



CERTIFICATE OF FINANCIAL RESPONSIBILITY

Underground Storage Tank Control Regulations

GENERAL INFORMATION:

On March 23, 1997, revisions to the South Carolina Underground Storage Tank Control Regulations (SCUSTCR) became effective. The regulations provide for the implementation of a regulatory program for underground storage tanks that store regulated substances. A primary purpose for these revisions is to set forth specific requirements for demonstrating financial responsibility, as state and federal regulations require owners and operators of USTs storing regulated substances to be able to pay for site rehabilitation activities and third party claims upon the occurrence of a release. In South Carolina, UST owners or operators may use the State Underground Petroleum Environmental Response Bank (SUPERB) Account to cover site rehabilitation costs and the SUPERB Financial Responsibility Fund to cover third party claims. These two state assurance funds provide a combined maximum of \$1,000,000 per eligible occurrence to cover these costs after payment of the deductible established by the SUPERB Act. If the owner and operator of a UST storing regulated substances are separate persons, only one person is required to demonstrate financial responsibility; however, both parties are liable in the event of a release. An owner or operator is not required to maintain financial responsibility for USTs after the system has been properly closed and, in the case site investigation/rehabilitation activities are required, after these activities have been completed. It is a violation of the SCUSTCR to fail to maintain financial responsibility for a UST system that has not been properly closed.

EXPLANATION AND DEFINITIONS:

Complete DHEC Form 3472 if you are the owner or operator of a UST storing a regulated substance. Please use one form per facility. Please read the instructions carefully prior to completing the form. If, after reading these instructions, you have questions, please contact the Financial Responsibility Liaison at (803) 898-0609.

“Petroleum” includes crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.8 pounds per square inch absolute).

“Underground storage tank (UST)” means any one or combination of underground enclosed containers (including underground pipes connected thereto) that is 10 percent or more beneath the surface of the ground. Excluded are:

- 1) farm or residential tanks of 1,100 gallons or less in capacity used for storing motor fuel for noncommercial purposes;
- 2) tanks used for storing heating oil for consumptive use on the premises where stored;
- 3) septic tanks;
- 4) pipeline facilities (including gathering lines and those facilities that are intrastate) regulated under the Natural Gas Pipeline Safety Act of 1968, the Hazardous Liquid Pipeline Safety Act of 1979, or under state laws;
- 5) surface impoundments, pits, ponds, or lagoons;
- 6) storm water or waste water collection systems;
- 7) flow-through process tanks;
- 8) liquid traps or associated gathering lines directly related to oil or gas production and gathering operations; and
- 9) storage tanks situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) and if the storage tank is situated upon or above the surface of the floor.

“Regulated substance” means any substance defined in Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 (but not including any substance regulated as a hazardous waste under Subtitle C) and petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

“Owner” means:

- 1) In the case of an underground storage tank in use on November 8, 1984, or brought into use after that date, any person who owns an underground storage tank used for storage, use, or dispensing of regulated substances;
- 2) In the case of any underground storage tank system in use before November 8, 1984, but no longer in use on that date, any person who owned such UST immediately before the discontinuation of its use; or
- 3) A person who has assumed legal ownership of the underground storage tank through the provisions of a contract of sale or other legally binding transfer of ownership.

“Operator” means any person in control of, or having responsibility for the daily operation of the UST system.

- 1) In the case of a UST system in use on November 8, 1984, or brought into use after that date, a person who operates a UST used for storage, use, or dispensing of regulated substances; and
- 2) In the case of any UST system in use before November 8, 1984, but no longer in use on that date, a person who operated such UST immediately before the discontinuation of its use.

INSTRUCTIONS FOR COMPLETING THE CERTIFICATE OF FINANCIAL RESPONSIBILITY:

- I. Tank Ownership and/or Operator - Enter the name, mailing address, and telephone number of the UST owner and/or operator (if different). Also, enter the name of the contact person.
- II. Site Identification and Location - Enter the site identification number (UST Site ID #), the name of the facility where the USTs are located, and the address of that facility. If multiple facilities are being covered under one financial responsibility mechanism, a separate Certificate of Financial Responsibility must be completed for each facility.
- III. Mechanism – Choose one or a combination of financial assurance mechanisms to demonstrate financial responsibility under Subpart H of the SCUSTR. Complete the chart for each mechanism selected. If you intend to use the State Underground Petroleum Environmental Response Bank (SUPERB) Account (also known as the state cleanup fund) as part of your mechanism, you must choose #1 and one or more of the other mechanisms (#s 2 – 8) for the required \$25,000 deductible. The state fund can only be accessed when the deductible has been met for eligible releases.

You do not need to complete the “Name of Issuer,” “Amount of Coverage,” or “Period of Coverage” categories for the state fund (#1) if you choose this mechanism.

IV. Certification –

Line 1 – Indicate if the party that has obtained financial assurance is the UST owner or operator.

Line 2 – The Certificate of Financial Responsibility must be signed and dated by the party (from Line 1) that has obtained financial assurance.

Line 3 – Provide the name of the party from Line 2.

Line 4 – Provide the title of the party from Line 2.

Line 5 – The Certificate of Financial Responsibility must be signed and dated by a witness or notary.

Line 6 – Provide the name of the witness or notary from Line 5.

OFFICE MECHANICS AND FILING:

After completing the form, send the form and required supplemental documentation to:

UST Financial Responsibility Liaison
SC Department of Health and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201-1708

The owner (and operator, if applicable) must retain a copy of the completed form at the facility. Should you have questions on completing or submitting this form, please contact the UST Financial Responsibility Liaison at (803) 898-0609.



**Underground Storage Tank (UST)
Certificate of Financial Responsibility**
2600 Bull Street, Columbia, SC 29201-1708

Date Received

**Complete and return original form to the Department.
Keep one copy at your UST facility.
Submit completed form to:**

UST Financial Responsibility Liaison
SC Department of Health and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201-1708
Telephone (803) 898-0589
Fax (803) 898-0673

State Use Only

I. TANK OWNER

TANK OPERATOR

(Corporation, Individual, Public Agency, Other)

Mailing Address

City State Zip Code

Area Code Telephone Number Contact Person

II. SITE IDENTIFICATION AND LOCATION (check here if USTs are newly-installed)

Permit # (UST Site ID #)

Facility Name or Company Site Identifier

Physical Street Address or State Road (as applicable)

City State Zip County

III. MECHANISM

Check one or a combination of assurance mechanisms to demonstrate financial responsibility under Subpart H of the South Carolina Underground Storage Tank Control Regulations (SCUSTR). Complete the chart for each mechanism selected. If you intend to use the State Environmental Petroleum Environmental Response Bank (SUPERB) Account (also know as teh state cleanup fund), which is # 1 below, you must select #1 and one or more of the other assurance mechanisms (#s 2-8) to demonstrate the required \$25,000 deductible.

Assurance Mechanisms		Name of Issuer	Amount of Coverage	Period of Coverage
<input type="checkbox"/>	1. State Fund (SUPERB)**	State	Use	Only
<input type="checkbox"/>	2. Self Insurance			
<input type="checkbox"/>	3. Guarantee			
<input type="checkbox"/>	4. Pollution Insurance or Risk Retention Group			
<input type="checkbox"/>	5. Surety Bond			
<input type="checkbox"/>	6. Letter of Credit			
<input type="checkbox"/>	7. Trust Fund			
<input type="checkbox"/>	8. Local Government Options			

** If you intend to use the state cleanup fund (#1), the SUPERB Account, you must choose # 1 and one or more of the other assurance mechanisms (#s 2 - 8) for the required \$25,000.00 deductible.

IV. CERTIFICATION (Read and sign after completing entire form)

1. Owner or operator (CIRCLE ONE) hereby certifies compliance with the requirements of Subpart H of the SCUSTR, part 280.

2. _____
 Signature of Owner or Operator Date

3. _____
 Name of Owner or Operator (type or print)

4. _____
 Title

5. _____
 Signature of Witness or Notary Date

6. _____
 Name of Witness or Notary (type or print)

IMPORTANT INFORMATION

The owner or operator must update this certification whenever the financial assurance mechanism(s) used to demonstrate financial responsibility change(s). A copy of the updated certification must be sent to the Department under the following circumstances: (1) you install a new tank system; (2) you have confirmed that there has been a release; (3) you change financial mechanisms; and/or (4) the Environmental Protection Agency or the Department requests your records. No mechanism may require expenditure of funds from the SUPERB Account or the SUPERB Financial Responsibility Fund prior to the exhausting of that mechanism. Financial responsibility must be in place in order for the Department to approve a Permit to Install.