**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY**

**CHAPTER 515. MANAGEMENT OF SOLID WASTE**

**SUBCHAPTER 19. OPERATIONAL REQUIREMENTS**

**PART 3. OPERATIONAL REQUIREMENTS FOR ALL DISPOSAL FACILITIES**

**252:515-19-36. Air criteria**

(a) **Comply with Clean Air Act.** All disposal facilities shall be operated in compliance with the Oklahoma Clean Air Act, rules of the Air Quality Division of the DEQ, and any requirements of an approved State Implementation Plan.

(b) **Open burning prohibited.** Open burning of solid waste is prohibited.

(c) **Control dust.** All disposal facilities shall be operated to prevent the discharge of any visiblefugitive dust emissions beyond the property boundaries ~~so as to~~ that damage or interfere with the use of adjacent properties, or ~~to~~ cause air quality standards to be exceeded, or interfere with the maintenance of air quality standards.

(d) **Asbestos at land disposal facilities.** Friable asbestos received at a land disposal facility shall be managed in accordance with the DEQ's asbestos management requirements at OAC252:100-40- 5.

**SUBCHAPTER 27. COST ESTIMATES AND FINANCIAL ASSURANCE**

**PART 3. COST ESTIMATES**

**252:515-27-34. Annual adjustments to cost estimates and financial assurance mechanisms**

(a) **Adjustment required.**  ~~Except as provided in (b) and (c) of this Section, c~~Cost estimates for closure, post-closure, and/or corrective action shall be adjusted and submitted to DEQ no later than April 1st of each year. ~~The adjustment must be submitted to the DEQ for approval.~~

(1) **Recalculation of maximum costs.** The maximum costs of closure, post-closure, and/or corrective action may be recalculated in current dollars using the procedure in Part 5 of this Subchapter (relating to determination of cost estimates).

(2) **Use of inflation factor.** If there are no significant changes to the closure or post-closure plan, corrective action plan, or facility conditions, cost estimates may be adjusted by use of an inflation factor derived from the most recent annual "Implicit Price Deflator for Gross National Product" or the "Implicit Price Deflator for Gross Domestic Product" published by the U.S. Department of Commerce in its Survey of Current Business in the year for which the adjustment is being made.

(A) The first adjustment shall be made by multiplying the approved cost estimate by the inflation factor. The result is the adjusted cost estimate.

(B) Subsequent adjustments shall be made by multiplying the latest adjusted cost estimate by the latest inflation factor.

(3) **Place in operating record.** The approved adjusted cost estimates shall be placed in the operating record.

(b) **Annual Adjustment to financial assurance mechanism(s) required.** Except as provided in (c) and (d) of this Section, the financial assurance mechanism(s) shall be adjusted annually to reflect the approved cost estimates. The adjusted financial assurance mechanism(s) must be submitted to DEQ for approval no later than 30 days after approval of adjusted cost estimates.

~~(b)~~ (c) **Corporate test or guarantee as financial assurance mechanism.** When the corporate test (OAC 252:515-27-81) or guarantee (OAC 252:515-27-83) is used as the financial assurance mechanism, ~~the cost estimates for closure, post-closure, and/or corrective action shall be adjusted no later than 90 days after the close of the corporate fiscal year.~~

 ~~(1)~~ **~~Required information.~~** ~~T~~the financial strength information specified in OAC 252:515-27- 81(c) shall be submitted to the DEQ for approval~~.~~ no later than 90 days after the close of the corporate fiscal year.

 ~~(2)~~ **~~Extension allowed.~~**The DEQ may provide up to an additional 45 days to submit the information upon demonstration that 90 days is insufficient time to acquire audited financial statements.

 ~~(3)~~ **~~Place in operating record.~~** ~~The approved adjusted cost estimates shall be placed in the operating record.~~

~~(c)~~ (d) **Local government test or guarantee as financial assurance mechanism.** When the local government test (OAC 252:515-27-82) or guarantee (OAC 252:515-27-84) is used as the financial assurance mechanism, ~~the cost estimates for closure, post-closure, and/or corrective action shall be adjusted no later than 180 days after the close of the municipal government's fiscal year.~~

~~(1) Required information. T~~the financial strength information specified in OAC 252:515-27- 82(h) shall be submitted to the DEQ for approval~~.~~ no later than 180 days after the close of the municipal government's fiscal year. ~~(1) Extension allowed.~~ The DEQ may provide up to an additional 45 days to submit the information upon demonstration that 180 days is insufficient time to acquire audited financial statements.

~~(2) Place in operating record. The approved adjusted cost estimates shall be placed in the operating record.~~