

9-211. SAME -- REQUIREMENTS FOR SECURITY.

(A) SECURITY REQUIRED FROM PRIVATE PERSONS; EXEMPTIONS.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BEFORE THE ~~DEPARTMENT~~ SECRETARY ISSUES A PERMIT FOR A LANDFILL, INCINERATOR, OR TRANSFER STATION TO ANY PRIVATE PERSON, THE APPLICANT FOR THE PERMIT SHALL:

(I) FILE WITH THE DEPARTMENT A BOND ~~IN~~ ON THE FORM THAT THE DEPARTMENT ~~REQUIRES~~ PROVIDES; OR

(II) DEPOSIT WITH THE GOVERNING BODY OF THE LOCAL JURISDICTION WHERE THE LANDFILL, INCINERATOR, OR TRANSFER STATION WILL BE LOCATED CASH, NEGOTIABLE BONDS OF THE FEDERAL GOVERNMENT OR THIS STATE, OR ANY OTHER SECURITY THAT THE DEPARTMENT APPROVES.

(2) THE SECRETARY MAY ADOPT REGULATIONS TO EXEMPT ANY LEGITIMATE RECYCLING OR RECLAMATION FACILITY FROM THE REQUIREMENTS OF THIS SECTION.

(B) OBLIGATION OF SECURITY.

(1) THE OBLIGATION OF A BOND FILED UNDER THIS SECTION SHALL BE SO CONDITIONED AS TO BE VOID ON THE CLOSING OF THE LANDFILL, INCINERATOR, OR TRANSFER STATION IN A MANNER THAT PREVENTS EROSION, HEALTH AND SAFETY HAZARDS, NUISANCES, AND POLLUTION.

(2) THE LOCAL GOVERNING BODY THAT RECEIVES A DEPOSIT OF CASH OR OTHER SECURITY UNDER THIS SECTION SHALL HOLD THE SECURITY IN TRUST IN THE NAME OF THE LOCAL JURISDICTION TO ASSURE THE CLOSING OF THE LANDFILL, INCINERATOR, OR TRANSFER STATION IN A MANNER THAT PREVENTS EROSION, HEALTH AND SAFETY HAZARDS, NUISANCES, AND POLLUTION.

(C) BOND PAYABLE TO GOVERNING BODY OF POLITICAL SUBDIVISION.

A BOND FILED UNDER THIS SECTION SHALL BE PAYABLE TO THE GOVERNING BODY OF THE ~~LOCAL JURISDICTION~~ POLITICAL SUBDIVISION WHERE THE LANDFILL, INCINERATOR, OR TRANSFER STATION WILL BE LOCATED.

(D) AMOUNT OF SECURITY.

(1) FOR A LANDFILL:

(I) A BOND FILED UNDER THIS SECTION SHALL BE IN THE AMOUNT OF \$5,000 FOR EACH ACRE OF LAND TO WHICH THE PERMIT APPLIES, BUT NOT LESS THAN \$125,000;