



COAL SURFACE MINING
RECLAMATION FUND APPLICATION

Pursuant to 45.1-270.2 of the **Code of Virginia**, as amended, an eligible person may elect to participate in the “Coal Surface Mining Reclamation Fund” (hereafter referred to as the Pool Bond Fund) in order to be relieved of the bonding requirements of 4 VAC 25-130-800.14 and 4 VAC 25-130-800.17 of the **Virginia Coal Surface Mining Reclamation Regulations**. The commencement of participation in the Pool Bond Fund shall constitute an irrevocable commitment by the permittee to participate therein as to the applicable permit and for the duration of coal surface mining and reclamation operations covered thereunder.

Company Name		Application No.	
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- The Applicant must demonstrate a consecutive three (3) year history of compliance under Title 45.1, Chapter 19 of the **Code of Virginia**, as amended, or any other comparable State or Federal act. To demonstrate this compliance complete the following:

Company Name	Permit Number	From Date	To Date	State

- For the company(ies) listed in item #1, provide the following (by company) for each officer, partner, director, and stockholder (owning 10 per cent or more of any class of voting stock):

Company	Person’s Name	Address	Title/Position

- If requesting to exceed the rough backfilling and grading distances set forth under 45.1-270.2(C) of the Act, the Applicant must demonstrate a consecutive seven (7) year history of compliance under the Act or comparable State or Federal act. Check the following, if applicable.

	A request to exceed the distances set forth in 45.1-270.2(C) is being made. The information in items #1 and 2 has been expanded to demonstrate the consecutive 7 year history of compliance.
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4. **Entrance Fee:**

I understand that should the permit application be approved, the entrance fee to the Pool Bond Fund may be \$1,000 or \$5,000, depending on the status of the Pool Bond Fund. I agree to submit payment of the applicable fee at permit issuance.

5. **Performance Bond:**

Type of performance bond that the Applicant intends to furnish (C = cash/certificate of deposit; I = insurance surety; S = self bond).	
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6. In the event the Applicant intends to furnish a “self bond”, the following information must be provided:

	Name	Address
A. The name and address of the suitable agent to receive service of process in Virginia.		
B. The name and address of the independent certified public accountant who prepared the financial statement required by 4 VAC 25-130-801.13(a)(2).		
C. Provide the location of the financial records which were used to prepare the financial statement		

Self Bond Requirements/Conditions:

Financial Statement: The Applicant must have a net worth *, certified by the independent certified public accountant (item #6B), of not less than one million dollars after total liabilities are subtracted from total assets.

(* The net worth certification must be in the form of an unqualified opinion appended to the financial statement. Also note that per 45.1-270.3(C) of the Act, the Pool Bond Fund participant utilizing self bonding must ensure the net worth amount is certified annually on the permit’s anniversary date by an independent certified public accountant.)

Cognovit Note: For a proposed underground mining operation, a **cognovit note** shall be submitted to the Division prior to issuance of the permit. The **note** shall be a binding obligation, jointly and severally on all who execute it. The **note** shall be executed by the Applicant and -

- a) If a corporation, two corporate officers who are authorized to sign the **note** by resolution of the board of directors, a copy of which shall be provided.
- b) If the Applicant is a partnership, all of its general partners and their parent organization or principal investors.
- c) If the Applicant is a married individual, the Applicant’s spouse.

Indemnity Agreement: For a proposed surface mining operation or associated facility, an **indemnity agreement** shall be submitted to the Division prior to issuance of the permit. The **agreement** shall be a binding obligation, jointly and severally on all who execute it. The **agreement** shall contain a date of execution and be -

- a) Made payable to the “Treasurer of Virginia”.
- b) Immediately due and payable in the event of forfeiture of the permit’s bond.
- c) Payable in a sum certain amount of money.

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- d) Signed by the maker(s).
- e) Executed by the Applicant and -
 - 1) If a corporation, two corporate officers who are authorized to sign the **note** by resolution of the board of directors, a copy of which shall be provided.
 - 2) To the extent that the history or assets of a parent organization are relied upon to make the showings of 4 VAC 25-130-801.13, the parent organization of which it is a subsidiary, whether first-tier, second-tier, or further removed, in the form of (e)(1) above.
 - 3) If the Applicant is a partnership, all of its general partners and their parent organization or principal investors.
 - 4) If the Applicant is a married individual, the Applicant's spouse.

Any person who occupies more than one of the specified positions shall indicate each capacity in which he/she signs the **agreement**.

Posting of Surety/Collateral Bond: In the event the conditions upon which the self bond was approved no longer prevails, the Division shall require the Permittee to post a surety or collateral bond before coal surface mining operations may continue. The Permittee shall be required to immediately notify the Division of any change in his total liabilities or total assets which would jeopardize the support of the self bond.

Self Bond Approval: Self bonding is subject to the discretion and approval of the Director or his designee.

CERTIFICATION:

I hereby certify that the information provided in this application to the Pool Bond Fund and any attachments thereto are true and correct to the best of my knowledge and belief.

Signature:			
Title/Position:		Date:	

Notarization:

Subscribed and sworn/affirmed to before me by _____

this _____ day of _____, 20 _____, in the City/County of _____.

Notary Public's
 Signature¹: _____

Notary Registration No. _____

My Commission
 Expires: _____
 (Affix Seal)

¹ Pursuant to §47.1-15(3) of the Code of Virginia, as amended, the notarial certificate wording must be contained on the same page as the signature being notarized.