

# Enforcement – Ability to Pay/Policy Template and Forms: Association of State and Territorial Solid Waste Management Officials Report



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

02/26/2018

The Association of State and Territorial Solid Waste Management Officials (“ASTSWMO”) published a report titled:

*Ability to Pay – Policy Template and Forms (January 2018) (“Report”)*

The *Report* was prepared by the ASTSWMO State Fund – Financial Responsibility Task Force Tanks Subcommittee.

Issues addressed in the *Report* include:

- What is an ability to pay a settlement?
- Why is this policy being implemented?
- What type of environmental claims can be resolved by an ability to pay settlement?
- What type of environmental claims cannot be resolved by an ability to pay settlement?
- What does the liable person need to provide?
- How does the ability to pay process work?
- Responsibilities of the liable person
- Verification
- Balance Sheet Phase (Business and Individuals)
- Income and Cash Flow Statement Phase
- Use of computer models for penalty claims of less than \$10,000
- Sharing the review
- Documentation of the decision
- Deviation from this policy

Two appendices are provided that address collection information for business and for wage earners and self-employed individuals, respectively.

[A copy of the \*Report\* can be downloaded here.](#)