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**Rules of**  
**Department of Natural Resources**  
**Division 40—Land Reclamation Commission**  
**Chapter 7—Bond and Insurance Requirements for**  
**Surface Coal Mining and Reclamation Operations**

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**Title 10—DEPARTMENT OF  
NATURAL RESOURCES**

**Division 40—Land Reclamation  
Commission**

**Chapter 7—Bond and Insurance  
Requirements for Surface Coal Mining  
and Reclamation Operations**

**10 CSR 40-7.010 General Requirements  
for Bonding of Surface Coal Mining and  
Reclamation Operations**

(Rescinded April 11, 1983)

*AUTHORITY: section 444.810, RSMo Supp. 1979. Original rule filed Oct. 12, 1979, effective Feb. 11, 1980. Amended: Filed April 14, 1980, effective Aug. 11, 1980. Amended: Filed Aug. 11, 1980, effective Dec. 11, 1980. Amended: Filed Dec. 10, 1980, effective April 11, 1981. Rescinded: Filed Dec. 9, 1982, effective April 11, 1983.*

**10 CSR 40-7.011 Bond Requirements**

*PURPOSE: This rule sets forth requirements for bonding of surface coal mining and reclamation operations pursuant to sections 444.830, 444.910 and 444.950, RSMo.*

(1) Definitions.

(A) Increment means an area that is covered by a single bond and that is a portion of a permit area.

(B) Open pit means that area between the crest of the highwall to the toe of the spoil.

(C) Personal bond means an undertaking by the permittee to successfully complete reclamation according to commission regulations, supported by negotiable certificates of deposit or irrevocable letters of credit which may be drawn upon by the commission if reclamation is not completed or if the permit is revoked prior to completion of reclamation.

(D) Phase I bond means a performance bond conditioned on the release of eighty percent (80%) of the bond upon the successful completion of Phase I reclamation of a permit area in accordance with the approved reclamation plan, with the rest of the bond remaining in effect until Phase III liability is released.

(E) Phase II bond means performance bond conditioned on the release of Phase II liability.

(F) Phase III bond means a performance bond conditioned on the release of Phase III liability.

(G) Self-bonding means an indemnity agreement in a sum certain executed by the applicant or by the applicant and any corpo-

rate guarantor and made payable to Missouri, with or without separate surety.

(H) Surety bond means an indemnity agreement in a sum certain payable to the regulatory authority, 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.

(2) Requirement to File a Bond. After an application for a permit to conduct surface coal mining and reclamation operations has been approved under 10 CSR 40-6, but before the permit is issued, the applicant shall file with the director a performance bond payable to the state. The performance bond shall be conditioned upon the faithful performance of all the requirements of the Surface Coal Mining Law, the regulatory program, the permit and the reclamation plan, and bonded liability shall continue until reclamation is completed and approved by the commission. In the event of forfeiture, the amount remaining on the bond may be used to complete reclamation in any location in the permit area.

(3) Incremental Bonding.

(A) The applicant may file either a bond sufficient to cover the entire permit area or a bond for the increment in which the applicant will initiate and conduct surface coal mining and reclamation operations. Disturbance is prohibited on succeeding increments, underground shafts, tunnels, or operations prior to acceptance of bond.

(B) An operator shall not disturb acreage outside the boundary of a bonded increment until s/he has submitted to the director a bond for the proposed increment and has received notification from the director that the bond has been accepted.

(C) Independent increments shall be of sufficient size and configuration to provide for efficient reclamation operations should reclamation by the regulatory authority become necessary pursuant to 10 CSR 40-7.031(3).

(D) The operator shall submit an incremental bonding schedule and identify the initial and successive areas or increments for bonding on the permit application map submitted for approval as provided in the application and shall specify the bond amount to be provided for each area or increment.

(4) Bond Amounts.

(A) Except as noted in subsection (4)(B), the amount of Phase I bonds shall be calculated at two thousand five hundred dollars (\$2,500) per every bonded acre unless the area is a coal preparation area in which

Phase I bond shall be calculated at ten thousand dollars (\$10,000) per acre.

(B) For mines with fewer than one thousand (1,000) bonded acres, the minimum amount of Phase I bond applied to a single permit shall be ten thousand dollars (\$10,000), or the equivalent of twenty (20) acres of bond for each acre of open pit area, whichever is greater.

(5) Changing Bond Amounts.

(A) The Phase I bond amount listed in subsection (4)(A) of this rule may be adjusted annually by a maximum of two hundred fifty dollars (\$250) per acre, not to exceed a maximum per acre bond amount of five thousand dollars (\$5,000) per acre.

(B) The Phase I bond amount listed in subsection (4)(B) of this rule for coal preparation areas may be adjusted annually by a maximum of five hundred dollars (\$500) per acre, not to exceed a maximum per acre bond amount of fifteen thousand dollars (\$15,000) per acre.

(C) The changes allowed in subsection (5)(A) and (B) shall be proposed by the commission through the normal rulemaking process after demonstration by the director that such action is necessary to ensure adequate bonding amounts.

(D) The director shall calculate the liability to the Coal Mine Land Reclamation Fund on an annual basis and shall on the basis of the calculations determine whether to pursue rulemaking to raise the bonding amounts listed in subsections (4)(A) and (B) of this rule.

(E) The calculations of the minimum Phase I reclamation bond amount for subsections (4)(A) and (B) shall depend upon the reclamation requirements of the approved permits, and shall reflect the probable difficulty of reclamation giving consideration to such factors on-site topography, geology, hydrology, and revegetation potential.

(6) Types of Bonds. The director may accept surety bonds, personal bonds and selfbonding.

(A) Surety bonds shall be subject to the following conditions:

1. The surety bond shall be submitted on a form provided by the director;

2. No bond of a surety company will be accepted unless the bond shall not be cancellable for any reason whatsoever, including, but not limited to, nonpayment of premium, bankruptcy or insolvency of the permittee or issuance of notices of violations or cessation orders and assessment of penalties with respect to the operations covered by the bond, except that surety bond coverage for lands not

disturbed may be canceled if the surety provides written notification and the director is in agreement. The director shall advise the surety, within thirty (30) days after receipt of a notice to cancel bond, whether the bond may be canceled on an undisturbed area;

3. A surety company's bond shall not be accepted in excess of ten percent (10%) of the surety company's capital surplus account as shown on a balance sheet certified by a certified public accountant;

4. The total amount of the bonds issued by a surety on behalf of any permittee shall not exceed thirty percent (30%) of the surety company's capital surplus account as shown on a balance sheet certified by a certified public accountant;

5. The surety shall be licensed to conduct a surety business in Missouri;

6. Both the surety and the permittee shall be primarily liable for completion of pit reclamation, with the surety's liability being limited to the penalty amount of the bond;

7. The bond shall provide that—

A. The surety will give prompt notice to the permittee and the director of any notice received or action filed alleging the insolvency or bankruptcy of the surety or alleging any violations of regulatory requirements which could result in suspension or revocation of the surety's license to do business; and

B. In the event the surety becomes unable to fulfill its obligations under the bond for any reason, notice shall be given immediately to the permittee and the director;

8. The bond shall provide a mechanism for a bank or surety company to give prompt notice to the regulatory authority and the permittee of any action filed alleging the insolvency or bankruptcy of the surety company, the bank or the permittee, or alleging any violations which would result in suspension or revocation of the surety or bank charter or license to do business. Upon the incapacity of a surety by reason of bankruptcy, insolvency, or suspension or revocation of its license, the permittee shall be deemed to be without bond coverage in violation of subsection (2)(A). The director shall issue a notice of violation against any operator who is without bond coverage. The notice shall specify a reasonable period to replace bond coverage, not to exceed sixty (60) days. During this period, the director or his/her authorized agent shall conduct weekly inspections to ensure continuing compliance with other permit requirements, the regulatory program and the law. The notice of violation, if abated within the period allowed, shall not be counted as a notice of violation for purposes of determining a pattern of willful violation under 10 CSR 40-7.031(1)(A)6. and need not be

reported as a past violation in permit applications under 10 CSR 40-6.030(2) or 10 CSR 40-6.100(2). If a notice of violation is not abated in accordance with the schedule, a cessation order shall be issued requiring immediate compliance with 10 CSR 40-3.150(4). Mining operations shall not resume until the director has determined that an acceptable bond has been posted. The operator shall also immediately begin to conduct reclamation operations in accordance with the reclamation plan; and

9. The bond shall be forfeitable upon revocation of the underlying permit.

(B) Personal bonds secured by certificates of deposit shall be subject to the following conditions:

1. The bonds shall be submitted on a form provided by the commission;

2. The certificate(s) shall be in the amount of the bond or in an amount greater than the bond, subject to the limitations of paragraph (5)(B)4. of this rule, shall be made payable to or assigned to Missouri, both in writing and upon the records of the bank issuing the certificates, and shall be automatically renewable at the end of the term of the certificate. If assigned, banks issuing the certificate(s) waive all rights of set off or liens against the certificate(s);

3. Interest on the certificate of deposit shall be paid to the permittee;

4. No single certificate of deposit shall exceed the sum of one hundred thousand dollars (\$100,000) nor shall any permittee submit certificates of deposit aggregating more than one hundred thousand dollars (\$100,000) from a single bank. The issuing bank or savings and loan company must be insured by either the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation;

5. The certificate of deposit shall be kept in the custody of Missouri until the bond is released by the commission;

6. The bank issuing the certificate(s) of deposit for bonding purposes shall give prompt notice to the commission and the permittee of any insolvency or bankruptcy of the bank;

7. The bond shall provide a mechanism for a bank or surety company to give prompt notice to the regulatory authority and the permittee of any action filed alleging the insolvency or bankruptcy of the surety company, the bank or the permittee, or alleging any violations which would result in suspension or revocation of the surety or bank charter or license to do business. Upon notice of any bank insolvency or bankruptcy, the permittee shall be deemed to be without bond coverage in violation of subsection (2)(A). The direc-

tor shall issue a notice of violation against any operator who is without bond coverage. The notice shall specify a reasonable period to replace coverage, not to exceed sixty (60) days. During this period, the director or his/her authorized agent shall conduct weekly inspections to ensure continuing compliance with other permit requirements, the regulatory program and the law. A notice of violation, if abated within the period allowed, shall not be counted as a notice of violation for purposes of determining a pattern of willful violation under 10 CSR 40-7.031(1)(F)2. and need not be reported as a past violation in permit applications under 10 CSR 40-6.030(2) or 10 CSR 40-6.100(2). If a notice of violation is not abated in accordance with the schedule, a cessation order shall be issued requiring immediate compliance with 10 CSR 40-3.150(4). The operator shall also immediately begin to conduct reclamation operations in accordance with the reclamation plan; and

8. The bond shall be forfeitable upon revocation of the underlying permit.

(C) Personal bonds secured by letters of credit shall be subject to the following conditions:

1. The bond and the letters of credit shall be submitted on forms provided by the commission;

2. The letter of credit shall be no less than the face amount of the bond and shall be irrevocable;

3. The beneficiary of the letter of credit shall be the director of the Missouri Land Reclamation Commission;

4. The letter of credit shall be issued by a bank or trust company located in the United States. If the issuing bank or trust company is located in another state, a bank or trust company located in Missouri must confirm the letter of credit. Confirmations shall be irrevocable and on a form provided by the director;

5. The letter of credit shall be governed by Missouri law. The Uniform Customs and Practice for Documentary Credits, fixed by the International Chamber of Commerce, shall not apply;

6. The letter of credit shall provide that the director may draw upon the credit by making a demand for payment, accompanied by his/her statement that the commission has declared the permittee's bond forfeited;

7. The issuer of a letter of credit or confirmation shall warrant that the issuance will not constitute a violation of any statute or regulation which limits the amount of loans or other credits which can be extended to any single borrower or customer or which limits the aggregate amount of liabilities which the

issuer may incur at any one (1) time from issuance of letters of credit and acceptances;

8. The bank issuing the letter(s) of credit for bonding purposes shall give prompt notice to the commission and the permittee of any insolvency or bankruptcy of the bank;

9. Upon notice of any bank insolvency or bankruptcy, the permittee shall be deemed to be without bond coverage in violation of subsection (2)(A). The director shall issue a notice of violation against any operator who is without bond coverage. The notice shall specify a reasonable period to replace bond coverage, not to exceed sixty (60) days. During this period, the director or his/her authorized agent shall conduct weekly inspections to ensure continuing compliance with other permit requirements, the regulatory program and the law. A notice of violation, if abated within the period allowed, shall not be counted as a notice of violation for purposes of determining a pattern of willful violation under 10 CSR 40-7.031(1)(F)2. and need not be reported as a past violation in permit applications under 10 CSR 40-6.030(2) or 10 CSR 40-6.100(2). If a notice of violation is not abated in accordance with the schedule, a cessation order shall be issued; and

10. The bond shall be forfeitable upon revocation of the underlying permit.

(D) Self-Bonding.

1. Definitions. For the purposes of this section only—

A. Current assets means cash or other assets or resources which are reasonably expected to be converted to cash or sold or consumed within one (1) year or within the normal operating cycle of the business;

B. Current liabilities means obligations which are reasonably expected to be paid or liquidated within one (1) year or within the normal operating cycle of the business;

C. Fixed assets means plant and equipment, but does not include land or coal in place;

D. Liabilities means obligations to transfer assets or provide services to other entities in the future as a result of past transactions;

E. Net worth means total assets minus total liabilities and is equivalent to owners' equity; and

F. Tangible net worth means net worth minus intangibles such as goodwill and rights to patents or royalties.

2. The commission may accept a self-bond if the following conditions are met:

A. The applicant designates an agent for service of process in the state;

B. The applicant has been in continuous operation as a business entity the five (5)

years preceding the application. The commission may accept the bond of a joint venture with fewer than five (5) years of continuous operation if each member has been in continuous operation for the five (5) years preceding the application;

C. The applicant submits financial information in sufficient detail to show one (1) of the following:

(I) The applicant has a current Moody's Investor Service or Standard and Poor's rating for its most recent bond issuance of A or higher;

(II) The applicant has a tangible net worth of at least ten (10) million dollars, a ratio of total liabilities to net worth of two and one-half (2 1/2) times or less and a ratio of current assets to current liabilities of 1.2 times or greater; or

(III) The applicant's fixed assets in the United States total at least twenty (20) million dollars and the applicant has a ratio of total liabilities to net worth of two and one-half (2 1/2) times or less and a ratio of current assets to current liabilities of 1.2 times or greater; and

D. The applicant submits—

(I) Financial statements for the last complete fiscal year, accompanied by a report prepared by an independent certified public accountant, in conformity with generally accepted accounting principles, containing the accountant's audit opinion or review opinion of the financial statements with no adverse opinion; and

(II) Financial statements for completed quarters in the current fiscal year and additional information that may be requested by the director.

3. The commission may accept a written guarantee for an applicant's self-bond from a third-party guarantor with a long-term vested interest in the surface coal mining operation, if the guarantor meets the conditions of paragraph (5)(D)2. as if it were the applicant. The applicant must still meet the requirements of subparagraphs (5)(D)2.A., B. and D. of this rule. Copies of documents demonstrating that interest must be submitted to the director. The written guarantee shall provide for the following:

A. If the applicant fails to complete the reclamation plan, the guarantor shall do so or the guarantor shall be liable under the indemnity agreement to provide to the commission funds, up to the bond amount, sufficient to complete the reclamation plan;

B. The guarantee shall remain in force unless the guarantor sends notice of cancellation by certified mail to the applicant and to the director at least ninety (90) days in

advance of the cancellation date and the director accepts the cancellation; and

C. The cancellation may be accepted by the director only if the applicant obtains suitable replacement bond before the cancellation or if the covered lands have not been disturbed.

4. The total amount of the outstanding and proposed self-bonds for surface coal mining and reclamation operations shall not exceed twenty-five percent (25%) of the applicant's or third-party guarantor's tangible net worth in the United States, as determined by a certified public accountant.

5. For a self-bond, the guarantor shall execute an indemnity agreement according to the following:

A. The indemnity agreement shall be executed and signed by all persons and parties who are to be bound by it, including the parent and nonparent corporations, and shall bind each jointly and severally. If the applicant is a partnership, joint venture or a syndicate, the agreement shall bind the partner or party who has a beneficial interest, directly or indirectly, in the applicant;

B. Corporations applying for a self-bond, and parent and nonparent corporations guaranteeing a permittee's self-bond, shall submit an indemnity agreement signed by two (2) corporate officers who are authorized to bind the corporations. A copy of the authorization shall be provided to the director along with an affidavit certifying that the agreement is valid under all applicable federal and state laws. In addition, the guarantor shall provide a copy of the corporate authorization demonstrating that the corporation may guarantee the self-bond and execute the indemnity agreement; and

C. Pursuant to 10 CSR 40-7.031(3), the applicant, parent and nonparent corporation shall be required to complete the approved reclamation plan for the lands in default or to pay to the regulatory authority an amount necessary to complete the approved reclamation plan, not to exceed the bond amount. If permitted under state law, the indemnity agreement when under forfeiture shall operate as a judgement against those parties liable under the indemnity agreement.

6. Self-bonded permittees and third-party guarantors shall submit an update of the information required under subparagraphs (5)(D)2.C. and D. within ninety (90) days after the close of their fiscal years.

7. If the financial conditions of the permittee or the third-party guarantor change so that the criteria of this section are not satisfied, the permittee shall notify the director



immediately and post an alternate bond in the same amount as the self-bond.

*\*Original authority: 444.810, RSMo 1979, amended 1983, 1993, 1995.*

8. Upon notification that the conditions of the permittee no longer satisfy this section, the permittee shall be deemed to be without bond coverage in violation of subsection (2)(A). The director shall issue a notice of violation against any operator who is without bond coverage. The notice shall specify a reasonable period to replace bond coverage, not to exceed sixty (60) days. During this period, the director or his/her authorized agent shall conduct weekly inspections to ensure continuing compliance with other permit requirements, the regulatory program and the law. The notice of violation, if abated within the period allowed, shall not be counted as a notice of violation for purposes of determining a pattern of willful violation under 10 CSR 40-7.031(1)(F)2. and need not be reported as a past violation in permit applications under 10 CSR 40-6.030(2) or 10 CSR 40-6.100(2). If a notice of violation is not abated in accordance with the schedule, a cessation order shall be issued requiring immediate compliance with 10 CSR 40-3.150(4). Mining operations shall not resume until the director has determined that an acceptable bond has been posted.

9. The bond shall be forfeitable upon revocation of the underlying permit.

(7) Replacement of Bonds.

(A) Permittees may replace existing surety or personal bonds with other surety or personal bonds, if the liability which has accrued against the permittee on the permit area is transferred to these replacement bonds.

(B) Existing performance bonds will not be released until the permittee has submitted and the director has approved acceptable replacement performance bonds. A replacement of performance bonds pursuant to this section shall not constitute a release of liability under 10 CSR 40-7.021.

*AUTHORITY: section 444.810, RSMo Supp. 1999.\* Original rule filed Dec. 9, 1982, effective April 11, 1983. Emergency amendment filed June 27, 1986, effective July 7, 1986, expired Nov. 4, 1986. Amended: Filed June 27, 1986, effective Oct. 27, 1986. Amended: Filed Dec. 15, 1987, effective April 1, 1988. Rescinded and readopted: Filed Sept. 15, 1988, effective Jan. 15, 1989. Amended: Filed July 3, 1990, effective Nov. 30, 1990. Amended: Filed May 15, 1992, effective Jan. 15, 1993. Amended: Filed Sept. 15, 1994, effective April 30, 1995. Amended: Filed March 21, 2000, effective Oct. 30, 2000.*



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
 LAND RECLAMATION COMMISSION  
**SURETY BOND**  
 (SURFACE COAL MINING LAW)

P.O. BOX 176  
 JEFFERSON CITY, MISSOURI 65102

SURETY COMPANY BOND NUMBER	PERMIT NUMBER	INCREMENT NUMBER
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KNOW ALL MEN BY THESE PRESENTS, That the undersigned \_\_\_\_\_  
(NAME OF PERMITTEE)  
 of \_\_\_\_\_  
(ADDRESS OF PERMITTEE)  
 as Principal, and \_\_\_\_\_  
(NAME OF SURETY)  
 of \_\_\_\_\_  
(ADDRESS OF SURETY)  
 as Surety, are held and firmly bound unto the State of Missouri, payable to the Treasurer of the State of Missouri, to the credit of the Mined Land Reclamation Fund in the penal sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_ ) for the payment of which sum, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, administrators, executors, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas the above named Principal did on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, file with the Land Reclamation Commission an application to secure a permit to engage in surface coal mining and reclamation operations in the State of Missouri, under the terms and provisions of Sections 444.800 to 444.970, RSMo; that said application has been approved for operations under Permit Number \_\_\_\_\_, Increment Number \_\_\_\_\_, consisting of \_\_\_\_\_ acres; that the Principal will undertake operations and complete pit reclamation on the affected land in accordance with the statutes, regulations of the Commission, conditions of the permit, and the approved reclamation plan; and that this bond is subject to forfeiture pursuant to the statutes and regulations for failure to so comply. The penalty of this bond shall be the full effective amount of this bond.

Now if the said Principal shall faithfully perform all of the requirements of Sections 444.800 to 444.970, RSMo, and shall comply with the regulations of the Land Reclamation Commission at 10 CSR Division 40, with the conditions of the permit issued to Principal as identified herein, or any amendments to said permit, and with the approved reclamation plan submitted with the application for said permit and any amendments to said reclamation plan, and shall successfully complete pit reclamation on the area covered by said permit according to said statutes, regulations, permit conditions and reclamation plan as they pertain to pit reclamation and operations prior to completion of pit reclamation, then this obligation shall be null and void; otherwise, it shall remain in full force and effect.



The Surety shall not cancel this bond, for any reason whatsoever, including, but not limited to, nonpayment of premium, bankruptcy or insolvency of the Principal, or issuance of notices of violations or cessation orders and assessment of penalties with respect to the operations covered by this bond, unless the Surety shall first give actual notice in writing to both the Commission and the Principal of intent to cancel the bond, stating the reasons therefor, sixty (60) days in advance of such cancellation. The obligations of the bond may not be cancelled as to acreage affected prior to the expiration of the sixty-day notice period.

Application for release of the obligations of this bond may be made to the Commission in accordance with the provisions of Sections 444.875 and 444.950, RSMo.

PRINCIPAL'S SIGNATURE		SURETY'S SIGNATURE	
SIGNATURE	DATE	SIGNATURE	DATE
NAME		NAME	
OFFICIAL POSITION		OFFICIAL POSITION	
STATE OF MISSOURI COUNTY OF		STATE OF MISSOURI COUNTY OF	
APPEARED BEFORE ME THIS _____ DAY OF _____ _____, 19_____, _____ AND _____ TO ME PERSONALLY KNOWN.		APPEARED BEFORE ME THIS _____ DAY OF _____ _____, 19_____, _____ AND _____ TO ME PERSONALLY KNOWN.	
WHO EXECUTED THE ABOVE AS THEIR FREE ACTS AND DEEDS.		WHO EXECUTED THE ABOVE AS THEIR FREE ACTS AND DEEDS.	
NOTARY PUBLIC	MY COMMISSION EXPIRES	NOTARY PUBLIC	MY COMMISSION EXPIRES
<p>The amount of this bond shall be calculated as follows: five hundred dollars (\$500.00) for each acre or portion thereof of land affected by surface coal mining operations, except for coal preparation areas, where the bond shall be ten thousand dollars (\$10,000) per acre. Minimum bond is ten thousand dollars (\$10,000.00) per permitted surface coal mine operation. Bonding requirements are per 444.950, RSMo.</p> <p>Where one signs by virtue of Power of Attorney for a surety company, such Power of Attorney must be filed with the bond.</p> <p>Any notices to or correspondence with the surety hereunder shall be to the following name and address:</p>			
NAME		ADDRESS	
BOND ACCEPTED BY THE DIRECTOR: SIGNATURE			DATE



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
LAND RECLAMATION COMMISSION  
**SURETY BOND**  
**(SURFACE COAL MINING LAW)**

P.O. BOX 176  
JEFFERSON CITY, MISSOURI 65102

SURETY COMPANY BOND NUMBER	PERMIT NUMBER	INCREMENT NUMBER
----------------------------	---------------	------------------

KNOW ALL MEN BY THESE PRESENTS, That the undersigned \_\_\_\_\_  
(NAME OF PERMITTEE)  
of \_\_\_\_\_  
(ADDRESS OF PERMITTEE)  
as Principal, and \_\_\_\_\_  
(NAME OF SURETY)  
of \_\_\_\_\_  
(ADDRESS OF SURETY)  
as Surety, are held and firmly bound unto the State of Missouri, payable to the Treasurer of the State of Missouri, to the credit of the Mined Land Reclamation Fund in the penal sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_ ) for the payment of which sum, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, administrators, executors, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas the above named Principal did on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, file with the Land Reclamation Commission an application to secure a permit to engage in surface coal mining and reclamation operations in the State of Missouri, under the terms and provisions of Sections 444.800 to 444.970, RSMo 1986 (Supp. 1987); that said application has been approved for operations under Permit Number \_\_\_\_\_, Increment Number \_\_\_\_\_, consisting of \_\_\_\_\_ acres; that the Principal will undertake operations and complete pit reclamation on the affected land in accordance with the statutes, regulations of the Commission, conditions of the permit, and the approved reclamation plan; and that this bond is subject to forfeiture pursuant to the statutes and regulations for failure to so comply.

Now if the said Principal shall faithfully perform all of the requirements of Sections 444.800 to 444.970, RSMo, and shall comply with the regulations of the Land Reclamation Commission at 10 CSR Division 40, with the conditions of the permit issued to Principal as identified herein, or any amendments to said permit, and with the approved reclamation plan submitted with the application for said permit and any amendments to said reclamation plan, and shall successfully complete pit reclamation on the area covered by said permit according to said statutes, regulations, permit conditions and reclamation plan as they pertain to pit reclamation and operations prior to completion of pit reclamation, then this obligation shall be null and void; otherwise, it shall remain in full force and effect.

MO 780-1155 (5-88)





The Surety shall not cancel this bond, for any reason whatsoever, including, but not limited to, nonpayment of premium, bankruptcy or insolvency of the Principal, or issuance of notices of violations or cessation orders and assessment of penalties with respect to the operations covered by this bond, unless the Surety shall first give actual notice in writing to both the Commission and the Principal of intent to cancel the bond, stating the reasons therefor, sixty (60) days in advance of such cancellation. The obligations of the bond may not be cancelled as to acreage affected prior to the expiration of the sixty-day notice period.

Application for release of the obligations of this bond may be made to the Commission in accordance with the provisions of Sections 444.875 and 444.950, RSMo 1986 (Supp. 1987).

PRINCIPAL'S SIGNATURE		SURETY'S SIGNATURE	
SIGNATURE	DATE	SIGNATURE	DATE
NAME		NAME	
OFFICIAL POSITION		OFFICIAL POSITION	
STATE OF MISSOURI COUNTY OF		STATE OF MISSOURI COUNTY OF	
APPEARED BEFORE ME THIS _____ DAY OF _____ _____, 19____, _____ AND _____ _____ TO ME PERSONALLY KNOWN, WHO EXECUTED THE ABOVE AS THEIR FREE ACTS AND DEEDS.		APPEARED BEFORE ME THIS _____ DAY OF _____ _____, 19____, _____ AND _____ _____ TO ME PERSONALLY KNOWN, WHO EXECUTED THE ABOVE AS THEIR FREE ACTS AND DEEDS.	
NOTARY PUBLIC	MY COMMISSION EXPIRES	NOTARY PUBLIC	MY COMMISSION EXPIRES

The amount of this bond shall be calculated as follows: two thousand five hundred dollars (\$2,500.00) for each acre or portion thereof of land affected by surface coal mining operations, except for coal preparation areas, where the bond shall be ten thousand dollars (\$10,000) per acre. Minimum bond is ten thousand dollars (\$10,000.00) per permitted surface coal mine operation. Bonding requirements are per 444.950, RSMo 1986 (Supp. 1987).

Where one signs by virtue of Power of Attorney for a surety company, such Power of Attorney must be filed with the bond.

Any notices to or correspondence with the surety hereunder shall be to the following name and address:

NAME	ADDRESS
BOND ACCEPTED BY THE DIRECTOR: SIGNATURE	DATE



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
LAND RECLAMATION COMMISSION  
**ASSIGNMENT OF CERTIFICATE OF DEPOSIT**

P.O. BOX 176  
JEFFERSON CITY, MO 65102

On the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_ assigned  
the following C.D.'s in full to the State of Missouri, Land Reclamation Commission: (COAL COMPANY)

CERTIFICATE NUMBER	ISSUING BANK	AMOUNT	DATED

as security for reclamation liabilities incurred by \_\_\_\_\_ in the conduct  
of coal mining activities as described by 444.830 to 444.970, RSMo 1986. (COAL COMPANY)

**CERTIFICATE OF DEPOSIT HOLDER(S)**

Must be signed and notarized by all individuals listed on Certificates of Deposit. (Attach proper acknowledgments for all signatures.)

SIGNED		DATE
NOTARY PUBLIC EMBOSSER SEAL	STATE OF	COUNTY (OR CITY OF ST. LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS DAY OF _____ 19____	
	NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES
	NOTARY PUBLIC NAME (TYPED OR PRINTED)	
SIGNED		DATE
NOTARY PUBLIC EMBOSSER SEAL	STATE OF	COUNTY (OR CITY OF ST. LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS DAY OF _____ 19____	
	NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES
	NOTARY PUBLIC NAME (TYPED OR PRINTED)	
SIGNED		DATE
NOTARY PUBLIC EMBOSSER SEAL	STATE OF	COUNTY (OR CITY OF ST. LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS DAY OF _____ 19____	
	NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES
	NOTARY PUBLIC NAME (TYPED OR PRINTED)	

**PLEASE CONTINUE ON REVERSE SIDE**

MO 780-0832 (12-91)



The issuing bank agrees to waive all rights of lien or set offs against these Certificates of Deposit until released by the Land Reclamation Commission.		
BANK NAME	AUTHORIZED SIGNATURE	DATE
Signature of authorized bank officer must be notarized.		
NOTARY PUBLIC EMBOSSER SEAL	STATE OF	COUNTY (OR CITY OF ST. LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS DAY OF 19	
	<b>USE RUBBER STAMP IN CLEAR AREA BELOW.</b>	
	NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES
NOTARY PUBLIC NAME (TYPED OR PRINTED)		



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
LAND RECLAMATION COMMISSION

**PERSONAL BOND SECURED BY A CERTIFICATE OF DEPOSIT**  
**(SURFACE COAL MINING LAW, \$2500 or \$10,000 PER ACRE)**

P.O. BOX 176  
JEFFERSON CITY, MISSOURI 65102

PERMIT NUMBER	INCREMENT NUMBER	BOND NUMBER
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KNOW ALL MEN BY THESE PRESENTS, That the undersigned \_\_\_\_\_ of  
(NAME OF PERMITTEE)  
\_\_\_\_\_, as Obligor (permittee),  
(ADDRESS OF PERMITTEE)  
is held and firmly bound to the State of Missouri, payable to the Treasurer of the State of Missouri, to the credit of the  
Mined Land Reclamation Fund in the penal sum of \_\_\_\_\_ Dollars  
(\$ \_\_\_\_\_) for the payment of such sum, well and truly to be made, we jointly and severally bind ourselves, our  
heirs, administrators, executors, successors and assigns. This obligation is secured by Certificate of Deposit as described herein:

CERTIFICATE NUMBER	ISSUING BANK/ADDRESS	AMOUNT

Each Certificate of Deposit described above is payable to the Treasurer of the State of Missouri or is assigned to the State of Missouri, and shall be kept in the custody of the State of Missouri until successful completion of the conditions of this obligation, and shall be forfeitable by the State of Missouri, acting through the Land Reclamation Commission, if the conditions of this obligation are not met. The issuing bank(s) named above hereby waives all rights of setoff or liens against the Certificate(s) of Deposit denominated above.

THE CONDITION OF THIS OBLIGATION IS SUCH, That since the above named Obligor did on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, file with the Land Reclamation Commission an application to secure a permit to engage in surface coal mining and reclamation operations in the State of Missouri, under the terms and provisions of Sections 444.800 to 444.970, RSMo 1986 (Supp. 1990), that said application has been approved for operations under Permit Number \_\_\_\_\_, Increment Number \_\_\_\_\_, consisting of \_\_\_\_\_ acres; that the Obligor will undertake operations and complete pit reclamation on the affected land in accordance with the statutes, regulations of the Commission, conditions of the permit, and the approved reclamation plan; and that this bond is subject to forfeiture pursuant to the statutes and regulations for failure to so comply on any area of the affected permit. The penalty of this bond shall be the full effective amount of this bond. The forfeited amount from this bond may be applied to any area of the entire permit.



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
LAND RECLAMATION COMMISSION  
**PERSONAL BOND SECURED BY A CERTIFICATE OF DEPOSIT**  
**(SURFACE COAL MINING LAW, \$500 PER ACRE)**

P.O. BOX 176  
JEFFERSON CITY, MISSOURI 65102

PERMIT NUMBER	INCREMENT NUMBER	BOND NUMBER
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KNOW ALL MEN BY THESE PRESENTS, That the undersigned \_\_\_\_\_ of  
(NAME OF PERMITTEE)  
 \_\_\_\_\_, as Obligor (permittee),  
(ADDRESS OF PERMITTEE)  
 is held and firmly bound to the State of Missouri, payable to the Treasurer of the State of Missouri, to the credit of the  
 Coal Mine Land Reclamation Fund in the penal sum of \_\_\_\_\_ Dollars  
 (\$ \_\_\_\_\_ ) for the payment of such sum, well and truly to be made, we jointly and severally bind ourselves, our  
 heirs, administrators, executors, successors and assigns. This obligation is secured by Certificate of Deposit as described herein:

CERTIFICATE NUMBER	ISSUING BANK/ADDRESS	AMOUNT

Each Certificate of Deposit described above is payable to the Treasurer of the State of Missouri or is assigned to the State of Missouri, and shall be kept in the custody of the State of Missouri until successful completion of the conditions of this obligation, and shall be forfeitable by the State of Missouri, acting through the Land Reclamation Commission, if the conditions of this obligation are not met.

THE CONDITION OF THIS OBLIGATION IS SUCH, That since the above named Obligor did on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, file with the Land Reclamation Commission an application to secure a permit to engage in surface coal mining and reclamation operations in the State of Missouri, under the terms and provisions of Sections 444.800 to 444.970, RSMo 1986 (Supp. 1990); that said application has been approved for operations under Permit Number \_\_\_\_\_, Increment Number \_\_\_\_\_, consisting of \_\_\_\_\_ acres; that the Obligor will undertake operations and complete pit reclamation on the affected land in accordance with the statutes, regulations of the Commission, conditions of the permit, and the approved reclamation plan; and that this bond is subject to forfeiture pursuant to the statutes and regulations for failure to so comply on any area of the affected permit. The penalty of this bond shall be the full effective amount of this bond. The forfeited amount from this bond may be applied to any area of the entire permit.

MO 780-1332 (12-91)

Now if the Obligor shall faithfully perform all the requirements of Sections 444.800 to 444.970, RSMo 1986 (Supp. 1990), and shall comply with the regulations of the Land Reclamation Commission at 10 CSR Division 40, with the conditions of the permit issued to Obligor as identified herein, or any amendments to said permit, and with the approved reclamation plan submitted with the application for said entire permit and any amendments to said reclamation plan, and shall successfully complete pit reclamation on the area covered by the entire permit acreage according to said statutes, regulations, permit conditions and reclamation plan as they pertain to pit reclamation and operations prior to completion of pit reclamation, then this obligation shall be null and void; otherwise, it shall remain in full force and effect.

Application for release of the obligations of this bond may be made to the Commission in accordance with the provisions of Sections 444.875 and 444.950, RSMo 1986 (Supp. 1990).

OBLIGOR'S SIGNATURE		NOTARY'S SIGNATURE	
SIGNATURE		STATE OF MISSOURI     ) COUNTY OF _____)	
NAME		APPEARED BEFORE ME THIS _____ DAY OF _____, 19 _____, _____ TO	
OFFICIAL TITLE		ME PERSONALLY KNOWN, WHO EXECUTED THE ABOVE AS HIS FREE ACT AND DEED.	
DATE	NOTARY PUBLIC	MY COMMISSION EXPIRES	

Interest on the Certificates of Deposit may be payable to the Obligor.

No single Certificate of Deposit shall exceed the sum of \$100,000.00, nor shall any permittee submit Certificates aggregating more than \$100,000.00 from a single bank. The issuing bank(s) must be protected by the Federal Deposit Insurance Corporation (F.D.I.C.).

The penalty of the bond must be five hundred dollars (\$500.00) for each acre or portion thereof of land affected by surface coal mining operations. Minimum bond is ten thousand dollars (\$10,000.00) per permit.

BOND ACCEPTED BY THE DIRECTOR: SIGNATURE	DATE
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MO 780-1332 (12-91)



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
LAND RECLAMATION COMMISSION  
**PERSONAL BOND SECURED BY A LETTER OF CREDIT**  
**(SURFACE COAL MINING LAW)**

P.O. BOX 176  
JEFFERSON CITY, MISSOURI 65102

BOND NUMBER	PERMIT NUMBER	INCREMENT NUMBER
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KNOW ALL MEN BY THESE PRESENTS, That the undersigned \_\_\_\_\_ of

(NAME OF PERMITTEE)

(ADDRESS OF PERMITTEE)

, as Obligor (permittee),

is held and firmly bound unto the State of Missouri payable to the Treasurer of the State of Missouri, to the credit of the Mined Land Reclamation Fund in the penal sum of \_\_\_\_\_ Dollars

(\$ \_\_\_\_\_ ) for the payment of such sum, well and truly to be made, we jointly and severally bind ourselves,

our heirs, administrators, executors, successors and assigns. This obligation is secured by Irrevocable Letter of Credit No.

\_\_\_\_\_ dated \_\_\_\_\_, issued by the \_\_\_\_\_

(NAME OF ISSUING BANK)

of \_\_\_\_\_

(ADDRESS OF ISSUING BANK)

in the amount of \$ \_\_\_\_\_, (and an Irrevocable Confirmation of Letter of Credit, Document No. \_\_\_\_\_,

dated \_\_\_\_\_, issued by the \_\_\_\_\_

(NAME OF CONFIRMING BANK)

of \_\_\_\_\_

(ADDRESS OF CONFIRMING BANK)

in the amount of \$ \_\_\_\_\_).

The Letter of Credit (and Confirmation of Letter of Credit) shall be kept in the possession of the State of Missouri, shall be drawn upon in the event that the conditions of this obligation are not met and the Land Reclamation Commission declares this bond forfeited, and shall not terminate until this bond is released.

THE CONDITION OF THIS OBLIGATION IS SUCH, That whereas the above named Obligor did on the \_\_\_\_\_

day of \_\_\_\_\_, 19 \_\_\_\_\_, file with the Land Reclamation Commission an application to

secure a permit to engage in surface coal mining and reclamation operations under Permit No. \_\_\_\_\_,

Increment \_\_\_\_\_, consisting of \_\_\_\_\_ acres; that the Obligor will undertake operations and complete

pit reclamation on the affected land in accordance with the statutes, regulations of the Commission, conditions of the permit,

and the approved reclamation plan; and that this bond is subject to forfeiture pursuant to the statutes and regulations for

failure to so comply.

Now if the Obligor shall faithfully perform all of the requirements of Sections 444.800 to 444.970, RSMo, and shall comply with the regulations of the Land Reclamation Commission at 10 CSR Division 40, with the conditions of the permit issued to Obligor as identified herein, or any amendments to said permit, and with the approved reclamation plan submitted with the application for said permit and any amendments to said reclamation plan, and shall successfully complete pit reclamation on the area covered by said permit according to said statutes, regulations, permit conditions and reclamation plan as they pertain to pit reclamation and operations prior to completion of pit reclamation, then this obligation shall be null and void; otherwise, it shall remain in full force and effect.

Application for release of the obligations of this bond may be made to the Commission in accordance with the provisions of Sections 444.875 and 444.950, RSMo.

OBLIGOR'S SIGNATURE		NOTARY'S SIGNATURE	
SIGNATURE		STATE OF MISSOURI ) COUNTY OF _____ )	
NAME		APPEARED BEFORE ME THIS _____ DAY OF _____, 19 _____, _____ TO	
OFFICIAL TITLE		ME PERSONALLY KNOWN, WHO EXECUTED THE ABOVE AS HIS FREE ACT AND DEED.	
DATE	NOTARY PUBLIC	MY COMMISSION EXPIRES	

Letters of Credit will be accepted only from banks or trust companies in the United States. If the bank is located in another state, a bank located in Missouri must confirm the letter of credit. Letters of credit and confirmations must be irrevocable, and must be on the forms provided by the Director.

BOND ACCEPTED BY THE DIRECTOR: SIGNATURE	DATE
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