

# MARYLAND DEPARTMENT OF THE ENVIRONMENT

## Land and Materials Administration • Oil Control Program

1800 Washington Boulevard, Suite 620 • Baltimore, Maryland 21230-1719  
(410) 537-3442 • 1-800-633-6101 X 3442 • 410-537-3092 (fax) • [mde.maryland.gov](http://mde.maryland.gov)

### ANNUAL FINANCIAL RESPONSIBILITY FORM For Underground Storage Tanks (USTs)

An owner of a UST system shall provide evidence of financial responsibility (FR) for one or more USTs to the Maryland Department of the Environment (MDE) at least annually by completing this form and submitting this form, the requested documentation based upon the type of FR mechanism(s) used, and the UST Certification of Financial Responsibility to the following email address: [ustannual.financialresponsibility@maryland.gov](mailto:ustannual.financialresponsibility@maryland.gov).

#### UST Owner Information

Owner Name:		Reason for Submitting this Form (Check One)  <input type="checkbox"/> Annual Requirement  <input type="checkbox"/> Change in Financial Responsibility
Owner Address:		
Owner Email Address:		
Owner Telephone No.:		
Point of Contact Name:		
Facility ID Number(s) Covered under FR Mechanism		

#### Section 1 – FR Mechanism Documentation

Check all FR mechanisms used for the facility and submit all the required documents listed for each selected FR mechanism.

- Insurance Policy or Risk Retention Group Coverage
- Provide one of the following:
    - An Endorsement worded as specified by 40 CFR 280.97b(1); or
    - A Certificate of Insurance worded as specified by 40 CFR 280.97b(2).
  - Any amendments or endorsements to the insurance policy or risk retention group coverage, including for additional insured.
  - A UST schedule that includes the following information:
    - MDE Facility I.D. number;
    - Facility Name and Address;
    - UST owners name and address as insured;
    - Installation date of the UST system;
    - UST system capacity in gallons;
    - Statement that the UST construction is single-walled or double-walled; and
    - Type of regulated substance stored in the UST system.
- Financial Test of Self Insurance
- Chief Financial Officer's Letter based on year-end financial statements for the most recent completed financial reporting year worded as required by 40 CFR 280.95(d).
    - The firm's year-end financial statements, if independently audited, cannot include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification.

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- Corporate Guarantee
  - The Guarantor's Chief Financial Officer's Letter based on their year-end financial statements for the most recent completed financial reporting year worded as required by 40 CFR 280.95(d).
    - The firm's year-end financial statements, if independently audited, cannot include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification.
  - A Guarantee worded as required by 40 CFR 280.96(c).
  - A Standby Trust Agreement worded as required by 40 CFR 280.103(b)(1) and certification of acknowledgement per 40 CFR 280.103(b)(2).
  
- Surety Bond
  - Performance Bond worded as required by 40 CFR 280.98(b).
  - A Standby Trust Agreement worded as required by 40 CFR 280.103(b)(1) and certification of acknowledgement per 40 CFR 280.103(b)(2).
  
- Letter of Credit
  - Irrevocable Standby Letter of Credit worded as required by 40 CFR 280.99(b).
  - A Standby Trust Agreement worded as required by 40 CFR 280.103(b)(1) and certification of acknowledgement per 40 CFR 280.103(b)(2).
  
- Standby Trust Fund
  - A Standby Trust Agreement worded as required by 40 CFR 280.103(b)(1) and certification of acknowledgement per 40 CFR 280.103(b)(2).
  
- Local Government Bond Rating Test
  - Provide one of the following:
    - For general purpose government a Chief Financial Officer's Letter worded as required by 40 CFR 280.104(d); or
    - For other than general purpose government a Chief Financial Officer's Letter worded as required by 40 CFR 280.104(e).
  
- Local Government Financial Test
  - Chief Financial Officer's Letter based on year-end financial statements for the most recent completed financial reporting year worded as required by 40 CFR 280.105(c).
  
- Local Government Guarantee
  - Provide one of the following:
    - Chief Financial Officer's Letter worded as required by 40 CFR 280.104(d) for general purpose government and 40 CFR 280.104(e) for other than general purpose government;
    - Chief Financial Officer's Letter based on year-end financial statements for the most recent completed financial reporting year worded as required by 40 CFR 280.105(c); or
    - Chief Financial Officer's Letter worded as required by 40 CFR 280.107(d) for the local government fund.
  - Provide one of the following:
    - A Guarantee Agreement worded as required by 40 CFR 280.106(d) for State or Local Guarantor that use a Standby Trust Fund;
    - A Standby Trust Agreement worded as required by 40 CFR 280.103(b)(1) and certification of acknowledgement per 40 CFR 280.103(b)(2); or
    - A Guarantee Agreement worded as required by 40 CFR 280.106(e) for State or Local Guarantor that do not use a Standby Trust Fund.

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Local Government Fund

- Chief Financial Officer’s Letter worded as required by 40 CFR 280.107(d) for the local government fund.
- A copy of the state constitutional provision or local government statute, charter, ordinance, or order dedicating the fund.

**Section 2 – Certification of Financial Responsibility**

In addition to the requested information listed in Section 1, per 40 CFR 280.111 the UST system owner must maintain an updated Certification of Financial Responsibility worded as required by 40 CFR 280.111b(11).

**\*\* Submit the Certification of Financial Responsibility \*\***

**Section 3 – Acknowledgment**

I certify, under penalty of law, that the information provided in this form is true, accurate, and without misrepresentation and that the Certification of Financial Responsibility and all required financial responsibility documents are submitted to MDE with this form per COMAR 26.10.11.04.

Penalties for False Statements: Any person who makes any false statement, representation, or certification herein is subject to criminal penalties of a fine and imprisonment and civil monetary penalties, according to Section 4-417 of the Environment Article of the Annotated Code of Maryland.

Owner or Owner Designated Representative Name (Print): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**SEND THIS FORM AND ALL REQUESTED DOCUMENTATION TO:**

[ustannual.financialresponsibility@maryland.gov](mailto:ustannual.financialresponsibility@maryland.gov)

**§ 4-501 General Provisions Article, Annotated Code of Maryland – Personal Records**

The personal information requested on this form is intended to be used in processing the inspection form. Failure to provide the information requested may result in the form not being processed. You have the right to inspect, amend, or correct this form. The MDE is a public agency and subject to the Maryland Public Information Act. This form may be made available on the internet via MDE’s website and is subject to inspection or copying, in whole or in part, by the public and other governmental agencies, if not protected by federal or State law.