

COAL COMBUSTION RESIDUALS RULE PUBLIC WEBSITE REQUIREMENTS FOR COLSTRIP ENERGY LIMITED PARTNERSHIP

Overview

The Coal Combustion Residuals (CCR) Rule includes requirements for a publically accessible website. These requirements are included in §40 CFR 257.107 as shown in the *Federal Register* published on April 17, 2015. The CCR rule and supporting information can be found on EPA's website at the following address:

<http://www2.epa.gov/coalash/coal-ash-rule>

The Colstrip Energy Limited Partnership (CELP) Rosebud Power Plant has an existing CCR landfill located at the facility. Because it is an existing CCR landfill, it is subject to certain requirements and exempt from others in the CCR Rule. The applicable website requirements for CELP are explained the following sections.

Rule Analysis

§257.107 Publicly accessible Internet site requirements.

(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."

- CELP is subject to this requirement and has developed the publically available website located at www.celpccr.com.

(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.

- CELP has one active CCR landfill at the facility that will receive CCR ash after the effective date of the rule. A single website will be used to comply with the requirements of this section.

(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.

- CELP is subject to this requirement. Information posted to the CCR website will be made available to the public for at least five years following the date on which the information was first posted to the CCR website.

(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.

- The CCR Rule's recordkeeping requirements are specified in §257.105. CELP will post all applicable records to the website within 30 days of placing the pertinent information in the operating record.

(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.

- CELP is subject to the location restrictions for an existing CCR landfill included in §257.64. CELP is required to make the location demonstration no later than October 17, 2018, as shown in §257.64(d)(1). CELP will post the applicable record to the website when it becomes available.

(f) Design criteria. 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:

(1) Within 60 days of commencing construction of a new unit, the design certification specified under § 257.105(f)(1) or (3).

- CELP would be subject to this requirement if it constructed a new CCR unit. CELP is not subject to this requirement at this time.

(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).

- CELP would be subject to this requirement if it constructed a new CCR unit. CELP is not subject to this requirement at this time.

(3) The documentation of liner type specified under § 257.105(f)(2).

- §257.105(f)(2) refers to §257.71(a). §257.71(a) applies to existing surface impoundments. CELP operates an existing CCR landfill. This requirement is not applicable to the CELP CCR landfill.

(4) The initial and periodic hazard potential classification assessments specified under § 257.105(f)(5).

- §257.105(f)(5) refers to §257.73(a)(2) and §257.74(a)(2). These sections apply to existing and new surface impoundments. CELP operates an existing CCR landfill. This requirement is not applicable to the CELP CCR landfill.

(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.

- §257.105(f)(6) refers to §257.73(a)(3) and §257.74(a)(3). These sections apply to existing and new surface impoundments. CELP operates an

existing CCR landfill. This requirement is not applicable to the CELP CCR landfill.

(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).*

- §257.105(f)(7) refers to §257.73(a)(3)(i)(E) and §257.74(a)(3)(i)(E). These sections apply to existing and new surface impoundments. CELP operates an existing CCR landfill. This requirement is not applicable to the CELP CCR landfill.

(7) *Documentation prepared by the owner or operator recording any activation of the emergency action plan specified under §257.105(f)(8).*

- §257.105(f)(8) refers to §257.73(a)(3)(v) and §257.74(a)(3)(v). These sections apply to existing and new surface impoundments. CELP operates an existing CCR landfill. This requirement is not applicable to the CELP CCR landfill.

(8) *The history of construction, and any revisions of it, specified under §257.105(f)(9).*

- §257.105(f)(9) refers to §257.73(c). This section applies to existing surface impoundments. CELP operates an existing CCR landfill. This requirement is not applicable to the CELP CCR landfill.

(9) *The initial and periodic structural stability assessments specified under §257.105(f)(10).*

- §257.105(f)(10) refers to §257.73(d) and §257.74(d). These sections apply to existing and new surface impoundments. CELP operates an existing CCR landfill. This requirement is not applicable to the CELP CCR landfill.

(10) *The documentation detailing the corrective measures taken to remedy the deficiency or release specified under §257.105(f)(11).*

- §257.105(f)(11) refers to §257.73(d)(2) and §257.74(d)(2). These sections apply to existing and new surface impoundments. CELP operates an existing CCR landfill. This requirement is not applicable to the CELP CCR landfill.

(11) *The initial and periodic safety factor assessments specified under §257.105(f)(12).*

- §257.105(f)(12) refers to §257.73(e) and §257.74(f). These sections apply to existing and new surface impoundments. CELP operates an existing CCR landfill. This requirement is not applicable to the CELP CCR landfill.

(12) *The design and construction plans, and any revisions of them, specified under § 257.105(f)(13).*

- §257.105(f)(13) refers to §257.74(c). This section applies to new CCR surface impoundments and lateral expansions of surface impoundments. CELP operates an existing CCR landfill. This requirement is not applicable to the CELP CCR landfill.

(g) *Operating criteria. 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:*

(1) *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.*

- CELP is required to maintain a fugitive dust control plan. CELP will maintain the most recent fugitive dust control plan on the website.

(2) *The annual CCR fugitive dust control report specified under §257.105(g)(2).*

- CELP is required to develop the annual fugitive dust control report. 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, as specified in §257.80(c). This plan will be posted to the CCR website when it becomes available.

(3) *The initial and periodic run-on and run-off control system plans specified under §257.105(g)(3).*

- CELP is subject to the initial and periodic run-on and run-off control systems plans specified in this section. The initial plan must be completed by October 17, 2016, as specified by §258.81(c)(3)(i). This plan will be posted to the CCR website when it becomes available.

(4) *The initial and periodic inflow design flood control system plans specified under §257.105(g)(4).*

- §257.105(g)(4) refers to §257.82(c). This section applies to surface impoundments. CELP operates an existing CCR landfill. This requirement is not applicable to CELP.

(5) *The periodic inspection reports specified under §257.105(g)(6).*

- §257.105(g)(6) refers to §257.83(b)(2). This section applies to CCR surface impoundments and lateral expansions of surface impoundments. CELP operates an existing CCR landfill. This requirement is not applicable to the CELP CCR landfill.

(6) *The documentation detailing the corrective measures taken to remedy the deficiency or release specified under §257.105(g)(7).*

- §257.105(g)(7) refers to §257.83(b)(5) and §257.84(b)(5). §257.83(b)(5) applies to CCR surface impoundments and is not applicable to CELP. §257.84(b)(5) applies to landfills and would apply should there be a deficiency or release identified during an inspection.

(7) The periodic inspection reports specified under §257.105(g)(9).

- §257.105(g)(9) refers to §257.84(b)(2). This section applies to annual inspections of CCR landfills and is applicable to CELP. Existing CCR landfills are required to conduct the initial inspection no later than January 18, 2016, per §257.84(b)(3). CELP will comply with this requirement and post the report on the website when it becomes available.

(h) Groundwater monitoring and corrective action. 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:

(1) The annual groundwater monitoring and corrective action report specified under §257.105(h)(1).

- §257.105(h)(1) refers to the annual groundwater monitoring and corrective action report in §257.90(e). This report is due no later than January 31, 2018, and annually thereafter for existing CCR landfills. This report will be posted to the CCR website when it becomes available.

(2) The groundwater monitoring system certification specified under §257.105(h)(3).

- §257.105(h)(3) refers to the groundwater monitoring system certification required by §257.91(f). Existing CCR landfills must have the groundwater monitoring system installed no later than October 17, 2017, as specified in §257.90(b) and certified by a professional engineer. This certification will be posted to the CCR website when it becomes available.

(3) The selection of a statistical method certification specified under §257.105(h)(4).

- §257.105(h)(4) refers to the groundwater statistical analysis certification requirements of §257.93(f)(6). This certification will be posted to the CCR website when it becomes available.

(4) The notification that an assessment monitoring programs has been established specified under §257.105(h)(5).

- §257.105(h)(5) refers to §257.94(e)(3). This section requires notification that a groundwater assessment monitoring program has been established if there is a statistically significant increase over background levels for one or more of the constituents listed in appendix III to the CCR Rule. CELP will post the notification to the CCR website should this statistically significant increase occur in accordance with the requirements of the CCR Rule.

(5) *The notification that the CCR unit is returning to a detection monitoring program specified under §257.105(h)(7).*

- §257.105(h)(7) refers to §257.95(e). This section applies to the groundwater detection monitoring program, depending on the concentrations observed after two consecutive sampling events. CELP will post the notification to the website depending on the observed concentrations in accordance with the requirements of the rule.

(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).*

- This requirement would apply following the completion of the groundwater monitoring assessment program and would depend on the concentrations of the monitored parameters. CELP will post the notification to the website depending on the observed concentrations in accordance with the requirements of the rule.

(7) *The notification that an assessment of corrective measures has been initiated specified under §257.105(h)(9).*

- This requirement would apply following the completion of the groundwater monitoring assessment program and would depend on the concentrations of the monitored parameters. CELP will post the notification to the website depending on the observed concentrations and corrective measures in accordance with the requirements of the rule.

(8) *The assessment of corrective measures specified under §257.105(h)(10).*

- This requirement would apply following the completion of the groundwater monitoring assessment program and would depend on the concentrations of the monitored parameters. CELP will post the assessment of corrective measures depending on the observed concentrations in accordance with the requirements of the rule.

(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.*

- This requirement would apply following the completion of the groundwater monitoring assessment program and would depend on the concentrations of the monitored parameters. CELP will post the semiannual reports depending on the observed concentrations in accordance with the requirements of the rule.

(10) *The notification that the remedy has been completed specified under §257.105(h)(13).*

- This requirement would apply following the completion of the groundwater monitoring assessment program and would depend on the concentrations of the monitored parameters.

(i) Closure and post-closure care. 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:

(1) The notification of intent to initiate closure of the CCR unit specified under §257.105(i)(1).

- §257.105(i)(1) references §257.100(c)(1). This section applies to the closure of surface impoundments. CELP operates a CCR landfill and this notification requirement is not applicable.

(2) The annual progress reports of closure implementation specified under §257.105(i)(2).

- § 257.105(i)(2) references §257.100(c)(2)(i) and (ii). These sections apply to closure of surface impoundments. CELP operates a CCR landfill and this notification requirement is not applicable.

(3) The notification of closure completion specified under §257.105(i)(3).

- §257.105(i)(3) references §257.100(c)(3). This section applies to the closure of surface impoundments. CELP operates a CCR landfill and this notification requirement is not applicable.

(4) The written closure plan, and any amendment of the plan, specified under §257.105(i)(4).

- §257.105(i)(4) references §257.102(b). This section applies to the written closure plan for existing CCR landfills, CCR surface impoundment, or any lateral expansion of a CCR unit. CELP is required to develop a written closure plan for the CCR landfill no later than October 17, 2016, per §257.102(b)(2). CELP will post the closure plan to the CCR website when it becomes available.

(5) The demonstration(s) for a time extension for initiating closure specified under §257.105(i)(5).

- §257.105(i)(5) references §257.102(e)(2)(iii) and §257.102(e)(2)(ii). These sections apply to a time extension to initiate closure activities for existing CCR landfills, CCR surface impoundments, or any lateral expansion of a CCR unit. CELP would post the required demonstration(s) should they become applicable.

(6) The demonstration(s) for a time extension for completing closure specified under §257.105(i)(6).

- §257.105(i)(6) references §257.102(f)(2)(iii) and §257.102(f)(2)(i). These requirements apply to the closure of CCR landfills, CCR surface

impoundments, or any lateral expansion of a CCR unit. CELP would post the required demonstration(s) should they become applicable.

(7) The notification of intent to close a CCR unit specified under § 257.105(i)(7).

- §257.105(i)(7) references the notification of intent to close a CCR unit as required by §257.102(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 be certified by a professional engineer in accordance with the requirements of the CCR rule. CELP will post the notification to the website when it becomes available in accordance with the timing requirements of the CCR Rule.

(8) The notification of completion of closure of a CCR unit specified under §257.105(i)(8).

- §257.105(i)(8) references the notification of completion of closure of a CCR unit as required by §257.102(h). CELP will post the notification to the CCR website when it is available in accordance with the timing requirements of the CCR Rule.

(9) The notification recording a notation on the deed as required by §257.105(i)(9).

- §257.105(i)(9) references the notification recording a notation on the deed as required by §257.102(i). This requirement would apply at the time of closure of a CCR unit. CELP will post the notification to the CCR website when it is available in accordance with the timing requirements of the CCR Rule.

(10) The notification of intent to comply with the alternative closure requirements as required by §257.105(i)(10).

- §257.105(i)(10) references the notification of intent to comply with the alternative closure requirements as required by §257.103(c)(1). This section includes progress report requirements should a facility conduct alternative closure activities in accordance with the CCR Rule. CELP would post the notification to the CCR website should this requirement become applicable.

(11) The annual progress reports under the alternative closure requirements as required by §257.105(i)(11).

- §257.105(i)(11) references the annual progress reports under the alternative closure requirements as required by §257.103(c)(2). CELP would post the annual progress reports to the CCR website should this requirement become applicable.

(12) The written post-closure plan, and any amendment of the plan, specified under §257.105(i)(12).

- §257.105(i)(12) references the written post-closure plan, and any amendment of the plan, as required by §257.104(d). Existing CCR landfills are required to develop the initial post-closure plan no later than October 17, 2016, per §257.104(d)(2)(i). CELP will post the post-closure plan to the CCR website when it becomes available.

(13) The notification of completion of post-closure care specified under §257.105(i)(13).

- §257.105(i)(13) references the notification of completion of post-closure care period as required by §257.104(e). 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. CELP will post the notification to the CCR website when post-closure care has been completed in accordance with the timing requirements of the CCR Rule.

(j) Retrofit criteria. 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:

(1) The written retrofit plan, and any amendment of the plan, specified under §257.105(j)(1).

- §257.105(j)(1) references the written retrofit plan, and any amendment of the plan, as required by §257.102(k)(2). This section applies to existing CCR surface impoundments. CELP operates an existing CCR landfill and this requirement is not applicable.

(2) The notification of intent to comply with the alternative retrofit requirements as required by §257.105(j)(2).

- §257.105(j)(2) references the notification of intent that the retrofit activities will proceed in accordance with the alternative procedures in §257.103. CELP will post the notification should the alternative retrofit requirements become applicable.

(3) The annual progress reports under the alternative retrofit requirements as required by §257.105(j)(3).

- §257.105(j)(3) references the annual progress reports required under the alternative retrofit requirements as required by §257.103. CELP will post the annual progress reports should the alternative retrofit requirements become applicable.

(4) The demonstration(s) for a time extension for completing retrofit activities specified under §257.105(j)(4).

- §257.105(j)(4) references 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). §257.102(k)(3) applies to existing CCR surface impoundments. CELP operates an existing CCR landfill and this requirement is not applicable.

(5) The notification of intent to retrofit a CCR unit specified under §257.105(j)(5).

- §257.105(j)(5) references the notification of intent to initiate retrofit of a CCR unit as required by §257.102(k)(5). §257.102(k)(5) applies to existing CCR surface impoundments. CELP operates an existing CCR landfill and this requirement is not applicable.

(6) The notification of completion of retrofit activities specified under §257.105(j)(6).

- §257.105(j)(6) references the notification of completion of retrofit activities as required by §257.102(k)(6). §257.102(k)(6) applies to existing CCR surface impoundments. CELP operates an existing CCR landfill and this requirement is not applicable.