**Section 845.780 Post-Closure Care Requirements**

a) Applicability

1) Except as provided by subsection (a)(2), this Section applies to the owners or operators of CCR surface impoundments who have completed an Agency approved closure.

2) An owner or operator of a CCR surface impoundment that elects to close a CCR surface impoundment by removing CCR as provided by Section 845.740 is not subject to the post-closure care criteria of this Section.

b) Post-closure Care Maintenance Requirements. Following closure of the CCR surface impoundment, the owner or operator must conduct post-closure care for the CCR surface impoundment, which must consist of at least the following:

1) 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;

2) If the CCR surface impoundment is subject to the design criteria of Section 845.420, 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 Section 845.420; and

3) Maintaining the groundwater monitoring system and monitoring the groundwater in accordance with the requirements of Subpart F.

c) Post-closure Care Period

1) Except as provided by subsection (c)(2), the owner or operator of the CCR surface impoundment must conduct post-closure care for 30 years.

2) At the end of the 30-year post-closure care period, the owner or operator of the CCR surface impoundment must continue to conduct post-closure care until the groundwater monitoring data shows the concentrations are:

A) Below the groundwater protection standards in Section 845.600; and

B) Not increasing for those constituents over background, using the statistical procedures and performance standards in Section 845.640(f) and (g), provided that:

i) Concentrations have been reduced to the maximum extent feasible; and

ii) Concentrations are protective of human health and the environment.

d) Written Post-closure Care Plan

1) Content of the Plan. The owner or operator of a CCR surface impoundment must prepare a written post-closure care plan that includes, at a minimum, the information specified in this subsection (d)(1).

A) A description of the monitoring and maintenance activities required in subsection (b) for the CCR surface impoundment and the frequency at which these activities will be performed;

B) 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

C) A description of the planned uses of the property during the post-closure care period. Post-closure use of the property must not disturb the integrity of the final cover, liners, or any other component of the containment system, or the function of the monitoring systems unless necessary to comply with the requirements of this Part. Any other disturbance is allowed if the owner or operator of the CCR surface impoundment 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 must be submitted to the Agency.

2) Deadline to Prepare the Initial Written Post-closure Care Plan. The owner or operator of a CCR surface impoundment must submit to the Agency an initial written post-closure care plan, consistent with the requirements specified in subsection (d)(1), with its initial operating permit application.

3) Amendment of a Written Post-closure Care Plan

A) The owner or operator may submit an operating permit modification application to amend the initial or any subsequent written post-closure care plan developed under subsection (d)(1) at any time.

B) The owner or operator must seek to amend the written closure care plan whenever:

i) There is a change in the operation of the CCR surface impoundment that would substantially affect the written post-closure care plan in effect; or

ii) unanticipated events necessitate a revision of the written post-closure care plan, after post-closure activities have started.

C) The owner or operator must seek to amend the written post-closure care plan at least 60 days before a planned change in the operation of the facility or CCR surface impoundment, or within 60 days after an unanticipated event requires the need to revise an existing written post-closure care plan. If a written post-closure care plan is revised after post-closure activities have started for a CCR surface impoundment, the owner or operator must submit a request to modify the operating permit within 30 days following the triggering event.

4) The owner or operator of the CCR surface impoundment must obtain a written certification from a qualified professional engineer that the initial, and any amendment of the, written post-closure care plan meets the requirements of this Section.

e) Upon the completion of the post-closure care period, the owner or operator of the CCR surface impoundment must submit a request to the Agency to terminate post-closure care. The request must include a certification by a qualified professional engineer verifying that post-closure care has been completed in accordance with the post-closure care plan specified in subsection (d) and the requirements of this Section.

f) Notification of Completion of Post-closure Care Period. Within 30 days after the Agency's approval of the owner's or operator's request to terminate post-closure care, the owner or operator must prepare a notification of completion of post-closure care and must place the notification in the facility's operating record as required by Section 845.800(d)(31).