Logo, company name

Description automatically generated

**Air, Energy, & Mining Division**

**SURETY BOND GUIDE**

INSTRUCTIONS:

* Fill out this form in its entirety (except for the DEQ Sections).
* DO NOT fill out any of the **Official Use Only** areas on the form.
* All Opencut bond forms are designed to be completed in Microsoft Word. It is recommended that the operator complete the OPERATOR sections and then email the form, in Word format, to the surety company for completion of the SURETY sections.
* Ensure that all blanks in the OPERATOR sections are consistent with the information provided in the *Opencut Mining Plan of Operation and Application*.
* **NOTE: all surety bonds must include a Power of Attorney from the surety company. This POA must include an ink stamp or an embossed stamp. The DEQ will not accept printed/scanned stamps.**
* When submitting bonds, DO NOT include the guide/instruction page.

MAILING BONDS:

* All signed, original bonds must be mailed to the Helena office ONLY. The mailing address is **DEQ Opencut Mining Section, PO Box 200901, Helena, MT 59620.**
* For those wishing to deliver the bonds in-person, the physical address is 1520 E. 6th Avenue, Helena, MT 59601.

OPERATOR SECTION – PAGE 1:

* Ensure that the OPERATOR NAME is consistent with the information provided in the *Opencut Mining Plan of Operation and Application.*
* In section C, include the bond amount written out in its entirety.

SURETY SECTION – PAGE 1:

* In section F, write out the full name of the state the surety company is incorporated in (no abbreviations).

OPERATOR SIGNATURE SECTION – PAGE 2:

* Ensure that the operator signs here and lists their title.

OPERATOR ACKNOWLEDGEMENT SECTION – PAGE 2:

* On the “By” line, note that this line is for the OPERATOR NAME, not the name of the notary.
* The date in this section MUST MATCH the date of the above OPERATOR SIGNATURE SECTION.
* For notary seals, use an ink stamp or an embossed stamp in this area.

SURETY / AGENT SIGNATURE SECTION – PAGE 3:

* This section is for the surety and/or agent to sign and include their information.
* For notary seals, use an ink stamp or an embossed stamp in this area.

SURETY / AGENT ACKNOWLEDGEMENT SECTION – PAGE 3:

* On the “By” line, note that this line is for the AGENT NAME.
* The date in this section MUST MATCH the date of the above SURETY / AGENT SIGNATURE SECTION.
* For notary seals, use an ink stamp or an embossed stamp in this area.

DEPARTMENT OF ENVIRONMENTAL QUALITY SECTION – PAGE 4:

* DO NOT fill out any fields on this page.

Logo, company name

Description automatically generated

DEQ# \_\_\_\_\_\_\_\_\_\_\_ - OC

Permit # \_\_\_\_\_\_\_\_\_\_\_\_\_

**Official Use Only**

**Air, Energy, & Mining Division**

**SURETY BOND FOR OPENCUT MINING PERMIT**

**INSTRUCTIONS**

1. This form is designed to be completed in Microsoft Word. It is recommended that the operator complete the OPERATOR SECTION and then email the form, in Word format, to the surety company for completion of the SURETY SECTION.

Ensure all blanks in the OPERATOR SECTION are consistent with the information provided in the *Opencut Mining Plan of Operation and Application*.

The **signed** **original** must be mailed to the Helena office:

**Physical address**: 1520 E. 6th Ave, Helena, MT 59601

**Mailing address**: DEQ Opencut Mining Section, PO Box 200901, Helena MT 59620

**OPERATOR SECTION**

Whereas **sOperator Name** (Operator) has applied for an Opencut Mining Permit from the State of Montana Department of Environmental Quality (the State) to conduct mining operations

1. For the site known as **Site Name**,
2. Covering **# of acres** bonded acres,
3. In the amount of **$****0.00,** **amount written out** for the payment of which sum, well and truly to be made,
4. Effective date of bond: **Bond Date**

**SURETY SECTION**

1. We, **Surety Company Name** (Surety), NAIC Number **NAIC#**,
2. A corporation organized and existing under the laws of The State of **State Incorporated In** and duly authorized to transact business in the State of Montana are held and firmly bound to the State.
3. For bond number **surety bond number** bind ourselves, and each of our legal representatives, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

NOW, THEREFORE, the conditions of this obligation are such that if the above bonded Principal shall, in conducting such mining operations faithfully perform the requirements of the permit, Title 82, Chapter 4, Part 4, MCA, and the Rules and Regulations adopted pursuant thereto, then this obligation shall be exonerated and discharged and become null and void; otherwise, this obligation shall remain in full force and effect. The requirements assured by this bond include those requirements imposed on Principal as a result of those activities that occurred prior to issuance of this bond and before the date the bond is canceled or released, or substitute bond is approved. If this bond is forfeited, the State shall be entitled to the entire amount of this bond without regard to actual damages.

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 shall not be liable with respect to any obligation related to mining operations performed after the expiration of thirty (30) days from the date of the mailing by the Surety of a cancellation notice directed to the Principal and the Department of Environmental Quality, Helena, Montana. The bond shall remain in full force and effect as respects any obligations related to mining operations performed prior to the effective date of such cancellation unless the principal files a substitute bond, approved by the Department of Environmental Quality, or unless the Department of Environmental Quality shall otherwise release the Surety.

**OPERATOR SIGNATURE SECTION**

Dated this day of **,**  .

OPERATOR Signature Title

**OPERATOR ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

County of

This instrument was signed or acknowledged before me on day of ,

.

By .

**Operator Name**

Notary Signature

(Notary Seal) Notary Public for the State of

Residing at

My Commission expires

**For Official Use Only**

Bond Number: **surety bond number**

**SURETY / AGENT SIGNATURE SECTION**

Dated this day of , .

SURETY / AGENT Signature Title

Agency Name:

(Surety Seal)

Full Mailing Address:

Telephone Number:

**SURETY / AGENT ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

This instrument was signed or acknowledged before me on day of  , .

By .

**Agent Name**

Notary Signature

(Notary Seal) Notary Public for the State of

Residing at

My Commission expires .

**For Official Use Only**

Bond Number: **surety bond number**

**DEPARTMENT OF ENVIRONMENTAL QUALITY SECTION**

**DEQ'S ACCEPTANCE**

Approved by: State of Montana Department of Environmental Quality

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mining Bureau Signature Title Date

**AUTHORIZATION FOR RELEASE OF SURETY BOND**

The above assignment of Surety Bond is hereby released. The authorized signature below shall witness the termination of the State's interest in the surety.

Authorized by: State of Montana Department of Environmental Quality

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mining Bureau Signature Title Date

**For Official Use Only**

Bond Number: **surety bond number**