



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

VALLEY REGIONAL OFFICE

P.O. Box 3000, Harrisonburg, Virginia 22801

(540) 574-7800

Located at 4411 Early Road, Harrisonburg, Virginia

www.deq.virginia.gov

Travis A. Voyles
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

Brandon D. Kiracofe
Regional Director

February 7, 2024

VIA ELECTRONIC MAIL

Mr. Dennis Slade
Corporate Manager, Waste and Remediation
Dominion Energy Environmental Services
120 Tredegar Street
Richmond, VA 23219
dennis.a.slade@dominionenergy.com

Subject: Dominion Energy Virginia - Bremo Power Station, Solid Waste Permit No. (SWP) 618
Minor Modification No. 5 – Revised Closure Plan for East Ash Pond & West Ash Pond
Bremo Bluff, Virginia

Dear Mr. Slade,

The Department of Environmental Quality (DEQ) Valley Regional Office (VRO) has reviewed a revised closure plan for the east ash pond and the west ash pond, which were submitted as a minor modification request. The revised closure plan distinguishes the closure requirements of the Federal CCR rule and the Virginia Solid Waste Management Regulations separately. The submitted document, received by DEQ on January 19, 2024, was prepared by Schnabel Engineering and last revised on November 13, 2023. The revised plan has been reviewed for technical adequacy and regulatory compliance and appear to meet the requirements for Surface Impoundments in §9 VAC 20-81-370, Part VIII (§9 VAC 20-81-800 et seq.) and the Part B Permit in §9 VAC 20-81-475.

In accordance with 9 VAC 20-81-600.F.2.c. of the Virginia Solid Waste Management Regulations (VSWMR, 9 VAC 20-81 *et seq.*), incorporation of the revised closure plan into SWP618 is a minor modification requiring director approval. In order to document this modification, please incorporate a copy of this letter into each copy of SWP618.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date of service of this decision to initiate an appeal of this decision, by filing notice with:

Michael S. Rolband, PE, PWD, PWS Emeritus, Director
Virginia Department of Environmental Quality
ATTN: Division of Land Protection & Revitalization
P.O. Box 1105
Richmond, Virginia 23218

In the event that this decision is served to you by mail, three days are added to that period. Please refer to Part Two of the rules of the Supreme Court of Virginia, which describes the required content of the Notice of Appeal, including specification of the Circuit Court to which an appeal is taken, and additional requirements governing appeals from decisions of administrative agencies.

In accordance with 9 VAC 20-81-600.F.2.d., the permittee is required to notify the local governing body of this modification within 90 days of this letter. Mr. Eric Dahl, Fluvanna County Administrator, is copied on this letter to satisfy this requirement.

Please note that it is the responsibility of the permittee to obtain any other permits or authorizations that may be necessary. If there are any questions, please contact JengHwa Lyang, Solid Waste Permit Writer, at 540-830-8837 or jenghwa.lyang@deq.virginia.gov.

Sincerely,



Laura Stuart, P.G.
Land Protection Program Manager, DEQ VRO

CC: *(via email)*

Jenny Poland, Solid Waste Permit Coordinator, DEQ CO,
jenny.poland@deq.virginia.gov
JengHwa Lyang, Ph.D., P.E., Solid Waste Permit Writer, DEQ VRO,
jenghwa.lyang@deq.virginia.gov
David Shaw, P.G., Solid Waste Compliance Inspector DEQ VRO,
david.shaw@deq.virginia.gov
Eric Dahl, Fluvanna County Administrator, edahl@fluvannacounty.org
Erin Heath, Environmental Specialist III, Dominion Energy Service,
Erin.L.Heath@dominionenergy.com
ECM File. SWP618



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Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

Brandon D. Kiracofe
Regional Director

December 8, 2023

VIA ELECTRONIC MAIL

Mr. Dennis Slade
Corporate Manager, Waste and Remediation
Dominion Energy Environmental Services
120 Tredegar Street
Richmond, VA 23219
dennis.a.slade@dominionenergy.com

Subject: Dominion Energy Virginia - Bremo Power Station
Solid Waste Permit No. (SWP) 618 Minor Modification No. 4
Bremo Bluff, Virginia

Dear Mr. Slade,

The Department of Environmental Quality (DEQ) Valley Regional Office (VRO) has reviewed a Solid Waste Management Facility Change of Owner/Operator Form and Disclosure Statements, which were submitted as part of a minor modification request to update the facility name. These documents reflect the facility name change from Dominion – Bremo Power Station to Dominion Energy Virginia – Bremo Power Station. The submitted documents have been reviewed for technical adequacy and regulatory compliance and appear to meet the requirements for Sanitary Landfills in §9 VAC 20-81-100 through 260, and the Part B Permit in §9 VAC 20-81-470.

In accordance with 9 VAC 20-81-600.F.2.c. of the Virginia Solid Waste Management Regulations (VSWMR, 9 VAC 20-81 *et seq.*), facility name change is a minor modification requiring director approval. In order to document this modification, please incorporate a copy of this letter into each copy of SWP618.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date of service of this decision to initiate an appeal of this decision, by filing notice with:

Michael S. Rolband, PE, PWD, PWS Emeritus, Director
Virginia Department of Environmental Quality
ATTN: Division of Land Protection & Revitalization
P.O. Box 1105
Richmond, Virginia 23218

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In accordance with 9 VAC 20-81-600.F.2.d., the permittee is required to notify the local governing body of this modification within 90 days of this letter. Mr. Eric Dahl, Fluvanna County Administrator, is copied on this letter to satisfy this requirement.

Please note that it is the responsibility of the permittee to obtain any other permits or authorizations that may be necessary. If there are any questions, please contact JengHwa Lyang, Solid Waste Permit Writer, at 540-830-8837 or jenghwa.lyang@deq.virginia.gov.

Sincerely,



Laura Stuart, P.G.
Land Protection Program Manager, DEQ VRO

CC: *(via email)*

Jenny Poland, Solid Waste Permit Coordinator, DEQ CO,
jenny.poland@deq.virginia.gov
JengHwa Lyang, Ph.D., P.E., Solid Waste Permit Writer, DEQ VRO,
jenghwa.lyang@deq.virginia.gov
David Shaw, P.G., Solid Waste Compliance Inspector DEQ VRO,
david.shaw@deq.virginia.gov
Eric Dahl, Fluvanna County Administrator, edahl@fluvannacounty.org
Erin Heath, Environmental Specialist III, Dominion Energy Service,
Erin.L.Heath@dominionenergy.com
ECM File. SWP618



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Travis A. Voyles
Acting Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

Tiffany R. Severs
Regional Director

March 3, 2023

Audrey T. Bauhan
Director, Environmental Services
Dominion Energy Services, Inc.
5000 Dominion Boulevard
Glen Allen, VA 23060

RE: Dominion Energy, Bremo Bluff Facility
Solid Waste Permit (SWP) 618
Minor Permit Modification No. 3

Dear Ms. Bauhan,

The Department of Environmental Quality (DEQ) Valley Regional Office (VRO) has reviewed the submitted minor modification request to incorporate alternate groundwater protection standards (GPS) for cobalt, lead, lithium and molybdenum. These alternate GPS were established by EPA in the 2018 amendment to the CCR Rule effective on July 30, 2018. The use of an alternate GPS for boron per the Virginia Unified Risk Assessment Model (VURAM) is also being requested which is consistent with EPA's proposed rule published in the Federal Register dated March 15, 2018 [Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Amendments to the National Minimum Criteria (Phase One)]. The request was submitted by Dominion Energy via email on January 27, 2023.

This request has been reviewed for technical adequacy and regulatory compliance and appears to meet the requirements of 40 CFR 257.95, CCR Surface Impoundments in §9 VAC 20-81-100 through 260, and the Part B Permit in §9 VAC 20-81-475.

In accordance with 9 VAC 20-81-600.F.2.c. of the Virginia Solid Waste Management Regulations (VSWMR, 9 VAC 20-81 *et seq.*), incorporation of these changes to the definition of allowable groundwater protection standards (GPS) into Permit No. SWP618 is a minor modification requiring director approval. In order to document this modification, please incorporate a copy of

this letter and Permit Module XI – Modified Assessment Monitoring into each copy of SWP618. The revisions to the allowable GPS shall be considered effective as of the date of this letter and may be used during future compliance monitoring events undertaken at the facility.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date of service of this decision to initiate an appeal of this decision, by filing notice with:

Michael S. Rolband, Director
Virginia Department of Environmental Quality
ATTN: Division of Land Protection & Revitalization
P.O. Box 1105
Richmond, Virginia 23218

In the event that this decision is served to you by mail, three days are added to that period. Please refer to Part Two of the rules of the Supreme Court of Virginia, which describes the required content of the Notice of Appeal, including specification of the Circuit Court to which an appeal is taken, and additional requirements governing appeals from decisions of administrative agencies.

In accordance with 9 VAC 20-81-600.F.2.d., the permittee is required to notify the local governing body of this modification within 90 days of this letter. Mr. Eric Dahl, Fluvanna County Administrator, is copied on this letter.

Please note that it is the responsibility of the facility to obtain any other permits or authorizations that may be necessary. If there are any questions, please contact Laura Stuart at (540) 209-5605 or laura.stuart@deq.virginia.gov.

Sincerely,



Graham H. Simmerman, Jr., P.G.,
Land Protection Manager, DEQ VRO

Enclosure

cc: ECM SWP618
Laura Stuart, P.G., Solid Waste Groundwater, DEQ VRO
JengHwa Lyang, Ph.D., P.E., Solid Waste Permit Writer, DEQ VRO
David Shaw, Solid Waste Inspector, DEQ VRO
Jenny Poland, Solid Waste Permit Coordinator, DEQ CO
Geoff Christe, Groundwater Permit Coordinator, DEQ CO
Kelly Hicks, Dominion Energy
Dennis Slade, Dominion Energy
Eric Dahl, Fluvanna County Administrator



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Travis A. Voyles
Acting Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

Tiffany R. Severs
Regional Director

December 30, 2022

Audrey T. Bauhan
Director, Environmental Services
Dominion Energy Services, Inc.
5000 Dominion Boulevard
Glen Allen, VA 23060

RE: Dominion Energy, Bremo Bluff Facility, Solid Waste Permit (SWP) 618
Minor Permit Modification No. 2
Revised Surface Water Monitoring Plan

Dear Ms. Bauhan,

The Department of Environmental Quality (DEQ) Valley Regional Office (VRO) has reviewed the revised Surface Water Monitoring Plan (SWMP), dated August 15, 2022, which was submitted as part of a minor modification request. The SWMP was revised to reflect changes in to Appendix A, Appendix C, and Section 4.0 Table 3 in the document.

The plan has been reviewed for technical adequacy and regulatory compliance and appears to meet the requirements for Sanitary Landfills in §9 VAC 20-81-100 through 260 and the Part B Permit in §9 VAC 20-81-470. In accordance with 9 VAC 20-81-600.F.2.c. of the Virginia Solid Waste Management Regulations (VSWMR, 9 VAC 20-81 *et seq.*), incorporation of this plan into SWP618 is a minor modification requiring director approval. In order to document this modification, please incorporate a copy of this letter and a copy of the revised SWMP into each copy of SWP618.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date of service of this decision to initiate an appeal of this decision, by filing notice with:

Michael S. Rolband, P.E., PWD, PWS Emeritus, Director
Virginia Department of Environmental Quality

ATTN: Division of Land Protection & Revitalization
P.O. Box 1105
Richmond, Virginia 23218

In the event that this decision is served to you by mail, three days are added to that period. Please refer to Part Two of the rules of the Supreme Court of Virginia, which describes the required content of the Notice of Appeal, including specification of the Circuit Court to which an appeal is taken, and additional requirements governing appeals from decisions of administrative agencies.

Please note that it is the responsibility of the facility to obtain any other permits or authorizations that may be necessary. If there are any questions, please contact Laura Stuart at (540) 209-5605 or laura.stuart@deq.virginia.gov.

Sincerely,

A handwritten signature in black ink, reading "Graham H. Simmerman, Jr." in a cursive script.

Graham H. Simmerman, Jr., P.G.,
Land Protection Manager, DEQ VRO

cc: ECM SWP618
Laura Stuart, P.G., Solid Waste Groundwater, DEQ VRO
JengHwa Lyang, Ph.D., P.E., Solid Waste Permit Writer, DEQ VRO
David Shaw, Solid Waste Inspector, DEQ VRO
Kelly Hicks, Dominion Energy
Dennis Slade, Dominion Energy



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director

Amy Thatcher Owens
Regional Director

SOLID WASTE FACILITY PERMIT PERMIT NUMBER 618

Facility Name: Dominion Bremo Bluff Power Station

Facility Type: CCR Surface Impoundments

Latitude: 37° 42' 32"N

Site Location: Fluvanna County, Virginia

Longitude: 78° 17' 11"W

Location Description: The location of the Station is 1038 Bremo Bluff Road, east of Route 15 (James Madison Highway) and north of the James River, in Bremo Bluff.

Background: The facility consists of three privately owned/operated surface impoundments that managed sluiced (or wet) coal combustion residuals (CCR) from the Bremo Bluff Power Station as part of the facility's wastewater treatment system and in accordance with Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0004138. In 2014, the power station converted from a coal-fired power plant to a natural gas power plant.

The three CCR Surface Impoundments consist of "East Pond," "North Pond," and "West Pond". The East Pond was placed into service in the 1930s, is approximately 26.5 acres and contained 1,800,000 cubic yards of CCR. The North Pond was constructed during 1982 and 1983, is approximately 67.5 acres and contains approximately six million cubic yards of CCR. The West Pond is approximately 17 acres in size, and contained approximately 327,000 cubic yards of CCR.

All three surface impoundments are subject to the EPA's final rule, "Standards for the Disposal of CCR from Electric Utilities" 80 Fed. Reg. 21302 (April 17, 2015) (as amended) (EPA CCR Rule). Surface Impoundments East and West are inactive CCR surface impoundments under the EPA CCR Rule as they did not receive CCR after October 19, 2015. They are being closed by removal in accordance with 40 CFR 257.102(c). North Pond, which began receiving CCR from Surface Impoundments East and West Ponds again at the end of June 2016, is considered an existing surface impoundment under the EPA CCR Rule because it received CCR after October 19, 2015.

Pursuant to the EPA CCR Rule, on December 17, 2015, Dominion submitted a “Notice of Intent to Initiate Closure of an Inactive Surface Impoundment” for Surface Impoundments East, West, and North Ponds, which was received on December 22, 2015. Dominion posted this document on its publicly accessible Internet website. On June 14, 2016, the United States Court of Appeals for the D.C. Circuit ordered a vacatur of the early closure provisions of 40 CFR 257.100, the effect of which was to cause inactive CCR surface impoundments to become subject to all closure and post-closure requirements applicable to existing surface impoundments under the EPA CCR Rule. EPA also issued a Direct Final Rule extending the otherwise applicable deadlines by 547 days for those inactive CCR surface impoundments that had placed a notification of intent to initiate closure in the facility’s operating record. The direct final rule became effective on October 4, 2016. Additional revisions to the CCR Rule became final on August 29, 2018. These revisions have not been adopted into the VSWMR and are not being incorporated in this permit.

The operation of the CCR Surface Impoundments as part of the wastewater treatment system for this facility has been regulated under VPDES Permit No. VA0004138. The facility continues to be subject to VPDES Permit No. VA0004138, including for the discharges related to the dewatering of the CCR Surface Impoundments.

This solid waste permit will govern the closure of CCR Surface Impoundment East and West Ponds, and groundwater monitoring and surface water monitoring for all CCR Surface Impoundments on-site. Pursuant to 2018 Virginia Acts of Assembly Ch. 632, this permit does not authorize the closure of Surface Impoundment North Pond and any closure approval shall be subject to a separate permitting action.

Permit Modification: This modification (No. 1) to the permit incorporates a new Surface Water Monitoring Plan, as well as a revised Groundwater Monitoring Plan and a revised Closure Plan.

THIS IS TO CERTIFY THAT:

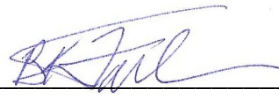
Virginia Electric and Power Company (d/b/a Dominion Virginia Power)
5000 Dominion Boulevard
Glen Allen, Virginia 23060

is hereby granted a permit to close and maintain the CCR Surface Impoundment East and West Ponds at the Bremo Bluff Power Station as described in the attached Permit Modules I, XI, XII, XVIII and permit documents incorporated by reference. These Permit Modules and Permit Documents are as referenced hereinafter and are incorporated into and become a part of this permit. This permit also contains requirements for groundwater monitoring for CCR Surface Impoundment North Pond but does not authorize or approve the closure of the North Pond pursuant to Senate Bill 807.

The herein described activity is to close in accordance with the terms and conditions of this permit and the plans, specifications, and reports submitted and cited in the permit. The facility shall comply with all regulations of the Virginia Waste Management Board. The permit contains such conditions and requirements as are deemed necessary to comply with the requirements of the Virginia Code, the regulations of the Board, and to prevent substantial or present danger to human health or the environment.

Failure to comply with the terms and conditions of this permit shall constitute grounds for the initiation of necessary enforcement actions.

The permit is issued in accordance with the provisions of § 10.1-1408.1 A, Chapter 14, Title 10.1, Code of Virginia (1950) as amended.

APPROVED: 
B. Keith Fowler
Deputy Regional Director

DATE: 1/12/21

PERMIT MODULES REFERENCE LIST

PERMIT MODULE I – GENERAL PERMIT CONDITIONS

PERMIT MODULE XI – MODIFIED ASSESSMENT MONITORING

PERMIT MODULE XII – CLOSURE

PERMIT MODULE XVIII – SURFACE WATER MONITORING

PERMIT DOCUMENTS

The documents listed below are hereby incorporated into this permit and the permittee is subject to all conditions contained therein. It is the responsibility of the permittee to properly maintain and update these documents. To the extent any of these documents conflict with the Permit, VSWMR, or the EPA CCR Rule, the Permit, VSWMR, or the EPA CCR Rule shall prevail.

1. *Closure Plan*, prepared by Golder Associates, Inc., last revised August 2019.
2. *Groundwater Monitoring Plan*, prepared by Golder Associates, Inc., last revised January 4, 2021.
3. *Surface Water Monitoring Plan*, prepared by EA Engineering, Science, and Technology, Inc., PBC, last revised May 2020.

The following documents have been submitted to satisfy permit or regulatory requirements; however, are considered reference documents and are not incorporated into Permit No. XXX. This list may not be all-inclusive.

1. *Closure by Removal Construction Report – East Ash Pond*, prepared by Golder Associate Inc., last revised July 25, 2019.
2. *Bremo Closure By Removal Visual Inspection and Acceptance Memorandum For Record – Former CSX Property*, prepared by Golder Associate Inc., dated August 28, 2019.
3. *Closure by Removal Construction Report – West Ash Pond*, prepared by Golder Associate Inc., dated March 25, 2020.

PERMIT MODULE I

GENERAL PERMIT CONDITIONS

I.A. EFFECT OF PERMIT

Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under Sections 10.1-1402(18), 10.1-1402(19), or 10.1-1402(21) of the Virginia Waste Management Act (Chapter 14, Title 10.1, Code of Virginia (1950), as amended); or any other law or regulation for protection of public health or the environment. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby. For purposes of this permit, terms used herein shall have the same meaning as those in the Virginia Waste Management Act, and Part I and other pertinent parts of the Virginia Solid Waste Management Regulations (VSWMR, 9VAC20-81), unless this permit specifically provides otherwise; where terms are not defined in the regulations or the permit, the meaning associated with such terms shall be defined by the generally accepted scientific or industrial meaning of the term or a standard dictionary reference. "Director" means the Director of the Department of Environmental Quality, or his designated or authorized representative.

I.B. DUTIES AND REQUIREMENTS

The permittee shall comply with all conditions of this permit and 9VAC20-81. The effect of this permit is detailed in 9VAC20-81-490, and it shall be the duty of the permittee to ensure the applicable requirements are met. Additionally, the permittee is subject to the recording and reporting requirements detailed in 9VAC20-81-530. In addition to these requirements, the following additional conditions are invoked per 9VAC20-81-430, and shall be complied with:

- I.B.1. Noncompliance may be authorized by a schedule of compliance [9VAC20-81-490.D. and 9VAC20-81-490.H.]. Any other permit noncompliance constitutes a violation of Virginia Waste Management Act and is grounds for enforcement action, or for permit revocation, revocation and reissuance, or modification [9VAC20-81-570 and 9VAC20-81-600].
- I.B.2 The permittee shall comply with the requirements of this permit and the requirements of the applicable provisions of RCRA Subtitle D. This permit may not act as a shield against compliance with any part of RCRA or any other applicable federal regulation, state regulation or state law.
- I.B.3. In an enforcement action, it shall not be a defense for the permittee that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

- I.B.4. In the event of noncompliance with this permit, the permittee shall take all reasonable steps to minimize releases of solid wastes or waste constituents to the environment and shall carry out measures to prevent substantial adverse impacts on human health or the environment.
- I.B.5. The permittee shall at all times properly maintain all units (and related appurtenances) which are installed or used by the permittee to achieve compliance with and the conditions of this permit. Proper maintenance includes effective performance, adequate funding, adequate staffing, and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of back-up or auxiliary equipment only when necessary to achieve compliance with the conditions of this permit.
- I.B.6. The permittee shall furnish to the Director, within a reasonable time, any relevant information that the Director may request to determine compliance with this permit, regulations or the Act. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit by the date specified in the request.
- I.B.7. The permittee shall allow the Director, or an authorized representative, at a reasonable time, upon the presentation of appropriate credentials, to:
 - I.B.7.a. Enter the permitted facility where a regulated unit or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - I.B.7.b. Have access to and copy any records that must be kept under the conditions of this permit;
 - I.B.7.c. Inspect any unit, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
 - I.B.7.d. Sample or monitor, for the purposes of assuring permit compliance or as otherwise authorized by Virginia Waste Management Act, any substances or parameters at any location within his control.
- I.B.8. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample to be analyzed must be the appropriate method from the latest edition of Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, EPA Publication SW-846, if available.

Laboratory samples shall be analyzed in accordance with 1 VAC 30-45, Certification for Noncommercial Environmental Laboratories, or 1 VAC 30-46,

Accreditation for Commercial Environmental Laboratories.

- I.B.9. This permit is not transferable to any person, unless approved by the Director. The Director may require modification or revocation and reissuance of the permit pursuant to 9VAC20-81-490.G.
- I.B.10. Specifications for all drainage media should specify that the material shall contain no greater than 15% calcium carbonate equivalent. Department literature regarding research on leachate collection media indicates that weight loss greater than 15% results in an unacceptable loss of performance. If a greater percentage is specified or allowed, a demonstration that performance is not adversely affected must be provided to the Department for review and approval.
- I.B.11 Recirculation of collected leachate shall not be allowed.
- I.B.12. The closure cost estimate must reflect the maximum cost of closure at all times. The owner has the responsibility to maintain the closure and post closure cost estimate and associated financial assurance funding as conditions change.
- I.B.13. Land-clearing, excavation, and construction activities that involve the disturbance of wetlands or streams shall not commence without authorization from the Virginia Water Protection (VWP) Program and/or Army Corps of Engineers.
- I.B.14. The facility shall maintain and follow an approved Erosion & Sediment Control Plan for all land-disturbing activities in accordance with the Erosion and Sediment Control Regulations, 9 VAC 25-840. The facility shall ensure proper stormwater management and control including in accordance with applicable stormwater management plan as well as sediment management and control in accordance with any applicable local or state regulation or permit.

I.C. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The permittee shall maintain a complete copy of the Solid Waste Permit and incorporated Permit Documents at the facility, or another location approved by the director and shall maintain amendments, revisions, and modification to these documents. In addition, the facility shall maintain the following additional documents:

- I.C.1. Detailed, written estimate, in current dollars, of the cost of closing the facility and corrective action measures.
- I.C.2. All other documents/records required and applicable from the following:
 - I.C.2.a. Monitoring records from groundwater monitoring and surface water monitoring.

I.C.2.b. Inspection records as required from construction/installation, closure, and records of weekly and annual inspections required by 40 CFR 257.83(a) and (b).

I.C.2.c. Construction quality assurance reports, record drawings and engineers certifications for all final cover construction.

I.C.3. All records required by 40 CFR 257.105. These records shall be maintained in the written operating record for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, record or study unless another timeframe is prescribed in 40 CFR 257.105.

I.D. DOCUMENTS TO BE SUBMITTED

In addition to the documents/records/reports to be submitted per the requirements of this permit or 9VAC20-81, the permittee shall also submit the following documents to the Director according to indicated schedules:

I.D.1. The as-built plans of all new groundwater wells shall be submitted as these wells are installed. Information to be included on the as-built plans shall include, but is not limited to, the total depth of the well, the surveyed elevations of the top of casing and ground surface (or apron), and the length and location of the screened interval and annular space seal. All dimensions are to be shown on well construction schematics.

I.D.2. The facility shall submit all notifications required by 40 CFR 257.106 to the DEQ Director before the close of business on the day the notification is required to be completed.

I.E. REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO THE DIRECTOR

All reports, notifications, or other submissions which are required by this permit to be sent or given to the Director should be sent to:

Virginia Department of Environmental Quality
Division of Land Protection & Revitalization
Valley Regional Office
4411 Early Road, P.O. Box 3000
Harrisonburg, Virginia 22801

If the report, notification, or other submission is required by 40 CFR 257.106, such report, notification, or other submission shall be sent or given to the contact above in addition to the DEQ Director.

I.F. SITE SPECIFIC CONDITIONS

The provisions of this section are in addition to the permit conditions and regulatory requirements and are specifically developed for this facility. The permittee shall comply with all conditions of this section, as follows:

- I.F.1. Groundwater monitoring at this facility shall commence under the Modified Assessment Groundwater Monitoring Program as detailed in Module XI of this permit.
- I.F.2 Surface Water Monitoring at this facility shall commence as detailed in Module XVIII of this permit.
- I.F.3. The facility shall maintain a publically accessible Internet site (CCR Web site), titled “CCR Rule Compliance Data and Information” as required by 40 CFR 257.107. The applicable information must be posted to the CCR Web site within 30 days of placing the pertinent information required by 40 CFR 257.105 in the operating record. The information must remain on the CCR Web site for at least five years following the date on which the information was first posted.
- I.F.4. The CCR surface impoundments are subject to the U.S. Environmental Protection Agency’s EPA’s final rule “Standards for the Disposal of CCR from Electric Utilities” (EPA CCR Rule) (as amended) and as incorporated into the VSWMR. The permittee shall comply with these provisions. To the extent a conflict may exist or arise between the requirements of the EPA CCR Rule, other provisions of the VSWMR, or this permit; the facility shall comply with the more stringent of the requirements.
- I.F.5. In accordance with Condition I.F.4., the permittee shall comply with the applicable requirements and deadlines for an “Existing CCR Surface Impoundment” for Surface Impoundment North Pond.
- I.F.6. In accordance with Condition I.F.4 and I.F.5, for Surface Impoundment North Pond, the permittee shall:
 - I.F.6.a. Update, amend, or revised, as necessary or required, all design criteria, operating, and closure documents.
 - I.F.6.b. Maintain an inspection program to meet the requirements of 40 CFR 257.83.
- I.F.7. In accordance with Condition I.F.4., the permittee shall comply with the applicable requirements and deadlines established by the EPA CCR Rule in accordance with 40 CFR 257.100(e) for Surface Impoundments East and West Ponds.

- I.F.8. Management of CCR and non-CCR waste streams during the closure process and post-closure period shall be in accordance with the requirements of VPDES Permit VA0004138, the VSWMR, and the EPA CCR Rule as applicable.
- I.F.9. Upon completion of CCR removal activities associated with closure of Surface Impoundment East Pond and West Pond, the facility must submit a map delineating any deposits of CCR released from a CCR Unit. The submission should include documentation regarding final management and disposition of the material. This material must be removed when encountered and removal must be certified by a professional engineer.
- I.F.10. In addition to any groundwater monitoring and surface water monitoring required under this permit, pursuant to and consistent with state and federal law, the facility shall notify DEQ of any groundwater or other seeps observed at the facility which may contain pollutants and are visibly discharging or have the potential to discharge to surface waters. Any identified seep must be addressed in accordance with State Water Control Law and Regulation, and/or pursuant to EPA CCR Rule as applicable. Pursuant to such requirements and/or when notified or required by DEQ, sampling, monitoring, or other action may be required including additional actions pursuant to the Surface Water Monitoring Permit Module XVIII.

PERMIT MODULE XI MODIFIED ASSESSMENT MONITORING

The monitoring program described herein is designed to recognize when impacts to the uppermost aquifer have exceeded natural site background and site-specific groundwater protection standards. The Module combines actions otherwise required in the VSWMR, Detection Monitoring (40 CFR 257.94), Modified Assessment Monitoring (40 CFR 257.95) and includes the requirement that groundwater protection standards be established. Any exceedance of a groundwater protection standard would trigger potential groundwater remediation actions. This Module also addresses demonstration of compliance with the closure by removal of CCR performance standard (40 CFR 257.102(c)).

Monitoring at this facility will take place under the program described herein and the actions undertaken shall be consistent with 9 VAC 20-81-250 of the VSWMR as well as applicable requirements of 40 CFR 257.90-98 and 257.105-107. Where a groundwater requirement is defined in both 40 CFR 257.90-98 and/or 257.105-107 as well as within the VSWMR or this Module, the stricter of the referenced requirements shall apply.

XI.A. GROUNDWATER COMPLIANCE POINT

XI.A.1. Uppermost Aquifer

- XI.A.1.a. Prior to monitoring well installation, the uppermost aquifer must be characterized by completion of a site-specific hydrologic investigation. This hydrologic investigation must be completed in a manner consistent with available EPA Resource Conservation and Recovery Act (RCRA) Subtitle C, D and/or CCR technical guidance documents.
- XI.A.1.b. Point of compliance monitoring wells must be installed within the identified uppermost aquifer on site and shall be screened at depths appropriate to monitor all preferential contaminant migration pathways identified during XI.A.1.a above.
- XI.A.1.c. All monitoring wells on site shall be screened solely within the saturated portion of the aquifer such that at no time during the life of the sampling program, will portions of the well screen be exposed to the unsaturated zone or capillary fringe zone, above the zone of saturation.
- XI.A.1.d. The owner/operator may choose, or the Director may determine, that additional monitoring wells are needed to act as sentinel wells to further characterize potential risk to human health or the environment. These wells may be exempt from the location requirements of XI.B.1.b below with Director approval, but must otherwise be installed in a manner consistent with XI.A.1.b and c above.

- XI.A.1.e. Any monitoring wells installed by the owner/operator pursuant to 40 CFR 257.102(c) as a means to demonstrate closure by removal of CCR, will be exempt from the location requirements of XI.B.1.a and b below.
- XI.A.1.f. Any monitoring wells installed on site, which lie within the limits of the FEMA 100-year flood zone, must be installed in a manner which prevents them from being submerged beneath flood waters (which could allow surface water to enter the well) or be damaged by flood wave or current actions.

XI.B. MONITORING NETWORK REQUIREMENTS

XI.B.1. The point of compliance groundwater monitoring well network shall:

- XI.B.1.a. contain no fewer than one (1) upgradient, and three (3) downgradient wells;
- XI.B.1.b. consist of monitoring wells located at, or as close as practicable to, the CCR unit boundary;
- XI.B.1.c. include as needed, nested well pairs screened at different depths below ground surface to monitor all the potential contaminant migration pathways identified under XI.A.1.a above;
- XI.B.1.d. not exhibit lateral spacing between downgradient point of compliance wells that exceeds 500 feet unless the owner/operator has successfully demonstrated to the Director that physical or topographic limitations exist on site preventing a closer linear well spacing;
- XI.B.1.e. not include monitoring wells located outside of the permitted facility boundary/property boundary; and
- XI.B.1.f. not include any new monitoring wells screened within or penetrating through CCR.

XI.B.2. Installation, Operations and Maintenance

- XI.B.2.a. All wells shall be installed, operated and maintained in a manner which is consistent with existing RCRA guidance and allows them to operate as designed during the life of the groundwater monitoring program.
- XI.B.2.b. Wells requiring replacement due to non-performance shall be reported to the Department within 30 days of recognizing the non-performance.

The notification shall include a site plan depicting the proposed location for the replacement well(s) for Department review.

XI.B.2.c. Wells that require replacement due to non-performance must be replaced prior to the next regularly scheduled groundwater sampling event unless the Director has granted an extension.

XI.B.2.d. Any wells that require abandonment due to non-performance shall be sealed and abandoned in accordance with existing EPA RCRA guidance as well as any applicable state or local requirements.

XI.B.2.e. No well onsite shall be abandoned without prior approval from the Director.

XI.B.3. Well Designations

The following wells shall be included in the solid waste groundwater monitoring network covered by this permit:

West Pond				
Upgradient Wells	Downgradient Wells		Piezometers	Demonstration Well
MW-1	MW-12	MW-13	MW-2	MW-38 ⁽¹⁾
MW-11	MW-31	MW-37	MW-3	
MW-32S	MW-39S	MW-39D		
MW-32D				

East Pond				
Upgradient Wells	Downgradient Wells		Piezometers	Demonstration Well
MW-11	MW-19	MW-20S	MW-4	MW-40
MW-29S	MW-20D	MW-21	MW-5	
MW-29D	MW-22	MW-23	MW-14	
			MW-15	

North Pond				
Upgradient Wells	Downgradient Wells	Piezometers	Sentinel Wells	Demonstration Well
MW-11	MW-24	MW-4	MW-25S	MW-41 ⁽¹⁾
MW-29S	MW-27D	MW-5	MW-25D	
MW-29D	MW-33	MW-9	MW-26S	
	MW-34	MW-14	MW-26D	
	MW-35	MW-15	MW-27S	
			MW-28	

⁽¹⁾ Demonstration well is proposed and has not been installed

All point of compliance wells shall:

- XI.B.3.a. be identified within the Groundwater Monitoring Plan in a manner which clearly identifies the wells and the CCR surface impoundment that they are associated with, and
- XI.B.3.b. be shown on a site map included in the Plan. The Plan text and any related figures must be updated within 90-days of any changes to the point of compliance wells.

Any non-point of compliance monitoring wells used on site as:

- XI.B.3.c. sentinel wells shall be listed and identified in a manner consistent with B.3.a and b above.
- XI.B.3.d. demonstration wells used for closure by removal of CCR actions shall be identified in Groundwater Monitoring Plan and in its text.

XI.C. AQUIFER DATA

XI.C.1. Data Acquisition - Requirements

XI.C.1.a. Static groundwater elevations shall be:

- XI.C.1.a.(1) measured in all monitoring wells prior to purging;
- XI.C.1.a.(2) measured to an accuracy of 0.01 foot;
- XI.C.1.a.(3) measured each time groundwater is sampled on site;
and
- XI.C.1.a.(4) obtained from all wells in the network within a single 24-hour period to avoid temporal variations/ fluctuations in the groundwater table.

XI.C.1.b. Groundwater flow rate and direction shall be determined each time groundwater is sampled for Detection and Assessment monitoring constituents on site via a method accepted for use in EPA RCRA groundwater programs.

XI.C.2. Data Acquisition - Response

Except for those wells utilized as demonstration or sentinel wells, the Permittee shall evaluate the upgradient or downgradient function of each monitoring network well each time groundwater is sampled. If the evaluation shows that one or more of the well(s) no longer functions in a manner that meets performance

requirements of the VSWMR, the Permittee shall follow the requirements of XI.B.2 above.

XI.D. SAMPLING and ANALYTICAL ACTIONS

The Permittee shall:

- XI.D.1. utilize a groundwater monitoring program and sampling actions that meet the requirements of the VSWMR, 40 CFR 257.90-95 and this Module;
- XI.D.2. collect and analyze unfiltered samples of groundwater from each monitoring well sampled consistent with 40 CFR 257.93(h)(2)(i);
- XI.D.3. utilize EPA SW-846 analytical methods (as amended) conducted at a VELAP accredited laboratory;
- XI.D.4. provide the Department final laboratory results as total metals (parts per billion) for all metals constituents; and
- XI.D.5. provide final results showing total Chromium and (speciation of) total hexavalent Chromium.

XI.E. SAMPLING FREQUENCY

The Permittee shall, during the closure and post-closure care periods, sample and analyze groundwater from all point of compliance monitoring wells on at least a semi-annual basis, which shall be an interval corresponding to approximately 180 days. For the purposes of scheduling monitoring activities, sampling within 30 days of the 180-day interval will be considered 'semiannual'.

XI.F. SAMPLING LIST

- XI.F.1. To satisfy requirements of all 40 CFR 257 Appendix III constituents.
- XI.F.2. To satisfy requirements of Modified Assessment Monitoring, all 40 CFR 257 Appendix IV constituents, any VSWMR Table 3.1 metal not included in 40 CFR 257 Appendix III or IV, and Boron.
- XI.F.3. Any constituent or parameter included in groundwater sampling actions conducted pursuant to VPDES Permit No. VA0004138 that is otherwise not included in XI.F.1 or 2 above.
- XI.F.4. Speciation of Chromium (Total Chromium and Hexavalent Chromium).
- XI.F.5. The sampling list shall be included in the site Groundwater Monitoring Plan and shall be updated by the owner or operator as directed by the Director.

XI.G. DETERMINATION OF BACKGROUND & GPS

- XI.G.1 The Permittee shall establish site-specific background values for the constituents of XI.F.1-2 in a manner consistent with EPA requirements within 40 CFR 257.93(d) and 94(b).
- XI.G.2 Consistent with requirements of Modified Assessment monitoring, the Permittee shall establish site-specific Groundwater Protection Standards (GPS) using:
- XI.G.2.a. the process EPA defined within 40 CFR 257.95(h) for constituents contained under XI.F.2,
 - XI.G.2.b. EPA's alternate GPS published in the CCR rule for Cobalt, Lithium, Lead, and Molybdenum, and
 - XI.G.2.c. the Virginia Unified Risk Assessment Model (VURAM) for Boron.
- XI.G.3. Background shall also be developed for constituents in XI.F.4 above.
- XI.G.4. Groundwater Protection Standards shall be updated:
- XI.G.4.a. immediately upon promulgation of a new or revised Federal maximum contaminant level (MCL);
 - XI.G.4.b. every two years for background-based GPS such that the eight most recent background well sampling results shall replace the oldest eight background well sampling results.
- XI.G.5. For the purposes of this permit for determining an exceedance, upon permit issuance, the MCL or EPA determined alternate GPS published in the CCR rule shall be immediately effective as the GPS. The MCL/alternate GPS shall remain the GPS until such time as the Department approves a site-specific background value for the constituent which is higher than the MCL consistent with XI.G.2.
- XI.G.6. A table of GPS shall be included in the facility's operating record and shall be updated as directed by the Director.

XI.H. STATISTICAL PROCEDURES

When evaluating the groundwater sampling event results at CCR point of compliance wells and Surface Impoundment D VSWMR Sentinel and Demonstration Wells, the Permittee shall:

- XI.H.1 Have a qualified professional engineer certify the selected statistical method used by the Permittee is appropriate for evaluating the groundwater monitoring data consistent with 40 CFR 257.93(f)(6). The certification must include a narrative

description of the statistical method selected to evaluate the groundwater monitoring data.

- XI.H.2 Within 30 days of completion of the laboratory analysis for each semiannual sampling event, determine whether there is a statistically significant increase over site background for Detection monitoring constituents and GPS for Assessment monitoring constituents using a statistical method consistent with 40 CFR 257.93(f) and (g).
- XI.H.3 For the purpose of this Permit, laboratory analysis is considered complete upon issuance of the final analytical report under laboratory signature.
- XI.H.4 If there is a statistically significant increase (SSI) over background, or GPS for any Modified Assessment monitoring constituent listed in XI.F, the Permittee will:
 - XI.H.4.a. notify the DEQ of the SSI over background and/or GPS within 44 days of issuance of the laboratory report identifying the metal(s) which exceed background and/or GPS and noting whether the facility intends to identify an Alternate Source for the SSI as described under XI.M below, or
 - XI.H.4.b. begin the initial steps toward groundwater Corrective Action if the SSI is associated with a GPS exceedance.

When evaluating the groundwater sampling event results at other groundwater monitoring wells, the Permittee shall:

- XI.H.5. within 30 days of completion of the laboratory analysis for each semiannual sampling event,
 - XI.H.5.a. determine whether or not there is a statistically significant increase over site background for Modified Assessment monitoring constituents using a statistical method consistent with 40 CFR 257.93(f) and (g), and
 - XI.H.5.b. notify the DEQ of the SSI over background and/or GPS within 44 days of issuance of the laboratory report identifying the metal(s) which exceed background and/or GPS and identifying whether the facility intends to identify an Alternate Source for the SSI as described under XI.M below.
- XI.H.6. Based on the information contained in the notification under XI.H.5. above, the Director may require further Interim Measures under the VSWMR or other action be undertaken.

XI.I. RECORD-KEEPING REQUIREMENTS

- XI.I.1. The Permittee shall comply with the applicable record-keeping and public accessible internet site requirements of 40 CFR 257.
- XI.I.2. The Permittee shall retain all records identified under 9 VAC 20-81-250.E.1 as well as 530.B.1 and B.2 throughout the closure and post-closure care periods. The records shall be retained within the operating record at the facility or at an alternate location approved by the Director.

XI.J. REPORTING REQUIREMENTS

The Permittee shall meet all the reporting and notification requirements of 40 CFR 257 and 9 VAC 20-81-250.E.1 as well as 530.B.1 and B.2 throughout the closure and post-closure care periods. The Regional Office shall be copied on any groundwater report, notification, request, demonstration, certification or documentation submitted pursuant to 40 CFR 257.

XI.J.1. Groundwater Monitoring Reports

- XI.J.1.a. The Annual Groundwater Monitoring Report shall be due no later than 120 days from the completion of sampling and analysis conducted for the second semi-annual event and no later than January 31 of the following calendar year. The Annual Report shall include at a minimum the content found under 9 VAC 20-81-250.E.2.a and 40 CFR 257.90(e)(1-5) and shall be submitted in a format consistent with existing DEQ Submission Instructions.
- XI.J.1.b. A Semi-annual Report shall be due no later than 120 days from the completion of sampling and analysis conducted for the 1st semi-annual groundwater sampling event. The Semi-annual Report shall include at a minimum the content found under 9 VAC 20-81-250.E.2.b and shall be submitted in a format consistent with existing DEQ Submission Instructions.

XI.J.2. Facility Background Determination Report

- XI.J.2.a. Within 30 days of initially establishing background, re-establishing background due to the installation of new monitoring wells or a change in sampling technique, the Permittee shall report the background values and statistical computations forming the basis for those values in a report entitled Facility Background Determination Report.
- XI.J.2.b. The background determination results shall be submitted in the timeframe defined under 9 VAC 20-81-250.C.3.b.(2).

XI.J.3. Well Installation Report

Within 44 days of well completion, the Permittee shall supply the Director a Well Installation Report containing the well number, surveyed elevation, boring log, casing length, total depth, and a completion diagram for each monitoring well, along with a certification from a qualified professional engineer that the monitoring wells have been installed in accordance with the submitted plans.

XI.J.4. Well Abandonment Report

XI.J.4.a. Consistent with XI.B.2.e above, the Director shall be notified and grant approval prior any monitoring well abandonment.

XI.J.4.b. Within 44 days of well abandonment, the Permittee shall supply the Director a Well Abandonment Report containing information including field methods utilized, and a certification from a qualified professional engineer verifying the well abandonment activities met all applicable requirements.

XI.K. NOTIFICATION REQUIREMENTS

XI.K.1 GPS SSI Notifications shall be submitted to the Director within 44 days of issuance of the laboratory report and shall indicate which groundwater constituent has shown an SSI over Facility-specific GPS.

XI.K.2 Well Non-Performance Notifications shall be submitted to the Director within 30 days of recognizing the non-performance issue.

XI.K.3 Off-site Plume Notifications shall be submitted to the affected landowner and copied to the Director within 15 days of identifying constituents which exceed their GPS.

XI.L. MISCELLANEOUS ALLOWANCES

XI.L.1. Use of Alternate Site Background

The Permittee may request the Director allow site background to be developed using wells that are not hydrologically upgradient of the disposal unit as long as the request addresses the technical criteria contained in VSWMR and 40 CFR 257 and is certified by a qualified professional engineer. Until such time as Director approval is obtained, background shall be determined by sampling wells which are upgradient of the disposal unit.

XI.L.2. Use of Alternate Statistical Method

The Permittee may request the Director allow the use of an Alternate Statistical Method as long as the Permittee can demonstrate the alternate method can meet the technical criteria defined under 9 VAC 20-81-250.D.2 and 40 CFR 257.93(g). Until such time as Director approval is obtained, the statistical test(s) applied to site groundwater data shall be compliant with 9 VAC 20-81-250.D.1 and 40 CFR 257.93(f)(1-5). Whichever method is approved for use at the site, the method should be listed in the Groundwater Monitoring Plan.

XI.L.3. Verification Sampling

The Permittee, at any time within 30 days of receipt of the laboratory report for a semi-annual sampling event, may obtain verification samples. Undertaking verification sampling shall not alter the timeframes associated with determining or reporting a statistically significant increase.

XI.L.4. Data Validation

The owner or operator may at any time within the 30 day statistical determination period undertake third-party data validation of the analytical data received from the laboratory. Undertaking such validation efforts shall not alter the timeframes associated with determining or reporting a statistically significant increase.

XI.M. MISCELLANEOUS DEMONSTRATIONS

To address an exceedance which is the result of something other than a release of CCR constituents, the Permittee may submit a report entitled Alternate Source Demonstration, certified by a qualified professional engineer for review and approval by the Director, within 90 days of providing the initial Detection or Modified Assessment monitoring SSI notification.

XI.M.1. If a successful demonstration of an alternate source for the noted increase is made by the Permittee and approved by the Director within the 90 day timeframe, the Permittee may continue in the applicable monitoring program as defined in this Permit Module.

XI.M.2. If a successful demonstration of an alternate source for the noted increase is not made by the Permittee within the 90 day timeframe, the Permittee shall take actions required under 9 VAC 20-81-260 and 40 CFR 257 within the required timeframes.

XI.N. PERMIT RELATED GROUNDWATER MONITORING PLAN

The Permittee must have a plan that includes detailed instructions concerning groundwater monitoring. These instructions must at a minimum cover the items listed under 40 CFR

257.90-95; 9 VAC 20-81-250.A.4.a and other applicable information under 9 VAC 20-81-250. The document containing these instructions, called the Groundwater Monitoring Plan, shall be placed in the operating record.

It shall be the responsibility of the Permittee to update this monitoring plan as needed, which may include actions otherwise defined under 9 VAC 20-81-600.A – F, if changes to the monitoring program have taken place since original plan development.

XI.O. LIMITATIONS/AUTHORITIES

- XI.O.1 The groundwater monitoring and reporting requirements set forth here are minimum requirements. The Director may require, by amending the Permit, any owner or operator to install, operate, and maintain a groundwater monitoring system and program that contains requirements more stringent than those of the Regulations whenever it is determined that such requirements are necessary to prevent significant adverse effects on public health or the environment.
- XI.O.2 Should information contained in a Groundwater Monitoring Plan conflict with any requirement or condition of this Module, the VSWMR, or the EPA CCR Rule, this Module and/or regulatory condition shall prevail over the language in the Groundwater Monitoring Plan.
- XI.O.3 When the Permittee recognizes a failure to submit any relevant facts or has submitted incorrect information in any groundwater monitoring report to the Director, he shall, within 7 days, submit such omitted facts or the correct information with a full explanation.

PERMIT MODULE XII CLOSURE

XII.A. CLOSURE PLAN AND CLOSURE PLAN MODIFICATION

- XII.A.1. The owner or operator shall maintain a written closure plan in accordance with 9 VAC 20-81-160.B.1. and 40 CFR 257.102(b).
- XII.A.2. The closure plan shall be amended as required by 40 CFR 257.102(b)(3). All amended closure plans shall contain a written certification by a professional engineer that the plan amendment meets the requirements of 40 CFR 257.102(b)(4).

XII.B. TIMEFRAMES ASSOCIATED WITH CLOSURE

The owner or operator shall complete closure in accordance with the timeframes in 40 CFR 257.102.

XII.C. CLOSURE BY REMOVAL CERTIFICATION AND APPROVAL FOR SURFACE IMPOUNDMENTS PONDS EAST AND WEST

- XII.C.1. The owner or operator shall submit notification to the Director of completion of CCR excavation in accordance with the closure plan within 30-days of completing the action for the Department to conduct an inspection to confirm removal.
- XII.C.2. The owner or operator shall submit notification to the Director of completion of regrading activities within 30-days of completing the action.
- XII.C.3. Upon completion of regrading activities, the owner or operator shall propose installation of one (1) additional groundwater monitoring well within Surface Impoundment West Pond and one (1) within East Pond, and shall install such wells upon approval by the Department. The wells installed pursuant to this provision shall be monitored and managed in accordance with Module XI until data collected from them shows no Statistically Significant Increase (SSI) over established Groundwater Protection Standards (GPS) for any of the sampled constituents for two consecutive sampling events.
- XII.C.4. The owner or operator shall monitor groundwater using approved groundwater demonstration wells at the former boundary of the excavated CCR unit to demonstrate completion of closure by removal. Sampling of the demonstration wells located at the former boundary of the excavated units shall continue until data collected shows no Statistically Significant Increase (SSI) over established Groundwater Protection Standards (GPS) for any of the sampled constituents consistent with 257.102(c) and a stable or descending trend in groundwater results for ten independent sampling events (the last two of

which must be consecutive events). These wells shall be monitored and managed in accordance with Module XI.

- XII.C.5. Upon completion of all groundwater monitoring demonstration requirements in XII.C.3 and C.4 above, the owner or operator shall submit a certified report entitled Termination of Groundwater Monitoring For Closure by Removal Demonstration for review by the Department. The report shall include sufficient groundwater monitoring data and statistical analysis to demonstrate that the closure by removal standard has been met.
- XII.C.6. Upon Department approval of the submission defined under C.5. above, the owner or operator may submit the information required to satisfy closure results of 40 CFR 257.102(f)(3) including at a minimum, the notification and certification, signed by a registered professional engineer, verifying that closure by removal has been completed in accordance with the permit, approved plans/specifications, and 40 CFR 257.102.

PERMIT MODULE XVIII

SURFACE WATER MONITORING REQUIREMENTS

This monitoring program is designed to determine if there is an impact to surface water that may be occurring as a result of potential groundwater to surface water exchange.

Surface Water Monitoring at this facility will take place under the program described herein and the actions undertaken shall be consistent with VSWMR, Water Quality Standard (WQS), and VPDES regulations as applicable. The Permittee must maintain a surface water monitoring program that meets the requirements of this module and outline that program in the Surface Water Monitoring Plan.

Nothing in this permit module authorizes the Permittee to have an unauthorized discharge in contravention of State Water Control Law or accompanying regulations.

XVIII.A. SAMPLING LOCATIONS

- XVIII.A.1. A minimum of eight sample locations shall be identified and approved by the Department. At a minimum, the locations shall be near-shore of the property where groundwater potentially could intersect with surface water and represent results from the CCR units located at the facility. These locations:
 - XVIII.A.1.a. shall be noted on a site facility map and identified with GPS coordinates;
 - XVIII.A.1.b. may be augmented by additional sampling locations as needed, based on the results of the surface water sampling program, and to ensure potential impacts from groundwater to surface water are identified;
 - XVIII.A.1.c. shall be permanently marked or flagged at the nearest shore to allow easy identification; and
 - XVIII.A.1.d. shall include at least four sampling locations down gradient of Surface Impoundments North and East Pond; and at least four sampling locations down gradient of Surface Impoundment West Pond.
- XVIII.A.2. Sampling locations which do not contain a sufficient surface water column within which to sample will not be required to be re-sampled during the compliance period. However, sampling locations which have insufficient yield for 2 consecutive monitoring periods shall be evaluated for relocation and a new location proposed for approval by the Department.

XVIII.B. SAMPLING ACTIONS

The Permittee shall:

- XVIII.B.1. Collect samples from the surface water columns at the designated locations identified in XVIII.A. The samples shall be taken at mid-depth of the water column. Tidal samples shall be collected at low tide if feasible.
- XVIII.B.2. Conduct the surface water column sampling actions in a manner equivalent to the QA/QC procedures specified in the most current version of the Department's Standard Operating Procedures Manual, Water Monitoring and Assessment Program, Section 4.8 - Collection of Trace Elemental Samples (Clean Metals), and others as applicable.
- XVIII.B.3. Analyze surface water column samples in accordance with methods approved by the Department and performed by a VELAP accredited laboratory.
- XVIII.B.4. Provide final results of surface water column samples as dissolved metals.

XVIII.C. SAMPLING FREQUENCY

- XVIII.C.1. The Permittee shall, during the closure and post-closure care periods, sample surface water following a calendar quarterly schedule.
- XVIII.C.2. The length of the quarterly sampling period shall be an interval corresponding to approximately 90 days. For the purposes of scheduling monitoring activities, sampling within 15 days of each 90-day interval will be considered 'quarterly'.
- XVIII.C.3. The Permittee shall sample more frequently when requested by the Department.

XVIII.D. SAMPLING CONSTITUENTS

- XVIII.D.1. The Permittee shall sample for the following constituents: Antimony, Arsenic, Boron, Cadmium, Calcium, Chromium (total, III, and VI), Cobalt, Copper, Lead, Lithium, Magnesium, Molybdenum, Mercury, Nickel, Selenium, Silver, Thallium, and Zinc.
- XVIII.D.2. Additional indicator and field collection data shall be provided including hardness, pH, and temperature.

XVIII.D.3. Any constituent not listed in XVIII.D.1. that has an exceedance of a Groundwater Protection Standard established in Permit Module XI shall be included.

XVIII.D.4. Any additional constituents or parameters when notified in writing by the Department shall be included.

XVIII.E. DETERMINATION OF APPLICABLE STANDARDS FOR COMPARISON

Sampling results from surface water column testing of the constituents identified in XVIII.D.1. shall be compared to the lowest of the applicable standards established by 9 VAC 25-260-140. For any constituent not listed in XVIII.D.1. that has an exceedance of a Groundwater Protection Standard established in Permit Module XI, the constituent shall be compared to the Groundwater Protection Standard.

XVIII.F. REPORTING REQUIREMENTS

XVIII.F.1. After each quarterly sampling event, the permittee shall submit a surface water monitoring report under separate cover to the Department no later than 60 days from the completion of sampling and analysis unless as allowed under a director-approved extension. The surface water monitoring report shall include:

XVIII.F.1.a. signature page certifying the results by a facility representative;

XVIII.F.1.b. facility name and permit number;

XVIII.F.1.c. statement noting whether or not all sampling locations were sampled and if so, the reason a sample was not obtained or reported. If the sampling location did not contain sufficient water column for sampling, a statement noting the number of occurrences of lack of sufficient water column and, based upon the number of occurrences, a new proposed sampling location; and

XVIII.F.1.d. copy of the full Laboratory Analytical Report including dated signature page from laboratory manager or representative.

XVIII.F.2. The Permittee shall retain all surface water monitoring records throughout the closure and post-closure care period. The records shall be retained at the facility, or alternate location approved by the Director, within the facility's operating record and made available to the Department upon request.

XVIII.G. NOTIFICATION REQUIREMENTS

Verified laboratory results indicating surface water column results above a standard identified in XVIII.E shall be submitted to the Director within 30 days of issuance of the laboratory report results.

XVIII.H. REQUIRED ACTIONS

XVIII.H.1. Within 60 days of submitting a notification in XVIII.G., the permittee shall submit a Surface Water Investigation Report. The following information shall be assessed in the investigation and discussed in the report:

- XVIII.H.1.a. Any error in the collection of the sample that may be identified;
- XVIII.H.1.b. Additional conditions and information regarding the surface water at the time of collection;
- XVIII.H.1.c. Whether the constituent(s) were detected in groundwater monitoring sampling results;
- XVIII.H.1.d. The identified or potential source(s) of the observed impacts, including any potential facility activities;
- XVIII.H.1.e. Additional sampling, if any, undertaken by the permittee; and
- XVIII.H.1.f. Mitigation action or other actions, if any, undertaken by the permittee.

XVIII.H.2. The permittee, depending on the results of this investigation and as directed by the Department, may be required to conduct additional monitoring, additional source investigation, sampling including interstitial sampling or sediment sampling as feasible, or assessment measures including fish tissue sampling.

XVIII.H.3. The permittee shall submit an action plan for Department review and approval or take other action in accordance with Permit Module XI when required by the Department in response to the Surface Water Investigation Report.

XVIII.I. PERMIT DOCUMENTS

The Department-approved Surface Water Monitoring Plan shall be placed in the facility's operating record. This Surface Water Monitoring Plan shall include at

minimum the measures required for the facility to accomplish the monitoring required by this module.

- XVIII.I.1 It shall be the responsibility of the Permittee to update this monitoring plan as needed, which may include actions otherwise defined if changes to the monitoring program have taken place since original Plan development.
- XVIII.I.2. Should information contained in a Permittee authored Surface Water Monitoring Plan conflict with any requirement or condition of this Module, the Module condition shall prevail over the language in the Permittee supplied document.
- XVIII.I.3 The Permittee shall review and modify the surface water monitoring plan within 30 days of notification of the agency of required/requested modifications.
- XVIII.I.4. When the Permittee recognizes a failure to submit any relevant facts or has submitted incorrect information in any surface water monitoring report to the Director, he shall, within 7 days, submit such omitted facts or the correct information with a full explanation.

XVIII.J. LIMITATIONS/AUTHORITIES

The surface water monitoring and reporting requirements set forth herein are minimum requirements. The Director may require, by amending the Permit, any owner or operator to maintain a surface monitoring system and program that contains requirements more stringent than those of the Regulations and in this current permit module whenever it is determined that such requirements are necessary. Nothing in this permit module limits the Director or the Department from requiring additional actions consistent with applicable laws and regulations.