
MEMORANDUM

TO: Solid Waste Facilities with Financial Assurance

FROM: Diana A. Trussell, Manager *DAT*
Solid Waste Program
Division of Waste Management

SUBJECT: Annual Financial Assurance Submittal

DATE: June 12, 2023

The North Dakota Department of Environmental Quality's (Department) Solid Waste Management Rules, North Dakota Administrative Code (NDAC) Chapter 33.1-20-14, requires solid waste disposal facilities to submit yearly financial assurance documents. The **inflation factor** for this year is **1.070***.

*For those facilities that have prepared new closure and/or postclosure cost estimates, in current 2023 dollars, you do **not** have to apply the above listed inflation factor. Facilities which continue to utilize detailed cost estimates from previous years, **will** be required to apply the above listed inflation factor.

The Department has implemented the following standard policy regarding how financial assurance cost estimates may be rounded and still meet the requirements of the Solid Waste Management Rules. (**See the Rounding Policy Memo and revised Guideline 20** on the Department's website <https://deq.nd.gov/WWM/Solidwasteprogram/FinancialAssurance/>)

If your cost estimates have changed by plus or minus 10%, you will need to **submit an explanation** for this change.

NDAC Subsection 33.1-20-14-04(2) requires certain information be submitted each year. **Complete the attached annual summary form** to assist in fulfilling these requirements.

Our records show that you use a performance bond, financial guarantee, surety bond, letter of credit or some other financial assurance mechanism that requires a stand-by trust fund. **Schedules A** & B**** of the trust fund will also have to be **revised to reflect the adjusted cost estimates**.

Reminder: Exhibit A** of your Trust Agreement **must be updated**. Make sure the correct Department designee and information is referenced: Charles Hyatt, Director, Division of Waste Management, North Dakota Department of Environmental Quality, 4201 Normandy Street, Bismarck, ND 58503-1324.

Recent changes to the Department's Guideline 18 impact the preferred verbiage in many of the mechanisms utilized for financial assurance. (See revised Guideline 18** on the Department's website <https://deq.nd.gov/WWM/Solidwasteprogram/FinancialAssurance/>)

Financial assurance documents must be received by **August 31, 2023** to:

Attn: Diana Trussell
NDDEQ – Solid Waste Program
4201 Normandy Street
Bismarck, ND 58503-1324

Should you have any questions regarding financial assurance, feel free to contact Diana Trussell at 701-328-5164 or dtrussell@nd.gov. If you have already submitted your financial assurance documents for this year, please disregard this memorandum. Thank you for your cooperation.

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