

Figure: 30 TAC §37.9230

FINANCIAL TEST
LETTER FROM CHIEF FINANCIAL OFFICER

(Address to TCEQ executive director)

I am the Chief Financial Officer of (name and address of firm.) This letter is in support of this firm's use of the financial test to demonstrate financial assurance for closure, post closure, corrective action, restoration or reclamation as specified in 30 Texas Administrative Code (TAC) Chapter 37 (relating to Financial Assurance). (Fill out the following five paragraphs. For each facility or quarry include: the name, permit number, program area (hazardous waste, municipal solid waste, quarry etc.), physical and mailing addresses, and current cost estimate. Identify for each current cost estimate the amount designated for closure, post closure, corrective action, restoration, or reclamation. If your firm has no facilities that belong in a particular paragraph, write "None" in the space indicated.)

1. This firm is the owner or operator of the following facilities in Texas for which financial assurance for closure, post closure, corrective action, restoration, or reclamation costs is being demonstrated through a financial test specified in 30 TAC Chapter 37. The current cost estimate covered by the test is shown for each facility or quarry: _____.

2. This firm guarantees, through a corporate guarantee specified in 30 TAC Chapter 37, the cost for closure, post closure, corrective action, restoration, or reclamation costs of the following facilities owned or operated by the guaranteed party. The current cost estimates so guaranteed are shown for each facility or quarry: _____. The firm identified above is (the direct or higher-tier parent corporation of the owner or operator, or engaged in a substantial business relationship with the owner or operator).

3. In States where TCEQ is not administering the financial requirements of 30 TAC Chapter 37, this firm, as owner, operator, or guarantor, is demonstrating financial assurance for the closure, post closure, corrective action or restoration, or reclamation costs of the following facilities through the use of a test equivalent to a financial test specified in 30 TAC Chapter 37. The current cost estimates covered by such a test are shown for each facility or quarry: _____.

4. The firm identified above owns or operates the following facilities for which financial assurance for closure, post closure, corrective action, restoration, or reclamation costs, is not demonstrated through the financial test or any other financial assurance mechanisms specified in 30 TAC Chapter 37 or equivalent State mechanisms to TCEQ, a federal agency, or another state. The current cost estimates not covered by such financial assurance are shown for each facility or quarry: _____.

5. This firm is the owner or operator or guarantor of the following facilities for which financial assurance is being demonstrated under other EPA regulations or state programs authorized by EPA through a financial test or guarantee. The following amounts have not been included in Paragraphs 1- 4. (For each program area identify: the facility or quarry name, physical and mailing address, federal or state equivalent regulations, permit number, and current cost estimate. Identify for each current cost estimate the amount designated for closure, post closure, corrective action, restoration, or reclamation costs).

(a) Municipal solid waste management facilities under 30 TAC Chapter 330, 40 CFR Part 258 or equivalent
\$ _____

(b) Underground injection control facilities under 30 TAC Chapter 331, 40 CFR Part 144 or equivalent
\$ _____

(c) Petroleum underground storage tank facilities under 30 TAC Chapter 334, and 40 CFR Part 280 or equivalent
\$ _____

(d) PCB storage facilities under 40 CFR Part 761 or equivalent \$ _____

(e) Hazardous waste treatment, storage, and disposal facilities under 30 TAC Chapter 335, 40 CFR Parts 264 and

265 or equivalent \$ _____

(f) Quarry facilities under 30 TAC Chapter 311 \$ _____

(g) Additional environmental obligations not shown above \$ _____

Total (a)-(f) \$ _____

This (owner, operator, or guarantor) (has or has not) received an adverse opinion, a disclaimer of opinion, or a "going concern" qualification from an independent auditor on its financial statements for the latest completed fiscal year.

This firm (is required or is not required) to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year. The fiscal year of this firm ends on (month, day). The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed fiscal year, ended (date).

(Fill in Alternative I if the criteria of 30 TAC §37.9225(b)(1) are used. Fill in Alternative II if the criteria of 30 Texas Administrative Code §37.9225(b)(2) are used.)

ALTERNATIVE I

- | | | | |
|-----|-----|---|----------|
| 1. | (a) | Sum of current closure, post closure, corrective action, reclamation and restoration costs (total of all cost estimates shown in the five paragraphs above) | \$ _____ |
| | (b) | Amount of annual aggregate liability coverage to be demonstrated by a financial test or corporate guarantee | \$ _____ |
| | (c) | Total of lines (a) and (b) | \$ _____ |
| *2. | | Total liabilities (if any portion of the closure, post closure, corrective action, restoration, or reclamation costs(s), is included in total liabilities, you may deduct the amount of that portion from this line and add that amount to lines 3 and 4) | \$ _____ |
| *3. | | Tangible net worth | \$ _____ |
| *4. | | Net Worth | \$ _____ |
| *5. | | Current assets | \$ _____ |
| *6. | | Current liabilities | \$ _____ |
| *7. | | Net working capital (line 5 minus line 6) | \$ _____ |
| *8. | | The sum of net income plus depreciation, depletion and amortization | \$ _____ |
| *9. | | Total assets in U.S. (required only if less than 90% of firm's assets are located in U.S.) | \$ _____ |
| | | Indicate either "yes" or "no" to the following questions. | |
| 10. | | Is line 3 at least \$10 million? | (yes/no) |
| 11. | | Is line 3 at least 6 times line 1(c)? | (yes/no) |
| 12. | | Is line 7 at least 6 times line 1(c)? | (yes/no) |

- *13. Are at least 90% of firm's assets located in the U.S.? (yes/no)
If not, complete line 14
- 14. Is line 9 at least 6 times line 1(c)? (yes/no)
- 15. Is line 2 divided by line 4 less than 2.0? (yes/no)
- 16. Is line 8 divided by line 2 greater than 0.1? (yes/no)
- 17. Is line 5 divided by line 6 greater than 1.5? (yes/no)

ALTERNATIVE II

- 1. (a) Sum of current closure, post closure, corrective action, restoration, and reclamation costs (total of all cost estimates shown in the five paragraphs above) \$ _____
 - (b) Amount of annual aggregate liability coverage to be demonstrated by a financial test or corporate guarantee \$ _____
 - (c) Total of lines (a) and (b) \$ _____
 - 2. Current bond rating of most recent issuance of this firm and name of rating service _____
 - 3. Date of issuance of bond _____
 - 4. Date of maturity of bond _____
 - *5. Tangible net worth (if any portion of the closure, post closure care, corrective action, reclamation or restoration cost estimate(s), is included in "total liabilities" on your firm's financial statements, you may add the amount of that portion to this line) \$ _____
 - *6. Total assets in U.S. (required only if less than 90% of firm's assets are located in U.S.) _____
- Indicate either "yes" or "no" to the following questions.
- 7. Is line 5 at least \$10 million? (yes/no)
 - 8. Is line 5 at least 6 times line 1(c)? (yes/no)
 - *9. Are at least 90% of the firm's assets located in the U.S.? (yes/no)
If not, complete line 10
 - 10. Is line 6 at least 6 times line 1(c)? (yes/no)

I hereby certify that the wording of this letter is identical to the wording specified in 30 Texas Administrative Code §37.9230 as such regulations were constituted on the date shown immediately below.

(Signature) _____

(Name) _____

(Title) _____

(Date) _____