

THE LANDFILL IS TO BE LOCATED, AND THE OBLIGATION OF THE BOND SHALL BE CONDITIONED UPON THE CLOSING AND COVERING OF THE LANDFILL IN A MANNER THAT PREVENTS EROSION, HEALTH AND SAFETY HAZARDS, NUISANCES, AND POLLUTION. THE BOND SHALL BE IN THE AMOUNT OF \$1,000 FOR EACH ACRE OF LAND FOR WHICH THE PERMIT IS TO BE APPLIED, BUT IN NO EVENT LESS THAN \$25,000. LIABILITY UNDER THE BOND SHALL BE FOR THE DURATION OF THE ACTUAL OPERATION OF THE LANDFILL AND FOR A PERIOD OF 5 YEARS AFTER THAT UNLESS RELEASED EARLIER BY THE DEPARTMENT UPON RECEIPT OF ASSURANCE THAT THE LANDFILL HAS BEEN CLOSED AND COVERED IN THE REQUIRED MANNER. THE BOND SHALL BE EXECUTED BY THE APPLICANT AND BY A CORPORATE SURETY LICENSED TO DO BUSINESS IN THIS STATE. IN LIEU OF HAVING A BOND EXECUTED BY A CORPORATE SURETY, THE APPLICANT MAY ELECT TO DEPOSIT, WITH THE LOCAL GOVERNING BODY, CASH OR NEGOTIABLE BONDS OF THE FEDERAL GOVERNMENT OR OF THIS STATE OR ANY OTHER SECURITIES ACCEPTABLE TO THE DEPARTMENT. THE AMOUNT OF THE CASH DEPOSIT OR THE MARKET VALUE OF ANY SECURITIES SHALL BE AT LEAST EQUAL TO THE REQUIRED SUM OF THE BOND. THE LOCAL GOVERNING BODY SHALL RECEIVE AND HOLD ANY SUCH CASH OR SECURITIES IN THE NAME OF THE APPROPRIATE SUBDIVISION, IN TRUST, FOR THE PURPOSES FOR WHICH THE DEPOSIT IS POSTED. THE OBLIGATION OF THE APPLICANT AND OF ANY CORPORATE SURETY UNDER THE BOND SHALL BECOME DUE AND PAYABLE, AND ALL OR ANY PART OF ANY CASH OR SECURITIES SHALL BE APPLIED TO PAYMENT OF THE COSTS OF PROPERLY CLOSING AND COVERING A LANDFILL ONLY IF THE DEPARTMENT HAS:

(1) NOTIFIED THE APPLICANT AND ANY CORPORATE SURETY THAT THE LANDFILL HAS NOT BEEN CLOSED OR COVERED IN A MANNER THAT PREVENTS EROSION, HEALTH AND SAFETY HAZARDS, NUISANCES, AND POLLUTION, SPECIFYING IN THE NOTICE THE PARTICULAR DEFICIENCIES IN THE CLOSING OR COVERING OF THE LANDFILL TO BE CORRECTED;

(2) GIVEN THE APPLICANT AND ANY CORPORATE SURETY A REASONABLE OPPORTUNITY TO CORRECT THE DEFICIENCIES AND TO CLOSE AND COVER THE LANDFILL IN ACCORDANCE WITH THE STANDARDS ADOPTED BY THE DEPARTMENT; AND

(3) AUTHORIZED THE LOCAL GOVERNING BODY TO CLOSE AND COVER THE LANDFILL PROPERLY IN ACCORDANCE WITH THE STANDARDS ADOPTED BY THE DEPARTMENT.

REVISOR'S NOTE: This section formerly appeared as Article 43, § 394B.

The only changes are in style.

9-214. FUNDS TO COMPLY WITH ORDER OF SECRETARY.

(A) IN GENERAL.

THE STATE, OR ANY COUNTY, LEGALLY CONSTITUTED PUBLIC WATER, SEWERAGE, OR SANITARY DISTRICT, OR ANY MUNICIPALITY