IRREVOCABLE STANDBY LETTER OF CREDIT

North Carolina Department of Environmental Quality

Division of Waste Management

Solid Waste Section

1646 Mail Service Center

Raleigh, North Carolina 27699-1646

Dear Sir/Madam:

We hereby establish our Irrevocable Standby Letter of Credit No. *[insert mechanism number]* in your favor, at the request and for the account of *[owner's or operator's name and address]* up to the aggregate amount of *[in words]* U.S. dollars $*[insert U.S. dollar amount]*, available upon presentation of

(1) your sight draft, bearing reference to this letter of credit No. *[insert mechanism number]*, and

(2) your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to requirements of N.C. General Statute 130A-295.2(f) and 15A NCAC 13B because the applicant has failed to properly close and clean up the solid waste management facility, to perform post-closure maintenance and monitoring at the facility, or to remediate the facility in accordance with applicable statutes, rules and permit conditions."

This letter of credit is effective as of *[date]* and shall expire on *[date at least 1 year later]*, but such expiration date shall be automatically extended for a period of *[at least 1 year]* on *[date]* and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify both you and *[owner's or operator's name]* by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both you and *[owner's or operator's name],* as shown on the signed return receipts.

Whenever this letter of credit is drawn on, under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of *[owner's or operator's name]* in accordance with your instructions.

We certify that the wording of this letter of credit is identical to the wording specified in 15A NCAC 13B .1806(4) as were constituted on the date shown immediately below.

*[Signature(s) and title(s) of official(s) of issuing institution], [Date]*

This credit is subject to *[insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published by the International Chamber of Commerce," or "the Uniform Commercial Code"]*.