

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, ~~unless 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 or if an accelerated review is granted under paragraph (D) of this rule.~~ 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 providing financial data to the director that in the responsible person's belief demonstrates that approval of hardship status is necessary to prevent an imminent financial hardship from resulting to the responsible person.

The director may as a result of such request:

- (1) Seek additional justification from the responsible person to demonstrate imminent financial hardship: ; and
- (2) Upon review of financial data provided by the responsible person 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, that status shall remain in effect 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.

Effective:

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Certification

Date

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