

**40-6-9.5 Permits for crude oil production -- Application -- Bond requirement -- Closure of facilities -- Availability of records.**

- (1) The division may issue permits authorizing construction, operation, maintenance, and cessation of treating facilities and operations covered by Subsection 40-6-5(2)(h) and to approve, as part of that permit, post-cessation reclamation of the site.
- (2) Each owner and operator of any facility described in Subsection 40-6-5(2)(h) or planning to construct, operate, or maintain a facility described in Subsection 40-6-5(2)(h) shall submit to the division an application stating in detail the location, type, and capacity of the facility contemplated; the extent and location of area disturbed or to be disturbed including, but not limited to, any pits, ponds, or lands, associated with the facility; a plan for reclamation of the site; and other materials required by the division. All existing facilities described in Subsection 40-6-5(2)(h) shall submit plans by July 28, 1985. Application for all planned facilities must be approved and a permit issued before any ground clearing or construction may occur.
- (3) As a condition for approval of any permit, the owner and operator shall post a bond in an amount determined by the division to cover reclamation costs for the site. Approval of any permit is also conditioned upon compliance with all laws, rules, and orders of the board. Failure to post the bond is considered sufficient grounds to deny a permit.
- (4) The board may order the closure of any facility described in Subsection 40-6-5(2)(h) if an application is not forthcoming in the time allowed in Subsection (2), a bond is not posted, a violation of the rules and regulations of other state or federal agencies exists, or for other material and substantial cause.
- (5) The owner and operator are subject to all applicable state, federal, and local rules and regulations.
- (6) The records required to be kept by Subsection 40-6-5(2)(i) shall be available for inspection and audit by the board or its agents during reasonable working hours.

Amended by Chapter 22, 1989 General Session