

7045.0506 COST ESTIMATE FOR POSTCLOSURE CARE.

Subpart 1. **Cost estimate requirements.** The owner or operator of a facility subject to postclosure monitoring or maintenance requirements shall have a written estimate, in current dollars, of the annual cost of postclosure monitoring and maintenance of the facility in accordance with the applicable postclosure requirements in parts 7045.0490 to 7045.0496; 7045.0532, subpart 7; 7045.0534, subpart 7; 7045.0536, subpart 8; 7045.0538, subpart 7; and 7045.0539, subpart 4. The postclosure cost estimate is calculated by multiplying the annual postclosure cost estimate by the number of years of postclosure care required under part 7045.0492. The postclosure cost estimate must be based on the costs to the owner or operator of hiring a third party to conduct postclosure care activities. A third party is neither a parent nor a subsidiary of the owner or operator.

Subp. 2. **Yearly update of cost estimate.** During the active life of the facility, the owner or operator shall adjust the postclosure cost estimate for inflation within 60 days before each anniversary of the date on which the financial instruments used to comply with part 7045.0508 were established. For owners or operators using the financial test or corporate guarantee, the postclosure cost estimate must be adjusted for inflation within 30 days after the close of the firm's fiscal year and before the submission of updated information to the commissioner as specified in part 7045.0506, subpart 7, item E. The adjustment must be made as specified in items A and B using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as found in the Survey of Current Business issued by the United States Department of Commerce. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year. Adjustments are made as follows:

A. The first adjustment is made by multiplying the postclosure cost estimate by the inflation factor. The result is the adjusted postclosure cost estimate.

B. Subsequent adjustments are made by multiplying the latest adjusted postclosure cost estimate by the latest inflation factor.

Subp. 3. **Cost estimate revisions.** The owner or operator shall revise the postclosure cost estimate within 30 days after the commissioner has approved the request to modify the postclosure plan, if the change in the postclosure plan increases the cost of postclosure care. The revised postclosure cost estimate must be adjusted for inflation as specified in subpart 2.

Subp. 4. **Record retention.** The owner or operator shall furnish the following to the commissioner upon request, including request by mail: the latest postclosure cost estimate prepared in accordance with subparts 1 and 3 and, when this estimate has been adjusted in accordance with subpart 2, the latest adjusted postclosure cost estimate.

Statutory Authority: *MS s 116.07*

History: *9 SR 115; 11 SR 2415; L 1987 c 186 s 15; 13 SR 2761*

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