



Wyoming Department of Environmental Quality
Industrial Siting Division



**Reclamation Performance Bonds
General Instructions**

The following instruments are presently accepted by the Industrial Siting Division (ISD) to meet financial assurance requirements pursuant to the Wyo. Stat. § 35-12-105. The original documents must be submitted to.

Wyoming Department of Environmental Quality (WDEQ)
Industrial Siting Division (ISD)
122 West 25th Street, 4th Floor – West Wing
Cheyenne, WY 82002
(307) 777 – 7369

1. **Corporate Surety Bonds** must be executed by an insurance or bonding company holding a Wyoming surety license and be executed on ISD forms. ISD will supply the forms in hard copy by request. **Forms must be submitted on a single sheet of 8.5"x14" legal sized paper with pages printed back to back.**
 - a. Please ensure that all corporate, surety, and notary seals are affixed and legible. Please use the darkest ink possible for stamped seals. If the notary statement is on a separate sheet of paper, on the attachment please state "Attachment A to (insurance company name) bond no. _____ dated _____," and cite on the bond "See Attachment A."
 - b. **No alterations can be made to the bond. Corrections, cross-overs, use of correction fluid, etc. are not acceptable.**
 - c. The legal capacity of the principal must be stated in the caption of the bond (i.e., corporation, partnership, sole proprietorship, Limited Liability Company, etc.).
 - d. In regards to the Principal Signature Section of the surety bond, the person who signs on behalf of the principal must identify his/her title or office. Also, please attach to the bond written evidence of his/her authority to sign the bond. Such evidence must include a certified copy of relevant portion of the bylaws, resolution or other articles of organization, which clearly recites the signatory's authority to sign the bond; include the first page of the document also. If the signatory is relying on a power of attorney, the executed power of attorney must be attached. **Please ensure the certificate is dated the same day the signatory signed the bond or later, so there is clear evidence the authority was valid on the day the bond was signed.** ISD will provide a sample certificate upon request.
 - e. A signature of the person or other attorney-in-fact acting on behalf of the surety company must appear on the bond. The surety should sign before the principal does.
 - f. In regards to the Surety Signature Section of the surety bond, the bond must be accompanied by a properly executed authorization of the power of attorney who signs the bond.
 - g. Each party is required to sign his/her own name. Facsimile signatures are not acceptable.

- h. All bonds (original, additional or replacement) shall describe and pertain to all lands under the original permit and amendments. If the description of the affected lands exceeds the space provided on page 1 of the bond, an attachment may be used for the legal description. Should an attachment be used, **each page of the attachment must be signed, sealed and dated by the attorney-in-fact.**
 - i. If the operator does not have a corporate seal, a statement to that effect must be placed where the corporate seal would otherwise be affixed.
2. Federally insured Automatically Renewable Certificates of Deposit (C.D.)
- a. The original certificate with an original bank signature must be submitted to ISD for deposit with the State Treasurer.
 - b. The certificate must be payable solely to the **Wyoming Department of Environmental Quality, Industrial Siting Division**. “Payee” must be listed beside our name and “Nonpayee” beside the purchaser’s name.
 - c. Interest checks, statements and IRS statements should be mailed to the purchaser.
 - d. The certificate may not be redeemed without written authorization from the ISD.
 - e. All interest, interest statements and 1099’s are to the benefit of the purchaser. The instrument must state that the interest is to the benefit of the purchaser so that it can be distributed accordingly.
 - f. The C.D. may not be in an amount greater than the \$250,000 FDIC insurance limit. If the amount on the bond required exceeds \$250,000, C.D.’s must be purchased from separate banking institutions.
 - g. Upon acceptance of the C.D., the bank is required to copy the Industrial Siting Division on all correspondence relating to the C.D. at the address cited above.
3. U.S. Treasury Bonds, Bills, or Notes may be sent to the Industrial Siting Division for deposit with the State Treasurer. Please contact the division for further information.
4. Cash or checks may be sent to the Industrial Siting Division for deposit with the State Treasurer. No interest is paid on a cash bond. Use of a cashier’s or certified check will expedite the permitting process.
5. Letters of Credit must be submitted in the approved ISD format and be issued by a bank organized to do business in the United States. The bank must appoint or maintain an agent in the State of Wyoming, upon whom any process, notice or demand required or permitted by law may be served. Please contact the ISD for the required letter of credit format.
6. A combination of the above instruments may be submitted.