

**SURETY BOND-MINING
 (GENERAL)**

To be completed by Operator:

- (1) Name of Operator: _____

- (2) Purpose (check one or more if applicable)
 - (a) Original Application for Permit
 - (b) Additional Bond
 - (c) Replacement Bond
 - (d) Transfer of Permit
 - (e) Water Supply Replacement Bond
- (3) Name of Operation Facility

- (4) Type of Mineral _____
 (if applying for an underground mining permit, indicate "anthracite coal" or "bituminous coal")

To be completed by Department of Environmental Protection:

License No. _____

Permit No. _____

Date(s) and Amount(s) of Bond Release:

Date(s) and Amount(s) of Bond Rollover:

To be completed by Surety Company:
 Bond No. _____

WHEREAS, reference is made to the following statutes herein:

- (1) The Act of June 22, 1937, P.L. 1987, as amended, known and referred to herein as the "Clean Streams Law" (35 P.S. §691.1 *et seq.*);
- (2) The Act of May 31, 1945, P.L. 1198, as amended, known and referred to herein as the "Surface Mining Conservation and Reclamation Act" (52 P.S. §1396.1 *et seq.*);
- (3) The Act of January 8, 1960, P.L. 2119, as amended, known and referred to herein as the "Air Pollution Control Act" (35 P.S. §4001 *et seq.*);
- (4) The Act of September 24, 1968, P.L. 1040, as amended, known and referred to herein as the "Coal Refuse Disposal Control Act" (52 P.S. §30.51 *et seq.*);
- (5) The Act of November 26, 1978, P.L. 1375, as amended, known and referred to herein as the "Dam Safety and Encroachments Act" (32 P.S. §693.1 *et seq.*);
- (6) The Act of July 7, 1980, P.L. 380, known and referred to herein as the "Solid Waste Management Act" (35 P.S. §6018.101 *et seq.*); and
- (7) The Act of December 19, 1984, P.L. 1093, known and referred to herein as the "Noncoal Surface Mining Conservation and Reclamation Act" (52 P.S. §3301 *et seq.*); and

WHEREAS, _____ ("Operator"),
(Name of Mine Operator)

(1) a Corporation, incorporated under the laws in the State of _____, Or
(Name of State)

(2) a(n) _____
(Limited/General Partnership, Limited Liability Company, Registered Fictitious Name Business or Individual)

with its principal place of business at _____,
(Operator Address)

has filed with the Department of Environmental Protection ("Department") an application for

(check only one)

- (1) a coal surface mining permit ("Permit") under the Surface Mining Conservation and Reclamation Act;
- (2) a coal underground mining permit ("Permit") under the Surface Mining Conservation and Reclamation Act and the Clean Streams Law;
- (3) a coal preparation plant permit ("Permit") under the Surface Mining Conservation and Reclamation Act and the Clean Streams Law;
- (4) a coal refuse disposal control permit ("Permit") under the Coal Refuse Disposal Control Act;
- (5) a noncoal surface mining permit ("Permit") under the Noncoal Surface Mining Conservation and Reclamation Act; or
- (6) a noncoal underground mining permit ("Permit") under the Clean Streams Law;

in which the operator proposed to affect _____ acres of land
(Number of Acres)
in _____ Township, _____ County,
Commonwealth of Pennsylvania.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS that we, the Operator, as principal, and

(Name of Surety Company)
with its principal place of business at _____,
(Surety Address)

licensed to do business in the Commonwealth of Pennsylvania, and approved by the Secretary of the Department of Environmental Protection, as surety, are held and firmly bound unto the Department, in the just and full sum of _____ Dollars (_____), to the payment whereof, well and truly to be made, we bind ourselves, and our heirs, executors, administrators, assigns and successors, jointly and severally, firmly by these presents:

1. **Condition of the Obligation.** If the operator shall faithfully perform and conform to all of the applicable requirements of the following:

- (a) the Clean Streams Law;
- (b) the Surface Mining Conservation and Reclamation Act;
- (c) the Air Pollution Control Act;
- (d) the Coal Refuse Disposal Control Act;
- (e) the Dam Safety and Encroachments Act;
- (f) the Noncoal Surface Mining Conservation and Reclamation Act (applicable only to applicants for noncoal surface mining permits);
- (g) the Solid Waste Management Act.

(the statutes described in (a) through (g), inclusive, immediately above, collectively called the "Acts");

- (h) all amendments and additions hereafter made to the Acts and all statutes enacted as substitutes or replacement for the Acts;

- (i) all rules and regulations now or hereafter promulgated under the Acts;
- (j) the terms and conditions of the Permit, and all amendments or additions thereto; and
- (k) all Department orders issued relating to Operator conduct under the Permit.

(the requirements described in (a) through (k), inclusive, immediately above, collectively called the "Law"); then this obligation shall be null and void, otherwise to be and remain in full force and effect.

2. **Amount and Duration of Bond Liability.** Liability upon this bond shall be for the amount specified herein, and that amount shall become a part of the total bond for the acreage specified herein for the permit for which the total bond applies, such liability shall apply to that acreage for the permit, including any and all prior or subsequent authorizations to mine or otherwise operate under that permit. Liability upon this bond shall continue for the duration of mining activity, including its reclamation as provided in the law, the regulations adopted thereunder and the conditions of the permit, at the operation conducted hereunder and for a period of five (5) years thereafter, unless released in whole or in part by the Department, in writing, prior thereto, as provided by the Law. Such amount released shall be a credit upon the total amount of the bond. It is hereby acknowledged and agreed by and among the parties that the liability upon this bond is a penal sum, and as such the Commonwealth retains a property interest in such surety guarantee, as provided by the law. Liability under this bond is not affected by the operator not renewing this permit.

3. **Default.** Upon the happening of any default of the provisions, conditions and obligations assumed under this bond and the declaration of a forfeiture by the Secretary, or his designee, the operator and the surety hereby authorize and empower the Attorney General of the Commonwealth of Pennsylvania, or any other attorney of any court of record in Pennsylvania or elsewhere, by him deputized for the purpose, to appear for and confess judgment against the operator and/or the surety, their heirs, executors, administrators, successors or assigns, in favor of the Commonwealth for any sum or sums of money which may be due hereunder, with or without defalcation or declaration filed, with interest and cost, with release of errors, without stay of execution, and with ten percent (10%) added for collection fees, and for the exercise of this power, this instrument, or a copy thereof, any rule of court to the contrary notwithstanding, shall be full warrant and authority. This power shall be inexhaustible. The operator and surety further agree that execution may issue upon judgment so confessed for the full amount of money and accrued interest that is owing from the operator and/or the surety to the Commonwealth, with costs and collection fee, upon filing information in writing in the court where such judgment shall be entered.

4. **Events Not Affecting Bond Liability.** The operator and the surety agree that their liability hereunder shall not be impaired or affected by (1) any renewal or extension of the time for performance of any of the provisions, conditions or obligations upon which this bond is based; or (2) any forbearance or delay in declaring this bond to be forfeit or in enforcing payment on this bond.

5. **Surety Right to Cover.** The corporate surety shall have the option of reclaiming the forfeited site, in lieu of paying the bond amount to the Department, upon the consent and approval of the Department.

6. **Additional Bond.** The Department reserves the right to require additional bonding from the operator, as provided by the Law, which shall be a supplement to and augment the bond liability provided herein.

7. **Remedies.** Nothing herein shall limit or preclude the Department from seeking any remedy, in addition to the forfeiture of this bond, which may be authorized or provided by law.

8. **Additional Bond/Replacement Bond/Transfer of Permit/Pre-Existing Mining Liability (check one or more, if applicable):**

- (a) **Additional Bond.** This bond is submitted pursuant to Mining Permit No. _____, originally issued on _____. This bond assumes and covers any and all liability and obligations accrued and to be accrued under the Law from the above permit issuance date until such time as the Department shall release, in writing, this bond of such liability and obligations. This bond is an additional bond, supplementing all other bonding posted or to be posted for the Permit.
- (b) **Replacement Bond.** This bond is submitted pursuant to Mining Permit No. _____, originally issued on _____. This bond assumes and covers any and all liability and obligations accrued and to be accrued under the Law from the above permit issuance date until such time as the Department shall release, in writing, this bond of such liability and obligations. This bond replaces the following existing bonds:

(in the table below, list bonds to be replaced)

Date of Bond	Type of Bond (Surety/ Collateral)	Name of Surety/Bank/ Govt. Issuer	Type of Collateral	Surety Bond No./ Collateral ID No.	Dollar Amount

In consideration of the pledge and deposit of this bond, the Department will release the above-listed existing bonds of all liability under the Law.

- (c) **Transfer of Permit.** This bond is submitted pursuant to Mining Permit No. _____, to replace the following existing bonds pledged and deposited with the Department by _____ pursuant to Mining Permit No. _____ issued on _____:
(name of former operator)
(former operator Mining Permit No.) (date of issuance of former operator Mining Permit)

(In the table below, list bonds for the former operator)

Date of Bond	Type of Bond (Surety/ Collateral)	Name of Surety/Bank/ Govt. Issuer	Type of Collateral	Surety Bond No./ Collateral ID No.	Dollar Amount

This bond assumes and covers any and all liability and obligations accrued on the former operator's mining permit and to be accrued on the Operator's Mining Permit under the Law from the date of issuance of the former operator's permit until such time as the Department shall release, in writing, this bond of such liability and obligations. In consideration of the pledge and deposit of this bond, the Department will release the above listed existing bonds of all liability under the law.

- (d) **Pre-Existing Mining Liability.** This bond assumes and covers any and all liability and obligations under the Law which accrued on the site prior to the issuance of Mining Permit No. _____, at any time, for any reason, and created by anyone, as well as any and all liability and obligations under the Law to be accrued from the date of issuance of the Permit until such time as the Department shall release, in writing, such liability and obligations.

9. **Attachments (check one or more, if applicable):**

- (a) Surety Power of Attorney
- (b) Bond Amendment - Change in Permit Acreage
- (c) Other: _____

10. **Headings.** The paragraph headings herein are for descriptive purposes only and are intended to have no legal force or effect.

IN WITNESS WHEREOF, the operator and surety have hereunto set their hands and seals, intending to be legally bound hereby, as of the _____ day of _____, _____.

OPERATOR:

(Print Operator Name)

By: _____
(Signature)

Printed Name _____

Title: _____

By: _____
(Signature) (Seal)

Printed Name _____

Title: _____

SURETY:

(Print Surety Name)

By: _____
(Signature)

Printed Name _____

Title: _____

By: _____
(Signature) (Seal)

Printed Name _____

Title: _____

ATTEST OR WITNESS:

(Signature)

Printed Name _____

(Signature)

Printed Name _____

ATTEST OR WITNESS:

(Signature)

Printed Name _____

(Signature)

Printed Name _____

Approved as to legality and form:

PRE-APPROVED OAG 10 / 15 / 96

Office of Attorney General

Chief/Assistant Counsel
Department of Environmental Protection

Approved for the Department:

Bureau of Mining and Reclamation