UST Financial Responsibility

CFR 280.90 Part H

ITEP Tribal Lands And Environmental Forum
August 16, 2018
Options for Meeting Financial Responsibility Regulations

• 280.95 – Financial Test of Self-Insurance
• 280.96 – Guarantee
• 280.97 – Insurance and Risk Retention Group Coverage **
• 280.98 – Surety Bond
• 280.99 – Letter of Credit
• 280.101 – State Fund or other State Assurance ***
• 280.102 – Trust Fund

• 280.103 – Standby Trust Fund
• 280.104 – Local Government Bond Rating Test
• 280.105 – Local Government Financial Test
• 280.106 – Local Government Guarantee
• 280.107 – Local Government Fund
• 280.108 – Substitution of Financial Assurance Mechanisms by Owner or Operator
280.97 Insurance and Risk Retention Group Coverage

- Allianz Underwriters Insurance Company – Chicago, IL
- The insurance policy must be worded as specified in either:
  - 280.97(b)(1) – An Endorsement
  - 280.97(b)(2) – Certificate of Insurance
Best Practices for Addressing Financial Responsibility

- Maintain a good working relationship with your Insurance Provider
- Keep your entire facility including UST’s in good operational order and compliance
- Ensure that your policy has the correct coverage for your specified facility/facilities
- Keep in mind that the insurable life of UST’s are 30 years and be ready to address when the time arrives
State of Oklahoma
Fuel Indemnity Fund

TITLE 165. CORPORATION COMMISSION CHAPTER 27. INDEMNITY FUND
EFFECTIVE SEPTEMBER 11, 2017
Oklahoma State Fuel Indemnity Fund

• Allows owners and operators to receive assistance from the State in addressing the clean up and repair of their UST

• Owners and operators contribute up to $5,000 (or 1% copay) for damage to their UST, then the State will step in and take care of the remaining costs

• Oklahoma Motor Fuel Tax: Gasoline @ 17 cents per gallon, Diesel @ 14 cents per gallon

• A Motor Fuel Assessment Fee of 1 cent is levied on all gasoline and diesel sold in Oklahoma

• Neither Tribal and/or Allottee Indian Trust Lands are eligible for the Indemnity Fund