed 1.50.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
194	(e)	(1)	(iii)			The calculated static factor of safety under the maximum surcharge pool loading condition must equal or exceed 1.40.			
195	(e)	(1)	(iv)			The calculated seismic factor of safety must equal or exceed 1.00.			
196	(e)	(1)	(v)			For dikes constructed of soils that have susceptibility to liquefaction, the calculated liquefaction factor of safety must equal or exceed 1.20.			
197	(e)	(2)				The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the initial assessment and each subsequent periodic assessment specified in paragraph (e)(1) of this section meets the requirements of this section.			
198	(f)	(1)				Except as provided by paragraph (f)(2) of this section, the owner or operator of the CCR unit must complete the initial assessments required by paragraphs (a)(2), (d), and (e) of this section prior to the initial receipt of CCR in the unit. The owner or operator has completed an initial assessment when the owner or operator has placed the assessment required by paragraphs (a)(2), (d), and (e) of this section in the facility's operating record as required by § 257.105(f)(5), (10), and (12).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
199	(f)	(2)				Frequency for conducting periodic assessments. The owner or operator of the CCR unit must conduct and complete the assessments required by paragraphs (a)(2), (d), and (e) of this section every five years. The date of completing the initial assessment is the basis for establishing the deadline to complete the first subsequent assessment. The owner or operator may complete any required assessment prior to the required deadline provided the owner or operator places the completed assessment(s) into the facility's operating record within a reasonable amount of time. In all cases, the deadline for completing subsequent assessments is based on the date of completing the previous assessment. For purposes of this paragraph (f)(2), the owner or operator has completed an assessment when the relevant assessment(s) required by paragraphs (a)(2), (d), and (e) of this section has been placed in the facility's operating record as required by § 257.105(f)(5), (10), and (12).			
200	(f)	(3)				Failure to document minimum safety factors during the initial assessment. Until the date an owner or operator of a CCR unit documents that the calculated factors of safety achieve the minimum safety factors specified in paragraphs (e)(1)(i) through (v) of this section, the owner or operator is prohibited from placing CCR in such unit.			
201	(f)	(4)				Closure of the CCR unit. An owner or operator of a CCR unit who either fails to complete a timely periodic safety factor assessment or fails to demonstrate minimum safety factors as required by paragraph (e) of this section is subject to the requirements of § 257.101(c).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
202	(g)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(f), the notification requirements specified in § 257.106(f), and the internet requirements specified in § 257.107(f).			
203						**§ 257.80 Air Criteria**			
204						*The owner of operator of the CCR unit must meet all the requirements (a) through (d) and all their components.*			
205	(a)					The owner or operator of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit must adopt measures that will effectively minimize CCR from becoming airborne at the facility, including CCR fugitive dust originating from CCR units, roads, and other CCR management and material handling activities.			
206	(b)					The owner or operator of the CCR unit must prepare and operate in accordance with a CCR fugitive dust control plan as specified in paragraphs (b)(1) through (7) of this section. This requirement applies in addition to, not in place of, any applicable standards under the Occupational Safety and Health Act.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
207	(b)	(1)				The CCR fugitive dust control plan must identify and describe the CCR fugitive dust control measures the owner or operator will use to minimize CCR from becoming airborne at the facility. The owner or operator must select, and include in the CCR fugitive dust control plan, the CCR fugitive dust control measures that are most appropriate for site conditions, along with an explanation of how the measures selected are applicable and appropriate for site conditions. Examples of control measures that may be appropriate include: Locating CCR inside an enclosure or partial enclosure; operating a water spray or fogging system; reducing fall distances at material drop points; using wind barriers, compaction, or vegetative covers; establishing and enforcing reduced vehicle speed limits; paving and sweeping roads; covering trucks transporting CCR; reducing or halting operations during high wind events; or applying a daily cover.			
208	(b)	(2)				If the owner or operator operates a CCR landfill or any lateral expansion of a CCR landfill, the CCR fugitive dust control plan must include procedures to emplace CCR as conditioned CCR. Conditioned CCR means wetting CCR with water to a moisture content that will prevent wind dispersal, but will not result in free liquids. In lieu of water, CCR conditioning may be accomplished with an appropriate chemical dust suppression agent.			
209	(b)	(3)				The CCR fugitive dust control plan must include procedures to log citizen complaints received by the owner or operator involving CCR fugitive dust events at the facility.			
210	(b)	(4)				The CCR fugitive dust control plan must include a description of the procedures the owner or operator will follow to periodically assess the effectiveness of the control plan.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
211	(b)	(5)				The owner or operator of a CCR unit must prepare an initial CCR fugitive dust control plan for the facility no later than October 19, 2015, or by initial receipt of CCR in any CCR unit at the facility if the owner or operator becomes subject to this subpart after October 19, 2015. The owner or operator has completed the initial CCR fugitive dust control plan when the plan has been placed in the facility's operating record as required by § 257.105(g)(1).			
212	(b)	(6)				Amendment of the plan. The owner or operator of a CCR unit subject to the requirements of this section may amend the written CCR fugitive dust control plan at any time provided the revised plan is placed in the facility's operating record as required by § 257.105(g)(1). The owner or operator must amend the written plan whenever there is a change in conditions that would substantially affect the written plan in effect, such as the construction and operation of a new CCR unit.			
213	(b)	(7)				The owner or operator must obtain a certification from a qualified professional engineer that the initial CCR fugitive dust control plan, or any subsequent amendment of it, meets the requirements of this section.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
214	(c)					Annual CCR fugitive dust control report. The owner or operator of a CCR unit must prepare an annual CCR fugitive dust control report that includes a description of the actions taken by the owner or operator to control CCR fugitive dust, a record of all citizen complaints, and a summary of any corrective measures taken. The initial annual report must be completed no later than 14 months after placing the initial CCR fugitive dust control plan in the facility's operating record. The deadline for completing a subsequent report is one year after the date of completing the previous report. For purposes of this paragraph (c), the owner or operator has completed the annual CCR fugitive dust control report when the plan has been placed in the facility's operating record as required by § 257.105(g)(2).			
215	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(g), the notification requirements specified in § 257.106(g), and the internet requirements specified in § 257.107(g).			
216						**§ 257.82 Hydrologic and Hydraulic Capacity Requirements for CCR Surface Impoundments**			
217						*The owner of operator of the CCR unit must meet all the requirements (a) through (d) and all their components.*			
218	(a)	(1)				The owner or operator of an existing or new CCR surface impoundment or any lateral expansion of a CCR surface impoundment must design, construct, operate, and maintain an inflow design flood control system as specified in paragraphs (a)(1) and (2) of this section. The inflow design flood control system must adequately manage flow into the CCR unit during and following the peak discharge of the inflow design flood specified in paragraph (a)(3) of this section.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
219	(a)	(2)				The inflow design flood control system must adequately manage flow from the CCR unit to collect and control the peak discharge resulting from the inflow design flood specified in paragraph (a)(3) of this section.			
220	(a)	(3)	(i)			The inflow design flood is for a high hazard potential CCR surface impoundment, as determined under § 257.73(a)(2) or § 257.74(a)(2), the probable maximum flood;			
221	(a)	(3)	(ii)			For a significant hazard potential CCR surface impoundment, as determined under § 257.73(a)(2) or § 257.74(a)(2), the 1,000-year flood;			
222	(a)	(3)	(iii)			For a low hazard potential CCR surface impoundment, as determined under § 257.73(a)(2) or § 257.74(a)(2), the 100-year flood; or			
223	(a)	(3)	(iv)			For an incised CCR surface impoundment, the 25-year flood.			
224	(b)					Discharge from the CCR unit must be handled in accordance with the surface water requirements under § 257.3–3.			
225	(c)	(1)				The owner or operator must prepare initial and periodic inflow design flood control system plans for the CCR unit according to the timeframes specified in paragraphs (c)(3) and (4) of this section. These plans must document how the inflow design flood control system has been designed and constructed to meet the requirements of this section. Each plan must be supported by appropriate engineering calculations. The owner or operator of the CCR unit has completed the inflow design flood control system plan when the plan has been placed in the facility's operating record as required by § 257.105(g)(4).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
226	(c)	(2)				Amendment of the plan. The owner or operator of the CCR unit may amend the written inflow design flood control system plan at any time provided the revised plan is placed in the facility's operating record as required by § 257.105(g)(4). The owner or operator must amend the written inflow design flood control system plan whenever there is a change in conditions that would substantially affect the written plan in effect.			
227	(c)	(3)				Timeframes for preparing the initial plan—(i) Existing CCR surface impoundments. The owner or operator of the CCR unit must prepare the initial inflow design flood control system plan no later than October 17, 2016. (ii) New CCR surface impoundments and any lateral expansion of a CCR surface impoundment. The owner or operator must prepare the initial inflow design flood control system plan no later than the date of initial receipt of CCR in the CCR unit.			
228	(c)	(4)				Frequency for revising the plan. The owner or operator must prepare periodic inflow design flood control system plans required by paragraph (c)(1) of this section every five years. The date of completing the initial plan is the basis for establishing the deadline to complete the first periodic plan. The owner or operator may complete any required plan prior to the required deadline provided the owner or operator places the completed plan into the facility's operating record within a reasonable amount of time. In all cases, the deadline for completing a subsequent plan is based on the date of completing the previous plan. For purposes of this paragraph (c)(4), the owner or operator has completed an inflow design flood control system plan when the plan has been placed in the facility's operating record as required by § 257.105(g)(4).			

Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
						Federal Requirement	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
229	(c)	(5)				The owner or operator must obtain a certification from a qualified professional engineer stating that the initial and periodic inflow design flood control system plans meet the requirements of this section.			
230	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(g), the notification requirements specified in § 257.106(g), and the internet requirements specified in § 257.107(g).			
231						**§ 257.83 Inspection Requirements for CCR Surface Impoundments**			
232						*The owner of operator of the CCR unit must meet all the requirements (a) through (c) and all their components.*			
233	(a)	(1)	(i)			*All CCR surface impoundments and any lateral expansion of a CCR surface impoundment must be examined by a qualified person as follows:* At intervals not exceeding seven days, inspect for any appearances of actual or potential structural weakness and other conditions which are disrupting or have the potential to disrupt the operation or safety of the CCR unit;			
234	(a)	(1)	(ii)			At intervals not exceeding seven days, inspect the discharge of all outlets of hydraulic structures which pass underneath the base of the surface impoundment or through the dike of the CCR unit for abnormal discoloration, flow or discharge of debris or sediment; and			
235	(a)	(1)	(iii)			At intervals not exceeding 30 days, monitor all CCR unit instrumentation.			
236	(a)	(1)	(iv)			The results of the inspection by a qualified person must be recorded in the facility's operating record as required by § 257.105(g)(5).			
237	(a)	(2)	(i)			For existing impoundments, the owner or operator of the CCR unit must initiate the inspections required under paragraph (a) of this section no later than October 19, 2015.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
238	(a)	(2)	(ii)			The owner or operator of a new CCR surface impoundment and any lateral expansion of a CCR surface impoundment must initiate the inspections required under paragraph (a) of this section upon initial receipt of CCR by the CCR unit.			
239	(b)	(1)				If the existing or new CCR surface impoundment or any lateral expansion of the CCR surface impoundment is subject to the periodic structural stability assessment requirements under § 257.73(d) or § 257.74(d), the CCR unit must additionally be inspected on a periodic basis by a qualified professional engineer to ensure that the design, construction, operation, and maintenance of the CCR unit is consistent with recognized and generally accepted good engineering standards.			
240	(b)	(1)	(i)			*The inspection must, at a minimum, include:* A review of available information regarding the status and condition of the CCR unit, including, but not limited to, files available in the operating record (e.g., CCR unit design and construction information required by §§ 257.73(c)(1) and 257.74(c)(1), previous periodic structural stability assessments required under §§ 257.73(d) and 257.74(d), the results of inspections by a qualified person, and results of previous annual inspections);			
241	(b)	(1)	(ii)			A visual inspection of the CCR unit to identify signs of distress or malfunction of the CCR unit and appurtenant structures; and			
242	(b)	(1)	(iii)			A visual inspection of any hydraulic structures underlying the base of the CCR unit or passing through the dike of the CCR unit for structural integrity and continued safe and reliable operation.			
243	(b)	(2)	(i)			*The qualified professional engineer must prepare a report following each inspection that addresses the following:*			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
						Any changes in geometry of the impounding structure since the previous annual inspection;			
244	(b)	(2)	(ii)			The location and type of existing instrumentation and the maximum recorded readings of each instrument since the previous annual inspection;			
245	(b)	(2)	(iii)			The approximate minimum, maximum, and present depth and elevation of the impounded water and CCR since the previous annual inspection;			
246	(b)	(2)	(iv)			The storage capacity of the impounding structure at the time of the inspection;			
247	(b)	(2)	(v)			The approximate volume of the impounded water and CCR at the time of the inspection;			
248	(b)	(2)	(vi)			Any appearances of an actual or potential structural weakness of the CCR unit, in addition to any existing conditions that are disrupting or have the potential to disrupt the operation and safety of the CCR unit and appurtenant structures; and			
249	(b)	(2)	(vii)			Any other change(s) which may have affected the stability or operation of the impounding structure since the previous annual inspection.			
250	(b)	(3)	(i)			The owner or operator of the CCR unit must complete the initial inspection required by paragraphs (b)(1) and (2) of this section no later than January 18, 2016.			
251	(b)	(3)	(ii)			The owner or operator of a new CCR surface impoundments and any lateral expansion of a CCR surface impoundment must complete the initial annual inspection required by paragraphs (b)(1) and (2) of this section is completed no later than 14 months following the date of initial receipt of CCR in the CCR unit.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
252	(b)	(4)	(i)			Except as provided for in paragraph (b)(4)(ii) of this section, the owner or operator of the CCR unit must conduct the inspection required by paragraphs (b)(1) and (2) of this section on an annual basis. The date of completing the initial inspection report is the basis for establishing the deadline to complete the first subsequent inspection. Any required inspection may be conducted prior to the required deadline provided the owner or operator places the completed inspection report into the facility's operating record within a reasonable amount of time. In all cases, the deadline for completing subsequent inspection reports is based on the date of completing the previous inspection report. For purposes of this section, the owner or operator has completed an inspection when the inspection report has been placed in the facility's operating record as required by § 257.105(g)(6).			
253	(b)	(4)	(ii)			In any calendar year in which both the periodic inspection by a qualified professional engineer and the quinquennial (occurring every five years) structural stability assessment by a qualified professional engineer required by §§ 257.73(d) and 257.74(d) are required to be completed, the annual inspection is not required, provided the structural stability assessment is completed during the calendar year. If the annual inspection is not conducted in a year as provided by this paragraph (b)(4)(ii), the deadline for completing the next annual inspection is one year from the date of completing the quinquennial structural stability assessment.			
254	(b)	(5)				If a deficiency or release is identified during an inspection, the owner or operator must remedy the deficiency or release as soon as feasible and prepare documentation detailing the corrective measures taken.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
255	(c)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(g), the notification requirements specified in § 257.106(g), and the internet requirements specified in § 257.107(g).			
256						**§ 257.90 Applicability**			
257						*The owner of operator of the CCR unit must meet all the requirements (a) through (f), and all their components.*			
258	(a)					All CCR landfills, CCR surface impoundments, and lateral expansions of CCR units are subject to the groundwater monitoring and corrective action requirements under §§257.90 through 257.98.			
259	(b)	(1)	(i)			*The owner or operator of an existing CCR landfill and existing CCR surface impoundment must be in compliance with the following groundwater monitoring requirements no later than October 17, 2017:* Install the groundwater monitoring system as required by § 257.91;			
260	(b)	(1)	(ii)			Develop the groundwater sampling and analysis program to include selection of the statistical procedures to be used for evaluating groundwater monitoring data as required by § 257.93;			
261	(b)	(1)	(iii)			Initiate the detection monitoring program to include obtaining a minimum of eight independent samples for each background and downgradient well as required by § 257.94(b); and			
262	(b)	(1)	(iv)			Begin evaluating the groundwater monitoring data for statistically significant increases over background levels for the constituents listed in appendix III of this part as required by § 257.94.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
263	(b)	(2)				Prior to initial receipt of CCR by the CCR unit, the owner or operator of a new CCR landfill, new CCR surface impoundment, and all lateral expansions of CCR units, must be in compliance with the groundwater monitoring requirements specified in paragraph (b)(1)(i) and (ii) of this section. In addition, the owner or operator of the CCR unit must initiate the detection monitoring program to include obtaining a minimum of eight independent samples for each background well as required by § 257.94(b).			
264	(c)					Once a groundwater monitoring system and groundwater monitoring program has been established at the CCR unit as required by this subpart, the owner or operator must conduct groundwater monitoring and, if necessary, corrective action throughout the active life and post-closure care period of the CCR unit.			
265	(d)					In the event of a release from a CCR unit, the owner or operator must immediately take all necessary measures to control the source(s) of releases so as to reduce or eliminate, to the maximum extent feasible, further releases of contaminants into the environment. The owner or operator of the CCR unit must comply with all applicable requirements in §§ 257.96, 257.97, and 257.98.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
266	(e)					The owner or operator of an existing CCR landfill and existing CCR surface impoundment, must prepare an annual groundwater monitoring and corrective action report no later than January 31, 2018, and annually thereafter. For new CCR landfills, new CCR surface impoundments, and all lateral expansions of CCR units, the owner or operator must prepare the initial annual groundwater monitoring and corrective action report no later than January 31 of the year following the calendar year a groundwater monitoring system has been established for such CCR unit as required by this subpart, and annually thereafter. For the preceding calendar year, the annual report must document the status of the groundwater monitoring and corrective action program for the CCR unit, summarize key actions completed, describe any problems encountered, discuss actions to resolve the problems, and project key activities for the upcoming year. For purposes of this section, the owner or operator has prepared the annual report when the report is placed in the facility's operating record as required by § 257.105(h)(1).			
						At a minimum, the annual groundwater monitoring and corrective action report must contain the following information, to the extent available:			
267	(e)	(1)				A map, aerial image, or diagram showing the CCR unit and all background (or upgradient) and downgradient monitoring wells, to include the well identification numbers, that are part of the groundwater monitoring program for the CCR unit;			
268	(e)	(2)				Identification of any monitoring wells that were installed or decommissioned during the preceding year, along with a narrative description of why those actions were taken;			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
269	(e)	(3)				In addition to all the monitoring data obtained under §§ 257.90 through 257.98, a summary including the number of groundwater samples that were collected for analysis for each background and downgradient well, the dates the samples were collected, and whether the sample was required by the detection monitoring or assessment monitoring programs;			
270	(e)	(4)				A narrative discussion of any transition between monitoring programs (e.g., the date and circumstances for transitioning from detection monitoring to assessment monitoring in addition to identifying the constituent(s) detected at a statistically significant increase over background levels); and			
271	(e)	(5)				Other information required to be included in the annual report as specified in §§ 257.90 through 257.98.			
272	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the internet requirements specified in § 257.107(h).			
273						**§ 257.91 Groundwater monitoring systems**			
274						*The owner of operator of the CCR unit must meet all the requirements (a) through (g) and all their components.*			
275	(a)	(1)				The owner or operator of a CCR unit must install a groundwater monitoring system that consists of a sufficient number of wells, installed at appropriate locations and depths, to yield groundwater samples from the uppermost aquifer that accurately represent the quality of background groundwater that has not been affected by leakage from a CCR unit.			
276	(a)	(1)	(i)			*A determination of background quality may include sampling of wells that are not hydraulically upgradient of the CCR management area where:*			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
						Hydrogeologic conditions do not allow the owner or operator of the CCR unit to determine what wells are hydraulically upgradient; or			
277	(a)	(1)	(ii)			Sampling at other wells will provide an indication of background groundwater quality that is as representative or more representative than that provided by the upgradient wells; and			
278	(a)	(2)				Accurately represent the quality of groundwater passing the waste boundary of the CCR unit. The downgradient monitoring system must be installed at the waste boundary that ensures detection of groundwater contamination in the uppermost aquifer. All potential contaminant pathways must be monitored.			
279	(b)	(1)				The number, spacing, and depths of monitoring systems shall be determined based upon site-specific technical information that must include thorough characterization of: Aquifer thickness, groundwater flow rate, groundwater flow direction including seasonal and temporal fluctuations in groundwater flow; and			
280	(b)	(2)				Saturated and unsaturated geologic units and fill materials overlying the uppermost aquifer, materials comprising the uppermost aquifer, and materials comprising the confining unit defining the lower boundary of the uppermost aquifer, including, but not limited to, thicknesses, stratigraphy, lithology, hydraulic conductivities, porosities and effective porosities.			
281	(c)	(1)				The groundwater monitoring system must include the minimum number of monitoring wells necessary to meet the performance standards specified in paragraph (a) of this section, based on the site-specific information specified in paragraph (b) of this section. The groundwater monitoring system must contain: A minimum of one upgradient and three downgradient monitoring wells; and			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
282	(c)	(2)				Additional monitoring wells as necessary to accurately represent the quality of background groundwater that has not been affected by leakage from the CCR unit and the quality of groundwater passing the waste boundary of the CCR unit.			
283	(d)	(1)				The owner or operator of multiple CCR units may install a multiunit groundwater monitoring system instead of separate groundwater monitoring systems for each CCR unit.			
284	(d)	(1)	(i)			*The multiunit groundwater monitoring system must be equally as capable of detecting monitored constituents at the waste boundary of the CCR unit as the individual groundwater monitoring system specified in paragraphs (a) through (c) of this section for each CCR unit based on the following factors:*			
						Number, spacing, and orientation of each CCR unit;			
285	(d)	(1)	(ii)			Hydrogeologic setting;			
286	(d)	(1)	(iii)			Site history;			
287	(d)	(1)	(iv)			Engineering design of the CCR unit.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
288	(d)	(2)				If the owner or operator elects to install a multiunit groundwater monitoring system, and if the multiunit system includes at least one existing unlined CCR surface impoundment as determined by § 257.71(a), and if at any time after October 19, 2015 the owner or operator determines in any sampling event that the concentrations of one or more constituents listed in appendix IV to this part are detected at statistically significant levels above the groundwater protection standard established under § 257.95(h) for the multiunit system, then all unlined CCR surface impoundments comprising the multiunit groundwater monitoring system are subject to the closure requirements under § 257.101(a) to retrofit or close.			
289	(e)	(1)				Monitoring wells must be cased in a manner that maintains the integrity of the monitoring well borehole. This casing must be screened or perforated and packed with gravel or sand, where necessary, to enable collection of groundwater samples. The annular space (i.e., the space between the borehole and well casing) above the sampling depth must be sealed to prevent contamination of samples and the groundwater. The owner or operator of the CCR unit must document and include in the operating record the design, installation, development, and decommissioning of any monitoring wells, piezometers and other measurement, sampling, and analytical devices. The qualified professional engineer must be given access to this documentation when completing the groundwater monitoring system certification required under paragraph (f) of this section.			
290	(e)	(2)				The monitoring wells, piezometers, and other measurement, sampling, and analytical devices must be operated and maintained so that they perform to the design specifications throughout the life of the monitoring program.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
291	(f)					The owner or operator must obtain a certification from a qualified professional engineer stating that the groundwater monitoring system has been designed and constructed to meet the requirements of this section. If the groundwater monitoring system includes the minimum number of monitoring wells specified in paragraph (c)(1) of this section, the certification must document the basis supporting this determination.			
292	(g)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the internet requirements specified in § 257.107(h).			
293						**§ 257.93 Groundwater Sampling and Analysis Requirements**			
294						*The owner of operator of the CCR unit must meet all the requirements (a) through (j) and all their components.*			
295	(a)					The groundwater monitoring program must include consistent sampling and analysis procedures that are designed to ensure monitoring results that provide an accurate representation of groundwater quality at the background and downgradient wells required by § 257.91.			
296	(a)	(1)				*The owner or operator of the CCR unit must develop a sampling and analysis program that includes procedures and techniques for:* Sample collection;			
297	(a)	(2)				Sample preservation and shipment;			
298	(a)	(3)				Analytical procedures;			
299	(a)	(4)				Chain of custody control; and			
300	(a)	(5)				Quality assurance and quality control.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
301	(b)					The groundwater monitoring program must include sampling and analytical methods that are appropriate for groundwater sampling and that accurately measure hazardous constituents and other monitoring parameters in groundwater samples. For purposes of §§ 257.90 through 257.98, the term constituent refers to both hazardous constituents and other monitoring parameters listed in either appendix III or IV of this part.			
302	(c)					Groundwater elevations must be measured in each well immediately prior to purging, each time groundwater is sampled. The owner or operator of the CCR unit must determine the rate and direction of groundwater flow each time groundwater is sampled. Groundwater elevations in wells which monitor the same CCR management area must be measured within a period of time short enough to avoid temporal variations in groundwater flow which could preclude accurate determination of groundwater flow rate and direction.			
303	(d)					The owner or operator of the CCR unit must establish background groundwater quality in a hydraulically upgradient or background well(s) for each of the constituents required in the particular groundwater monitoring program that applies to the CCR unit as determined under § 257.94(a) or § 257.95(a). Background groundwater quality may be established at wells that are not located hydraulically upgradient from the CCR unit if it meets the requirements of § 257.91(a)(1).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
304	(e)					The number of samples collected when conducting detection monitoring and assessment monitoring (for both downgradient and background wells) must be consistent with the statistical procedures chosen under paragraph (f) of this section and the performance standards under paragraph (g) of this section. The sampling procedures shall be those specified under § 257.94(b) through (d) for detection monitoring, § 257.95(b) through (d) for assessment monitoring, and § 257.96(b) for corrective action.			
305	(f)	(1)				*The owner or operator of the CCR unit must select one of the statistical methods specified in paragraphs (f)(1) through (5) of this section to be used in evaluating groundwater monitoring data for each specified constituent. The statistical test chosen shall be conducted separately for each constituent in each monitoring well.* A parametric analysis of variance followed by multiple comparison procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's mean and the background mean levels for each constituent.			
306	(f)	(2)				An analysis of variance based on ranks followed by multiple comparison procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's median and the background median levels for each constituent.			
307	(f)	(3)				A tolerance or prediction interval procedure, in which an interval for each constituent is established from the distribution of the background data and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
308	(f)	(4)				A control chart approach that gives control limits for each constituent.			
309	(f)	(5)				Another statistical test method that meets the performance standards of paragraph (g) of this section.			
310	(f)	(6)				The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the selected statistical method is appropriate for evaluating the groundwater monitoring data for the CCR management area. The certification must include a narrative description of the statistical method selected to evaluate the groundwater monitoring data.			
311	(g)	(1)				*Any statistical method chosen under paragraph (f) of this section shall comply with the following performance standards, as appropriate, based on the statistical test method used:* The statistical method used to evaluate groundwater monitoring data shall be appropriate for the distribution of constituents. Normal distributions of data values shall use parametric methods. Non-normal distributions shall use non-parametric methods. If the distribution of the constituents is shown by the owner or operator of the CCR unit to be inappropriate for a normal theory test, then the data must be transformed or a distribution-free (non-parametric) theory test must be used. If the distributions for the constituents differ, more than one statistical method may be needed.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
312	(g)	(2)				If an individual well comparison procedure is used to compare an individual compliance well constituent concentration with background constituent concentrations or a groundwater protection standard, the test shall be done at a Type I error level no less than 0.01 for each testing period. If a multiple comparison procedure is used, the Type I experiment wise error rate for each testing period shall be no less than 0.05; however, the Type I error of no less than 0.01 for individual well comparisons must be maintained. This performance standard does not apply to tolerance intervals, prediction intervals, or control charts.			
313	(g)	(3)				If a control chart approach is used to evaluate groundwater monitoring data, the specific type of control chart and its associated parameter values shall be such that this approach is at least as effective as any other approach in this section for evaluating groundwater data. The parameter values shall be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.			
314	(g)	(4)				If a tolerance interval or a predictional interval is used to evaluate groundwater monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval must contain, shall be such that this approach is at least as effective as any other approach in this section for evaluating groundwater data. These parameters shall be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
315	(g)	(5)				The statistical method must account for data below the limit of detection with one or more statistical procedures that shall at least as effective as any other approach in this section for evaluating groundwater data. Any practical quantitation limit that is used in the statistical method shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.			
316	(g)	(6)				If necessary, the statistical method must include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.			
317	(h)					The owner or operator of the CCR unit must determine whether or not there is a statistically significant increase over background values for each constituent required in the particular groundwater monitoring program that applies to the CCR unit, as determined under § 257.94(a) or § 257.95(a).			
318	(h)	(1)				In determining whether a statistically significant increase has occurred, the owner or operator must compare the groundwater quality of each constituent at each monitoring well designated pursuant to § 257.91(a)(2) or (d)(1) to the background value of that constituent, according to the statistical procedures and performance standards specified under paragraphs (f) and (g) of this section.			
319	(h)	(2)				Within 90 days after completing sampling and analysis, the owner or operator must determine whether there has been a statistically significant increase over background for any constituent at each monitoring well.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
320	(i)					The owner or operator must measure ‘‘total recoverable metals’’ concentrations in measuring groundwater quality. Measurement of total recoverable metals captures both the particulate fraction and dissolved fraction of metals in natural waters. Groundwater samples shall not be fieldfiltered prior to analysis.			
321	(j)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).			
322						**§ 257.94 Detection Monitoring Program**			
323						*The owner of operator of the CCR unit must meet all the requirements (a) through (f) and all their components.*			
324	(a)					The owner or operator of a CCR unit must conduct detection monitoring at all groundwater monitoring wells consistent with this section. At a minimum, a detection monitoring program must include groundwater monitoring for all constituents listed in appendix III to this part.			
325	(b)					Except as provided in paragraph (d) of this section, the monitoring frequency for the constituents listed in appendix III to this part shall be at least semiannual during the active life of the CCR unit and the post-closure period. For existing CCR landfills and existing CCR surface impoundments, a minimum of eight independent samples from each background and downgradient well must be collected and analyzed for the constituents listed in appendix III and IV to this part no later than October 17, 2017. For new CCR landfills, new CCR surface impoundments, and all lateral expansions of CCR units, a minimum of eight independent samples for each background well must be collected and analyzed for the constituents listed in appendices III and IV to this part during the first six months of sampling.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
326	(c)					The number of samples collected and analyzed for each background well and downgradient well during subsequent semiannual sampling events must be consistent with § 257.93(e), and must account for any unique characteristics of the site, but must be at least one sample from each background and downgradient well.			
327	(d)	(1)				The owner or operator of a CCR unit may demonstrate the need for an alternative monitoring frequency for repeated sampling and analysis for constituents listed in appendix III to this part during the active life and the post-closure care period based on the availability of groundwater. If there is not adequate groundwater flow to sample wells semiannually, the alternative frequency shall be no less than annual. The need to vary monitoring frequency must be evaluated on a site-specific basis. The demonstration must be supported by, at a minimum, the information specified in paragraphs (d)(1) and (2) of this section.			
328	(d)	(1)	(i)			*The alternative frequency must be based on consideration of the following factors:* Lithology of the aquifer and unsaturated zone;			
329	(d)	(1)	(ii)			Hydraulic conductivity of the aquifer and unsaturated zone; and			
330	(d)	(1)	(iii)			Groundwater flow rates.			
331	(d)	(2)				Information documenting that the alternative frequency will be no less effective in ensuring that any leakage from the CCR unit will be discovered within a timeframe that will not materially delay establishment of an assessment monitoring program.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
332	(d)	(3)				The owner or operator must obtain a certification from a qualified demonstration for an alternative groundwater sampling and analysis frequency meets the requirements of this section. The owner or operator must include the demonstration providing the basis for the alternative monitoring frequency and the certification by a qualified professional engineer in the annual groundwater monitoring and corrective action report required by § 257.90(e).			
333	(e)	(1)				*If the owner or operator of the CCR unit determines, pursuant to § 257.93(h) that there is a statistically significant increase over background levels for one or more of the constituents listed in appendix III to this part at any monitoring well at the waste boundary specified under § 257.91(a)(2), the owner or operator must:* Except as provided for in paragraph (e)(2) of this section, within 90 days of detecting a statistically significant increase over background levels for any constituent, establish an assessment monitoring program meeting the requirements of § 257.95.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
334	(e)	(2)				The owner or operator may demonstrate that a source other than the CCR unit caused the statistically significant increase over background levels for a constituent or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality. The owner or operator must complete the written demonstration within 90 days of detecting a statistically significant increase over background levels to include obtaining a certification from a qualified professional engineer verifying the accuracy of the information in the report. If a successful demonstration is completed within the 90-day period, the owner or operator of the CCR unit may continue with a detection monitoring program under this section. If a successful demonstration is not completed within the 90-day period, the owner or operator of the CCR unit must initiate an assessment monitoring program as required under § 257.95. The owner or operator must also include the demonstration in the annual groundwater monitoring and corrective action report required by § 257.90(e), in addition to the certification by a qualified professional engineer.			
335	(e)	(3)				The owner or operator of a CCR unit must prepare a notification stating that an assessment monitoring program has been established. The owner or operator has completed the notification when the notification is placed in the facility's operating record as required by § 257.105(h)(5).			
336	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).			
337						**§ 257.95 Assessment Monitoring Program**			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
338						*The owner of operator of the CCR unit must meet all the requirements (a) through (h) and all their components.*			
339	(a)					Assessment monitoring is required whenever a statistically significant increase over background levels has been detected for one or more of the constituents listed in appendix III to this part.			
340	(b)					Within 90 days of triggering an assessment monitoring program, and annually thereafter, the owner or operator of the CCR unit must sample and analyze the groundwater for all constituents listed in appendix IV to this part. The number of samples collected and analyzed for each well during each sampling event must be consistent with § 257.93(e), and must account for any unique characteristics of the site, but must be at least one sample from each well.			
341	(c)	(1)				The owner or operator of a CCR unit may demonstrate the need for an alternative monitoring frequency for repeated sampling and analysis for constituents listed in appendix IV to this part during the active life and the post-closure care period based on the availability of groundwater. If there is not adequate groundwater flow to sample wells semiannually, the alternative frequency shall be no less than annual. The need to vary monitoring frequency must be evaluated on a site-specific basis. The demonstration must be supported by, at a minimum, the information specified in paragraphs (c)(1) and (2) of this section. Information documenting that the need for less frequent sampling.			
342	(c)	(1)	(i)			*The alternative frequency must be based on consideration of the following factors:* Lithology of the aquifer and unsaturated zone;			
343	(c)	(1)	(ii)			Hydraulic conductivity of the aquifer and unsaturated zone; and			
344	(c)	(1)	(iii)			Groundwater flow rates.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
345	(c)	(2)				Information documenting that the alternative frequency will be no less effective in ensuring that any leakage from the CCR unit will be discovered within a timeframe that will not materially delay the initiation of any necessary remediation measures.			
346	(c)	(3)				The owner or operator must obtain a certification from a qualified professional engineer stating that the demonstration for an alternative groundwater sampling and analysis frequency meets the requirements of this section. The owner or operator must include the demonstration providing the basis for the alternative monitoring frequency and the certification by a qualified professional engineer in the annual groundwater monitoring and corrective action report required by § 257.90(e).			
347	(d)	(1)				*After obtaining the results from the initial and subsequent sampling events required in paragraph (b) of this section, the owner or operator must:* Within 90 days of obtaining the results, and on at least a semiannual basis thereafter, resample all wells that were installed pursuant to the requirements of § 257.91, conduct analyses for all parameters in appendix III to this part and for those constituents in appendix IV to this part that are detected in response to paragraph (b) of this section, and record their concentrations in the facility operating record. The number of samples collected and analyzed for each background well and downgradient well during subsequent semiannual sampling events must be consistent with § 257.93(e), and must account for any unique characteristics of the site, but must be at least one sample from each background and downgradient well;			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
348	(d)	(2)				Establish groundwater protection standards for all constituents detected pursuant to paragraph (b) or (d) of this section. The groundwater protection standards must be established in accordance with paragraph (h) of this section; and			
349	(d)	(3)				Include the recorded concentrations required by paragraph (d)(1) of this section, identify the background concentrations established under § 257.94(b), and identify the groundwater protection standards established under paragraph (d)(2) of this section in the annual groundwater monitoring and corrective action report required by § 257.90(e).			
350	(e)					If the concentrations of all constituents listed in appendices III and IV to this part are shown to be at or below background values, using the statistical procedures in § 257.93(g), for two consecutive sampling events, the owner or operator may return to detection monitoring of the CCR unit. The owner or operator must prepare a notification stating that detection monitoring is resuming for the CCR unit. The owner or operator has completed the notification when the notification is placed in the facility's operating record as required by § 257.105(h)(7).			
351	(f)					If the concentrations of any constituent in appendices III and IV to this part are above background values, but all concentrations are below the groundwater protection standard established under paragraph (h) of this section, using the statistical procedures in § 257.93(g), the owner or operator must continue assessment monitoring in accordance with this section.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
352	(g)					If one or more constituents in appendix IV to this part are detected at statistically significant levels above the groundwater protection standard established under paragraph (h) of this section in any sampling event, the owner or operator must prepare a notification identifying the constituents in appendix IV to this part that have exceeded the groundwater protection standard. The owner or operator has completed the notification when the notification is placed in the facility's operating record as required by § 257.105(h)(8).			
353	(g)	(1)	(i)			*The owner or operator of the CCR unit also must:* Characterize the nature and extent of the release and any relevant site conditions that may affect the remedy ultimately selected. The characterization must be sufficient to support a complete and accurate assessment of the corrective measures necessary to effectively clean up all releases from the CCR unit pursuant to § 257.96. Characterization of the release includes the following minimum measures: Install additional monitoring wells necessary to define the contaminant plume(s);			
354	(g)	(1)	(ii)			Collect data on the nature and estimated quantity of material released including specific information on the constituents listed in appendix IV of this part and the levels at which they are present in the material released;			
355	(g)	(1)	(iii)			Install at least one additional monitoring well at the facility boundary in the direction of contaminant migration and sample this well in accordance with paragraph (d)(1) of this section; and			
356	(g)	(1)	(iv)			Sample all wells in accordance with paragraph (d)(1) of this section to characterize the nature and extent of the release.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
357	(g)	(2)				Notify all persons who own the land or reside on the land that directly overlies any part of the plume of contamination if contaminants have migrated off-site if indicated by sampling of wells in accordance with paragraph (g)(1) of this section.			
358	(g)	(2)	(i)			The owner or operator has completed the notifications when they are placed in the facility's operating record as required by § 257.105(h)(8).			
359	(g)	(3)	(i)			*Within 90 days of finding that any of the constituents listed in appendix IV to this part have been detected at a statistically significant level exceeding the groundwater protection standards the owner or operator must either:*			
						Initiate an assessment of corrective measures as required by § 257.96; or			
360	(g)	(3)	(ii)			Demonstrate that a source other than the CCR unit caused the contamination, or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality. Any such demonstration must be supported by a report that includes the factual or evidentiary basis for any conclusions and must be certified to be accurate by a qualified professional engineer. If a successful demonstration is made, the owner or operator must continue monitoring in accordance with the assessment monitoring program pursuant to this section, and may return to detection monitoring if the constituents in appendices III and IV to this part are at or below background as specified in paragraph (e) of this section. The owner or operator must also include the demonstration in the annual groundwater monitoring and corrective action report required by § 257.90(e), in addition to the certification by a qualified professional engineer.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
361	(g)	(4)				If a successful demonstration has not been made at the end of the 90 day period provided by paragraph (g)(3)(ii) of this section, the owner or operator of the CCR unit must initiate the assessment of corrective measures requirements under § 257.96.			
362	(g)	(5)				If an assessment of corrective measures is required under § 257.96 by either paragraph (g)(3)(i) or (g)(4) of this section, and if the CCR unit is an existing unlined CCR surface impoundment as determined by § 257.71(a), then the CCR unit is subject to the closure requirements under § 257.101(a) to retrofit or close. In addition, the owner or operator must prepare a notification stating that an assessment of corrective measures has been initiated.			
363	(h)					The owner or operator of the CCR unit must establish a groundwater protection standard for each constituent in appendix IV to this part detected in the groundwater.			
364	(h)	(1)				*The groundwater protection standard shall be:* The owner or operator of the CCR unit must establish a groundwater protection standard for each constituent in appendix IV to this part detected in the groundwater. The groundwater protection standard shall be: For constituents for which a maximum contaminant level (MCL) has been established under §§ 141.62 and 141.66 of this title, the MCL for that constituent;			
365	(h)	(2)				For constituents for which an MCL has not been established, the background concentration for the constituent established from wells in accordance with § 257.91; or			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
366	(h)	(3)				For constituents for which the background level is higher than the MCL identified under paragraph (h)(1) of this section, the background concentration. (i) The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).			
367						**§ 257.96 Assessment of Corrective Measures**			
368						*The owner of operator of the CCR unit must meet all the requirements (a) through (f) and all their components.*			
369	(a)					Within 90 days of finding that any constituent listed in appendix IV to this part has been detected at a statistically significant level exceeding the groundwater protection standard defined under § 257.95(h), or immediately upon detection of a release from a CCR unit, the owner or operator must initiate an assessment of corrective measures to prevent further releases, to remediate any releases and to restore affected area to original conditions. The assessment of corrective measures must be completed within 90 days, unless the owner or operator demonstrates the need for additional time to complete the assessment of corrective measures due to site-specific conditions or circumstances. The owner or operator must obtain a certification from a qualified professional engineer attesting that the demonstration is accurate. The 90-day deadline to complete the assessment of corrective measures may be extended for no longer than 60 days. The owner or operator must also include the demonstration in the annual groundwater monitoring and corrective action report required by § 257.90(e), in addition to the certification by a qualified professional engineer.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
370	(b)					The owner or operator of the CCR unit must continue to monitor groundwater in accordance with the assessment monitoring program as specified in § 257.95.			
371	(c)	(1)				*The assessment under paragraph (a) of this section must include an analysis of the effectiveness of potential corrective measures in meeting all of the requirements and objectives of the remedy as described under § 257.97 addressing at least the following:*			
						The performance, reliability, ease of implementation, and potential impacts of appropriate potential remedies, including safety impacts, cross-media impacts, and control of exposure to any residual contamination;			
372	(c)	(2)				The time required to begin and complete the remedy;			
373	(c)	(3)				The institutional requirements, such as state or local permit requirements or other environmental or public health requirements that may substantially affect implementation of the remedy(s).			
374	(d)					The owner or operator must place the completed assessment of corrective measures in the facility's operating record. The assessment has been completed when it is placed in the facility's operating record as required by § 257.105(h)(10).			
375	(e)					The owner or operator must discuss the results of the corrective measures assessment at least 30 days prior to the selection of remedy, in a public meeting with interested and affected parties.			
376	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).			
377						**§ 257.97 Selection of Remedy**			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
378						*The owner of operator of the CCR unit must meet all the requirements (a) through (e) and all their components.*			
379	(a)					Based on the results of the corrective measures assessment conducted under § 257.96, the owner or operator must, as soon as feasible, select a remedy that, at a minimum, meets the standards listed in paragraph (b) of this section. This requirement applies to, not in place of, any applicable standards under the Occupational Safety and Health Act. The owner or operator must prepare a semiannual report describing the progress in selecting and designing the remedy. Upon selection of a remedy, the owner or operator must prepare a final report describing the selected remedy and how it meets the standards specified in paragraph (b) of this section. The owner or operator must obtain a certification from a qualified professional engineer that the remedy selected meets the requirements of this section. The report has been completed when it is placed in the operating record as required by § 257.105(h)(12).			
380	(b)	(1)				*Remedies must:* Be protective of human health and the environment;			
381	(b)	(2)				Attain the groundwater protection standard as specified pursuant to § 257.95(h);			
382	(b)	(3)				Control the source(s) of releases so as to reduce or eliminate, to the maximum extent feasible, further releases of constituents in appendix IV to this part into the environment;			
383	(b)	(4)				Remove from the environment as much of the contaminated material that was released from the CCR unit as is feasible, taking into account factors such as avoiding inappropriate disturbance of sensitive ecosystems;			
384	(b)	(5)				Comply with standards for management of wastes as specified in § 257.98(d).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
385	(c)					*In selecting a remedy that meets the standards of paragraph (b) of this section, the owner or operator of the CCR unit shall consider the following evaluation factors:* The long- and short-term effectiveness and protectiveness of the potential remedy(s), along with the degree of certainty that the remedy will prove successful.			
386	(c)	(1)	(i)			*The remedy will prove successful based on consideration of the following:* Magnitude of reduction of existing risks;			
387	(c)	(1)	(ii)			Magnitude of residual risks in terms of likelihood of further releases due to CCR remaining following implementation of a remedy;			
388	(c)	(1)	(iii)			The type and degree of long-term management required, including monitoring, operation, and maintenance;			
389	(c)	(1)	(iv)			Short-term risks that might be posed to the community or the environment during implementation of such a remedy, including potential threats to human health and the environment associated with excavation, transportation, and redisposal of contaminant;			
390	(c)	(1)	(v)			Time until full protection is achieved;			
391	(c)	(1)	(vi)			Potential for exposure of humans and environmental receptors to remaining wastes, considering the potential threat to human health and the environment associated with excavation, transportation, re-disposal, or containment;			
392	(c)	(1)	(vii)			Long-term reliability of the engineering and institutional controls; and (viii) Potential need for replacement of the remedy.			
393	(c)	(2)	(i)			*The effectiveness of the remedy in controlling the source to reduce further releases based on consideration of the following factors:*			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
						The extent to which containment practices will reduce further releases; and			
394	(c)	(2)	(ii)			The extent to which treatment technologies may be used.			
395	(c)	(3)	(i)			*The ease or difficulty of implementing a potential remedy(s) based on consideration of the following types of factors:* Degree of difficulty associated with constructing the technology;			
396	(c)	(3)	(ii)			Expected operational reliability of the technologies;			
397	(c)	(3)	(iii)			Need to coordinate with and obtain necessary approvals and permits from other agencies;			
398	(c)	(3)	(iv)			Availability of necessary equipment and specialists; and			
399	(c)	(3)	(v)			Available capacity and location of needed treatment, storage, and disposal services.			
400	(c)	(4)				The degree to which community concerns are addressed by a potential remedy(s).			
401	(d)					The owner or operator must specify as part of the selected remedy a schedule(s) for implementing and completing remedial activities. Such a schedule must require the completion of remedial activities within a reasonable period of time taking into consideration the factors set forth in paragraphs (d)(1) through (6) of this section.			
402	(d)	(1)				*The owner or operator of the CCR unit must consider the following factors in determining the schedule of remedial activities:* Extent and nature of contamination, as determined by the characterization required under § 257.95(g);			
403	(d)	(2)				Reasonable probabilities of remedial technologies in achieving compliance with the groundwater protection standards established under § 257.95(h) and other objectives of the remedy;			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
404	(d)	(3)				Availability of treatment or disposal capacity for CCR managed during implementation of the remedy;			
405	(d)	(4)				Potential risks to human health and the environment from exposure to contamination prior to completion of the remedy;			
406	(d)	(5)	(i)			Resource value of the aquifer including: Current and future uses;			
407	(d)	(5)	(ii)			Proximity and withdrawal rate of users;			
408	(d)	(5)	(iii)			Groundwater quantity and quality;			
409	(d)	(5)	(iv)			The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to CCR constituents;			
410	(d)	(5)	(v)			The hydrogeologic characteristic of the facility and surrounding land; and (vi) The availability of alternative water supplies; and			
411	(d)	(6)				Other relevant factors.			
412	(e)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).			
413						**§ 257.98 Implementation of the Corrective Action Program**			
414						*The owner of operator of the CCR unit must meet all the requirements (a) through (f) and all their components.*			
415	(a)					Within 90 days of selecting a remedy under § 257.97, the owner or operator must initiate remedial activities.			
416	(a)	(1)				*Based on the schedule established under § 257.97(d) for implementation and completion of remedial activities the owner or operator must:* Establish and implement a corrective action groundwater monitoring program.			
417	(a)	(1)	(i)			*The corrective action groundwater monitoring program must:*			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
						At a minimum, meets the requirements of an assessment monitoring program under § 257.95;			
418	(a)	(1)	(ii)			Documents the effectiveness of the corrective action remedy; and			
419	(a)	(1)	(iii)			Demonstrates compliance with the groundwater protection standard pursuant to paragraph (c) of this section.			
420	(a)	(2)				Implement the corrective action remedy selected under § 257.97; and			
421	(a)	(3)				Take any interim measures necessary to reduce the contaminants leaching from the CCR unit, and/or potential exposures to human or ecological receptors. Interim measures must, to the greatest extent feasible, be consistent with the objectives of and contribute to the performance of any remedy that may be required pursuant to § 257.97.			
422	(a)	(3)	(i)			*The following factors must be considered by an owner or operator in determining whether interim measures are necessary:* Time required to develop and implement a final remedy;			
423	(a)	(3)	(ii)			Actual or potential exposure of nearby populations or environmental receptors to any of the constituents listed in appendix IV of this part;			
424	(a)	(3)	(iii)			Actual or potential contamination of drinking water supplies or sensitive ecosystems;			
425	(a)	(3)	(iv)			Further degradation of the groundwater that may occur if remedial action is not initiated expeditiously;			
426	(a)	(3)	(v)			Weather conditions that may cause any of the constituents listed in appendix IV to this part to migrate or be released;			
427	(a)	(3)	(vi)			Potential for exposure to any of the constituents listed in appendix IV to this part as a result of an accident or failure of a container or handling system; and			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
428	(a)	(3)	(vii)			Other situations that may pose threats to human health and the environment.			
429	(b)					If an owner or operator of the CCR unit, determines, at any time, that compliance with the requirements of § 257.97(b) is not being achieved through the remedy selected, the owner or operator must implement other methods or techniques that could feasibly achieve compliance with the requirements.			
430	(c)	(1)				*Remedies selected pursuant to § 257.97 shall be considered complete when:* The owner or operator of the CCR unit demonstrates compliance with the groundwater protection standards established under § 257.95(h) has been achieved at all points within the plume of contamination that lie beyond the groundwater monitoring well system established under § 257.91.			
431	(c)	(2)				Compliance with the groundwater protection standards established under § 257.95(h) has been achieved by demonstrating that concentrations of constituents listed in appendix IV to this part have not exceeded the groundwater protection standard(s) for a period of three consecutive years using the statistical procedures and performance standards in § 257.93(f) and (g).			
432	(c)	(3)				All actions required to complete the remedy have been satisfied.			
433	(d)					All CCR that are managed pursuant to a remedy required under § 257.97, or an interim measure required under paragraph (a)(3) of this section, shall be managed in a manner that complies with all applicable RCRA requirements.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
434	(e)					Upon completion of the remedy, the owner or operator must prepare a notification stating that the remedy has been completed. The owner or operator must obtain a certification from a qualified professional engineer attesting that the remedy has been completed in compliance with the requirements of paragraph (c) of this section. The report has been completed when it is placed in the operating record as required by § 257.105(h)(13).			
435	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the internet requirements specified in § 257.107(h).			
436						**§ 257.100 Inactive CCR Surface Impoundments**			
437						*The owner of operator of the CCR unit must meet all the requirements (a) through (d) and all their components.*			
438	(a)					Inactive CCR surface impoundments are subject to all of the requirements of this subpart applicable to existing CCR surface impoundments.			
439	(e)	(1)				Timeframes for certain inactive CCR surface impoundments. (1) An inactive CCR surface impoundment for which the owner or operator has completed the actions by the deadlines specified in paragraphs (e)(1)(i) through (iii) of this section is eligible for the alternative timeframes specified in paragraphs (e)(2) through (6) of this section. The owner or operator of the CCR unit must comply with the applicable recordkeeping, notification, and internet requirements associated with these provisions. For the inactive CCR surface impoundment:			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
440	(e)	(1)	(i)			The owner or operator must have prepared and placed in the facility's operating record by December 17, 2015, a notification of intent to initiate closure of the inactive CCR surface impoundment pursuant to §257.105(i)(1);			
441	(e)	(1)	(ii)			The owner or operator must have provided notification to the State Director and/or appropriate Tribal authority by January 19, 2016, of the intent to initiate closure of the inactive CCR surface impoundment pursuant to §257.106(i)(1); and			
442	(e)	(1)	(iii)			The owner or operator must have placed on its CCR Web site by January 19, 2016, the notification of intent to initiate closure of the inactive CCR surface impoundment pursuant to §257.107(i)(1).			
443	(e)	(2)	(i)			Location restrictions. (i) No later than April 16, 2020, the owner or operator of the inactive CCR surface impoundment must:			
444	(e)	(2)	(i)	(A)		Complete the demonstration for placement above the uppermost aquifer as set forth by §257.60(a), (b), and (c)(3);			
445	(e)	(2)	(i)	(B)		Complete the demonstration for wetlands as set forth by §257.61(a), (b), and (c)(3);			
446	(e)	(2)	(i)	(C)		Complete the demonstration for fault areas as set forth by §257.62(a), (b), and (c)(3);			
447	(e)	(2)	(i)	(D)		Complete the demonstration for seismic impact zones as set forth by §257.63(a), (b), and (c)(3); and			
448	(e)	(2)	(i)	(E)		Complete the demonstration for unstable areas as set forth by §257.64(a), (b), (c), and (d)(3).			
449	(e)	(2)	(ii)			An owner or operator of an inactive CCR surface impoundment who fails to demonstrate compliance with the requirements of paragraph (e)(2)(i) of this section is subject to the closure requirements of §257.101(b)(1).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
450	(e)	(3)				*Design criteria. The owner or operator of the inactive CCR surface impoundment must:*			
451	(e)	(3)	(i)			No later than April 17, 2018, complete the documentation of liner type as set forth by §257.71(a) and (b).			
452	(e)	(3)	(ii)			No later than June 16, 2017, place on or immediately adjacent to the CCR unit the permanent identification marker as set forth by §257.73(a)(1).			
453	(e)	(3)	(iii)			No later than October 16, 2018, prepare and maintain an Emergency Action Plan as set forth by §257.73(a)(3).			
454	(e)	(3)	(iv)			No later than April 17, 2018, compile a history of construction as set forth by §257.73(b) and (c).			
455	(e)	(3)	(v)			No later than April 17, 2018, complete the initial hazard potential classification, structural stability, and safety factor assessments as set forth by §257.73(a)(2), (b), (d), (e), and (f).			
456	(e)	(4)				Operating criteria. The owner or operator of the inactive CCR surface impoundment must:			
457	(e)	(4)	(i)			No later than April 18, 2017, prepare the initial CCR fugitive dust control plan as set forth in §257.80(b).			
458	(e)	(4)	(ii)			No later than April 17, 2018, prepare the initial inflow design flood control system plan as set forth in §257.82(c).			
459	(e)	(4)	(iii)			No later than April 18, 2017, initiate the inspections by a qualified person as set forth by §257.83(a).			
460	(e)	(4)	(iv)			No later than July 19, 2017, complete the initial annual inspection by a qualified professional engineer as set forth by §257.83(b).			
461	(e)	(5)				Groundwater monitoring and corrective action. The owner or operator of the inactive CCR surface impoundment must:			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
462	(e)	(5)	(i)			The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(i), the notification requirements specified in § 257.106(i), and the internet requirements specified in § 257.107(i).			
463	(e)	(5)	(ii)			No later than August 1, 2019, prepare the initial groundwater monitoring and corrective action report as set forth in §257.90(e).			
464	(e)	(6)				Closure and post-closure care. The owner or operator of the inactive CCR surface impoundment must:			
465	(e)	(6)	(i)			No later than April 17, 2018, prepare an initial written closure plan as set forth in §257.102(b); and			
466	(e)	(6)	(ii)			No later than April 17, 2018, prepare an initial written post-closure care plan as set forth in §257.104(d).			
467						**§ 257.101 Closure or Retrofit of CCR Units**			
468						*The owner of operator of the CCR unit must meet all the requirements (a) through (d) and all their components.*			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
469	(a)	(1)				The owner or operator of an existing unlined CCR surface impoundment, as determined under § 257.71(a), is subject to the requirements of paragraph (a)(1) of this section. Except as provided by paragraph (a)(3) of this section, if at any time after October 19, 2015 an owner or operator of an existing unlined CCR surface impoundment determines in any sampling event that the concentrations of one or more constituents listed in appendix IV to this part are detected at statistically significant levels above the groundwater protection standard established under § 257.95(h) for such CCR unit, within six months of making such determination, the owner or operator of the existing unlined CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR surface impoundment and either retrofit or close the CCR unit in accordance with the requirements of § 257.102.			
470	(a)	(2)				An owner or operator of an existing unlined CCR surface impoundment that closes in accordance with paragraph (a)(1) of this section must include a statement in the notification required under § 257.102(g) or (k)(5) that the CCR surface impoundment is closing or retrofitting under the requirements of paragraph (a)(1) of this section.			
471	(a)	(3)				The timeframe specified in paragraph (a)(1) of this section does not apply if the owner or operator complies with the alternative closure procedures specified in § 257.103.			
472	(a)	(4)				At any time after the initiation of closure under paragraph (a)(1) of this section, the owner or operator may cease closure activities and initiate a retrofit of the CCR unit in accordance with the requirements of § 257.102(k).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
473	(b)	(1)				The owner or operator of an existing CCR surface impoundment is subject to the requirements of paragraph (b)(1) of this section. Except as provided by paragraph (b)(4) of this section, within six months of determining that an existing CCR surface impoundment has not demonstrated compliance with any location standard specified in §§ 257.60(a), 257.61(a), 257.62(a), 257.63(a), and 257.64(a), the owner or operator of the CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR unit and close the CCR unit in accordance with the requirements of § 257.102.			
474	(b)	(2)				Within six months of either failing to complete the initial or any subsequent periodic safety factor assessment required by § 257.73(e) by the deadlines specified in § 257.73(f)(1) through (3) or failing to document that the calculated factors of safety for the existing CCR surface impoundment achieve the minimum safety factors specified in § 257.73(e)(1)(i) through (iv), the owner or operator of the CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR unit and close the CCR unit in accordance with the requirements of § 257.102.			
475	(b)	(3)				An owner or operator of an existing CCR surface impoundment that closes in accordance with paragraphs (b)(1) or (2) of this section must include a statement in the notification required under § 257.102(g) that the CCR surface impoundment is closing under the requirements of paragraphs (b)(1) or (2) of this section.			
476	(b)	(4)				The timeframe specified in paragraph (b)(1) of this section does not apply if the owner or operator complies with the alternative closure procedures specified in § 257.103.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
477	(c)	(1)				The owner or operator of a new CCR surface impoundment is subject to the requirements of paragraph (c)(1) of this section. Within six months of either failing to complete the initial or any subsequent periodic safety factor assessment required by § 257.74(e) by the deadlines specified in § 257.74(f)(1) through (3) or failing to document that the calculated factors of safety for the new CCR surface impoundment achieve the minimum safety factors specified in § 257.74(e)(1)(i) through (v), the owner or operator of the CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR unit and close the CCR unit in accordance with the requirements of § 257.102.			
478	(c)	(2)				An owner or operator of an new CCR surface impoundment that closes in accordance with paragraph (c)(1) of this section must include a statement in the notification required under § 257.102(g) that the CCR surface impoundment is closing under the requirements of paragraph (c)(1) of this section.			
479	(d)	(1)				The owner or operator of an existing CCR landfill is subject to the requirements of paragraph (d)(1) of this section. Except as provided by paragraph (d)(3) of this section, within six months of determining that an existing CCR landfill has not demonstrated compliance with the location restriction for unstable areas specified in § 257.64(a), the owner or operator of the CCR unit must cease placing CCR and non-CCR waste streams into such CCR landfill and close the CCR unit in accordance with the requirements of § 257.102.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
480	(d)	(2)				An owner or operator of an existing CCR landfill that closes in accordance with paragraph (d)(1) of this section must include a statement in the notification required under § 257.102(g) that the CCR landfill is closing under the requirements of paragraph (d)(1) of this section.			
481	(d)	(3)				The timeframe specified in paragraph (d)(1) of this section does not apply if the owner or operator complies with the alternative closure procedures specified in § 257.103.			
482						**§ 257.102 Criteria for Conducting the Closure or Retrofit of CCR Units**			
483						*The owner of operator of the CCR unit must meet all the requirements (a) through (k) and all their components.*			
484	(a)					Closure of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit must be completed either by leaving the CCR in place and installing a final cover system or through removal of the CCR and decontamination of the CCR unit, as described in paragraphs (b) through (j) of this section. Retrofit of a CCR surface impoundment must be completed in accordance with the requirements in paragraph (k) of this section.			
485	(b)	(1)				The owner or operator of a CCR unit must prepare a written closure plan that describes the steps necessary to close the CCR unit at any point during the active life of the CCR unit consistent with recognized and generally accepted good engineering practices.			
486	(b)	(1)	(i)			*The written closure plan must include, at a minimum, the information specified in paragraphs (b)(1)(i) through (vi) of this section:* A narrative description of how the CCR unit will be closed in accordance with this section.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
487	(b)	(1)	(ii)			If closure of the CCR unit will be accomplished through removal of CCR from the CCR unit, a description of the procedures to remove the CCR and decontaminate the CCR unit in accordance with paragraph (c) of this section.			
488	(b)	(1)	(iii)			If closure of the CCR unit will be accomplished by leaving CCR in place, a description of the final cover system, designed in accordance with paragraph (d) of this section, and the methods and procedures to be used to install the final cover. The closure plan must also discuss how the final cover system will achieve the performance standards specified in paragraph (d) of this section.			
489	(b)	(1)	(iv)			An estimate of the maximum inventory of CCR ever on-site over the active life of the CCR unit.			
490	(b)	(1)	(v)			An estimate of the largest area of the CCR unit ever requiring a final cover as required by paragraph (d) of this section at any time during the CCR unit's active life.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
491	(b)	(1)	(v)			A schedule for completing all activities necessary to satisfy the closure criteria in this section, including an estimate of the year in which all closure activities for the CCR unit will be completed. The schedule should provide sufficient information to describe the sequential steps that will be taken to close the CCR unit, including identification of major milestones such as coordinating with and obtaining necessary approvals and permits from other agencies, the dewatering and stabilization phases of CCR surface impoundment closure, or installation of the final cover system, and the estimated timeframes to complete each step or phase of CCR unit closure. When preparing the written closure plan, if the owner or operator of a CCR unit estimates that the time required to complete closure will exceed the timeframes specified in paragraph (f)(1) of this section, the written closure plan must include the site-specific information, factors and considerations that would support any time extension sought under paragraph (f)(2) of this section.			
492	(b)	(2)	(i)			The owner or operator ofan existing CCR landfill and existing CCR surface impoundment must prepare an initial written closure plan consistent with the requirements specified in paragraph (b)(1) of this section, no later than October 17, 2016.			
493	(b)	(2)	(ii)			For new CCR landfills and new CCR surface impoundments, and any lateral expansion of a CCR unit, the owner or operator must prepare an initial written closure plan consistent with the requirements specified in paragraph (b)(1) of this section, no later than the date of the initial receipt of CCR in the CCR unit.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
494	(b)	(2)	(iii)			The owner or operator has completed the written closure plan when the plan, including the certification required by paragraph (b)(4) of this section, has been placed in the facility's operating record as required by § 257.105(i)(4).			
495	(b)	(3)	(i)			The owner or operator may amend the initial or any subsequent written closure plan developed pursuant to paragraph (b)(1) of this section at any time.			
496	(b)	(3)	(ii)	(A)		*The owner or operator must amend the written closure plan whenever:* There is a change in the operation of the CCR unit that would substantially affect the written closure plan in effect; or			
497	(b)	(3)	(ii)	(B)		Before or after closure activities have commenced, unanticipated events necessitate a revision of the written closure plan.			
498	(b)	(3)	(iii)			The owner or operator must amend the closure plan at least 60 days prior to a planned change in the operation of the facility or CCR unit, or no later than 60 days after an unanticipated event requires the need to revise an existing written closure plan. If a written closure plan is revised after closure activities have commenced for a CCR unit, the owner or operator must amend the current closure plan no later than 30 days following the triggering event.			
499	(b)	(4)				The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the initial and any amendment of requirements of this section.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
500	(c)					An owner or operator may elect to close a CCR unit by removing and decontaminating all areas affected by releases from the CCR unit. CCR removal and decontamination of the CCR unit are complete when constituent concentrations throughout the CCR unit and any areas affected by releases from the CCR unit have been removed and groundwater monitoring concentrations do not exceed the groundwater protection standard established pursuant to § 257.95(h) for constituents listed in appendix IV to this part.			
501	(d)	(1)	(i)			*The owner or operator of a CCR unit must ensure that, at a minimum, the CCR unit is closed in a manner that will:* Control, minimize or eliminate, to the maximum extent feasible, postclosure infiltration of liquids into the waste and releases of CCR, leachate, or contaminated run-off to the ground or surface waters or to the atmosphere;			
502	(d)	(1)	(ii)			Preclude the probability of future impoundment of water, sediment, or slurry;			
503	(d)	(1)	(iii)			Include measures that provide for major slope stability to prevent the sloughing or movement of the final cover system during the closure and post-closure care period;			
504	(d)	(1)	(iv)			Minimize the need for further maintenance of the CCR unit; and			
505	(d)	(1)	(v)			Be completed in the shortest amount of time consistent with recognized and generally accepted good engineering practices.			
506	(d)	(2)	(i)			*The owner or operator of a CCR surface impoundment or any lateral expansion of a CCR surface impoundment must meet the requirements of paragraphs (d)(2)(i) and (ii) of this section prior to installing the final cover system required under paragraph (d)(3) of this section.*			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
						Free liquids must be eliminated by removing liquid wastes or solidifying the remaining wastes and waste residues.			
507	(d)	(2)	(ii)			Remaining wastes must be stabilized sufficient to support the final cover system.			
508	(d)	(3)				If a CCR unit is closed by leaving CCR in place, the owner or operator must install a final cover system that is designed to minimize infiltration and erosion, and at a minimum, meets the requirements of paragraph (d)(3)(i) of this section, or the requirements of the alternative final cover system specified in paragraph (d)(3)(ii) of this section.			
509	(d)	(3)	(i)			The final cover system must be designed and constructed to meet the criteria in paragraphs (d)(3)(i)(A) through (D) of this section.			
510	(d)	(3)	(i)	(A)		*The design of the final cover system must be included in the written closure plan required by paragraph (b) of this section.* The permeability of the final cover system must be less than or equal to the permeability of any bottom liner system or natural subsoils present, or a permeability no greater than 1 × 10¥5 cm/sec, whichever is less.			
511	(d)	(3)	(i)	(B)		The infiltration of liquids through the closed CCR unit must be minimized by the use of an infiltration layer that contains a minimum of 18 inches of earthen material.			
512	(d)	(3)	(i)	(C)		The erosion of the final cover system must be minimized by the use of an erosion layer that contains a minimum of six inches of earthen material that is capable of sustaining native plant growth.			
513	(d)	(3)	(i)	(D)		The disruption of the integrity of the final cover system must be minimized through a design that accommodates settling and subsidence.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
514	(d)	(3)	(ii)			The owner or operator may select an alternative final cover system design, provided the alternative final cover system is designed and constructed to meet the criteria in paragraphs (f)(3)(ii)(A) through (D) of this section.			
515	(d)	(3)	(ii)	(A)		*The design of the final cover system must be included in the written closure plan required by paragraph (b) of this section.* The design of the final cover system must include an infiltration layer that achieves an equivalent reduction in infiltration as the infiltration layer specified in paragraphs (d)(3)(i)(A) and (B) of this section.			
516	(d)	(3)	(ii)	(B)		The design of the final cover system must include an erosion layer that provides equivalent protection from wind or water erosion as the erosion layer specified in paragraph (d)(3)(i)(C) of this section.			
517	(d)	(3)	(ii)	(C)		The disruption of the integrity of the final cover system must be minimized through a design that accommodates settling and subsidence.			
518	(d)	(3)	(iii)			The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the design of the final cover system meets the requirements of this section.			
519	(e)					Except as provided for in paragraph (e)(4) of this section and § 257.103, the owner or operator of a CCR unit must commence closure of the CCR unit no later than the applicable timeframes specified in either paragraph (e)(1) or (2) of this section.			
520	(e)	(1)	(i)			*The owner or operator must commence closure of the CCR unit no later than 30 days after the date on which the CCR unit either:* Receives the known final receipt of waste, either CCR or any non-CCR waste stream; or			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
521	(e)	(1)	(ii)			Removes the known final volume of CCR from the CCR unit for the purpose of beneficial use of CCR.			
522	(e)	(2)	(i)			Except as provided by paragraph (e)(2)(ii) of this section, the owner or operator must commence closure of a CCR unit that has not received CCR or any non-CCR waste stream or is no longer removing CCR for the purpose of beneficial use within two years of the last receipt of waste or within two years of the last removal of CCR material for the purpose of beneficial use.			
523	(e)	(2)	(ii)			Notwithstanding paragraph (e)(2)(i) of this section, the owner or operator of the CCR unit may secure an additional two years to initiate closure of the idle unit provided the owner or operator provides written documentation that the CCR unit will continue to accept wastes or will start removing CCR for the purpose of beneficial use. The documentation must be supported by, at a minimum, the information specified in paragraphs (e)(2)(ii)(A) and (B) of this section. The owner or operator may obtain two-year extensions provided the owner or operator continues to be able to demonstrate that there is reasonable likelihood that the CCR unit will accept wastes in the foreseeable future or will remove CCR from the unit for the purpose of beneficial use. The owner or operator must place each completed demonstration, if more than one time extension is sought, in the facility's operating record as required by § 257.105(i)(5) prior to the end of any two-year period.			
524	(e)	(2)	(ii)	(A)		Information documenting that the CCR unit has remaining storage or disposal capacity or that the CCR unit can have CCR removed for the purpose of beneficial use; and			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
525	(e)	(2)	(ii)	(B)		Information demonstrating that that there is a reasonable likelihood that the CCR unit will resume receiving CCR or non-CCR waste streams in the foreseeable future or that CCR can be removed for the purpose of beneficial use. The narrative must include a best estimate as to when the CCR unit will resume receiving CCR or non-CCR waste streams. The situations listed in paragraphs (e)(2)(ii)(B)(1) through (4) of this section are examples of situations that would support a determination that the CCR unit will resume receiving CCR or non-CCR waste streams in the foreseeable future.			
526	(e)	(2)	(ii)	(B)	(1)	Normal plant operations include periods during which the CCR unit does not receive CCR or non-CCR waste streams, such as the alternating use of two or more CCR units whereby at any point in time one CCR unit is receiving CCR while CCR is being removed from a second CCR unit after its dewatering.			
527	(e)	(2)	(ii)	(B)	(2)	The CCR unit is dedicated to a coal-fired boiler unit that is temporarily idled (e.g., CCR is not being generated) and there is a reasonable likelihood that the coal-fired boiler will resume operations in the future.			
528	(e)	(2)	(ii)	(B)	(3)	The CCR unit is dedicated to an operating coal-fired boiler (i.e., CCR is being generated); however, no CCR are being placed in the CCR unit because the CCR are being entirely diverted to beneficial uses, but there is a reasonable likelihood that the CCR unit will again be used in the foreseeable future.			
529	(e)	(2)	(ii)	(B)	(4)	The CCR unit currently receives only non-CCR waste streams and those non-CCR waste streams are not generated for an extended period of time, but there is a reasonable likelihood that the CCR unit will again receive non-CCR waste streams in the future.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
530	(e)	(2)	(iii)			In order to obtain additional time extension(s) to initiate closure of a CCR unit beyond the two years provided by paragraph (e)(2)(i) of this section, the owner or operator of the CCR unit must include with the demonstration required by paragraph (e)(2)(ii) of this section the following statement signed by the owner or operator or an authorized representative: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.			
531	(e)	(3)	(i)			*For purposes of this subpart, closure of the CCR unit has commenced if the owner or operator has ceased placing waste and completes any of the following actions or activities:* Taken any steps necessary to implement the written closure plan required by paragraph (b) of this section;			
532	(e)	(3)	(ii)			Submitted a completed application for any required state or agency permit or permit modification; or			
533	(e)	(3)	(iii)			Taken any steps necessary to comply with any state or other agency standards that are a prerequisite, or are otherwise applicable, to initiating or completing the closure of a CCR unit.			
534	(e)	(4)				The timeframes specified in paragraphs (e)(1) and (2) of this section do not apply to any of the following owners or operators:			
535	(e)	(4)	(ii)			An owner or operator of an existing unlined CCR surface impoundment closing the CCR unit as required by § 257.101(a);			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
536	(e)	(4)	(iii)			An owner or operator of an existing CCR surface impoundment closing the CCR unit as required by § 257.101(b);			
537	(e)	(4)	(iv)			An owner or operator of a new CCR surface impoundment closing the CCR unit as required by § 257.101(c); or			
538	(f)					An owner or operator of an existing CCR landfill closing the CCR unit as required by § 257.101(d). (f) Completion of closure activities.			
539	(f)	(1)	(i)			*Except as provided for in paragraph (f)(2) of this section, the owner or operator must complete closure of the CCR unit:* For existing and new CCR landfills and any lateral expansion of a CCR landfill, within six months of commencing closure activities.			
540	(f)	(1)	(ii)			For existing and new CCR surface impoundments and any lateral expansion of a CCR surface impoundment, within five years of commencing closure activities.			
541	(f)	(2)	(i)			The timeframes for completing closure of a CCR unit specified under paragraphs (f)(1) of this section may be extended if the owner or operator can demonstrate that it was not feasible to complete closure of the CCR unit within the required timeframes due to factors beyond the facility's control. If the owner or operator is seeking a time extension beyond the time specified in the written closure plan as required by paragraph (b)(1) of this section, the demonstration must include a narrative discussion providing the basis for additional time beyond that specified in the closure plan. The owner or operator must place each completed demonstration, if more than one time extension is sought, in the facility's operating record as required by § 257.105(i)(6) prior to the end of any two-year period.			
542	(f)	(2)	(i)	(A)		*Factors that may support such a demonstration include:*			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
						Complications stemming from the climate and weather, such as unusual amounts of precipitation or a significantly shortened construction season;			
543	(f)	(2)	(i)	(B)		Time required to dewater a surface impoundment due to the volume of CCR contained in the CCR unit or the characteristics of the CCR in the unit;			
544	(f)	(2)	(i)	(C)		The geology and terrain surrounding the CCR unit will affect the amount of material needed to close the CCR unit; or			
545	(f)	(2)	(i)	(D)		Time required or delays caused by the need to coordinate with and obtain necessary approvals and permits from a state or other agency.			
546	(f)	(2)	(ii)	(A)		CCR surface impoundments of 40 acres or smaller may extend the time to complete closure by no longer than two years.			
547	(f)	(2)	(ii)	(B)		CCR surface impoundments larger than 40 acres may extend the timeframe to complete closure of the CCR unit multiple times, in two-year increments. For each two-year extension sought, the owner or operator must substantiate the factual circumstances demonstrating the need for the extension. No more than a total of five two-year extensions may be obtained for any CCR surface impoundment.			
548	(f)	(2)	(ii)	(C)		CCR landfills may extend the timeframe to complete closure of the CCR unit multiple times, in one-year increments. For each one-year extension sought, the owner or operator must substantiate the factual circumstances demonstrating the need for the extension. No more than a total of two one-year extensions may be obtained for any CCR landfill.			
549	(f)	(2)	(iii)			*In order to obtain additional time extension(s) to complete closure of a CCR unit beyond the times provided by paragraph (f)(1) of this section, the owner or operator of the CCR unit must include with the demonstration required by paragraph (f)(2)(i) of this section the following statement signed by the owner or operator or an authorized representative:*			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
						I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.			
550	(f)	(3)				Upon completion, the owner or operator of the CCR unit must obtain a certification from a qualified professional engineer verifying that closure has been completed in accordance with the closure plan specified in paragraph (b) of this section and the requirements of this section.			
551	(g)					No later than the date the owner or operator initiates closure of a CCR unit, the owner or operator must prepare a notification of intent to close a CCR unit. The notification must include the certification by a qualified professional engineer for the design of the final cover system as required by § 257.102(d)(3)(iii), if applicable. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(7).			
552	(h)					Within 30 days of completion of closure of the CCR unit, the owner or operator must prepare a notification of closure of a CCR unit. The notification must include the certification by a qualified professional engineer as required by § 257.102(f)(3). The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(8).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
553	(i)	(1)				Except as provided by paragraph (i)(4) of this section, following closure of a CCR unit, the owner or operator must record a notation on the deed to the property, or some other instrument that is normally examined during title search.			
554	(i)	(2)	(i)			*The notation on the deed must in perpetuity notify any potential purchaser of the property that:* The land has been used as a CCR unit; and			
555	(i)	(2)	(ii)			Its use is restricted under the postclosure care requirements as provided by § 257.104(d)(1)(iii).			
556	(i)	(3)				Within 30 days of recording a notation on the deed to the property, the owner or operator must prepare a notification stating that the notation has been recorded. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(9).			
557	(i)	(4)				An owner or operator that closes a CCR unit in accordance with paragraph (c) of this section is not subject to the requirements of paragraphs (i)(1) through (3) of this section.			
558	(j)					The owner or operator of the CCR unit must comply with the closure recordkeeping requirements specified in § 257.105(i), the closure notification requirements specified in § 257.106(i), and the closure Internet requirements specified in § 257.107(i).			
559	(k)	(1)	(i)			*To retrofit an existing CCR surface impoundment, the owner or operator must:* First remove all CCR, including any contaminated soils and sediments from the CCR unit; and			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
560	(k)	(1)	(ii)			Comply with the requirements in § 257.72.			
561	(k)	(1)	(iii)			A CCR surface impoundment undergoing a retrofit remains subject to all other requirements of this subpart, including the requirement to conduct any necessary corrective action.			
562	(k)	(2)	(i)			The owner or operator must prepare a written retrofit plan that describes the steps necessary to retrofit the CCR unit consistent with recognized and generally accepted good engineering practices.			
563	(k)	(2)	(i)	(A)		*The written retrofit plan must include, at a minimum, all of the following information:* A narrative description of the specific measures that will be taken to retrofit the CCR unit in accordance with this section.			
564	(k)	(2)	(i)	(B)		A description of the procedures to remove all CCR and contaminated soils and sediments from the CCR unit.			
565	(k)	(2)	(i)	(C)		An estimate of the maximum amount of CCR that will be removed as part of the retrofit operation.			
566	(k)	(2)	(i)	(D)		An estimate of the largest area of the CCR unit that will be affected by the retrofit operation.			
567	(k)	(2)	(i)	(E)		A schedule for completing all activities necessary to satisfy the retrofit criteria in this section, including an estimate of the year in which retrofit activities of the CCR unit will be completed.			
568	(k)	(2)	(ii)	(A)		Timeframes for preparing the initial written retrofit plan. No later than 60 days prior to date of initiating retrofit activities, the owner or operator must prepare an initial written retrofit plan consistent with the requirements specified in paragraph (k)(2) of this section.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
569	(k)	(2)	(ii)	(A)	(1)	*For purposes of this subpart, initiation of retrofit activities has commenced if the owner or operator has ceased placing waste in the unit and completes any of the following actions or activities:* Taken any steps necessary to implement the written retrofit plan;			
570	(k)	(2)	(ii)	(A)	(2)	Submitted a completed application for any required state or agency permit or permit modification; or			
571	(k)	(2)	(ii)	(A)	(3)	Taken any steps necessary to comply with any state or other agency standards that are a prerequisite, or are otherwise applicable, to initiating or completing the retrofit of a CCR unit.			
572	(k)	(2)	(ii)	(B)		The owner or operator has completed the written retrofit plan when the plan, including the certification required by paragraph (k)(2)(iv) of this section, has been placed in the facility's operating record as required by § 257.105(j)(1).			
573	(k)	(2)	(iii)	(A)		The owner or operator may amend the initial or any subsequent written retrofit plan at any time.			
574	(k)	(2)	(iii)	(B)	(1)	*The owner or operator must amend the written retrofit plan whenever:* There is a change in the operation of the CCR unit that would substantially affect the written retrofit plan in effect; or			
575	(k)	(2)	(iii)	(B)	(2)	Before or after retrofit activities have commenced, unanticipated events necessitate a revision of the written retrofit plan.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
576	(k)	(2)	(iii)	(C)		The owner or operator must amend the retrofit plan at least 60 days prior to a planned change in the operation of the facility or CCR unit, or no later than 60 days after an unanticipated event requires the revision of an existing written retrofit plan. If a written retrofit plan is revised after retrofit activities have commenced for a CCR unit, the owner or operator must amend the current retrofit plan no later than 30 days following the triggering event.			
577	(k)	(2)	(iv)			The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the activities outlined in the written retrofit plan, including any amendment of the plan, meet the requirements of this section.			
578	(k)	(3)				Deadline for completion of activities related to the retrofit of a CCR unit. Any CCR surface impoundment that is being retrofitted must complete all retrofit activities within the same time frames and procedures specified for the closure of a CCR surface impoundment in § 257.102(f) or, where applicable, § 257.103.			
579	(k)	(4)				Upon completion, the owner or operator must obtain a certification from a qualified professional engineer verifying that the retrofit activities have been completed in accordance with the retrofit plan specified in paragraph (k)(2) of this section and the requirements of this section.			
580	(k)	(5)				No later than the date the owner or operator initiates the retrofit of a CCR unit, the owner or operator must prepare a notification of intent to retrofit a CCR unit. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(j)(5).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
581	(k)	(6)				Within 30 days of completing the retrofit activities specified in paragraph (k)(1) of this section, the owner or operator must prepare a notification of completion of retrofit activities. The notification must include the certification by a qualified professional engineer as required by paragraph (k)(4) of this section. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(j)(6).			
582	(k)	(7)				At any time after the initiation of a CCR unit retrofit, the owner or operator may cease the retrofit and initiate closure of the CCR unit in accordance with the requirements of § 257.102.			
583	(k)	(8)				The owner or operator of the CCR unit must comply with the retrofit recordkeeping requirements specified in § 257.105(j), the retrofit notification requirements specified in § 257.106(j), and the retrofit Internet requirements specified in § 257.107(j).			
584						**§ 257.103 Alternative Closure Requirements**			
585						*The owner of operator of the CCR unit must meet either requirement (a) and all its components or (b) and all its components, in addition to requirements (c) through (d).*			
586	(a)	(1)				The owner or operator of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit that is subject to closure pursuant to § 257.101(a), (b)(1), or (d) may continue to receive CCR in the unit provided the owner or operator meets the requirements of either paragraph (a) or (b) of this section. Notwithstanding the provisions of § 257.101(a), (b)(1), or (d), a CCR unit may continue to receive CCR if the owner or operator of the CCR unit certifies that the CCR must continue to be managed in that CCR unit due to the absence of alternative disposal capacity both on-site and off-site of the facility.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
587	(a)	(1)	(i)			*To qualify under this paragraph (a)(1), the owner or operator of the CCR unit must document that all of the following conditions have been met:* No alternative disposal capacity is available on-site or off-site. An increase in costs or the inconvenience of existing capacity is not sufficient to support qualification under this section;			
588	(a)	(1)	(ii)			The owner or operator has made, and continues to make, efforts to obtain additional capacity. Qualification under this subsection lasts only as long as no alternative capacity is available. Once alternative capacity is identified, the owner or operator must arrange to use such capacity as soon as feasible;			
589	(a)	(1)	(iii)			The owner or operator must remain in compliance with all other requirements of this subpart, including the requirement to conduct any necessary corrective action; and			
590	(a)	(1)	(iv)			The owner or operator must prepare an annual progress report documenting the continued lack of alternative capacity and the progress towards the development of alternative CCR disposal capacity.			
591	(a)	(2)				Once alternative capacity is available, the CCR unit must cease receiving CCR and initiate closure following the timeframes in § 257.102(e) and (f).			
592	(a)	(3)				If no alternative capacity is identified within five years after the initial certification, the CCR unit must cease receiving CCR and close in accordance with the timeframes in § 257.102(e) and (f).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
593	(b)	(1)				Notwithstanding the provisions of § 257.101(a), (b)(1), and (d), a CCR unit may continue to receive CCR if the owner or operator certifies that the facility will cease operation of the coalfired boilers within the timeframes specified in paragraphs (b)(2) through (4) of this section, but in the interim period (prior to closure of the coal-fired boiler), the facility must continue to use the CCR unit due to the absence of alternative disposal capacity both onsite and off-site of the facility.			
594	(b)	(1)	(i)			*To qualify under this paragraph (b)(1), the owner or operator of the CCR unit must document that all of the following conditions have been met:* No alternative disposal capacity is available on-site or off-site. An increase in costs or the inconvenience of existing capacity is not sufficient to support qualification under this section.			
595	(b)	(1)	(ii)			The owner or operator must remain in compliance with all other requirements of this subpart, including the requirement to conduct any necessary corrective action; and			
596	(b)	(1)	(iii)			The owner or operator must prepare an annual progress report documenting the continued lack of alternative capacity and the progress towards the closure of the coal-fired boiler.			
597	(b)	(2)				For a CCR surface impoundment that is 40 acres or smaller, the coal-fired boiler must cease operation and the CCR surface impoundment must have completed closure no later than October 17, 2023.			
598	(b)	(3)				For a CCR surface impoundment that is larger than 40 acres, the coalfired boiler must cease operation, and the CCR surface impoundment must complete closure no later than October 17, 2028.			
599	(b)	(4)				For a CCR landfill, the coal-fired boiler must cease operation, and the CCR landfill must complete closure no later than April 19, 2021.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
600	(c)	(1)				Required notices and progress reports. An owner or operator of a CCR unit that closes in accordance with paragraphs (a) or (b) of this section must complete the notices and progress reports specified in paragraphs (c)(1) through (3) of this section. Within six months of becoming subject to closure pursuant to § 257.101(a), (b)(1), or (d), the owner or operator must prepare and place in the facility's operating record a notification of intent to comply with the alternative closure requirements of this section. The notification must describe why the CCR unit qualifies for the alternative closure provisions under either paragraph (a) or (b) of this section, in addition to providing the documentation and certifications required by paragraph (a) or (b) of this section.			
601	(c)	(2)				The owner or operator must prepare the periodic progress reports required by paragraphs (a)(1)(iv) or (b)(1)(iii), in addition to describing any problems encountered and a description of the actions taken to resolve the problems.			
602	(c)	(2)	(i)			*The annual progress reports must be completed according to the following schedule:* The first annual progress report must be prepared no later than 13 months after completing the notification of intent to comply with the alternative closure requirements required by paragraph (c)(1) of this section.			
603	(c)	(2)	(ii)			The second annual progress report must be prepared no later than 12 months after completing the first annual progress report. Additional annual progress reports must be prepared within 12 months of completing the previous annual progress report.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
604	(c)	(2)	(iii)			The owner or operator has completed the progress reports specified in paragraph (c)(2) of this section when the reports are placed in the facility's operating record as required by § 257.105(i)(10).			
605	(c)	(3)				An owner or operator of a CCR unit must also prepare the notification of intent to close a CCR unit as required by § 257.102(g).			
606	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(i), the notification requirements specified in § 257.106(i), and the Internet requirements specified in § 257.107(i).			
607						**§ 257.104 Post-Closure Care Requirements**			
608						*The owner of operator of the CCR unit must meet all the requirements (a) through (f) and all their components.*			
609	(a)	(1)				Except as provided by paragraph (a)(2) of this section, §257.104 applies to the owners or operators of CCR landfills, CCR surface impoundments, and all lateral expansions of CCR units that are subject to the closure criteria under §257.102.			
610	(a)	(2)				An owner or operator of a CCR unit that elects to close a CCR unit by removing CCR as provided by § 257.102(c) is not subject to the postclosure care criteria under this section.			
611	(b)	(1)				*Following closure of the CCR unit, the owner or operator must conduct post-closure care for the CCR unit, which must consist of at least the following:* Maintaining the integrity and effectiveness of the final cover system, including making repairs to the final cover as necessary to correct the effects of settlement, subsidence, erosion, or other events, and preventing run-on and run-off from eroding or otherwise damaging the final cover;			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
612	(b)	(2)				If the CCR unit is subject to the design criteria under § 257.70, maintaining the integrity and effectiveness of the leachate collection and removal system and operating the leachate collection and removal system in accordance with the requirements of § 257.70; and			
613	(b)	(3)				Maintaining the groundwater monitoring system and monitoring the groundwater in accordance with the requirements of §§ 257.90 through 257.98.			
614	(c)	(1)				Except as provided by paragraph (c)(2) of this section, the owner or operator of the CCR unit must conduct post-closure care for 30 years.			
615	(c)	(2)				If at the end of the post-closure care period the owner or operator of the CCR unit is operating under assessment monitoring in accordance with § 257.95, the owner or operator must continue to conduct post-closure care until the owner or operator returns to detection monitoring in accordance with § 257.95.			
616	(d)	(1)	(i)			*The owner or operator of a CCR unit must prepare a written post-closure plan that includes, at a minimum, the information specified in paragraphs (d)(1)(i) through (iii) of this section.* A description of the monitoring and maintenance activities required in paragraph (b) of this section for the CCR unit, and the frequency at which these activities will be performed;			
617	(d)	(1)	(ii)			The name, address, telephone number, and email address of the person or office to contact about the facility during the post-closure care period; and			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
618	(d)	(1)	(iii)			Post-closure use of the property shall not disturb the integrity of the final cover, liner(s), or any other component of the containment system, or the function of the monitoring systems unless necessary to comply with the requirements in this subpart. Any other disturbance is allowed if the owner or operator of the CCR unit demonstrates that disturbance of the final cover, liner, or other component of the containment system, including any removal of CCR, will not increase the potential threat to human health or the environment. The demonstration must be certified by a qualified professional engineer, and notification shall be provided to the State Director that the demonstration has been placed in the operating record and on the owners or operator's publicly accessible Internet site.			
619	(d)	(2)	(i)			The owner or operator of an existing CCR landfill and existing CCR surface impoundment must prepare an initial written post-closure plan consistent with the requirements specified in paragraph (d)(1) of this section no later than October 17, 2016.			
620	(d)	(2)	(ii)			The owner or operator of a new CCR landfill, new CCR surface impoundment, and any lateral expansion of a CCR unit must prepare an initial written postclosure plan consistent with the requirements specified in paragraph (d)(1) of this section no later than the date of the initial receipt of CCR in the CCR unit.			
621	(d)	(2)	(iii)			The owner or operator has completed the written post-closure plan when the plan, including the certification required by paragraph (d)(4) of this section, has been placed in the facility's operating record as required by § 257.105(i)(4).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
622	(d)	(3)	(i)			The owner or operator may amend the initial or any subsequent written post-closure plan developed pursuant to paragraph (d)(1) of this section at any time.			
623	(d)	(3)	(ii)	(A)		*The owner or operator must amend the written closure plan whenever:* There is a change in the operation of the CCR unit that would substantially affect the written post-closure plan in effect; or			
624	(d)	(3)	(ii)	(B)		After post-closure activities have commenced, unanticipated events necessitate a revision of the written post-closure plan.			
625	(d)	(3)	(iii)			The owner or operator must amend the written post-closure plan at least 60 days prior to a planned change in the operation of the facility or CCR unit, or no later than 60 days after an unanticipated event requires the need to revise an existing written post-closure plan. If a written post-closure plan is revised after post-closure activities have commenced for a CCR unit, the owner or operator must amend the written post-closure plan no later than 30 days following the triggering event.			
626	(d)	(4)				The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the initial and any amendment of the written post-closure plan meets the requirements of this section.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
627	(e)					Notification of completion of postclosure care period. No later than 60 days following the completion of the post-closure care period, the owner or operator of the CCR unit must prepare a notification verifying that post-closure care has been completed. The notification must include the certification by a qualified professional engineer verifying that post-closure care has been completed in accordance with the closure plan specified in paragraph (d) of this section and the requirements of this section. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(13).			
628	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(i), the notification requirements specified in § 257.106(i), and the Internet requirements specified in § 257.107(i).			
629						**§ 257.105 Recordkeeping Requirements**			
630						*The owner of operator of the CCR unit must meet all the requirements (a) through (j) and all their components.*			
631	(a)					Each owner or operator of a CCR unit subject to the requirements of this subpart must maintain files of all information required by this section in a written operating record at their facility.			
632	(b)					Unless specified otherwise, each file must be retained for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, record, or study.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
633	(c)					An owner or operator of more than one CCR unit subject to the provisions of this subpart may comply with the requirements of this section in one recordkeeping system provided the system identifies each file by the name of each CCR unit. The files may be maintained on microfilm, on a computer, on computer disks, on a storage system accessible by a computer, on magnetic tape disks, or on microfiche.			
634	(d)					The owner or operator of a CCR unit must submit to the State Director and/or appropriate Tribal authority any demonstration or documentation required by this subpart, if requested, when such information is not otherwise available on the owner or operator's publicly accessible Internet site.			
635	(e)					The owner or operator of a CCR unit subject to this subpart must place the demonstrations documenting whether or not the CCR unit is in compliance with the requirements under §§ 257.60(a), 257.61(a), 257.62(a), 257.63(a), and 257.64(a), as it becomes available, in the facility's operating record.			
636	(f)	(1)				*The owner or operator of a CCR unit subject to this subpart must place the following the facility's operating record:* The design and construction certifications as required by § 257.70(e) and (f).			
637	(f)	(2)				The documentation of liner type as required by § 257.71(a).			
638	(f)	(3)				The design and construction certifications as required by § 257.72(c) and (d).			
639	(f)	(4)				Documentation prepared by the owner or operator stating that the permanent identification marker was installed as required by §§ 257.73(a)(1) and 257.74(a)(1).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
640	(f)	(5)				The initial and periodic hazard potential classification assessments as required by §§ 257.73(a)(2) and 257.74(a)(2).			
641	(f)	(6)				The emergency action plan (EAP), and any amendment of the EAP, as required by §§ 257.73(a)(3) and 257.74(a)(3), except that only the most recent EAP must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.			
642	(f)	(7)				Documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders as required by §§ 257.73(a)(3)(i)(E) and 257.74(a)(3)(i)(E).			
643	(f)	(8)				Documentation prepared by the owner or operator recording all activations of the emergency action plan as required by §§ 257.73(a)(3)(v) and 257.74(a)(3)(v).			
644	(f)	(9)				The history of construction, and any revisions of it, as required by § 257.73(c), except that these files must be maintained until the CCR unit completes closure of the unit in accordance with § 257.102.			
645	(f)	(10)				The initial and periodic structural stability assessments as required by §§ 257.73(d) and 257.74(d).			
646	(f)	(11)				Documentation detailing the corrective measures taken to remedy the deficiency or release as required by §§ 257.73(d)(2) and 257.74(d)(2).			
647	(f)	(12)				The initial and periodic safety factor assessments as required by §§ 257.73(e) and 257.74(e).			
648	(f)	(13)				The design and construction plans, and any revisions of it, as required by § 257.74(c), except that these files must be maintained until the CCR unit completes closure of the unit in accordance with § 257.102.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
649	(g)	(1)				*The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:* The CCR fugitive dust control plan, and any subsequent amendment of the plan, required by § 257.80(b), except that only the most recent control plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.			
650	(g)	(2)				The annual CCR fugitive dust control report required by § 257.80(c).			
651	(g)	(3)				The initial and periodic run-on and run-off control system plans as required by § 257.81(c).			
652	(g)	(4)				The initial and periodic inflow design flood control system plan as required by § 257.82(c).			
653	(g)	(5)				Documentation recording the results of each inspection and instrumentation monitoring by a qualified person as required by § 257.83(a).			
654	(g)	(6)				The periodic inspection report as required by § 257.83(b)(2).			
655	(g)	(7)				Documentation detailing the corrective measures taken to remedy the deficiency or release as required by §§ 257.83(b)(5) and 257.84(b)(5).			
656	(g)	(8)				Documentation recording the results of the weekly inspection by a qualified person as required by § 257.84(a).			
657	(g)	(9)				The periodic inspection report as required by § 257.84(b)(2).			
658	(h)	(1)				*The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:*			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
						The annual groundwater monitoring and corrective action report as required by § 257.90(e).			
659	(h)	(2)				Documentation of the design, installation, development, and decommissioning of any monitoring wells, piezometers and other measurement, sampling, and analytical devices as required by § 257.91(e)(1).			
660	(h)	(3)				The groundwater monitoring system certification as required by § 257.91(f).			
661	(h)	(4)				The selection of a statistical method certification as required by § 257.93(f)(6).			
662	(h)	(5)				Within 30 days of establishing an assessment monitoring program, the notification as required by § 257.94(e)(3).			
663	(h)	(6)				The results of appendices III and IV to this part constituent concentrations as required by § 257.95(d)(1).			
664	(h)	(7)				Within 30 days of returning to a detection monitoring program, the notification as required by § 257.95(e).			
665	(h)	(8)				Within 30 days of detecting one or more constituents in appendix IV to this part at statistically significant levels above the groundwater protection standard, the notifications as required by § 257.95(g).			
666	(h)	(9)				Within 30 days of initiating the assessment of corrective measures requirements, the notification as required by § 257.95(g)(5).			
667	(h)	(10)				The completed assessment of corrective measures as required by § 257.96(d).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
668	(h)	(11)				Documentation prepared by the owner or operator recording the public meeting for the corrective measures assessment as required by § 257.96(e).			
669	(h)	(12)				The semiannual report describing the progress in selecting and designing the remedy and the selection of remedy report as required by § 257.97(a), except that the selection of remedy report must be maintained until the remedy has been completed.			
670	(h)	(13)				Within 30 days of completing the remedy, the notification as required by § 257.98(e).			
671	(i)	(1)				*The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:* The notification of intent to initiate closure of the CCR unit as required by § 257.100(c)(1).			
672	(i)	(2)				The annual progress reports of closure implementation as required by § 257.100(c)(2)(i) and (ii).			
673	(i)	(3)				The notification of closure completion as required by § 257.100(c)(3).			
674	(i)	(4)				The written closure plan, and any amendment of the plan, as required by § 257.102(b), except that only the most recent closure plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.			
675	(i)	(5)				The written demonstration(s), including the certification required by § 257.102(e)(2)(iii), for a time extension for initiating closure as required by § 257.102(e)(2)(ii).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
676	(i)	(6)				The written demonstration(s), including the certification required by § 257.102(f)(2)(iii), for a time extension for completing closure as required by § 257.102(f)(2)(i).			
677	(i)	(7)				The notification of intent to close a CCR unit as required by § 257.102(g).			
678	(i)	(8)				The notification of completion of closure of a CCR unit as required by § 257.102(h).			
679	(i)	(9)				The notification recording a notation on the deed as required by § 257.102(i).			
680	(i)	(10)				The notification of intent to comply with the alternative closure requirements as required by § 257.103(c)(1).			
681	(i)	(11)				The annual progress reports under the alternative closure requirements as required by § 257.103(c)(2).			
682	(i)	(12)				The written post-closure plan, and any amendment of the plan, as required by § 257.104(d), except that only the most recent closure plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.			
683	(i)	(13)				The notification of completion of post-closure care period as required by § 257.104(e).			
684	(j)	(1)				*The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:* The written retrofit plan, and any amendment of the plan, as required by § 257.102(k)(2), except that only the most recent retrofit plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
685	(j)	(2)				The notification of intent that the retrofit activities will proceed in accordance with the alternative procedures in § 257.103.			
686	(j)	(3)				The annual progress reports required under the alternative requirements as required by § 257.103.			
687	(j)	(4)				The written demonstration(s), including the certification in § 257.102(f)(2)(iii), for a time extension for completing retrofit activities as required by § 257.102(k)(3).			
688	(j)	(5)				The notification of intent to initiate retrofit of a CCR unit as required by § 257.102(k)(5).			
689	(j)	(6)				The notification of completion of retrofit activities as required by § 257.102(k)(6).			
690						**§ 257.106 Notification Requirements**			
691						*The owner of operator of the CCR unit must meet all the requirements (a) through (j) and all their components.*			
692	(a)					The notifications required under paragraphs (e) through (i) of this section must be sent to the relevant State Director and/or appropriate Tribal authority before the close of business on the day the notification is required to be completed. For purposes of this section, before the close of business means the notification must be postmarked or sent by electronic mail (email). If a notification deadline falls on a weekend or federal holiday, the notification deadline is automatically extended to the next business day.			
693	(b)					If any CCR unit is located in its entirety within Indian Country, the notifications of this section must be sent to the appropriate Tribal authority. If any CCR unit is located in part within Indian Country, the notifications of this section must be sent both to the appropriate State Director and Tribal authority.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
694	(c)					Notifications may be combined as long as the deadline requirement for each notification is met.			
695	(d)					Unless otherwise required in this section, the notifications specified in this section must be sent to the State Director and/or appropriate Tribal authority within 30 days of placing in the operating record the information required by § 257.105.			
696	(e)					Location restrictions. The owner or operator of a CCR unit subject to the requirements of this subpart must notify the State Director and/or appropriate Tribal authority that each demonstration specified under § 257.105(e) has been placed in the operating record and on the owner or operator's publicly accessible internet site.			
697	(f)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible internet site.			
698	(f)	(1)				*The owner or operator must:* Within 60 days of commencing construction of a new CCR unit, provide notification of the availability of the design certification specified under § 257.105(f)(1) or (3). If the owner or operator of the CCR unit elects to install an alternative composite liner, the owner or operator must also submit to the State Director and/or appropriate Tribal authority a copy of the alternative composite liner design.			
699	(f)	(2)				No later than the date of initial receipt of CCR by a new CCR unit, provide notification of the availability of the construction certification specified under § 257.105(f)(1) or (3).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
700	(f)	(3)				Provide notification of the availability of the documentation of liner type specified under § 257.105(f)(2).			
701	(f)	(4)				Provide notification of the availability of the initial and periodic hazard potential classification assessments specified under § 257.105(f)(5).			
702	(f)	(5)				Provide notification of the availability of emergency action plan (EAP), and any revisions of the EAP, specified under § 257.105(f)(6).			
703	(f)	(6)				Provide notification of the availability of documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders specified under § 257.105(f)(7).			
704	(f)	(7)				Provide notification of documentation prepared by the owner or operator recording all activations of the emergency action plan specified under § 257.105(f)(8).			
705	(f)	(8)				Provide notification of the availability of the history of construction, and any revision of it, specified under § 257.105(f)(9).			
706	(f)	(9)				Provide notification of the availability of the initial and periodic structural stability assessments specified under § 257.105(f)(10).			
707	(f)	(10)				Provide notification of the availability of the documentation detailing the corrective measures taken to remedy the deficiency or release specified under § 257.105(f)(11).			
708	(f)	(11)				Provide notification of the availability of the initial and periodic safety factor assessments specified under § 257.105(f)(12).			
709	(f)	(12)				Provide notification of the availability of the design and construction plans, and any revision of them, specified under § 257.105(f)(13).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
710	(g)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible internet site.			
711	(g)	(1)				*The owner or operator must:* Provide notification of the availability of the CCR fugitive dust control plan, or any subsequent amendment of the plan, specified under § 257.105(g)(1).			
712	(g)	(2)				Provide notification of the availability of the annual CCR fugitive dust control report specified under § 257.105(g)(2).			
713	(g)	(3)				Provide notification of the availability of the initial and periodic run-on and run-off control system plans specified under § 257.105(g)(3).			
714	(g)	(4)				Provide notification of the availability of the initial and periodic inflow design flood control system plans specified under § 257.105(g)(4).			
715	(g)	(5)				Provide notification of the availability of the periodic inspection reports specified under § 257.105(g)(6).			
716	(g)	(6)				Provide notification of the availability of the documentation detailing the corrective measures taken to remedy the deficiency or release specified under § 257.105(g)(7).			
717	(g)	(7)				Provide notification of the availability of the periodic inspection reports specified under § 257.105(g)(9).			
718	(h)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible internet site.			
719	(h)	(1)				*The owner or operator must:*			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
						Provide notification of the availability of the annual groundwater specified under § 257.105(h)(1).			
720	(h)	(2)				Provide notification of the availability of the groundwater monitoring system certification specified under § 257.105(h)(3).			
721	(h)	(3)				Provide notification of the availability of the selection of a statistical method certification specified under § 257.105(h)(4).			
722	(h)	(4)				Provide notification that an assessment monitoring programs has been established specified under § 257.105(h)(5).			
723	(h)	(5)				Provide notification that the CCR unit is returning to a detection monitoring program specified under § 257.105(h)(7).			
724	(h)	(6)				Provide notification that one or more constituents in appendix IV to this part have been detected at statistically significant levels above the groundwater protection standard and the notifications to land owners specified under § 257.105(h)(8).			
725	(h)	(7)				Provide notification that an assessment of corrective measures has been initiated specified under § 257.105(h)(9).			
726	(h)	(8)				Provide notification of the availability of assessment of corrective measures specified under § 257.105(h)(10).			
727	(h)	(9)				Provide notification of the availability of the semiannual report describing the progress in selecting and designing the remedy and the selection of remedy report specified under § 257.105(h)(12).			
728	(h)	(10)				Provide notification of the completion of the remedy specified under § 257.105(h)(13).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
729	(i)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible Internet site.			
730	(i)	(1)				*The owner or operator must:* Provide notification of the intent to initiate closure of the CCR unit specified under § 257.105(i)(1).			
731	(i)	(2)				Provide notification of the availability of the annual progress reports of closure implementation specified under § 257.105(i)(2).			
732	(i)	(3)				Provide notification of closure completion specified under § 257.105(i)(3).			
733	(i)	(4)				Provide notification of the availability of the written closure plan, and any amendment of the plan, specified under § 257.105(i)(4).			
734	(i)	(5)				Provide notification of the availability of the demonstration(s) for a time extension for initiating closure specified under § 257.105(i)(5).			
735	(i)	(6)				Provide notification of the availability of the demonstration(s) for a time extension for completing closure specified under § 257.105(i)(6).			
736	(i)	(7)				Provide notification of intent to close a CCR unit specified under § 257.105(i)(7).			
737	(i)	(8)				Provide notification of completion of closure of a CCR unit specified under § 257.105(i)(8).			
738	(i)	(9)				Provide notification of the deed notation as required by § 257.105(i)(9).			
739	(i)	(10)				Provide notification of intent to comply with the alternative closure requirements specified under § 257.105(i)(10).			
740	(i)	(11)				The annual progress reports under the alternative closure requirements as required by § 257.105(i)(11).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
741	(i)	(12)				Provide notification of the availability of the written post-closure plan, and any amendment of the plan, specified under § 257.105(i)(12).			
742	(i)	(13)				Provide notification of completion of post-closure care specified under § 257.105(i)(13).			
743	(j)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible Internet site.			
744	(j)	(1)				*The owner or operator must:* Provide notification of the availability of the written retrofit plan, and any amendment of the plan, specified under § 257.105(j)(1).			
745	(j)	(2)				Provide notification of intent to comply with the alternative retrofit requirements specified under § 257.105(j)(2).			
746	(j)	(3)				The annual progress reports under the alternative retrofit requirements as required by § 257.105(j)(3).			
747	(j)	(4)				Provide notification of the availability of the demonstration(s) for a time extension for completing retrofit activities specified under § 257.105(j)(4).			
748	(j)	(5)				Provide notification of intent to initiate retrofit of a CCR unit specified under § 257.105(j)(5).			
749	(j)	(6)				Provide notification of completion of retrofit activities specified under § 257.105(j)(6).			
750						**§ 257.107 Publicly Accessible Internet Site Requirements**			
751						*The owner of operator of the CCR unit must meet all the requirements (a) through (j) and all their components.*			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
752	(a)					Each owner or operator of a CCR unit subject to the requirements of this subpart must maintain a publicly accessible Internet site (CCR Web site) containing the information specified in this section. The owner or operator's Web site must be titled ''CCR Rule Compliance Data and Information.''			
753	(b)					An owner or operator of more than one CCR unit subject to the provisions of this subpart may comply with the requirements of this section by using the same Internet site for multiple CCR units provided the CCR Web site clearly delineates information by the name or identification number of each unit.			
754	(c)					Unless otherwise required in this section, the information required to be posted to the CCR Web site must be made available to the public for at least five years following the date on which the information was first posted to the CCR Web site.			
755	(d)					Unless otherwise required in this section, the information must be posted to the CCR Web site within 30 days of placing the pertinent information required by § 257.105 in the operating record.			
756	(e)					Location restrictions. The owner or operator of a CCR unit subject to this subpart must place each demonstration specified under § 257.105(e) on the owner or operator's CCR Web site.			
757	(f)	(1)				*The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:* Within 60 days of commencing construction of a new unit, the design certification specified under § 257.105(f)(1) or (3).			
758	(f)	(2)				No later than the date of initial receipt of CCR by a new CCR unit, the construction certification specified under § 257.105(f)(1) or (3).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
759	(f)	(3)				The documentation of liner type specified under § 257.105(f)(2).			
760	(f)	(4)				The initial and periodic hazard potential classification assessments specified under § 257.105(f)(5).			
761	(f)	(5)				The emergency action plan (EAP) specified under § 257.105(f)(6), except that only the most recent EAP must be maintained on the CCR Web site irrespective of the time requirement specified in paragraph (c) of this section.			
762	(f)	(6)				Documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders specified under § 257.105(f)(7).			
763	(f)	(7)				Documentation prepared by the owner or operator recording any activation of the emergency action plan specified under § 257.105(f)(8).			
764	(f)	(8)				The history of construction, and any revisions of it, specified under § 257.105(f)(9).			
765	(f)	(9)				The initial and periodic structural stability assessments specified under § 257.105(f)(10).			
766	(f)	(10)				The documentation detailing the corrective measures taken to remedy the § 257.105(f)(11).			
767	(f)	(11)				The initial and periodic safety factor assessments specified under § 257.105(f)(12).			
768	(f)	(12)				The design and construction plans, and any revisions of them, specified under § 257.105(f)(13).			
769	(g)	(1)				*The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:*			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
						The CCR fugitive dust control plan, or any subsequent amendment of the plan, specified under § 257.105(g)(1) except that only the most recent plan must be maintained on the CCR Web site irrespective of the time requirement specified in paragraph (c) of this section.			
770	(g)	(2)				The annual CCR fugitive dust control report specified under § 257.105(g)(2).			
771	(g)	(3)				The initial and periodic run-on and run-off control system plans specified under § 257.105(g)(3).			
772	(g)	(4)				The initial and periodic inflow design flood control system plans specified under § 257.105(g)(4).			
773	(g)	(5)				The periodic inspection reports specified under § 257.105(g)(6).			
774	(g)	(6)				The documentation detailing the corrective measures taken to remedy the deficiency or release specified under § 257.105(g)(7).			
775	(g)	(7)				The periodic inspection reports specified under § 257.105(g)(9).			
776	(h)	(1)				*The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:* The annual groundwater monitoring and corrective action report specified under § 257.105(h)(1).			
777	(h)	(2)				The groundwater monitoring system certification specified under § 257.105(h)(3).			
778	(h)	(3)				The selection of a statistical method certification specified under § 257.105(h)(4).			
779	(h)	(4)				The notification that an assessment monitoring programs has been established specified under § 257.105(h)(5).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
780	(h)	(5)				The notification that the CCR unit is returning to a detection monitoring program specified under § 257.105(h)(7).			
781	(h)	(6)				The notification that one or more constituents in appendix IV to this part have been detected at statistically significant levels above the groundwater protection standard and the notifications to land owners specified under § 257.105(h)(8).			
782	(h)	(7)				The notification that an assessment of corrective measures has been initiated specified under § 257.105(h)(9).			
783	(h)	(8)				The assessment of corrective measures specified under § 257.105(h)(10).			
784	(h)	(9)				The semiannual reports describing the progress in selecting and designing remedy and the selection of remedy report specified under § 257.105(h)(12), except that the selection of the remedy report must be maintained until the remedy has been completed.			
785	(h)	(10)				The notification that the remedy has been completed specified under § 257.105(h)(13).			
786	(i)	(1)				*The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:* The notification of intent to initiate closure of the CCR unit specified under § 257.105(i)(1).			
787	(i)	(2)				The annual progress reports of closure implementation specified under § 257.105(i)(2).			
788	(i)	(3)				The notification of closure completion specified under § 257.105(i)(3).			
789	(i)	(4)				The written closure plan, and any amendment of the plan, specified under § 257.105(i)(4).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
790	(i)	(5)				The demonstration(s) for a time extension for initiating closure specified under § 257.105(i)(5).			
791	(i)	(6)				The demonstration(s) for a time extension for completing closure specified under § 257.105(i)(6).			
792	(i)	(7)				The notification of intent to close a CCR unit specified under § 257.105(i)(7).			
793	(i)	(8)				The notification of completion of closure of a CCR unit specified under § 257.105(i)(8).			
794	(i)	(9)				The notification recording a notation on the deed as required by § 257.105(i)(9).			
795	(i)	(10)				The notification of intent to comply with the alternative closure requirements as required by § 257.105(i)(10).			
796	(i)	(11)				The annual progress reports under the alternative closure requirements as required by § 257.105(i)(11).			
797	(i)	(12)				The written post-closure plan, and any amendment of the plan, specified under § 257.105(i)(12).			
798	(i)	(13)				The notification of completion of post-closure care specified under § 257.105(i)(13).			
799	(j)	(1)				*The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:* The written retrofit plan, and any amendment of the plan, specified under § 257.105(j)(1).			
800	(j)	(2)				The notification of intent to comply with the alternative retrofit requirements as required by § 257.105(j)(2).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	**Para-graph**	**Ref.**	**Ref.**	**Ref.**	**Ref.**	**Federal Requirement**	**State Requirement**	**CCR surface impoundments**	
								Existing	**New & Lateral Expansions**
801	(j)	(3)				The annual progress reports under the alternative retrofit requirements as required by § 257.105(j)(3).			
802	(j)	(4)				The demonstration(s) for a time extension for completing retrofit activities specified under § 257.105(j)(4).			
803	(j)	(5)				The notification of intent to retrofit a CCR unit specified under § 257.105(j)(5).			
804	(j)	(6)				The notification of completion of retrofit activities specified under § 257.105(j)(6).			

Chapter 4 – Permit Program Application Checklist

This chapter contains a checklist of the materials EPA believes would constitute a "complete" CCR permit program application. EPA has developed this checklist to provide the states a quick reference to aid them in developing their CCR permit program application. These materials were discussed in detail in Chapter 2 of this document.

As explained previously, EPA encourages States who are or may be considering submitting a CCR permit program to EPA for approval to consult with EPA early in the process. Such consultations will enable EPA and the State to work through areas where the State program may be different from the federal CCR regulation. EPA intends to provide as much flexibility to the State programs as possible, consistent with the WIIN Act's standard for approval of State programs of "as protective as" the federal CCR rule.

CCR Permit Program Application Checklist		
Row	**Requirement**	**Notes (Complete? If N, why?)**
1	Basic Application Packet Components	
2	Signed Transmittal letter	
3	A Narrative Description of the permit program	
4	State Legal Certification	
5	Copies of all applicable State statutes, regulations, and guidance	
6	257 Checklist	
7	Narrative Description Components	
8	An explanation of the jurisdiction and responsibilities of all State agencies and local agencies implementing the permit program	
9	An explanation of how the State will ensure existing and new facilities are permitted or otherwise approved and in compliance with either 40 CFR part 257 or other State criteria	
10	A demonstration that the State meets permitting requirements, requirements for compliance monitoring authority, requirements for enforcement authority, and intervention in civil enforcement proceedings section	
11	A description of the State's public participation procedures as specified in the permitting requirements section	
12	State Legal Certification	
13	Signed Certification from Attorney General or independent legal counsel for the State that has full authority to independently represent the lead State agency in court on all matters pertaining to the State program	
14	Permitting Requirements	
15	State Law requires that documents for permit determinations are made available for public review and comment and final determinations on permit applications are made known to the public	
16	State procedures that ensure public comments are considered	
17	State description on public participation procedures for permit issuance and post-permit actions	

CCR Permit Program Application Checklist		
Row	**Requirement**	**Notes (Complete? If N, why?)**
18	The state shall have the authority to collect all information necessary to issue permits that are adequate to ensure compliance with relevant 40 CFR 257, subpart D.	
19	State law should require that all CCR units permits shall incorporate that States have the authority to impose requirements for CCR units adequate to ensure compliance with either 40 CFR part 257 subpart D or such other State criteria that has been determined and approved by the Regional Administrator to be at least as protective as 40 CFR part 257.	
20	Requirements for Compliance Monitoring Authority	
21	The State should have the authority to: (1) Obtain any and all information necessary, including records and reports, from an owner or operator of a CCR unit, to determine whether the owner or operator is in compliance with the State requirements; (2) Conduct monitoring or testing to ensure that owners and operators are in compliance with the State requirements; and (3) Enter any site or premise subject to the permit program or in which records relevant to the operation of the CCR unit or activities are kept.	
22	State should demonstrate that its compliance monitoring program provides for inspections adequate to determine compliance with the approved program	
23	A State should demonstrate that its compliance monitoring program provides processes to: (1) Verify the accuracy of information submitted by owners or operators of the CCR unit; (2) Verify the adequacy of methods (including sampling) used by owners or operators in developing that information; (3) Produce evidence admissible in an enforcement proceeding; and (4) Receive and ensure proper consideration of information submitted by the public	

CCR Permit Program Application Checklist		
Row	**Requirement**	**Notes (Complete? If N, why?)**
24	Requirements for Enforcement Authority	
25	A State should have the authority to restrain immediately and effectively any person by administrative or court order or by suit in a court of competent jurisdiction from engaging in any activity which may endanger or cause damage to human health or the environment	
26	A State should have the authority to sue in a court of competent jurisdiction to enjoin any threatened or continuing activity which violates any statute, regulation, order, or permit which is part of or issued pursuant to the State program	
27	A State should have the authority to sue in a court of competent jurisdiction to recover civil penalties for violations of a statute or regulation which is part of the State program or of an order or permit which is issued pursuant to the State program	
28	Intervention in Civil Enforcement Proceedings	
29	A State should demonstrate that intervention is possible in the State civil enforcement process by providing either: (a) Authority that allows intervention, as a right, in any civil action to obtain remedies specified in the requirements for enforcement authority section by any citizen having an interest that is or may be adversely affected; or (b) Assurance by the appropriate State agency that: (1) It will provide notice and opportunity for public involvement in all proposed settlements of civil enforcement actions (except where immediate action is necessary to adequately protect human health and the environment); and, (2) It will investigate and provide responses to citizen complaints about violations; and, (3) It will not oppose citizen intervention when permissive intervention is allowed by statute, rule, or regulation	