**74:07:01:07.  Adjustment of amount of financial assurance.** The dollar amount of financial assurance filed with the board shall be reviewed at least once every five years. During the review, the board may adjust the amount for inflation based on the United States consumers price index for rural areas. In addition, the owner or operator may request that the amount of financial assurance be adjusted based on factors occurring since the posting of the existing financial assurance. The owner or operator shall describe the basis for the adjustment request and shall follow the procedure described in § 74:07:01:04. The department shall make a recommendation to the board concerning the proposed adjustment or may propose an adjustment in accordance with applicable provisions of § 74:07:01:03. Notice of the board review shall be provided to the owner or operator in accordance with applicable provisions of SDCL chapter 1-26.

 **Source:** 24 SDR 90, effective January 4, 1998.

 **General Authority:** SDCL 34A-10-2.4.

 **Law Implemented:** SDCL 34A-10-2.1, 34A-10-2.2, 34A-10-2.4.