

3745-55-42

Cost estimate for facility closure.

- (A) The owner or operator must have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in rules 3745-55-11 to 3745-55-15 of the Administrative Code and applicable closure requirements in rules 3745-55-78, 3745-55-97, 3745-56-28, 3745-56-58, 3745-56-80, 3745-57-10, 3745-57-51, 3745-57-91 to 3745-57-93, and 3745-205-102 of the Administrative Code.
- (1) The closure cost estimate must equal the cost of final closure at the point in the facility's active life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan [see paragraph (B) of rule 3745-55-12 of the Administrative Code]; and
 - (2) The closure cost estimate must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator [see definition of parent corporation in paragraph (A)(4) of rule 3745-55-41 of the Administrative Code]. The owner or operator may use costs for on-site disposal if he can demonstrate that on-site disposal capacity will exist at all times over the life of the facility.
 - (3) The closure cost estimate may not incorporate any salvage value that may be realized with the sale of hazardous wastes, or nonhazardous wastes if applicable under paragraph (D) of rule 3745-55-13 of the Administrative Code, facility structures or equipment, land, or other assets associated with the facility at the time of partial or final closure.
 - (4) The owner or operator may not incorporate a zero cost for hazardous wastes, or nonhazardous wastes if applicable under paragraph (D) of rule 3745-55-13 of the Administrative Code, that might have economic value.
- (B) During the active life of the facility, the owner or operator must adjust the closure cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with rule 3745-55-43 of the Administrative Code. For owners and operators using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within thirty days after the close of the owner or operator's fiscal year and before submittal of updated information to the director as specified in paragraph (F)(3) of rule 3745-55-43 of the Administrative Code. The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the most recent "Implicit Price Deflator for Gross National Product" published by the U.S. department of commerce in its "Survey of Current Business," as specified in paragraphs (B)(1) and (B)(2) of this rule. The inflation factor is the result of dividing the latest published annual deflator by the

deflator for the previous year.

- (1) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.
 - (2) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.
- (C) During the active life of the facility, the owner or operator must revise the closure cost estimate no later than thirty days after the director has approved the request to modify the closure plan, if the change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation as specified in paragraph (B) of this rule.
- (D) The owner or operator must keep the following at the facility during the operating life of the facility: the latest closure cost estimate prepared in accordance with paragraphs (A) and (C) of this rule and, when this estimate has been adjusted in accordance with paragraph (B) of this rule, the latest adjusted closure cost estimate.
- (E) A copy of the facility's current, detailed closure cost estimate prepared and maintained in accordance with paragraphs (A) and (B) of this rule must be submitted annually to the director ~~of Ohio EPA~~.
- (1) For owners/operators using a financial mechanism other than the financial test, such submittal of the closure cost estimate to ~~Ohio EPA~~the director must be made within sixty days following a revision or update to the estimate made in accordance with paragraph (B) of this rule;
 - (2) For owners/operators using a financial test, such submittal of the closure cost estimate to ~~Ohio EPA~~the director must be made within ninety days after the close of the firm's fiscal year following a revision or update to the estimate made in accordance with paragraph (B) of this rule.

~~[Note: As used in this rule, "detailed closure cost estimate" means a listing of the specific costs associated with each major phase of closure activity for each hazardous waste management unit, including but not limited to: removal, transportation and off-site disposal of hazardous waste and contaminated media; decontamination activities; construction of landfill cap system; sampling and laboratory analysis; and certification of closure by a professional engineer.]~~

~~[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and~~

~~federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."~~

[Comment 1: As used in this rule, "detailed closure cost estimate" means a listing of the specific costs associated with each major phase of closure activity for each hazardous waste management unit, including but not limited to: removal, transportation and off-site disposal of hazardous waste and contaminated media; decontamination activities; construction of landfill cap system; sampling and laboratory analysis; and certification of closure by a qualified professional engineer.]

[Comment 2: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

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