

**WAC 332-18-120 Performance security.** (1) The performance security required by RCW 78.44.087 may be in the form of a corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under Title 48 RCW.

(2) After July 1, 1995, performance bonds required by RCW 78.44.087 shall be substantially in the following form, unless, in considering any reclamation permit, the department determines that a different form is desirable or required.

**SURFACE MINING RECLAMATION BOND**

Permit No. ....

KNOW ALL PEOPLE BY THESE PRESENTS, That we, . . . . ., as Principal, and . . . . ., a corporation organized and existing under the laws of the State of . . . . . [,] and authorized to transact business in the State of Washington, as Surety, are held and firmly bound unto the State of Washington, acting through the Department of Natural Resources, in the sum of . . . . . (\$ . . . . .) U.S. DOLLARS, for the payment of which sum we bind ourselves, and each of our legal representatives, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, The Principal has received from the Department of Natural Resources, State of Washington, an operating or reclamation permit to conduct surface mining on the Premises whose legal description is in the portion of:

Sec(s)...., ..., ..., T, ..., N, R... (E)(W) W.M. (circle one):  
Sec(s)...., ..., ..., T, ..., N, R... (E)(W) W.M. (circle one):  
Sec(s)...., ..., ..., T, ..., N, R... (E)(W) W.M. (circle one):  
Sec(s)...., ..., ..., T, ..., N, R... (E)(W) W.M. (circle one):  
..... (counties)

.....  
.....  
.....  
.....

NOW, THEREFORE, The conditions of this obligation are such that if the Principal, in conducting such surface mining operations, faithfully performs the requirements of the permit, these rules, and the act, then this obligation shall be void; otherwise the obligation shall remain in full force and effect. In accordance with RCW 78.44.087, this bond secures completion of reclamation for the area to be surface mined and related costs after the signature date of this bond and any previously disturbed areas on the Premises on which reclamation has not been satisfactorily completed and approved.

PROVIDED, However, the Surety shall not be liable under this bond for an amount greater in the aggregate than the sum designated in the first paragraph hereof and any reasonable legal fees that the department may incur to recover the security under RCW 78.44.240. The Surety shall not be liable for surface mining performed on the Premises after a date sixty days after the Surety mails a cancellation notice to the Principal and the Department of Natural Resources, Olympia, Washington. The bond shall remain in full force and effect as respects obligations related to surface mining performed on the Premises before that date unless the Principal files a substitute bond or other performance security, approved by the Department of Natural Resources, or unless the Department of Natural Resources otherwise releases the Surety in writing.

Signed, sealed and dated this . . . . day of . . . . ., . . . . .

(3) Bonds submitted under RCW 78.44.087 shall contain a legal description of the area for which a reclamation permit has been issued. An acceptable legal description for bonds takes this form: "a portion of sec. 15 T2N R3E." After July 1, 1994, the department will generally not accept metes and bounds descriptions.

[Statutory Authority: RCW 78.44.040, 34.05.220, 43.21C.135 and 78.44.250. WSR 94-14-051, § 332-18-120, filed 6/30/94, effective 8/2/94. Statutory Authority: RCW 78.44.040. WSR 92-20-059 (Order 605), § 332-18-120, filed 10/2/92, effective 11/2/92; Order 86, § 332-18-120, filed 10/27/70, effective 11/28/70.]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.