**Section 845.730 Initiation of Closure**

Initiation of closure activities. Except as provided for in this Section, the owner or operator of a CCR surface impoundment must initiate closure of the CCR surface impoundment within the applicable timeframes specified in either subsection (a) or (b). For purposes of this Section, closure of the CCR surface impoundment has been initiated if the owner or operator has stopped placing waste in the CCR surface impoundment and has submitted to the Agency a construction permit application under Section 845.220(d).

a) Known Final Receipt. The owner or operator must initiate closure of the CCR surface impoundment within 30 days after the date on which the CCR surface impoundment either:

1) Receives the known final placement of waste, either CCR or any non-CCR waste stream; or

2) Removes the known final volume of CCR from the CCR surface impoundment for the purpose of beneficial use of CCR.

b) Temporarily Idled CCR Surface Impoundments

1) Except as provided by subsection (b)(2), the owner or operator must initiate closure of a CCR surface impoundment 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 after the last receipt of waste or within two years after the last removal of CCR material for the purpose of beneficial use.

2) Notwithstanding subsection (b)(1), the owner or operator of the CCR surface impoundment may secure an additional two years to initiate closure of the idle surface impoundment if the Agency approves the owner's or operator's written demonstration that the CCR surface impoundment 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 this subsection (b)(2). 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 surface impoundment will accept wastes in the foreseeable future or will remove CCR from the surface impoundment for the purpose of beneficial use. The owner or operator must place each Agency approved demonstration, if more than one time extension is sought, in the facility's operating record as required by Section 845.800(d)(21) before the end of any two-year period.

A) Information documenting that the CCR surface impoundment has remaining storage or disposal capacity or that the CCR surface impoundment can have CCR removed for the purpose of beneficial use; and

B) Information demonstrating that that there is a reasonable likelihood that the CCR surface impoundment 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 surface impoundment will resume receiving CCR or non-CCR waste streams. The situations listed in this subsection (b)(2)(B) are examples of situations that would support a determination that the CCR surface impoundment will resume receiving CCR or non-CCR waste streams in the foreseeable future.

i) Normal plant operations include periods during which the CCR surface impoundment does not receive CCR or non-CCR waste streams, such as the alternating use of two or more CCR surface impoundments whereby, at any point in time, one CCR surface impoundment is receiving CCR while CCR is being removed from a second CCR surface impoundment after its dewatering.

ii) The CCR surface impoundment is dedicated to a coal-fired boiler surface impoundment 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.

iii) The CCR surface impoundment is dedicated to an operating coal-fired boiler (i.e., CCR is being generated); however, no CCR is being placed in the CCR surface impoundment because the CCR is being entirely diverted to beneficial uses, but there is a reasonable likelihood that the CCR surface impoundment will again be used in the foreseeable future.

iv) The CCR surface impoundment 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 surface impoundment will again receive non-CCR waste streams in the future.

3) In order to obtain additional time extensions to initiate closure of a CCR surface impoundment beyond the two years provided by subsection (b)(1), the owner or operator of the CCR surface impoundment must submit the demonstration required by subsection (b)(2) to the Agency for review and approval. The written documentation must include 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.

c) The timeframes specified in subsections (a) and (b) do not apply to an owner or operator of a CCR surface impoundment closing the CCR surface impoundment as required by Section 845.700:

d) By the date the owner or operator initiates closure of a CCR surface impoundment, the owner or operator must prepare a notification of intent to close a CCR surface impoundment. The notification must be placed in the facility's operating record as required by Section 845.800(d)(21).