

AMENDMENT TO CCR FINAL RULE

CLARIFICATION ON HYDRAULIC CONDUCTIVITY TEST TERMINATION CRITERIA

In the November 12, 2020 Federal Register, USEPA published an amendment to the Final Rule for Disposal of Coal Combustion Residuals. It added “A Holistic Approach to Closure Part B, Alternate Demonstration for Unlined Surface Impoundments”. This revision to the CCR rule is a result of a lawsuit by a utility group. It provides a method for companies to request approval of an alternate clay liner for CCR surface impoundments. It requires that the company demonstrate that no significant contamination is likely to be released from the impoundment boundary throughout its active life.

The Final Rule amendment includes: 257.71(d)(1)(ii)(B)(2). “The liquid used to pre-hydrate the samples and measure long-term hydraulic conductivity reflects the pH and major ion composition of the CCR surface impoundment porewater;” and 257.71(d)(1)(ii)(B)(4). “Any test for hydraulic conductivity relied upon includes, in addition to other relevant termination criteria specified by the method, criteria that equilibrium has been achieved between the inflow and outflow, within acceptable tolerance limits, for both electrical conductivity and pH.”

This language clearly implies that ASTM D6766 GCL testing with coal ash leachate for new CCR landfills must also: 1) be pre-hydrated with leachate representative of the CCR landfill, and 2) be run to chemical equilibrium (+/-10% per D6766). Pre-hydrating ASTM D6766 GCL samples with DI water, or only running ASTM D6766 for a particular number of pore volumes (e.g., two pore volumes) is clearly NOT allowed by EPA under the CCR Final Rule.