

86.162c Bioenergy Crop Bonding

(a) The Bioenergy Crop Bonding applies to remining sites that have been revegetated with switchgrass, camelina, canola or other bioenergy crops that have been approved for stage 2 bond release. Permits issued under Chapter 87, Subchapter F; Chapter 88, Subchapter G; or Chapter 90, Subchapter F are eligible as long as the treatment liability has not been triggered.

(b) Bioenergy Crop Bonding will be available at no cost to the permittee upon approval of an application that includes the information in subsection (c), subject to the limitations listed in subsections (e) and (f).

(c) An applicant for Bioenergy Crop Bonding shall provide the Department with the following information:

(1) Verification that the entire permitted area has achieved Stage 2 bond release consistent with section 86.174(b).

(2) A demonstration that the crops grown are to be used for Bioenergy

(3) Crop yield data that demonstrates that the bioenergy crops are achieving acceptable crop production.

(4) A demonstration that all temporary structures have been reclaimed

(5) A demonstration that there are no post-mining discharges or that all liability associated with post-mining discharges is fully covered with a full-cost bond or a fully funded post-mining treatment trust.

(6) Acknowledgement that the permittee intends to apply for final release of the Bioenergy Crop Bonding in a timely manner.

(d) Upon approval of the Bioenergy Crop Bonding, the Department will release the existing bond held for Stage 3 liability as a bond replacement

(e) The liability period under the Bioenergy Crop Bonding cannot exceed five years. Permits with a bond liability period greater than five years are not eligible because of the risk of water pollution (25 Pa. Code §§ 86.151(b)(1), 86.151(c)).

(f) The Bioenergy Crop Bonding for a permit will expire 120 days after the expiration of the 5-year liability period. In the case where the final bond release cannot be accomplished upon expiration of the 5-year liability period, then the Bioenergy Crop Bonding must be replaced.