



Ohio Administrative Code

Rule 3745-51-142 Cost estimate - management of excluded hazardous secondary materials.

Effective: June 12, 2023

(A) The owner or operator shall have a detailed written estimate, in current dollars, of the cost of disposing of any hazardous secondary material as listed or characteristic hazardous waste, and the potential cost of closing the facility as a treatment, storage, and disposal facility.

(1) The estimate shall equal the cost of conducting the activities described in paragraph (A) of this rule at the point when the extent and manner of the facility's operation would make these activities the most expensive.

(2) The cost estimate shall be based on the costs to the owner or operator of hiring a third party to conduct these activities. 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 (D) of rule 3745-66-41 of the Administrative Code.] The owner or operator may use costs for on-site disposal in accordance with applicable requirements if the owner or operator can demonstrate that on-site disposal capacity will exist at all times over the life of the facility.

(3) The cost estimate may not incorporate any salvage value that may be realized with the sale of hazardous secondary materials, or hazardous or non-hazardous wastes if applicable under paragraph (D) of rule 3745-66-13 of the Administrative Code, facility structures or equipment, land, or other assets associated with the facility.

(4) The owner or operator may not incorporate a zero cost for hazardous secondary materials, or hazardous or non-hazardous wastes if applicable under paragraph (D) of rule 3745-66-13 of the Administrative Code that might have economic value.

(B) During the active life of the facility, the owner or operator shall adjust the cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instruments used to comply with rule 3745-51-143 of the Administrative Code. For owners and operators using the financial test or corporate guarantee, the cost estimate shall be updated for



inflation within thirty days after the close of the firm's fiscal year and before submittal of updated information to the director as specified in paragraph (E)(3) of rule 3745-51-143 of the Administrative Code. The adjustment may be made by recalculating the cost estimate 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 the "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 cost estimate by the inflation factor. The result is the adjusted cost estimate.

(2) Subsequent adjustments are made by multiplying the latest adjusted cost estimate by the latest inflation factor.

(C) During the active life of the facility, the owner or operator shall revise the cost estimate no later than thirty days after a change in a facility's operating plan or design that would increase the costs of conducting the activities described in paragraph (A) of this rule or no later than sixty days after an unexpected event which increases the cost of conducting the activities described in paragraph (A) of this rule. The revised cost estimate shall be adjusted for inflation as specified in paragraph (B) of this rule.

(D) The owner or operator shall keep at the facility during the operating life of the facility the latest 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 cost estimate.

[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.]