SOLID WASTE FACILITY

PERFORMANCE BOND

INSERT Facility Name, Agency Interest Number, and Permit Number

Date bond was executed: Click here to enter a date.

Effective date: Click here to enter a date.

Principal: INSERT Legal Name and Business Address of Permit Holder or Applicant

Type of organization: Choose an item.

State of incorporation: Choose an item.,

Surety:INSERT Name(s) and Business Address(es)

 INSERT Facility Name, Site Name, Agency Interest Number, Site Identification Number, Facility Permit Number, Facility Address, and Closure and/or Post-closure Amount(s) for each facility guaranteed by this bond (indicate closure and/or post-closure costs separately)

Total penal sum of bond: $INSERT Sum of Bond

Surety's bond number: INSERT Bond Number

 Know All Persons By These Presents, That we, the Principal and Surety hereto are firmly bound to the Louisiana Department of Environmental Quality in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where Sureties are corporations acting as cosureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

 WHEREAS, said Principal is required, under the Resource Conservation and Recovery Act as amended (RCRA) and the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., to have a permit in order to own or operate the solid waste facility identified above; and

 WHEREAS, the Principal is required by law to provide financial assurance for closure and/or post-closure care, as a condition of the permit; and

 WHEREAS, said Principal shall establish a standby trust fund as is required by the *Louisiana Administrative Code*, Title 33, Part VII, when a surety bond is used to provide such financial assurance;

 THEREFORE, the conditions of this obligation are such that if the Principal shall faithfully perform closure, whenever required to do so, of the facility for which this bond guarantees closure, in accordance with the closure plan and other requirements of the permit as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended;

 AND, if the Principal shall faithfully perform post-closure care of each facility for which this bond guarantees post-closure care, in accordance with the closure plan and other requirements of the permit, as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended;

 OR, if the Principal shall provide financial assurance as specified in LAC 33:VII.1303 and obtain written approval of the administrative authority of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the administrative authority, then this obligation shall be null and void; otherwise it is to remain in full force and effect.

 The Surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described hereinabove.

 Upon notification by the administrative authority that the Principal has been found in violation of the closure requirements of LAC 33:Part.VII, or of its permit, for the facility for which this bond guarantees performances of closure, the Surety shall either perform closure, in accordance with the closure plan and other permit requirements, or place the closure amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

 Upon notification by the administrative authority that the Principal has been found in violation of the post-closure requirements of LAC 33:Part.VII, or of its permit for the facility for which this bond guarantees performance of post-closure, the Surety shall either perform post-closure in accordance with the closure plan and other permit requirements or place the post-closure amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

 Upon notification by the administrative authority that the Principal has failed to provide alternate financial assurance as specified in LAC 33:VII.1303 and obtain written approval of such assurance from the administrative authority during the
90 days following receipt by both the Principal and the administrative authority of a notice of cancellation of the bond, the Surety shall place funds in the amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

 The Surety hereby waives notification of amendments to closure plans, permit, applicable laws, statutes, rules, and regulations, and agrees that no such amendment shall in any way alleviate its obligation on this bond.

 The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of the penal sum.

 The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the administrative authority. Cancellation shall not occur before 120 days have lapsed beginning on the date that both the Principal and the administrative authority received the notice of cancellation, as evidenced by the return receipts.

 The Principal may terminate this bond by sending written notice to the Surety and to the administrative authority, provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond by the administrative authority.

 Principal and Surety hereby agree to adjust the penal sum of the bond yearly in accordance with LAC 33:VII.1303 and the conditions of the solid waste facility permit so that it guarantees a new closure and/or post-closure amount, provided that the penal sum does not increase or decrease without the written permission of the administrative authority.

 The Principal and Surety hereby agree that no portion of the penal sum may be expended without prior written approval of the administrative authority.

 IN WITNESS WHEREOF, the Principal and the Surety have executed this PERFORMANCE BOND and have affixed their seals on the date set forth above.

 Those persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety, that each Surety hereto is authorized to do business in the state of Louisiana and that the wording of this surety bond is identical to the wording specified in LAC 33:VII.1399.Appendix F, effective on the date this bond was executed.

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| PRINCIPAL |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Signature(s) |
| INSERT Name(s) of Person Signing |
| INSERT Title(s) of Person Signing |
| [Corporate seal] |

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| CORPORATE SURETY |
| INSERT Name and Address |
| State of incorporation: Choose an item., |
| Liability limit: $INSERT Liability Limit |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Signature(s) |
| INSERT Name(s) and Titles(s) of Person Signing |
| [Corporate seal] |
| [For every cosurety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.] |
| Bond Premium: $INSERT Bond PremiumPROVIDE A STANDBY TRUST AGREEMENTLAC 33:VII.1303.E.2 requires the permit holder or applicant to establish a standby trust fund when a performance bond is used as the financial assurance mechanism. The wording of the standby trust fund shall be as specified in LAC 33:VII.1399.Appendix D. A template for the Standby Trust Agreement is provided on the LDEQ Solid Waste Financial Assurance Template Web Page. A link to the web page is provided below: |

<http://www.deq.louisiana.gov/portal/DIVISIONS/WastePermits/SolidWasteFinancialAssuranceTemplates.aspx>