

Kentucky Department for Environmental Protection
 Division of Waste Management
 Solid Waste Branch
 300 Sower Boulevard, Second Floor
 Frankfort, KY 40601
 (502) 564-6716

**FOR OFFICIAL USE ONLY. DO NOT
 WRITE IN THIS SPACE**

Performance Agreement

1. Agency Interest Number:			
2. Permit Number (if applicable):			
3. Applicant Information			
Applicant Name:		Mailing Address:	
City:	State:	Zip Code:	
Contact Person:		Title:	
Email Address:	Phone Number: () -	Cell Number: () -	
4. Facility Information			
Facility Name:		Physical Address:	
City:	State:	Zip Code:	
5. Type of Financial Assurance (mark the one that is applicable):			
Date of Issuance:	Surety Bond #:	Letter of Credit #:	
Escrow Agreement Certificate #:	Certificate of Insurance Policy #:	Corp. Financial Test #:	
6. Permit Type(s), mark with an "X"			
Note – Mark only those associated with the Financial Assurance Instrument			
Solid Waste Contained, CD&D > 1 acre or Residual:		Solid Waste CD&D < 1 acre:	
Waste Tire:	Special Waste :	Coal Combustion Residual:	
7. Financial Assurance Type(s), mark with an "X"			
Closure and/or Closure Care (Post Closure) :		Corrective Action:	
8. Performance Agreement			
Note – All financial instruments and performance agreements must be executed prior to approval of the permit. If the applicant executes multiple financial instruments for the facility, each instrument must have a separate corresponding performance agreement.			
<p>Know all persons by these presents, that the undersigned, _____, as Applicant, is held and firmly bound unto the Energy and Environment Cabinet in the penal sum of _____ dollars (\$ _____) which sum is herewith deposited by the submission of the financial assurance mechanism identified above.</p> <p>The Applicant posts this financial assurance mechanism by and through its agent(s) as a guarantee that the provisions of the permit associated with Agency Interest Number _____, all applicable laws, rules, and regulations will be observed and hereby bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This agreement is effective upon receipt by the Division of Waste Management (hereinafter Division).</p>			

The condition of the above obligation is such, that, whereas, the above bound Applicant, pursuant to the provisions of KRS Chapter 224 and 401 KAR Chapters 45, 46, 47 or 48, as applicable, did file with the Division, an application for a permit in the Commonwealth of Kentucky; that in said application the Applicant identified the area to be permitted located at or near the community of _____; and whereas the above described area will be affected during the life of the permit and until the Applicant has completed proper closure and closure care, and corrective action (if required), and the Cabinet has accepted the same.

Furthermore, it is understood that the obligation under this agreement extends to environmental degradation occurring off the permitted area but proximately resulting from the construction, operation or closure of the area permitted.

Now, if Applicant, shall faithfully perform all the requirements of the above designed application, the permit issued pursuant thereto and the applicable laws, rules, and regulations, and the terms of this agreement, then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of a Demand Letter.

9. Certification

Name of Applicant:

Name of Applicant Signatory:

Signature:

Title:

Date: / /

Subscribed and sworn to before me by:

Notary public signature:

My commission expires: / /

IMPORTANT NOTE: All information submitted on this form will be subject to public disclosure to the extent provided by Kentucky law. Persons filing this form may make claims of confidentiality in accordance with 400 KAR 1:060.