



Michigan Department Of Environmental Quality, Waste and Hazardous Materials Division

SURETY BOND FOR A SOLID WASTE DISPOSAL AREA - LANDFILL

Required by Section 11523(1), Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, being Section 324.11523 of the Michigan Compiled Laws Annotated. An operating license shall not be issued unless financial assurance has been filed as a part of an application for a license.

Facility Name:		Surety Bond Number:	
Waste Data System Number:			
Facility Address:		County:	
City:	State:	Zip Code:	

_____ a (name of state) (corporation, partnership, etc.),
of _____ as Principal, and

_____, an insurer authorized to transact the business of surety and fidelity insurance in the State of Michigan (the "Surety") are firmly bound unto the Director of the Michigan Department of Environmental Quality (the "Department"), on behalf of the State of Michigan, successor or successors in office, or authorized representative(s), in the sum of _____ (\$ _____), lawful money of the United States of America, for the payment of which we bind ourselves, our executors, administrators and heirs, successors and assigns, jointly and severally.

Sealed with our seals, dated the _____ day of _____, 20_____.

WHEREAS, the Principal has made application for a license to establish, maintain, and/or operate a solid waste disposal area that is a landfill within the State of Michigan in accordance with the provisions of Part 115 and the administrative rules promulgated thereunder; and

WHEREAS, the Principal is required by law to provide, as part of the application for a license, a Surety Bond to cover the cost of closure, post-closure maintenance and monitoring, and if necessary, corrective action.

WHEREAS, the Surety Bond shall provide assurance for the maintenance of the finished landfill site for a period of 30 years after the landfill or any approved portion is completed.

NOW, THEREFORE, the conditions of this obligation are such that the Surety shall become liable on this Surety Bond obligation only under the following conditions: (1) If the Principal shall fail to perform closure, whenever required to do so, of each facility for which this Surety Bond guarantees closure, in accordance with the closure requirements of all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended; or (2) If the Principal shall fail to perform closure, post-closure maintenance and monitoring, and corrective action, if necessary, of the disposal area pursuant to the closure, post-closure maintenance and monitoring, and corrective action requirements of all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended.

In the event that the Director of the Department, in accordance with Part 115, issues a notice of violation or other order indicating that the Principal has failed to comply with the closure, post-closure maintenance and monitoring, or corrective action requirements of Part 115, or the rules promulgated under Part 115, the Surety either perform closure, post-closure maintenance and monitoring, or corrective action, or make payment of the closure, post-closure maintenance and monitoring or corrective action amounts guaranteed by this Surety Bond for the Facility to the Director of the Department.

The Surety hereby waives notification of amendments to closure plans, licenses, applicable laws, statutes, rules, and regulations and agrees that no such amendment shall in any way alleviate its obligation on this Surety Bond.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the Surety Bond, but in no event shall the obligation of the Surety hereunder exceed the amount of said penal sum.

Under the terms of the Surety Bond, the Surety shall notify both the Department, and the Principal by certified mail at least 120 days before the expiration date or any cancellation of the Surety Bond. If the Principal does not extend the effective date of the Surety Bond, or establish alternate financial assurance within 90 days after receipt of an expiration or cancellation notice by the Surety, the Department may draw on the Surety Bond.

The surety company issuing the Surety Bond, must as a minimum, be among those listed as acceptable sureties on Federal Surety Bonds in circular 570 of the U.S. Department of Treasury.

The Principal may terminate this Surety Bond by sending written notice to the Surety provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the Surety Bond from the Director of the Department, or authorized representative.

This Surety Bond shall be continuous until canceled by the Michigan Department of Environmental Quality.

The persons whose signatures appear below certify that they are authorized to execute this Surety Bond on behalf of the Principal and the Surety, and that the wording of the Surety Bond is identical to the wording provided by the Director as of the date shown immediately below.

In witness whereof, the Principal and the Surety have executed this Surety Bond and have affixed their seals and have attached the justification or power of attorney as of the day and date first above written.

Principal

By: _____

Surety

By: _____
Authorized Agent and Attorney in Fact

Address of Surety

Phone Number of Surety

When completed send this document to:

WASTE AND HAZARDOUS MATERIALS DIVISION
MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
PO BOX 30241
LANSING, MI 48909-7741