

Corporate Guarantee or Self Insurance as Financial Assurance Comparison

Issue	Mining												Coal Mining OSM	Municipal Landfill (RCRA D) EPA	Hazardous Waste Facility (RCRA C) EPA	
	Alaska	Arizona Self Insurance	Arizona Corporate Guarantee	Montana	Nevada	New Mexico	Oregon	Pennsylvania	South Dakota	Utah	Washington	Wyoming				BLM
Is an indemnity agreement for partnerships or joint ventures required?	N/A	No	No	N/A	No	N/A	N/A	No	No	No	N/A	Yes	N/A	Yes	No	No
Reference		R11-2-809	R11-2-811		NAC 519A.350(7)			PAC 86.159	45-6B-22	40-8-14.3		020-0007.6 (4)(b)(ii)		40 CFR 800.23(e)	40 CFR 258- 74	40 CFR 264- 143(f)
Do indemnity agreements under forfeiture operate as a judgment against the parties liable under the agreement?	N/A	No	No	N/A	No	N/A	N/A	No	No	No	N/A	No	N/A	Yes	No	No
Reference		R11-2-809	R11-2-811		NAC 519A.350(7)			PAC 86.159	45-6B-22	40-8-14.3		020-0007.6 (4)(b)(ii)		40 CFR 800.23(e)(4)	40 CFR 258- 74	40 CFR 264- 143(f)
Are LLCs treated differently?	N/A	No	No	N/A	No	N/A	N/A	No	No	No	N/A	No	N/A	No	No	No
Reference		R11-2-809	R11-2-811		NAC 519A.350(7)			PAC 86.159	45-6B-22	40-8-14.3		020-0007.6 (4)(b)(ii)		40 CFR 800.23(e)	40 CFR 258- 74	40 CFR 264- 143(f)(10)
Are partnerships or joint ventures treated differently?	N/A	No	No	N/A	No	N/A	N/A	No	No	No	N/A	No	N/A	No	No	No
Reference		R11-2-809	R11-2-811		NAC 519A.350(7)			PAC 86.159	45-6B-22	40-8-14.3		020-0007.6 (4)(b)(ii)		40 CFR 800.23(e)(3)	40 CFR 258- 74	40 CFR 264- 143(f)(10)
Maximum % of the total financial assurance that guarantee can be	N/A	100%	100%	N/A	75%	N/A	N/A	100%	100%	100%	N/A	75% to 50%	N/A	100%	100%	100%
Reference		R11-2-809	R11-2-811		NAC 519A.350(7)(a)			PAC 86.159	45-6B-22	40-8-14.3		020-0007.6 (4)(a)(i)(B) and 020- 0007.6 (4)(b) and (f)		40 CFR 800.23(d)	40 CFR 258- 74(e)	40 CFR 264- 143(f)
Can guarantee be used for long term obligations?	N/A	Yes	Yes	N/A	Yes	N/A	N/A	No	Yes	Yes	N/A	Yes	N/A	Yes	Yes	Yes
Reference		R11-2-809	R11-2-811		NAC 519A.350(7)			PAC 86.159(a)	45-6B-22	40-8-14.3		020-0007.6 (4)(b)		40 CFR 800.17 and 23	40 CFR 258- 74(e)(3)	40 CFR 264- 143(f)