567—101.706(455B) Financial assurance for corrective action at sanitary landfills.

101.706(1) An owner or operator required to undertake corrective action must have a detailed written estimate, in current dollars, certified by an Iowa-licensed professional engineer, of the cost of hiring a third party to perform the required corrective action. The cost estimate must account for the total cost of conducting the activities described in the corrective action plan for the entire corrective action period. The owner or operator must submit to the department for approval the cost estimate and financial assurance documentation prior to implementation of the corrective action remedy. Proof of continued compliance pursuant to 101.706(1) and 101.706(2) shall be submitted to the department by the owner or operator yearly by April 1 and approved by the department.

a. The owner or operator shall submit, on a form prescribed by the department, the amount of the financial assurance required to complete the corrective action remedy and the current value of the financial assurance instrument(s).

b. The owner or operator may, for up to three consecutive years, have an Iowa-licensed professional engineer adjust the certified corrective action 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 three consecutive years of applying the inflation factor, the owner or operator shall again submit a detailed written estimate, in current dollars, certified by an Iowa-licensed professional engineer pursuant to this subrule.

c. The owner or operator must increase the detailed written corrective action cost estimate and update the amount of financial assurance provided if changes in the corrective action remedy or sanitary landfill conditions increase the maximum cost of corrective action.

d. The owner or operator may reduce the amount of the cost estimate and the amount of financial assurance provided if the cost estimate exceeds the maximum remaining costs of the remaining corrective action. Prior to the reduction, the owner or operator must submit to the department the justification for the reduction of the corrective action cost estimate and the updated documentation required by 101.706(1) through 101.706(2) and receive department approval for the reduction.

101.706(2) The owner or operator of a sanitary landfill required to undertake corrective action must establish financial assurance for the corrective action remedy by one of the instruments prescribed in 567—101.707(455B). The owner or operator must provide continuous coverage for corrective action until released from financial assurance requirements by demonstrating compliance with the following.

a. Upon completion of the corrective action remedy, the owner or operator must submit to the department a certification of compliance with the corrective action plan. The certification must be signed by the owner or operator and by a qualified groundwater scientist.

b. Upon department approval of completion of the corrective action remedy, the owner or operator shall be released from the requirement for financial assurance for corrective action pursuant to 567—101.706(455B).

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