

## § 264.95

- (i) The volume and physical and chemical characteristics of the waste in the regulated unit;
  - (ii) The hydrogeological characteristics of the facility and surrounding land;
  - (iii) The quantity and quality of ground water, and the direction of ground-water flow;
  - (iv) The patterns of rainfall in the region;
  - (v) The proximity of the regulated unit to surface waters;
  - (vi) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;
  - (vii) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality;
  - (viii) The potential for health risks caused by human exposure to waste constituents;
  - (ix) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and
  - (x) The persistence and permanence of the potential adverse effects.
- (c) In making any determination under paragraph (b) of this section about the use of ground water in the area around the facility the Regional Administrator will consider any identification of underground sources of drinking water and exempted aquifers made under § 144.8 of this chapter.

[47 FR 32350, July 26, 1982, as amended at 48 FR 14294, Apr. 1, 1983]

## § 264.95 Point of compliance.

- (a) The Regional Administrator will specify in the facility permit the point of compliance at which the ground-water protection standard of § 264.92 applies and at which monitoring must be conducted. The point of compliance is a vertical surface located at the hydraulically downgradient limit of the waste management area that extends down into the uppermost aquifer underlying the regulated units.
- (b) The waste management area is the limit projected in the horizontal plane of the area on which waste will be placed during the active life of a regulated unit.

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- (1) The waste management area includes horizontal space taken up by any liner, dike, or other barrier designed to contain waste in a regulated unit.
- (2) If the facility contains more than one regulated unit, the waste management area is described by an imaginary line circumscribing the several regulated units.

## § 264.96 Compliance period.

- (a) The Regional Administrator will specify in the facility permit the compliance period during which the ground-water protection standard of § 264.92 applies. The compliance period is the number of years equal to the active life of the waste management area (including any waste management activity prior to permitting, and the closure period.)
- (b) The compliance period begins when the owner or operator initiates a compliance monitoring program meeting the requirements of § 264.99.
- (c) If the owner or operator is engaged in a corrective action program at the end of the compliance period specified in paragraph (a) of this section, the compliance period is extended until the owner or operator can demonstrate that the ground-water protection standard of § 264.92 has not been exceeded for a period of three consecutive years.

## § 264.97 General ground-water monitoring requirements.

The owner or operator must comply with the following requirements for any ground-water monitoring program developed to satisfy § 264.98, § 264.99, or § 264.100:

- (a) The ground-water monitoring system must consist of a sufficient number of wells, installed at appropriate locations and depths to yield ground-water samples from the uppermost aquifer that:
- (1) Represent the quality of background ground water that has not been affected by leakage from a regulated unit;
  - (i) A determination of background ground-water quality may include sampling of wells that are not hydraulically upgradient of the waste management area where: