

# INITIAL DEADLINES FOR CCR RULE COMPLIANCE (2015–2018)

(CCR rule becomes effective on October 19, 2015)



| REQUIREMENT   | COMPLIANCE DEADLINE           | INTERNET POSTING DEADLINE<br>(unless otherwise noted, within 30 days of placement in the operating record, § 257.107(d)) | NOTES ON REQUIREMENT  |
|---|-------------------------------|--|---|
| <b>General Internet Posting Requirements</b>                                      |                               |  |   |
| Establish CCR website<br>§ 257.107  | Oct. 17, 2015<br>§ 257.107(a) | Posting deadline: Nov. 18, 2015<br>§ 257.107(d)  | The owner or operator’s Web site must be titled “CCR Rule Compliance Data and Information.” An owner/operator of more than one CCR unit may use the same internet website for multiple units provided the CCR Web site clearly delineates information by the name or ID number of each unit.<br>Information must be posted to the CCR website within 30 days of placing the pertinent information required by § 257.105 in the operating record. Information must be available for five years § 257.107(a)-(d). |
| Provide notification of intent to initiate legacy pond closure<br>§ 257.100(c)(1) | Dec. 17, 2015                 | Jan. 16, 2016<br>§§ 257.105(i)(1), 257.107(i)(1)   | Notice must include narrative description of how unit will close, closure schedule, and certifications from qualified professional engineers re final cover system design and that closure is technically feasible within 3 years from publication of the rule.   |
| Identify “Unlined Ponds”<br>§ 257.71(a)(1)  | Oct. 17, 2016                 | Nov. 16, 2016<br>§§ 257.105(f)(2), 257.107(f)(3)   | Owner/operator of existing pond must document whether unit was constructed with any one of the following: (i) liner consisting of a minimum of two feet of compacted soil with a hydraulic conductivity of no more than $1 \times 10^{-7}$ cm/sec; (ii) composite liner that meets the requirements of § 257.70(b); or (iii) alternative composite liner that meets the requirements of § 257.70(c).  |

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| <b>Fugitive Dust Controls</b>                                |  |  |  |
| Prepare initial fugitive dust control plan<br>§ 257.80(b)(5) | Oct. 19, 2015 (or upon initial receipt of CCR at a facility) | Nov. 18, 2015<br>Only the most recent plan must be maintained on the web site, irrespective of the 5-year data requirement for other info in § 257.107(c)<br>§§ 257.105(g)(1), 257.107(g)(1) | Plan must identify and describe control measures to minimize CCR from becoming airborne that are most appropriate for site conditions and include an explanation of how the measures are applicable and appropriate.<br><br>Examples of controls include: locating CCR inside an enclosure or partial enclosure; operating a water spray or fogging system; reducing fall distances at drop points; using wind barriers, compaction, or vegetative covers; establishing and enforcing reduced vehicle speeds; etc. Mandatory dust controls apply to transportation, storage and disposal. § 257.80(b)(1). CCR landfills must wet or otherwise “condition” dust. § 257.80(b)(2) |
| Adopt measures to minimize fugitive dust<br>§ 257.80(a)      | Oct. 19, 2015  |  | O/O of a CCR landfill or surface impoundment must adopt measures that will effectively minimize CCR from becoming airborne at the facility, including dust from units, roads, and other management and material handling activities. § 257.80(a)   |

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| Prepare first annual fugitive dust control report<br>§ 257.80(c)           | ~ Dec. 19, 2016<br>(Within 14 months after placing the initial control plan in the operating record; exact date depends on when facility filed the initial report.) | ~ Jan. 19, 2017<br>§§ 257.105(g)(2), 257.107(g)(2)   | Report must include description of the actions taken to control dust, a record of all citizen complaints, and a summary of any corrective measures taken.<br><br>A report is deemed complete when the plan has been placed in the operating record, as required by § 257.105(g)(2).  |
| <b>CCR Surface Impoundments: Dam Safety Requirements</b>                   |   |  |  |
| Initiate weekly safety inspections<br>§ 257.83(a)                          | Existing ponds: Oct. 19, 2015<br><br>New ponds: initiate inspections upon initial receipt of CCR.   | No posting requirement.<br><br>All inspections must be recorded in the operating record.<br>§ 257.105(g)(5)              | A “qualified person” must inspect all CCR ponds: (i) for any appearances of actual or potential structural weakness and other conditions that are disrupting or have the potential to disrupt the operation or safety of the CCR unit; and (ii) for discharge from all outlets of hydraulic structures that pass underneath the base of the pond or through the dike for abnormal discoloration, flow or discharge.<br>§ 257.83(a)(i) and (ii) |
| Initiate monthly monitoring of unit instrumentation<br>§ 257.83(a)(1)(iii) | Existing ponds: Oct. 19, 2015<br>New ponds: initiate inspections upon initial receipt of CCR.   | No posting requirement.<br><br>All inspections must recorded in operating record. § 257.105(g)(5)                        | A “qualified person” must monitor all CCR unit instrumentation monthly.<br>§ 257.83(a)(iii)  |
| Complete initial annual inspection; periodic thereafter<br>§ 257.83(b)     | Existing ponds: Jan. 19, 2016<br>New ponds: within 14 months of initial receipt of CCR.   | Existing ponds: Feb. 17, 2016<br>§§ 257.105(g)(6), 257.107(g)(5)   | A “qualified professional engineer” must prepare a report ensuring that the design, construction, operation and maintenance is consistent with “recognized and generally accepted good engineering standards.” The inspection must address the unit’s condition, storage capacity, current volume, etc. See § 257.83(b)(2).  |

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| Complete initial and periodic <b>hazard potential classification assessments</b><br>§ 257.73(a)(2)   | October 17, 2016 and every 5 years thereafter.<br>New ponds: prior to the initial receipt of waste and every 5 years thereafter.<br>§ 257.74(f)                                      | November 16, 2016 (for the initial hazard potential assessment)<br>§ 257.105(f), 257.107(f)(4)                           | O/O must document the hazard potential classification of each surface impoundment (except incised ponds) and classify as high, significant or low hazard potential with a certification from a qualified professional engineer.<br>§ 257.73(a)(2).   |
| Complete initial and periodic <b>structural stability assessments</b><br>§ 257.73(d)   | October 17, 2016 and every 5 years thereafter.<br>§ 257.73(f)<br>New ponds: prior to the initial receipt of waste and every 5 years thereafter.<br>§ 257.74(f)                       | Nov. 16, 2016 (for the initial structural stability assessment)<br>§ 257.107(f)(9)                                       | O/O must document whether the design, construction, operation and maintenance are consistent with recognized and generally accepted good engineering practices for the maximum volume of CCR and CCR wastewater that can be impounded, with certif. from qualified professional engineer.<br>Factors enumerated at § 257.73(d)(i)-(vii). |
| Complete initial and periodic <b>safety factor assessments</b><br>§ 257.73(e)  | October 17, 2016 and every 5 years thereafter.<br>§ 257.73(f)<br>For new ponds: prior to the initial receipt of waste and every 5 years thereafter.<br>§ 257.74(f)                   | Nov. 16, 2016 (for the initial safety factor assessment)<br>§ 257.107(f)(11)   | O/O must document whether the calculated factors of safety achieve the minimum safety factors for the critical cross section of the embankment most susceptible to structural failure. Certification by professional engineer req'd. Safety factors set out at § 257.73(e)(i) –(iv).   |
| Remedy deficiency or release identified during periodic (or initial) <b>structural stability</b> assessment<br>§§ 257.73(d)(2), 257,74(d)(2) | “As soon as feasible” and prepare documentation detailing the corrective action taken.<br>Documentation must be placed in operating record “as it becomes available”<br>§ 257.105(f) | 30 days after the documentation of corrective measures is placed in the operating record.                                | Documentation must detail corrective measures taken to remedy the deficiency or release.<br>§§ 257.105(f)(11), 257.107(f)(10)<br>Applies to an existing pond that either: (1) has a height of 5 feet or more and a storage volume of 20 acre-feet or more; or (2) has a height of 20 feet or more. § 257.73(b)                           |

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| Remedy deficiency or release identified during annual surface impoundment inspections § 257.83(b)(5)             | “As soon as feasible” and prepare documentation detailing the corrective measures taken. | 30 days after the documentation of corrective measures is placed in the operating record § 257.107(g)(6)                 | O/O must remedy “as soon as feasible” and post documentation detailing the corrective measures taken to remedy the deficiency or release. §§ 257.83(b)(5), 257.84(b)(5), 257.107(g)(6)   |
| Document corrective measures taken to remedy deficiency or release from a CCR pond §§ 257.73(d)(2), 257.74(d)(2) | Place in the operating record “as it becomes available” § 257.105(f)                     | 30 days after corrective measures are documented in the operating record § 257.107(f)(10)                                | If a deficiency or release is identified during the periodic assessment, the owner or operator must remedy it “as soon as feasible” and prepare documentation detailing the corrective measures taken. §§ 257.73(d)(2), 257.74(d)(2)   |
| Place permanent identification markers § 257.73(a)(1)  | Dec. 17, 2015 (for all existing CCR ponds, except incised units)                         | No requirement   | Marker must be at least six feet high, on or immediately adjacent to the CCR unit. Must include the state ID number, if assigned, along with the name of the CCR unit and the name of the owner or operator.   |
| Compile construction information re existing ponds § 257.73(c)(1)  | Oct. 17, 2016  | Nov. 16, 2016 (files must be maintained, including revisions, until closure is complete) §§ 257.105(f)(9), 257.107(f)(8) | Req’d info includes: unit’s location on USGS map, statement of unit purpose, name and size of the relevant watershed, description of the physical and engineering properties of the unit, etc.<br>See § 257.73(c)(1)(i)-(xi)<br>Applies to an existing CCR surface pond that either:<br>(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.<br>§ 257.73(b) |

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| Prepare written Emergency Action Plan (EAP)<br>§§ 257.73(a)(3), 257.74(a)(3)   | Existing ponds: April 17, 2017<br><br>New ponds: Prior to receipt of CCR   | Existing ponds: May 17, 2017<br>§§ 257.105(f)(6), 257.107(f)(5)  | Applies to all new and existing CCR ponds, except incised units, which have been determined to be high hazard or significant hazard potential ponds under § 257.73(a)(3), 257.74(a)(2). The EAP must describe the procedures that will be followed to timely detect a safety emergency, define responsible persons, include a map of the downstream area that would be affected by a CCR unit failure, etc. See § 257.73(a)(3)(i). |
| Activate the EAP upon occurrence of an emergency   | When events or circumstances representing a safety emergency are detected<br>§§ 257.73(a)(3)(v), 257.74(a)(3)(v) | Documentation recording any activation of the plan must be posted.<br>§§ 257.105(f)(8), 257.107(f)(7)                    | Examples of such events include “conditions identified during periodic structural stability assessments, annual inspections, and inspections by a qualified person.”<br>§ 257.74(a)(3)(v)  |
| Convene face-to-face meeting between representatives of the CCR unit owner and the local emergency responders re the EAP | Annually after initial preparation of the plan   | Documentation recording the annual meeting<br>§§ 257.105(f)(7), 257.107(f)(6)  | EAP must include provisions for this annual face-to-face meeting<br>§§ 257.73(a)(3)(i)(E) and 257.74(a)(3)(i)(E)   |

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| <b>Landfill Inspection Requirements</b>  |   |  |  |
| Initiate weekly Inspections by a qualified person<br>§ 257.84(a)                             | Existing landfills: Oct. 19, 2015<br>New landfills: initiate inspections upon initial receipt of CCR. | No posting requirement, but inspections must be placed in the operating record.<br>§ 257.105(g)(8)                       | All CCR landfills and any lateral expansion of a CCR landfill must be examined by a qualified person at intervals not exceeding 7 days for any appearances of structural weaknesses or other unsafe conditions.<br>§ 257.84(a) |
| Initiate annual inspection of landfill; periodic thereafter<br>§ 257.84(b)                   | Existing landfills: Jan. 19 2016<br>New landfills: within 14 months of initially receiving CCR        | Existing landfills: Feb. 19, 2016<br>§§ 257.105(g)(9), 257.107(g)(7)   | Qualified professional engineer must prepare a report addressing approximate volume in the unit, any appearances of actual or potential structural weaknesses, etc.<br>See § 257.84(b)(2)                                      |
| Remedy deficiency or release identified during annual landfill inspections<br>§ 257.84(b)(5) | “As soon as feasible” and prepare documentation detailing the corrective measures taken               | Within 30 days of the corrective measures documented<br>§ 257.107(g)(6)  | Owner/operator must post documentation detailing the corrective measures taken to remedy the deficiency or release.<br>§ 257.107(g)(6)   |

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| <b>Legacy Ponds (Closure of Inactive Surface Impoundments)</b>                              |   |  |   |
| Provide notification of intent to initiate pond closure<br>§ 257.100(c)(1)                  | Dec. 17, 2015   | Jan. 16, 2016<br>§§ 257.105(i)(1), 257.107(i)(1)   | Notice must include narrative description of how unit will close, closure schedule, and certifications from qualified professional engineers re final cover system design. Qualified professional engineer must certify that closure is technically feasible within 3 years from publication of the rule. |
| Complete annual progress reports re closure of legacy ponds<br>§ 257.100(c)(2)              | 1st report: no later than 13 months after notification of intent to close.<br>§ 257.100(c)(2)(i)<br>2nd report: within 12 months after completing first progress report.<br>§ 257.100(c)(2)(ii) | Within 30 days of placement in the operating record<br>§§ 257.105(i)(2), 257.107(i)(2)   | Reports must summarize the progress of closure implementation, including a description of the actions completed to date, any problems encountered, a description of the actions taken to resolve the problems, and projected closure activities for the upcoming year.                                    |
| Notify state and public regarding closure completion<br>§ 257.100(c)(3)                     | Within 60 days of completing closure  | Within 90 days of completing closure<br>§§ 257.105(i)(3), 257.107(i)(3)  | Must include a written certification from a qualified professional engineer that closure complied with requirements of § 257.100.   |
| <b>Releases</b>   |   |  |   |
| Take all necessary measures to control the sources of a release<br>§ 257.90(d)              | Immediate action  | See requirements for posting corrective action measures, below.  | Measures taken must reduce or eliminate, to the maximum extent feasible, further releases of contaminants into the environment. § 257.90(d)   |
| <b>Design Standards for new ponds and landfills</b>   |   |  |   |
| Design standards for new landfills and lateral expansions of existing landfills<br>§ 257.70 | Oct. 19, 2015   | Design certification: within 60 days of commencing construction<br>§ 257.107(f)(1).<br>Construction certification: no later than the date of initial receipt of CCR. § 257.107(f)(2) | Landfills must be constructed with a composite liner (or alternative composite liner) and a leachate collection and removal system. Owner/operators must get design certification (§ 257.70(e)) prior to construction and a construction certification upon completion. § 257.70(f)                       |



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| Design standards for new ponds and lateral expansions of existing ponds<br>§ 257.72 | Oct. 19, 2015   | Design certification: within 60 days of commencing construction<br>§ 257.107(f)(1)<br><br>Construction certification: no later than the date of initial receipt of CCR. § 257.107(f)(2) | Surface impoundments must be constructed with a composite liner (or an alternative composite liner that meets requirements in § 257.70(b) or (c)). Owner/operators must get design certification (§ 257.72(c)) prior to construction and a construction certification upon completion.<br>§ 257.72(d) |
| <b>Closure Requirements for CCR Units</b>   |   |   |   |
| Complete initial written closure plan for all CCR units<br>§ 257.102(b)             | Existing units: Oct. 17, 2016<br>New units: no later than the date of the initial receipt of CCR          | Existing units: Nov. 16, 2016<br>§§ 257.105(i)(4), 257.107(i)(4)  | Closure plan must describe steps necessary to close the unit at any point during the active life, consistent with recognized and generally accepted good engineering practices, and the information specified in §257.102(b)(1)(i)-(vi).  |
| Complete initial written post-closure plan<br>§ 257.104(d)(2)                       | Existing units: no later than October 17, 2016<br>New units: no later than date of initial receipt of CCR | Existing units: no later than November 16, 2016<br>§§ 275.104(d)(2)(i)<br>257.105(i)(12), 257.107(i)(12)  | Post-closure plan must include, at minimum, the information specified in §§ 257.104(d)(1)(i)-(iii).   |

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| <b>Beneficial Use of CCR</b>   |                     |   |   |
| Comply with requirements of beneficial use of CCR § 257.53   | Oct. 19, 2015       | Internet posting not req'd.   | <p><i>Beneficial use of CCR</i> means the CCR meet all of the following conditions:</p> <ul style="list-style-type: none"> <li>(1) The CCR must provide a functional benefit;</li> <li>(2) The CCR must substitute for the use of a virgin material, conserving natural resources that would otherwise need to be obtained through practices, such as extraction;</li> <li>(3) The use of the CCR must meet relevant product specifications, regulatory standards or design standards when available, and when such standards are not available, the CCR is not used in excess quantities;</li> </ul> |
| Demonstrate compliance with standards when 12,400 or more tons of unencapsulated CCR are placed on the land for non-roadway uses (e.g., large structural fill projects) § 257.53 | Oct. 19, 2015       | Internet posting not required, but documentation of compliance must be kept by the person using the CCR and must be provided “upon request.” § 257.53 | User must demonstrate that environmental releases to groundwater, surface water, soil and air are comparable to or lower than those from analogous products made without CCR, or that environmental releases will be at or below relevant regulatory and health-based benchmarks for human and ecological receptors during use. <sup>i</sup>  |

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| <b>Run-off and flood control from landfills</b>   |   |  |  |
| Prepare initial run-on and run-off control system plans<br>§ 257.81(c)  | Existing landfills: Oct. 17, 2016<br>New landfills: no later than date of initial receipt of CCR    | Existing landfills: Nov. 16, 2016<br>§§ 257.105(g)(3), 257.107(g)(3)<br><br>Amendments: at any time, or “whenever there is a change in conditions that would substantially affect the written plan in effect” § 257.81(c)(2) | Must document how the control systems have been designed to meet the requirements of § 257.81, including engineering calculations.<br>§ 257.81(c)(1)   |
| Prepare initial inflow design flood control system plans<br>§ 257.82(c)<br>Amend system “whenever there is a change in conditions that would substantially affect the written plan in effect”<br>§ 257.81(c)(2) | Existing landfills: Oct. 17, 2016<br>New landfills: no later than date of initial receipt of CCR    | Existing landfills: Nov. 16, 2016<br>§§ 257.105(g)(4), 257.107(g)(4)   | Must document how the control system has been designed to meet the requirements of § 257.82, including engineering calculations.<br>§ 257.81(c)(1)   |
| <b>Groundwater Monitoring for Existing Units</b>  |   |  |  |
| Install groundwater monitoring system<br>§§ 257.90(b)(1)(i), 257.91   | Oct. 17, 2017<br>New units must meet this requirement prior to receiving any CCR.<br>§ 257.90(b)(2) | Nov. 16, 2017 (groundwater monitoring system certification as required in § 257.91(f))<br>§§ 257.105(h)(3), 257.107(h)(2)  | Must install a minimum of 1 upgradient well and 3 downgradient wells, plus additional wells “as necessary to accurately represent” the quality of background water unaffected by CCR and the water that passes the waste boundary. § 257.91(a)-(c) |

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| Develop sampling and analysis program<br>§§ 257.90(b)(1)(ii), 257.93 | Oct. 17, 2017   | Nov. 16, 2017 (selection of statistical method certification as required by § 253.93(f)(6))<br>§§ 257.105(h)(4), 257.107(h)(3)                             | New units must meet this requirement prior to receiving any CCR. § 257.90(b)(2)<br>Certification must include a narrative description of the statistical method selected.  |
| Initiate detection monitoring<br>§§ 257.90(b)(1)(iii) 257.94         | Oct. 17, 2017   | No requirement   | New units must obtain samples from the background wells prior to receiving any CCR.<br>§ 257.90(b)(2)  |
| Begin evaluating monitoring data<br>§§ 257.90(b)(1)(iv) 257.94       | Oct. 17, 2017   | No requirement   | Evaluate groundwater monitoring data for statistically significant increases over background levels for Appendix III chemicals, as required by § 257.94. May trigger assessment monitoring requirements.             |
| Continue or resume detection monitoring<br>§§ 257.94(b), 257.95(e)   | Detection monitoring must occur at least twice a year (for both new and existing units).<br>§ 257.94(b)<br>Owner/operator may demonstrate need for alternative frequency, evaluated on a site-specific basis, but it shall be no less than annual.<br>§ 257.94(d) | Within 60 days of returning to a detection monitoring program (from assessment monitoring), as required by § 257.95(e).<br>§§ 257.105(h)(7), 257.107(h)(5) | For existing units, samples from each well must be collected and analyzed no later than October 17, 2017.<br><br>New units must conduct detection monitoring during the first six months of sampling.<br>§ 257.94(b) |
| Prepare monitoring and corrective action report<br>§ 257.90(e)       | Jan. 31, 2018 (and annually thereafter)   | March 2, 2018 (and annually thereafter; March 1 deadline on leap years)<br>§§ 257.105(h)(1), 257.107(h)(1)   | New units must prepare the initial report by Jan. 31 of the year after the first year of operation, and prepare a subsequent report in January of each subsequent year.<br>§ 257.90(e)                               |

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| Conduct assessment monitoring<br>§ 257.95     | 90 days after detecting a statistically significant increase above background concentrations for chemicals listed in Appendix III<br>§ 257.94(e)(1)   | Notification that an assessment monitoring program has been established, within 60 days of its establishment<br>§§ 257.105(h)(5), 257.107(h)(4)   | Assessment monitoring must be conducted for contaminants listed in Appendix IV.<br><br>Within 90 days of obtaining the results, the wells must be resampled and the new data analyzed. If 2 consecutive sampling events show all constituents in Appendices III and IV are at or below background levels, assessment monitoring may end. If any constituents on Appendices III and IV are above background levels but below groundwater protection standards, assessment monitoring continues semi-annually. If there is a statistically significant increase of any constituents on Appendix IV above the groundwater protection standard, then the corrective action requirements below are triggered.<br>§ 257.95(d)-(f) |
| <b>Corrective Action</b>                      |   |   |   |
| Assess corrective action measures<br>§ 257.96 | 180 days (+ 60 day extension available) after detecting any Appendix IV chemical at a statistically significant level above groundwater protection standard<br><br><i>or</i><br><br>90 days (+ 60 day extension) after detecting a release from a CCR unit. | For existing unlined surface ponds, within 60 days of initiating the assessment.<br>§§ 257.95(g)(5), 257.105(h)(9), 257.107(h)(7)<br><br>Completed assessment must also be placed in record.<br>§§ 257.96(d), 257.105(h)(1), 257.107(h)(8)) | Assessment must be <i>initiated</i> within 90 days after detecting Appendix IV chemical, and immediately upon detecting a release from a CCR unit. Assessment must be <i>completed</i> within 90 days of initiation, with an extension of no longer than 60 days. § 257.96(a)<br><br>Note that an existing unlined surface impoundment must retrofit to install a liner or close if there is a statistically significant increase in a contaminant above the groundwater protection standard.<br>§ 257.95(g)(5)   |

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| Select corrective action remedy<br>§ 257.97   | “As soon as feasible”                                | Semiannual reports describing progress in selecting and designing remedy, as per § 257.97(a). Selection of remedy report must be maintained until remedy has been completed.<br>§§ 257.105(h)(12), 257.107(h)(9) | Selection must specify schedule for implementation and completion of remedial activities. § 257.97(d)<br><br>Owner or operator must prepare a final report describing the selected remedy, and must obtain a certification from a qualified professional engineer that the remedy selected meets all the requirements. |
| Initiate implementation of remedy<br>§ 257.98 | Within 90 days after selection of remedy             | No requirement   |  |
| Complete remedy<br>§ 257.98(c)                | Based on the schedule established under § 257.97(d). | Within 60 days of completing the remedy.<br>§§ 257.105(h)(13), 257.107(h)(9)   | Must obtain a certification from a qualified professional engineer attesting that the remedy has been completed in compliance with § 257.98(c) requirements. § 257.98(e)   |

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| <b>Location Requirements</b>   |  |   |   |
| Demonstrate compliance with location restrictions that apply to: <ul style="list-style-type: none"> <li>- New CCR landfills</li> <li>- New CCR ponds</li> <li>- Existing CCR ponds</li> <li>- All lateral expansions of CCR units</li> </ul> | Existing ponds: complete demonstration no later than Oct. 17, 2018<br>§ 257.60(c)(1)<br><br>Existing landfills must complete demonstration of compliance with § 257.64(a) no later than Oct. 17, 2018.<br><br>New ponds or landfills or any lateral expansion: no later than the date of initial receipt of CCR in the unit.<br>§ 257.60(c)(2) | Must place demonstration documenting whether or not a 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,” including certification from professional engineer stating requirements have been met.<br>§§ 257.105(e), 257.107(e) | § 257.60(a) – Unit base must be no less than 5 ft. from upper limit of the uppermost aquifer.<br><br>§ 257.61(a) – Unit must not be in wetlands unless it meets requirements in §§ 257.61(a)(1)-(5).<br><br>§ 257.62(a) – Unit must not be located within 200 ft. of the outermost damage zone of a fault that has had displacement in Holocene time (unless operator makes demonstration required in § 257.62(c)).<br><br>§ 257.63(a) – Unit must not be located in seismic impact zones (unless operator makes demonstration required in § 257.63(c)).<br><br>§ 257.64(a) – Unit must not be located in an unstable area (unless operator makes demonstration required in § 257.64(d)). |

<sup>i</sup> EPA addressed the content of the “demonstration” in the CCR Rule’s preamble at 74 Fed. Reg. 21,354, stating:

Numerous potential pathways exist and these should be evaluated as necessary depending on the potential application of the CCR. Potential exposure pathways include exposure to ground water, surface water, air, and soils. Generation of dust, leaching to ground water and surface water, inhalation of mercury, and plant uptake are areas that need to be evaluated. A complete evaluation of the types of releases, the types of exposure and the receptors that may be potentially affected by a potential application will need to be conducted. A screening comparison will need to be performed comparing the concentrations of individual constituents of potential concern to the following benchmarks: human soil ingestion, ecological soil, tap water ingestion, fish ingestion, surface water, sediment, and inhalation. Existing documents that can be used to gain an understanding of conceptual models, pathways and regulatory limits include: Risk Assessment Guidance for Superfund, Exposure Factors Handbook, Volumes I, II and III, Risk Assessment Guidance for Superfund Volume I: Human Health Evaluation Manual Part A, Industrial Waste Management Model (IWEM) Technical Backgrounds Document, Exposure Factors Handbook, Human and Ecological Risk Assessment of Coal Combustion Wastes.