

PROPOSED RULE 36.11(C) and 36.11(D)	Current Rule 36.11(C) and 36.11(D)
<p>C. Terms of financial assurance. The financial assurance shall be on division-prescribed forms, <u>or forms otherwise acceptable to the division</u>, payable to the [state of New Mexico] <u>energy, minerals and natural resources department, oil conservation division</u> and conditioned upon the surface waste management facility's proper operation, site closure and post closure [monitoring] <u>operations</u> in compliance with state of New Mexico statutes, division rules, <u>applicable division orders</u> and the surface waste management facility permit terms. [The applicant shall notify the division of a material change affecting the financial assurance within 30 days of discovery of such change.] <u>The division may require proof that the individual signing for an entity on a financial assurance document or any amendment thereto has the authority to obligate that entity.</u></p> <p>D. Forfeiture of financial assurance. The division shall give the operator 20 days' notice and an opportunity for a hearing prior to forfeiting financial assurance. <u>All forfeitures the division demands pursuant to 19.15.36 NMAC shall be made payable to the energy, minerals and natural resources department, oil conservation division upon demand by the division.</u></p>	<p>C. Terms of financial assurance. The financial assurance shall be on division-prescribed forms, payable to the state of New Mexico and conditioned upon the surface waste management facility's proper operation, site closure and post closure monitoring in compliance with state of New Mexico statutes, division rules and the surface waste management facility permit terms. The applicant shall notify the division of a material change affecting the financial assurance within 30 days of discovery of such change.</p> <p>D. Forfeiture of financial assurance. The division shall give the operator 20 days notice and an opportunity for a hearing prior to forfeiting financial assurance.</p>