

To: Hardship Status Applicant  
From: Starr J. Richmond, Executive Director  
Financial Assurance Fund  
Date:

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Recognizing that clean-up costs for petroleum contamination may place a financial burden on some UST owners, the Petroleum Underground Storage Tank Release Compensation Board (PUSTRCB) amended its rules in 1992 to include a provision entitled "Hardship Status" (OAC 3737-1-08, copy enclosed). This provision was created for those owners who, because of individual or business cash flow, absorbing the costs of clean up would result in financial hardship. An application for "Hardship Status" is attached.

Hardship Status extends the benefit of an expedited review and, therefore, expedited payment of a claim which would otherwise be made on a first-come, first-serve basis, provided that clean-up costs are properly documented, justified, and reasonable. With Hardship Status a claim will be reviewed within **fourteen days of its receipt**.

The completed application should be sent to:

Petroleum UST Board  
P.O. Box 163188  
Columbus, OH 43216-3188

Should the Board grant your hardship status, the PUSTRCB staff will notify you by letter.

enclosures

PETROLEUM UST RELEASE COMPENSATION BOARD  
APPLICATION FOR HARDSHIP STATUS

Instructions

In order to apply for hardship status the attached "Hardship Status Application" must be completed and submitted with financial data, which would demonstrate a lack of financial ability to finance clean-up. The financial data required is two years of federal personal tax returns and/or the federal tax returns of the corporation/partnership/company if different from the owner's, and a listing of all cash assets greater than \$1,000. Any other records, which the applicant believes demonstrates financial hardship, may also be included.

With respect to the application and accompanying financial information, please be advised that because the Board is a public agency, this information becomes a public document and is subject to any request for review. It is not the Board's intent to publicize this information, however, in maintaining files that must be opened to the public, the possibility exists that someone else will review your records.

Notwithstanding, if you apply for Hardship Status, you may not withhold the required financial data because we cannot maintain its confidentiality. The Board believes its request for the documents cited is reasonable and that only documents which demonstrate true financial condition are being requested. If you disagree with any request for documents, you may discuss your objections with the Board.

Determination of Hardship Status is made by the Board, which acts upon the recommendation of the Fund's Director who reviews the application and recommends its approval or rejection based on the demonstration of financial hardship. The Board may agree or disagree with the Director's recommendation. If the Board approves an application for Hardship Status, a full review of the claim is begun in fourteen days. Approval of Hardship Status allows the owner/operator a period of one year of expedited review; additional extensions of the status will be approved if the financial status of the owner remains the same.

No application for Hardship Status will be reviewed and acted upon without either a concurrent Application for Eligibility filed citing a confirmed release or a previously approved determination of claim eligibility.

Owners with approved Hardship Status must still properly document clean-up costs. Even with Hardship Status, if a claim is not properly documented the Board may reduce the payment amount or refuse any payment until costs are justified. The responsibility for the filing of a proper claim remains with the UST owner or his representative.

Owners with Hardship Status must still comply with general claim requirements that direct that claims must be submitted in dollar amounts not less than 50% of their applicable deductible, once they have paid their applicable deductible. An owner conducting clean-up must still pay for the deductible portion of his claim with his own cash resources before receiving payment from the Financial Assurance Fund. There can be no allowance on the requirement that the tank owner/operator must first meet the deductible.

## HARDSHIP STATUS APPLICATION

1. Applicant \_\_\_\_\_ Home Phone (\_\_\_\_) \_\_\_\_\_

Address \_\_\_\_\_ Business Phone (\_\_\_\_) \_\_\_\_\_

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2. Owner # (Certificate of Coverage #) assigned by the Board. \_\_\_\_\_

3. How many USTs do you own? \_\_\_\_\_ How many USTs do you operate? \_\_\_\_\_

4. List the business name and address of the release site where your clean-up must be completed.

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5. If you have been assigned a claim number for this site by the Board, please provide it to us:

Claim # \_\_\_\_\_

6. State Fire Marshal Release # \_\_\_\_\_

7. If your eligibility status for this site has not been determined, are you including an Application for Eligibility with this Application? \_\_\_\_\_ If no, please explain:

8. What is or will be the applicable deductible for your claim? \$ \_\_\_\_\_

9. What is your clean-up status (check all that apply)?

- \_\_\_\_\_ tanks have been removed
- \_\_\_\_\_ site assessment has begun
- \_\_\_\_\_ remediation has begun
- \_\_\_\_\_ the deductible has been expended over the tank removal costs
- \_\_\_\_\_ an estimate or bid for the full clean-up has been received
- \_\_\_\_\_ an order from the State Fire Marshal to proceed with work has been issued
- \_\_\_\_\_ groundwater at this site has been contaminated
- \_\_\_\_\_ an adjacent property has been contaminated by this release
- \_\_\_\_\_ a law suit has been filed against you because of this release
- \_\_\_\_\_ a law suit is imminent against you because of this release



16. Please attach entire federal income tax returns and W-2's for the previous two tax years.
17. Please attach any audit or any compilation detailing the finances of the business operations over the past two years.
18. Please attach any other records which would demonstrate financial hardship.
19. Please read, sign, and date the following certification:

CERTIFICATION

As the person applying to the Petroleum UST Release Compensation Board for Hardship Status pursuant to Rule 3737-1-08, I certify that all answers and data submitted as part of my application are true and accurate representations of my financial condition. I have withheld no information or documents which have been requested.

I understand that this application and any of the information required to be filed with it can be considered a "public record" and may be available to any person for review.

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Signature

Date

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Print or type name of person signing above

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**CHECKLIST FOR SUBMITTING THE HARDSHIP STATUS APPLICATION:**

- 1) Fully complete and sign the application;
- 2) Attach the requested financial data and include any other data which you believe will assist us in the review of your application; and
- 3) Include an Application for Eligibility for a release, if you have not previously been determined eligible to claim against the Financial Assurance Fund.

MAIL THE COMPLETED, SIGNED APPLICATION AND ACCOMPANYING RECORDS TO:

**Petroleum UST Board  
P.O. Box 163188  
Columbus, OH 43216-3188**

## **Household Living Expenses**

List household living expenses typical of last year, indicating if any are likely to change significantly in the current year. Please indicate whether the listed expense is a weekly, monthly, quarterly or yearly expense amount. If you own an operating business, exclude any business expenses and instead, attach any available financial statements for your business.

<u><b>Expense Item</b></u>	<u><b>Amount</b></u>	<u><b>Period</b></u>			
		<u><b>W</b></u>	<u><b>M</b></u>	<u><b>Q</b></u>	<u><b>Y</b></u>
Rent					
Home Maintenance					
Transportation (inc. auto maint.)					
Home heating oil, gas, etc.					
Electricity					
Water & Sewer					
Telephone					
Food					
Clothing, personal care					
Medical					
Mortgage payments (principal and interest only)					
Car payments					
Credit card interest					
Educational Loan payments					
Other debt payments					
Home insurance					
Life insurance					
Auto insurance					
Medical insurance					
Property taxes					
Federal income taxes (net of any refunds)					
State & Local income taxes (net of any refunds)					
FICA					
Other taxes					
Childcare					
Tuition					
Legal or professional fees					
Other (attach description)					

**3737-1-08 Disbursement of the financial assurance fund.**

- (A) Once eligibility of the fund has been determined in accordance with rules 3737-1-07 or 3737-1-19 of the Administrative Code and the director of the fund has determined that an application for reimbursement is completed, obligations of the fund will not occur unless and until the deductible or the reduced deductible, as applicable, set forth in rule 3737-1-06 of the Administrative Code has been met.
- (B) Obligations of the fund for eligible claims will be made on a first-come, first-serve basis as determined by receipt of a completed application in accordance with rule 3737-1-12 of the Administrative Code, except when:
  - (1) The fire marshal requests approval of an accelerated review on the basis of the threat posed to human health or the environment by the release to which the claim applies;
  - (2) An accelerated review is granted under paragraph (D) of this rule; or
  - (3) The director determines that efficiency and cost savings will be better served by a non first-come, first serve review. Notwithstanding any of the above provisions, the director may prioritize claims for releases that have received no further action status.
- (C) The board may by resolution provide for the payment of claims by installments in a manner and for a period of time it deems appropriate when the board concludes that such action is necessary to maintain the financial soundness of the financial assurance fund.
- (D) A responsible person may file with the board a request for an accelerated review of a claim by submitting an application for hardship status on a form prescribed by the director, and by providing financial documentation to the director that demonstrates approval of hardship status is necessary to prevent an imminent financial hardship to the responsible person.

The director may as a result of such request:

- (1) Seek additional information from the responsible person to demonstrate imminent financial hardship, including but not limited to, a statement of assets and liabilities and/or a detailed listing of living expenses and income;
  - (2) Request the responsible person sign a release to allow the director to obtain or inspect federal and state tax records; and
  - (3) Request copies of any contracts existing between the responsible person and his/her contractors and subcontractors remediating the site.
- (E) Tank owners who refuse to provide the requested information shall be denied hardship status. Any documentation received by the board for a hardship application may be a public record except if specifically exempt under section 149.43 of the Revised Code.
  - (F) Upon review of financial data and/or other information provided by the responsible person, the director shall recommend to the board approval or denial of the request.

The board may accept or reject the director's recommendation. Should the board's action result in the approval of hardship status, the approval shall be for one year from the date of the board's action. A responsible person may file a subsequent request for hardship status on or before the expiration of a one-year period of hardship status.

(G) The board may suspend or discontinue the hardship program when it determines that doing so is in the interest of the Fund. Any hardship applications that are currently in effect at the time the board suspends or discontinues the hardship program shall remain effective until the expiration of the one year from the date the application was last approved.

Effective: April 1, 2006