9220.0600 COUNTY HELD FINANCIAL ASSURANCE MECHANISM.

Subpart 1. **Scope.** An owner or operator of a waste tire facility may use a county held financial assurance mechanism to satisfy the requirements of part 9220.0540.

Subp. 2. **Action by county.** A county controlling financial assurance for a waste tire facility shall take all actions needed to gain access to the funds available through the financial assurance mechanism when the owner or operator of the waste tire facility has failed to:

A. begin or complete closure as required by the permit or part 9220.0500;

B. provide alternate financial assurance and obtain written approval of the financial assurance from the commissioner and the county within the time period required by part 9220.0580; or

C. fund the standby trust fund within the specified time period as required by part 9220.0620.

Subp. 3. **Action by commissioner.** In the event that the county has failed to gain access to the funds available through the financial assurance mechanism within 30 days of the owner's or operator's failure to perform as specified in subpart 2, or if the county has failed to use any funds obtained under subpart 2 to close the facility in compliance with the closure plan or part 9220.0490, the commissioner shall be given access to the funds. The county shall take no action that interferes with the commissioner's access to the funds, and shall cooperate with the commissioner if necessary to allow the commissioner to gain access to the funds.

Subp. 4. **Notice.** In the event that the commissioner takes action under subpart 3, the commissioner shall give notice of this action to the county and all other involved parties, including the owner or operator of the waste tire facility, and any trustee, surety, or letter of credit institution. Failure by the commissioner to give notice does not invalidate the commissioner's actions under subpart 3.

Statutory Authority: *MS s 115A.914*

History: *12 SR 2513; L 1999 c 73 s 5*

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