

**460. DEPARTMENT OF MINES
CHAPTER 30. COAL COMBUSTION BY-PRODUCT PLACEMENT RULES AND
REGULATIONS**

SUBCHAPTER 4. BOND REQUIREMENTS FOR CCB OPERATIONS

460:30-4-2. Definitions. [AMENDED]

As used in this Subchapter, the following terms, which describe types of performance bonds allowed by the Department, have these specified meanings, except where otherwise indicated:

"Collateral bond" means an indemnity agreement in a sum certain executed by the permittee as principal which is supported by the deposit with the Department of one or more of the following:

- (A) A cash account, which shall be the deposit of cash in one or more federally insured or equivalently protected accounts, payable only to the Department upon demand, or the deposit of cash directly with the Department;
- (B) Negotiable bonds of the United States, a State, or a municipality, endorsed to the order of, and placed in the possession of, the Department;
- (C) Negotiable certificates of deposit made payable or assigned to the Department and placed in its possession;
- (D) An irrevocable letter of credit of any bank organized or authorized to transact business in the United States, payable only to the Department upon presentation;
- (E) A perfected, first-lien security interest in real property in favor of the Department; or
- (F) Other investment-grade rated securities having a rating of AAA, AA, or A or an equivalent rating issued by a nationally recognized securities rating service, endorsed to the order of, and placed in the possession of, the Department.

"Self-bond" means an indemnity agreement in a sum certain executed by the permittee and the parent company guarantor and made payable to the Department, with or without separate surety.

"Surety bond" means an indemnity agreement in a sum certain payable to the Department, executed by the permittee as principal and which is supported by the performance guarantee of a corporation licensed to do business as a surety in the State where the operation is located.

460:30-4-3. Form of the performance bond. [REVOKED]

~~The Department shall prescribe the form of the performance bond. The Department may allow for:~~

- ~~(1) A surety bond;~~
- ~~(2) A collateral bond;~~
- ~~(3) A self bond; or~~
- ~~(4) A combination of any of these bonding methods.~~