

## **INDEX**

### **CHAPTER 37 FINANCIAL ASSURANCE**

#### **SUBCHAPTER A: GENERAL FINANCIAL ASSURANCE REQUIREMENTS**

- §37.1. Applicability.
- §37.11. Definitions.
- §37.21. Wording and Approval of Mechanisms.
- §37.31. Submission of Documents.
- §37.41. Use of Multiple Financial Assurance Mechanisms.
- §37.51. Use of a Financial Assurance Mechanism for Multiple Facilities.
- §37.52. Use of a Universal Financial Assurance Mechanism for Multiple Facilities and Program Areas.
- §37.61. Termination of Mechanisms.
- §37.71. Incapacity of Owners or Operators, Guarantors, or Issuing Institutions.
- §37.81. Transfer of Ownership or Operational Control.

#### **SUBCHAPTER B: FINANCIAL ASSURANCE REQUIREMENTS FOR CLOSURE, POST CLOSURE, AND CORRECTIVE ACTION**

- §37.100. Applicability.
- §37.101. Drawing on the Financial Assurance Mechanisms.
- §37.111. Continuous Financial Assurance Required.
- §37.121. Current Cost Estimate.
- §37.131. Annual Inflation Adjustments to Closure Cost Estimates.
- §37.141. Increase in Current Cost Estimate.
- §37.151. Decrease in Current Cost Estimate.
- §37.161. Establishment of a Standby Trust.

#### **SUBCHAPTER C: FINANCIAL ASSURANCE MECHANISMS FOR CLOSURE, POST CLOSURE, AND CORRECTIVE ACTION**

- §37.200. Applicability.
- §37.201. Trust Fund.
- §37.211. Surety Bond Guaranteeing Payment.
- §37.221. Surety Bond Guaranteeing Performance.
- §37.231. Irrevocable Standby Letter of Credit.
- §37.241. Insurance.
- §37.251. Financial Test.
- §37.261. Corporate Guarantee.
- §37.271. Local Government Financial Test.
- §37.281. Local Government Guarantee.

SUBCHAPTER D: WORDING OF THE MECHANISMS FOR CLOSURE, POST CLOSURE,  
AND CORRECTIVE ACTION

- §37.301. Trust Agreement.
- §37.311. Payment Bond.
- §37.321. Performance Bond.
- §37.331. Irrevocable Standby Letter of Credit.
- §37.341. Certificate of Insurance.
- §37.351. Financial Test.
- §37.361. Corporate Guarantee.
- §37.371. Local Government Financial Test.
- §37.381. Local Government Guarantee.

SUBCHAPTER E: FINANCIAL ASSURANCE REQUIREMENTS  
FOR LIABILITY COVERAGE

- §37.400. Applicability.
- §37.402. Definitions.
- §37.404. Liability Requirements for Sudden and Nonsudden Accidental Occurrences.
- §37.411. Adjustments to the Level of Liability Coverage.

SUBCHAPTER F: FINANCIAL ASSURANCE MECHANISMS FOR LIABILITY

- §37.501. Trust Fund for Liability.
- §37.511. Surety Bond Guaranteeing Payment for Liability.
- §37.521. Irrevocable Standby Letter of Credit for Liability.
- §37.531. Insurance for Liability.
- §37.541. Financial Test for Liability.
- §37.551. Corporate Guarantee for Liability.

SUBCHAPTER G: WORDING OF THE MECHANISMS FOR LIABILITY

- §37.601. Trust Agreement for Liability.
- §37.611. Payment Bond for Liability.
- §37.621. Irrevocable Standby Letter of Credit for Liability.
- §37.631. Certificate of Insurance for Liability.
- §37.641. Endorsement for Liability.
- §37.651. Financial Test for Liability.
- §37.661. Corporate Guarantee for Liability.
- §37.671. Standby Trust Agreement.

SUBCHAPTER I: FINANCIAL ASSURANCE FOR PETROLEUM UNDERGROUND STORAGE  
TANK SYSTEMS

- §37.801. Applicability.
- §37.802. Definitions.
- §37.815. Amount and Scope of Required Financial Assurance.
- §37.820. Allowable Mechanisms and Combinations of Mechanisms.
- §37.825. Financial Test of Self-Insurance.
- §37.830. Guarantee.
- §37.835. Insurance and Risk Retention Group Coverage.
- §37.840. Surety Bond.
- §37.845. Letter of Credit.
- §37.850. Trust Fund.
- §37.855. Standby Trust Fund.
- §37.860. Substitution of Financial Assurance Mechanisms by Owner or Operator.
- §37.865. Cancellation or Non-renewal by a Provider of Financial Assurance.
- §37.867. Duty to Empty Tanks After Termination of Financial Assurance.
- §37.870. Reporting, Registration, and Certification.
- §37.875. Financial Assurance Recordkeeping.
- §37.880. Drawing on Financial Assurance Mechanisms.
- §37.885. Release from the Requirements.
- §37.890. Bankruptcy or Other Incapacity of Owner or Operator or Provider of Financial Assurance.
- §37.895. Replenishment of Guarantees, Letters of Credit, or Surety Bonds.

SUBCHAPTER J: FINANCIAL ASSURANCE FOR RECYCLING FACILITIES

- §37.901. Applicability.
- §37.911. Definitions.
- §37.921. Financial Assurance Requirements for Closure.
- §37.931. Financial Assurance Mechanisms.

SUBCHAPTER K: FINANCIAL ASSURANCE REQUIREMENTS FOR  
CLASS A OR B PETROLEUM-SUBSTANCE CONTAMINATED SOIL STORAGE,  
TREATMENT, AND REUSE FACILITIES

- §37.1001. Applicability.
- §37.1005. Submission of Documents.
- §37.1011. Financial Assurance Requirements for Closure of Class A and B Facilities.
- §37.1021. Liability Requirements for Class A and B Facilities.

SUBCHAPTER L: FINANCIAL ASSURANCE FOR USED OIL RECYCLING

- §37.2001. Applicability.
- §37.2003. Definitions.
- §37.2011. Financial Assurance Requirements for Used Oil Handlers.
- §37.2013. Financial Assurance Mechanisms for Used Oil Handlers.

- §37.2015. Submission of Documents.
- §37.2021. Financial Assurance Requirements for Transporters of Used Oil.

**SUBCHAPTER M: FINANCIAL ASSURANCE REQUIREMENTS  
FOR SCRAP TIRE SITES**

- §37.3001. Applicability.
- §37.3003. Definitions.
- §37.3011. Financial Assurance Requirements.
- §37.3021. Financial Assurance Mechanisms.
- §37.3031. Submission of Documents.

**SUBCHAPTER N: FINANCIAL ASSURANCE REQUIREMENTS FOR THE  
TEXAS RISK REDUCTION PROGRAM RULES**

- §37.4001. Applicability.
- §37.4011. Definitions.
- §37.4021. Financial Assurance Requirements for Post-Response Action Care.
- §37.4031. Financial Assurance Requirements for Facility Operations Areas.

**SUBCHAPTER O: FINANCIAL ASSURANCE FOR PUBLIC DRINKING  
WATER SYSTEMS AND UTILITIES**

- §37.5001. Applicability.
- §37.5002. Definitions.
- §37.5011. Financial Assurance for a Public Water System or Retail Public Utility.

**SUBCHAPTER P: FINANCIAL ASSURANCE FOR HAZARDOUS AND  
NONHAZARDOUS INDUSTRIAL SOLID WASTE FACILITIES**

- §37.6001. Applicability.
- §37.6011. Definitions.
- §37.6021. Financial Assurance Requirements for Closure, Post Closure, and Corrective Action.
- §37.6031. Financial Assurance Requirements for Liability.
- §37.6041. State Assumption of Responsibility.

**SUBCHAPTER Q: FINANCIAL ASSURANCE FOR UNDERGROUND  
INJECTION CONTROL WELLS**

- §37.7001. Applicability.
- §37.7011. Definitions.

- §37.7021. Financial Assurance Requirements for Plugging and Abandonment.
- §37.7031. Financial Assurance Requirements for Post Closure.
- §37.7041. Financial Assurance Requirements for Liability.
- §37.7051. State Assumption of Responsibility.

#### SUBCHAPTER R: FINANCIAL ASSURANCE FOR MUNICIPAL SOLID WASTE FACILITIES

- §37.8001. Applicability.
- §37.8011. Definitions.
- §37.8021. Financial Assurance Requirements.
- §37.8031. Financial Assurance Mechanisms.
- §37.8041. State Assumption of Responsibility.
- §37.8051. Submission of Documents.
- §37.8061. Corporate Financial Test for Municipal Solid Waste Facilities.
- §37.8071. Wording of Financial Assurance Mechanisms.

#### SUBCHAPTER S: FINANCIAL ASSURANCE FOR ON SITE DISPOSAL OF RADIOACTIVE SUBSTANCES AND COMMERCIAL NORM DISPOSAL

- §37.9001. Applicability.
- §37.9005. Definitions.
- §37.9010. Submission of Documents.
- §37.9015. Financial Assurance Requirements for Closure and Post Closure.
- §37.9020. Financial Assurance Mechanisms.
- §37.9025. Wording of Financial Assurance Mechanisms.

#### SUBCHAPTER T: FINANCIAL ASSURANCE FOR RADIOACTIVE SUBSTANCES AND AQUIFER RESTORATION

- §37.9030. Applicability.
- §37.9035. Definitions.
- §37.9040. Submission of Documents.
- §37.9045. Financial Assurance Requirements for Closure, Post Closure, and Corrective Action.
- §37.9050. Financial Assurance Mechanisms.
- §37.9052. Endorsement.
- §37.9059. Financial Assurance Requirements for Liability.

#### SUBCHAPTER U: FINANCIAL ASSURANCE FOR MEDICAL WASTE TRANSPORTERS

- §37.9060. Applicability.
- §37.9065. Definitions.

- §37.9070. Financial Assurance Requirements.
- §37.9075. Financial Assurance Mechanisms.
- §37.9080. Submission of Documents.
- §37.9085. Incapacity of Owners or Operators Registered to Transport Medical Waste or of the Issuing Institution.

#### SUBCHAPTER V: FINANCIAL ASSURANCE FOR CLASS B SEWAGE SLUDGE FOR LAND APPLICATION UNITS

- §37.9090. Applicability.
- §37.9095. Definitions.
- §37.9100. Commercial Liability Insurance.
- §37.9105. Environmental Impairment Insurance.
- §37.9110. Submission of Documents.
- §37.9115. Approval of Mechanisms.
- §37.9120. Incapacity of Responsible Person or Insurance Company.
- §37.9125. Transfer of Ownership or Operational Control.
- §37.9130. Drawing on the Financial Assurance Mechanisms.
- §37.9135. Continuous Financial Assurance Required.
- §37.9140. Termination of Mechanisms.
- §37.9145. Certificate of Insurance for Commercial Liability.
- §37.9150. Endorsement for Commercial Liability.
- §37.9155. Certificate of Insurance for Environmental Impairment.

#### SUBCHAPTER W: FINANCIAL ASSURANCE FOR QUARRIES

- §37.9160. Applicability.
- §37.9165. Definitions.
- §37.9170. Financial Assurance Requirements for Reclamation and Restoration.
- §37.9175. Financial Assurance Mechanisms for Reclamation.
- §37.9180. Financial Assurance Requirements for Restoration.
- §37.9185. Trust Fund Requirements.
- §37.9190. Trust Agreement Wording.
- §37.9195. Surety Bond Guaranteeing Payment Requirements.
- §37.9200. Payment Bond Wording.
- §37.9205. Irrevocable Standby Letter of Credit Requirements.
- §37.9210. Irrevocable Standby Letter of Credit Wording.
- §37.9215. Insurance Requirements.
- §37.9220. Certificate of Insurance Wording.
- §37.9225. Financial Test Requirements.
- §37.9230. Financial Test Wording.
- §37.9235. Corporate Guarantee Requirements.
- §37.9240. Corporate Guarantee Wording.

**SUBCHAPTER X: FINANCIAL ASSURANCE REQUIREMENTS FOR  
BRINE EVAPORATION PITS**

**§37.9245. Applicability.**

**§37.9250. Definitions.**

**§37.9255. Submission of Documents.**

**§37.9260. Financial Assurance Requirements for Closure and Post Closure of Brine Evaporation Pits.**

**§37.9265. Third Party Pollution Liability Requirements for Brine Evaporation Pits.**