**Section 845.670 Corrective Action Plan**

a) The owner or operator must prepare a semi-annual report describing the progress in selecting a remedy and developing a corrective action plan. The semi-annual report must be submitted to the Agency and placed in the operating record as required by Section 845.800(d)(17).

b) Within one year after completing the assessment of corrective measures as specified in Section 845.660, and after completion of the public meeting in Section 845.660(d), the owner or operator of the CCR surface impoundment must submit, in a construction permit application to the Agency, a corrective action plan that identifies the selected remedy.  This requirement applies in addition to, not in place of, any applicable standards under any other State or federal law.

c) The corrective action plan must meet the following requirements:

1) Be based on the results of the corrective measures assessment conducted under Section 845.660;

2) Identify a selected remedy that, at a minimum, meets the standards listed in subsection (d);

3) Contain the corrective action alternatives analysis specified in subsection (e); and

4) Contain proposed schedules for implementation, including an analysis of the factors in subsection (f);

d) The selected remedy in the corrective action plan must:

1) Be protective of human health and the environment;

2) Attain the groundwater protection standards specified in Section 845.600;

3) Control the sources of releases to reduce or eliminate, to the maximum extent feasible, further releases of constituents listed in Section 845.600 into the environment;

4) Remove from the environment as much of the contaminated material that was released from the CCR surface impoundment as is feasible, taking into account factors such as avoiding inappropriate disturbance of sensitive ecosystems; and

5) Comply with standards for management of wastes as specified in Section 845.680(d).

e) Corrective Action Alternatives Analysis. In selecting a remedy that meets the standards of subsection (d), the owner or operator of the CCR surface impoundment must consider the following evaluation factors:

1) The long- and short-term effectiveness and protectiveness of each potential remedy, along with the degree of certainty that the remedy will prove successful based on consideration of the following:

A) Magnitude of reduction of existing risks;

B) Magnitude of residual risks in terms of likelihood of further releases due to CCR remaining following implementation of a remedy;

C) The type and degree of long-term management required, including monitoring, operation, and maintenance;

D) Short-term risks that might be posed to the community or the environment during implementation of a remedy, including potential threats to human health and the environment associated with excavation, transportation, and re-disposal of contaminants;

E) Time until groundwater protection standards in Section 845.600 are achieved;

F) The potential for exposure of humans and environmental receptors to remaining wastes, considering the potential threat to human health and the environment associated with excavation, transportation, re-disposal, containment, or changes in groundwater flow;

G) The long-term reliability of the engineering and institutional controls, including an analysis of any off-site, nearby destabilizing activities; and

H) Potential need for replacement of the remedy.

2) The effectiveness of the remedy in controlling the source to reduce further releases based on consideration of each of the following potential factors:

A) The extent to which containment practices will reduce further releases; and

B) The extent to which treatment technologies may be used.

3) The ease or difficulty of implementing each potential remedy based on consideration of the following types of factors:

A) Degree of difficulty associated with constructing the technology;

B) Expected operational reliability of the technologies;

C) Need to coordinate with and obtain necessary approvals and permits from other agencies;

D) Availability of necessary equipment and specialists; and

E) Available capacity and location of needed treatment, storage, and disposal services.

4) The degree to which community concerns are addressed by each potential remedy.

f) The owner or operator must specify, as part of the corrective action plan, a schedule for implementing of, and completing, remedial activities. The schedule must require the completion of remedial activities within a reasonable time, taking into consideration the factors in this subsection (f). The owner or operator of the CCR surface impoundment must consider the following factors in determining the schedule of remedial activities:

1) Extent and nature of contamination, as determined by the characterization required under Section 845.650(d);

2) Reasonable probabilities of remedial technologies achieving compliance with the groundwater protection standards established by Section 845.600 and other objectives of the remedy;

3) Availability of treatment or disposal capacity for CCR managed during implementation of the remedy;

4) Potential risks to human health and the environment from exposure to contamination before completion of the remedy;

5) Resource value of the aquifer, including:

A) Current and future uses, including potential residential, agricultural, commercial industrial and ecological uses;

B) Proximity and withdrawal rate of users;

C) Groundwater quantity and quality;

D) The potential impact to the subsurface ecosystem, wildlife, other natural resources, crops, vegetation, and physical structures caused by exposure to CCR constituents;

E) The hydrogeologic characteristic of the facility and surrounding land; and

F) The availability of alternative water supplies; and

6) Other relevant factors.