

any other mechanism that meets the criteria specified in §258.74(1), and that is approved by the Director of an approved State.

(j) *State assumption of responsibility.* If the State Director either assumes legal responsibility for an owner or operator's compliance with the closure, post-closure care and/or corrective action requirements of this part, or assures that the funds will be available from State sources to cover the requirements, the owner or operator will be in compliance with the requirements of this section. Any State assumption of responsibility must meet the criteria specified in §258.74(1).

(k) *Use of multiple mechanisms.* An owner or operator may demonstrate financial assurance for closure, post-closure, and corrective action, as required by §§258.71, 258.72, and 258.73 by establishing more than one mechanism per facility, except that mechanisms guaranteeing performance rather than payment, may not be combined with other instruments. The mechanisms must be as specified in paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), and (j) of this section, except that financial assurance for an amount at least equal to the current cost estimate for closure, post-closure care, and/or corrective action may be provided by a combination of mechanisms rather than a single mechanism.

(l) The language of the mechanisms listed in paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), and (j) of this section must ensure that the instruments satisfy the following criteria:

(1) The financial assurance mechanisms must ensure that the amount of funds assured is sufficient to cover the costs of closure, post-closure care, and corrective action for known releases when needed;

(2) The financial assurance mechanisms must ensure that funds will be available in a timely fashion when needed;

(3) The financial assurance mechanisms must be obtained by the owner or operator by the effective date of these requirements or prior to the initial receipt of solid waste, whichever is later, in the case of closure and post-closure care, and no later than 120 days after the corrective action remedy has been selected in accordance with the requirements of §258.58, until the owner or operator is released from the financial assurance requirements under §§258.71, 258.72 and 258.73.

(4) The financial assurance mechanisms must be legally valid, binding, and enforceable under State and Federal law.

[56 FR 51029, Oct. 9, 1991, as amended at 58 FR 51547, Oct. 1, 1993; 60 FR 40105, Aug. 7, 1995; 60 FR 52342, Oct. 6, 1995; 61 FR 60337, Nov. 27, 1996; 63 FR 17729, Apr. 10, 1998]

**§ 258.75 Discounting.**

The Director of an approved State may allow discounting of closure cost estimates in §258.71(a), post-closure cost estimates in §258.72(a), and/or corrective action costs in §258.73(a) up to the rate of return for essentially risk free investments, net of inflation, under the following conditions:

(a) The State Director determines that cost estimates are complete and accurate and the owner or operator has submitted a statement from a Registered Professional Engineer so stating;

(b) The State finds the facility in compliance with applicable and appropriate permit conditions;

(c) The State Director determines that the closure date is certain and the owner or operator certifies that there are no foreseeable factors that will change the estimate of site life; and

(d) Discounted cost estimates must be adjusted annually to reflect inflation and years of remaining life.

[61 FR 60339, Nov. 27, 1996]

APPENDIX I TO PART 258—CONSTITUENTS FOR DETECTION MONITORING

Common name <sup>1</sup>	CAS RN <sup>2</sup>
<i>Inorganic Constituents:</i>	
(1) Antimony .....	(Total)
(2) Arsenic .....	(Total)
(3) Barium .....	(Total)

Common name <sup>1</sup>	CAS RN <sup>2</sup>
(4) Beryllium .....	(Total)
(5) Cadmium .....	(Total)
(6) Chromium .....	(Total)
(7) Cobalt .....	(Total)
(8) Copper .....	(Total)
(9) Lead .....	(Total)
(10) Nickel .....	(Total)
(11) Selenium .....	(Total)
(12) Silver .....	(Total)
(13) Thallium .....	(Total)
(14) Vanadium .....	(Total)
(15) Zinc .....	(Total)
<i>Organic Constituents:</i>	
(16) Acetone .....	67-64-1
(17) Acrylonitrile .....	107-13-1
(18) Benzene .....	71-43-2
(19) Bromochloromethane .....	74-97-5
(20) Bromodichloromethane .....	75-27-4
(21) Bromoform; Tribromomethane .....	75-25-2
(22) Carbon disulfide .....	75-15-0
(23) Carbon tetrachloride .....	56-23-5
(24) Chlorobenzene .....	108-90-7
(25) Chloroethane; Ethyl chloride .....	75-00-3
(26) Chloroform; Trichloromethane .....	67-66-3
(27) Dibromochloromethane; Chlorodibromomethane .....	124-48-1
(28) 1,2-Dibromo-3-chloropropane; DBCP .....	96-12-8
(29) 1,2-Dibromoethane; Ethylene dibromide; EDB .....	106-93-4
(30) o-Dichlorobenzene; 1,2-Dichlorobenzene .....	95-50-1
(31) p-Dichlorobenzene; 1,4-Dichlorobenzene .....	106-46-7
(32) trans-1, 4-Dichloro-2-butene .....	110-57-6
(33) 1,1-Dichloroethane; Ethylidene chloride .....	75-34-3
(34) 1,2-Dichloroethane; Ethylene dichloride .....	107-06-2
(35) 1,1-Dichloroethylene; 1,1-Dichloroethene; Vinylidene chloride .....	75-35-4
(36) cis-1,2-Dichloroethylene; cis-1,2-Dichloroethene .....	156-59-2
(37) trans-1, 2-Dichloroethylene; trans-1,2-Dichloroethene .....	156-60-5
(38) 1,2-Dichloropropane; Propylene dichloride .....	78-87-5
(39) cis-1,3-Dichloropropene .....	10061-01-5
(40) trans-1,3-Dichloropropene .....	10061-02-6
(41) Ethylbenzene .....	100-41-4
(42) 2-Hexanone; Methyl butyl ketone .....	591-78-6
(43) Methyl bromide; Bromomethane .....	74-83-9
(44) Methyl chloride; Chloromethane .....	74-87-3
(45) Methylene bromide; Dibromomethane .....	74-95-3
(46) Methylene chloride; Dichloromethane .....	75-09-2
(47) Methyl ethyl ketone; MEK; 2-Butanone .....	78-93-3
(48) Methyl iodide; Iodomethane .....	74-88-4
(49) 4-Methyl-2-pentanone; Methyl isobutyl ketone .....	108-10-1
(50) Styrene .....	100-42-5
(51) 1,1,1,2-Tetrachloroethane .....	630-20-6
(52) 1,1,2,2-Tetrachloroethane .....	79-34-5
(53) Tetrachloroethylene; Tetrachloroethene; Perchloroethylene .....	127-18-4
(54) Toluene .....	108-88-3
(55) 1,1,1-Trichloroethane; Methylchloroform .....	71-55-6
(56) 1,1,2-Trichloroethane .....	79-00-5
(57) Trichloroethylene; Trichloroethene .....	79-01-6
(58) Trichlorofluoromethane; CFC-11 .....	75-69-4
(59) 1,2,3-Trichloropropane .....	96-18-4
(60) Vinyl acetate .....	108-05-4
(61) Vinyl chloride .....	75-01-4
(62) Xylenes .....	1330-20-7

<sup>1</sup> Common names are those widely used in government regulations, scientific publications, and commerce; synonyms exist for many chemicals.

<sup>2</sup> Chemical Abstract Service registry number. Where "Total" is entered, all species in the ground water that contain this element are included.

[70 FR 34555, June 14, 2005; 70 FR 44150, Aug. 1, 2005]

APPENDIX II TO PART 258—LIST OF HAZARDOUS INORGANIC AND ORGANIC CONSTITUENTS

Common name <sup>1</sup>	CAS RN <sup>2</sup>	Chemical abstracts service index name <sup>3</sup>
Acenaphthene .....	83-32-9 ...	Acenaphthylene, 1,2-dihydro-