

IV. 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 61-92, Part 280. Complete the chart for each mechanism selected. ** If you intend to use the State Environmental Petroleum Environmental Response Bank (SUPERB) Account (also known as the state cleanup fund), you must select "State Fund" (Box 1) and one or more of the other financial assurance mechanisms (boxes 2-8) to demonstrate the required \$25,000 deductible.

Assurance Mechanisms		Name of Issuer	Amount of Coverage	Period of Coverage
1. <input type="checkbox"/>	State Fund (SUPERB)**	STATE	USE	ONLY
2. <input type="checkbox"/>	Self Insurance (Proof of net worth i.e., financials)			
3. <input type="checkbox"/>	Guarantee (Letter, using DHEC wording, from an appropriate 3rd party)			
4. <input type="checkbox"/>	Pollution Insurance or Risk Retention Group (Environmental Insurance Policy)			
5. <input type="checkbox"/>	Surety Bond			
6. <input type="checkbox"/>	Letter of Credit (Letter, using DHEC wording, from an appropriate financial institution)			
7. <input type="checkbox"/>	Trust Fund			
8. <input type="checkbox"/>	Local Government Options			

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

Owner or operator (CIRCLE ONE) hereby certifies compliance with the requirements of Subpart H of the South Carolina Underground Control Regulations 61-92, Part 280.

Signature of Owner or Operator	Date
Name of Owner or Operator (type or print)	Title
Signature of Witness of Notary	Date

Name of Witness or Notary (type or print)

VI. 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.



UNDERGROUND STORAGE TANK MANAGEMENT DIVISION
BUREAU OF LAND AND WASTE MANAGEMENT

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Certificate of Financial Responsibility for Underground Storage Tanks (USTs)

General Information:

The primary purpose of this form is to demonstrate the required financial responsibility. State and 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. 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 that has been established by the SUPERB Act.

Please read the instructions carefully prior to completing the form. Please type or print in ink. Also, please be sure that you have signatures in ink.

Who must complete this form?

If the owner/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. South Carolina Underground Storage Tank Control Regulations 61-92, Part 280 requires owners of USTs that store regulated substances to notify the UST Division of any financial responsibility changes. An owner is defined as:

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

What USTs are included?

An UST system is defined as any one or combination of tanks that is used to contain an accumulation of regulated substances, and whose volume (including connected underground piping) is 10 percent or more beneath the ground. Regulated USTs store petroleum or hazardous substances. This includes UST systems with field-constructed tanks and airport hydrant fuel distribution systems. **Note:** 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, however, to not maintain financial responsibility for a UST system that has not been properly closed.

When and Who to Notify?

Any owner or operator who assumes ownership of a regulated UST system must submit this Certificate of Financial Responsibility with the associated financial mechanism **within 30 days** of assuming such ownership. It is a violation to not maintain financial responsibility for a UST system that has not been properly closed.

What Tanks are Excluded from these Requirements?

- Tanks removed from the ground prior to January 1, 1986;
- Farm or residential tanks of 1,100 gallons or less used to store motor fuel for noncommercial purposes;
- Tanks storing heating oil for use on the premise being stored;
- Septic tanks;
- Certain pipeline facilities regulated under Chapters 601 and 603 of Title 49;
- Surface impoundments, pits, ponds, or lagoons;
- Storm water or wastewater collection systems;
- Flow-through process tanks;
- Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;
- Tanks on or above the floor of underground areas, such as basements or tunnels;
- Tanks with a capacity of 110 gallons or less;
- Wastewater treatment tank systems;
- UST systems containing radioactive materials that are regulated under the Atomic Energy Act of 1954;
- UST systems that are part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR part 50.

What Substances are Covered?

These requirements apply to USTs containing petroleum or certain hazardous substances. Petroleum includes gasoline, used oil, diesel fuel, crude oil, or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees F and 14.7 pounds per square inch absolute). Hazardous substances are those found in Section 101(14) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) of 1980 with the exception of those substances regulated as hazardous waste under Subtitle C of the Resource Conservation and Recovery Act (RCRA).

Instructions for Completing the Certificate of Financial Responsibility:

- I. Tank Ownership: Enter the name, mailing address, and phone number of the UST owner. Enter the name, telephone number and email (if available) of the contact person.
- II. Tank Operator: Enter the name, mailing address, and phone number of the operator.

III. Facility Identification/Tank Location: Enter the name of the facility where the USTs are located, the permit identification number, telephone number for the facility and the **physical** address of the facility. If multiple facilities are being covered under one financial responsibility mechanism, a separate Certificate of Financial Responsibility must be completed for each facility.

IV. Mechanisms: Choose one or a combination of the following financial assurance mechanisms to demonstrate financial responsibility. Complete the chart by checking the appropriate box(es).

1. *State Fund (SUPERB):* You must check Box 1 if you intend to use the SUPERB Account. You must choose an additional mechanism(s) (Boxes 2 – 8) for the required \$25,000 deductible. The state fund can only be accessed when the deductible has been met for eligible releases.

2. *Self Insurance:* If you plan to submit your financials, they must include proof of the required net worth and the associated compilation statement/letter. Please check Box 2.

3. *Guarantee:* If you plan to use a Guarantee, then you must submit the Guarantee letter using the required DHEC wording in conjunction with the appropriate financials. Please check Box 3.

4. *Pollution Liability or Risk Retention Group:* This is also known as an Environmental Insurance Policy. If you choose this mechanism, you must submit a Certificate of Insurance. **Note:** If this is your first time using this mechanism then the policy in its entirety must be submitted for review. Please check Box 4.

5. *Surety Bond:* If you choose this mechanism, the provider must be registered as a company that is certified to issue these bonds. This information can be found in US. Department of the Treasury Circular 570. Please check Box 5.

6. *Letter of Credit:* If you decide to use this option, then you must submit an Letter of Credit that uses the correct DHEC wording and has been issued by an appropriate financial institution.

7. *Trust Fund:* If you choose this option, then you must establish a fully funded trust fund as well as provide the Trust Fund Agreement and Certification of Acknowledgment.

8. *Local Government Options:* Local government entities may use a bond rating test, a financial test, issue a guarantee, or dedicate a fund to meet financial responsibility requirements.

V. Certification: Indicate if the party that has obtained financial assurance is the UST owner or operator. That party must provide his/her signature, printed name, date and title. The Certificate of Financial Responsibility must be signed and dated in the presence of a witness or notary. Provide the name of the witness or notary.

VI. Important Information: Please review this section for additional information as well as when a copy of the updated financial responsibility is required to be resubmitted.

Office Mechanics and Filing:

After completing the form, send the form and the required financial mechanism to the address listed on the front of the form. Documents may be faxed to the number on the form. This form becomes a part of the permanent file.

Contact Information:

Please contact the Financial Responsibility Liaison at the number on the front of the form for further information.