567—101.704(455B) Financial assurance for closure of sanitary landfills. The owner or operator of a sanitary landfill must establish financial assurance for the costs of site closure in accordance with the criteria in this division. The owner or operator must provide continuous coverage for site closure until released from this requirement by demonstrating compliance with the approved closure plan and the closure permit. Proof of compliance pursuant to 101.704(1) through 101.704(5) shall be submitted to the department by the owner or operator yearly by April 1 and approved by the department.

101.704(1) The owner or operator shall submit, on a form prescribed by the department, the amount of the financial assurance required, the annual financial statement required by Iowa Code section 455B.306(9)*"e,"* and the current value of the financial assurance instrument(s) as required by Iowa Code section 455B.306(9).

101.704(2) The owner or operator shall submit a copy of the documents establishing the financial assurance instrument(s) in an amount equal to or greater than the amount specified in 567—101.710(455B). Documentation for the instruments(s) used to demonstrate financial assurance shall contain, at a minimum, the items required to be submitted as specified in 567—101.707(455B).

101.704(3) The owner or operator shall, except for the allowance granted in 101.704(3)*"c,"* submit a detailed written estimate, in current dollars, certified by an Iowa-licensed professional engineer, of the cost of hiring a third party to close the sanitary landfill in accordance with the approved closure plan and the closure permit.

a. The cost estimate must equal the cost of closing the sanitary landfill at the time the cost estimate is prepared.

b. The costs contained in the estimate for closure must be accurate and reasonable when compared to the cost estimates used by other similarly situated sanitary landfills in Iowa.

c. During the active life of the sanitary landfill, the owner or operator may, for the duration of the permit cycle or five years, whichever is less, have an Iowa-licensed professional engineer adjust the certified closure cost estimate for inflation by using an inflation factor derived from the most recent annual Implicit Price Deflator for Gross Domestic Product published 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. After applying the inflation factor for the duration of the permit cycle, or five years, whichever is less, the owner or operator shall again submit a detailed written estimate, in current dollars, certified by an Iowa-licensed professional engineer pursuant to 101.704(3).

d. The owner or operator must annually or at the time of permit renewal, at the time of application for a permit modification, or due to other requirements that increase closure costs have an Iowa-licensed professional engineer update the detailed written closure cost estimate and update the amount of financial assurance provided if changes to the closure plan or sanitary landfill conditions increase the cost of closure.

e. The owner or operator may reduce the amount of financial assurance for proper closure of the site if the most recent estimate is less than the amount of financial assurance currently provided. Prior to the reduction, the owner or operator must submit to the department the justification for the reduction of the closure cost estimate and the updated documentation required by 101.704(1) through 101.704(5) and receive department approval for the reduction.

f. The estimate submitted to the department must include the site area subject to closure (in acres) and account for at least the following factors determined by the department to be the minimal necessary costs for closure.

(1) Closure and post-closure plan document revisions;
(2) Site preparation, earthwork, and final grading;
(3) Drainage control culverts, piping, and structures;
(4) Erosion control structures, sediment ponds, and terraces;
(5) Final cap construction;
(6) Cap vegetation soil placement;
(7) Cap seeding, mulching, and fertilizing;
(8) Monitoring well, piezometer, and gas control modifications;
(9) Leachate system cleanout and extraction well modifications;
(10) Monitoring well installations and abandonments;

(11) Facility modifications to effect closed status;
(12) Engineering and technical services;
(13) Legal, financial, and administrative services; and
(14) Closure compliance certifications and documentation.

101.704(4) For publicly owned sanitary landfills, the owner or operator shall submit to the department a copy of the owner's or operator's most recent annual audit report in the form prescribed by the office of the auditor of the state of Iowa. In addition to the annual audit report, the owner or operator of a publicly owned sanitary landfill may submit financial institution statements to document the current balance of a trust fund or local government dedicated fund established pursuant to 101.707(1) and 101.707(9) or the closure and post-closure care account(s) pursuant to 567—101.709(455B).

101.704(5) Privately owned sanitary landfills shall submit an affidavit from the owner or operator indicating that a yearly review has been performed by an Iowa-licensed certified public accountant to determine whether the privately owned sanitary landfill is in compliance with this division. The affidavit shall state the name of the Iowa-licensed certified public accountant, the dates and conclusions of the review, and the steps taken to rectify any deficiencies identified by the accountant.

[**ARC 0482D**, IAB 8/19/26, effective 9/23/26]