

Corporate Guarantee for Closure or Post-Closure Care or Remedial Action

Guarantee made this [date] by [name of guaranteeing entity], Nebraska, herein referred to as guarantor. This guarantee is made on behalf of the [owner or operator] of [business address], which is [one of the following: "our subsidiary"; a subsidiary of [name and address of common parent corporation] of which guarantor is a subsidiary"; or "an entity with which guarantor has a substantial business relationship"] to the Nebraska Department of Environmental Quality (NDEQ).

Recitals

1. Guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors, as specified in Title 132 – Integrated Solid Waste Management Regulations, Chapter 8, (hereafter Title 132).

2. [Owner or operator] owns or operates the following solid waste management facility(ies) covered by this guarantee: [List for each facility: NDEQ Permit Number, name, and address. Indicate for each whether guarantee is for closure, post-closure care, both, or remedial action.]

3. "Closure plans" and "post-closure plans" and "remedial action plans" as used below refer to the plans maintained, as required by Title 132, for the closure, post-closure care, or remedial action of facilities as identified above.

4. Guarantor guarantees to NDEQ that in the event that [owner or operator] fails to perform [insert "closure," "post-closure care" or "closure and post-closure care" or "remedial action"] of the above facility(ies) in accordance with the closure or post-closure or remedial action plans and other permit requirements whenever required to do so, the guarantor shall do so or establish a trust fund, as specified in Title 132, in the name of [owner or operator] in the amount of the current closure or post-closure or remedial action cost estimates as specified in Title 132.

5. Guarantor agrees that if the guarantor fails to meet the financial test criteria as determined by the updated information submitted by the guarantor within 180 days following the close of the guarantor's fiscal year, the [owner or operator] must, within 90 days, provide alternate financial assurance, as specified in Title 132. If the [owner or operator] fails to provide alternate financial assurance within the 90-day period, the guarantor shall establish such alternate financial assurance as specified in Title 132, in the name of [owner or operator] within the next 30 days.

6. The guarantor agrees to notify the NDEQ Director by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming guarantor as debtor, within 10 days after commencement of the proceeding.

7. Guarantor agrees that within 120 days after being notified by the NDEQ Director of a determination that guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a guarantor of closure or post-closure care or remedial action, he shall establish alternate financial assurance, as specified in Title 132, in the name of [*owner or operator*], unless [*owner or operator*] has done so within the first 90 days.

8. Guarantor agrees to remain bound under this guarantee notwithstanding any or all of the following: amendment or modification of the closure or post-closure or remedial action plan, amendment or modification of the permit, the extension or reduction of the time of performance of closure or post-closure or remedial action, or any other modification or alteration of an obligation of the owner or operator pursuant to Title 132 and Nebraska laws.

9. Guarantor agrees to remain bound under this guarantee for as long as [*owner or operator*] must comply with the applicable financial assurance requirements of Title 132 for the above-listed facilities, except as provided in paragraph 10 of this agreement.

10. Guarantor may terminate this guarantee 120 days following the receipt of notification, through certified mail, by the NDEQ Director and by [*the owner or operator*].

11. Guarantor agrees that if [*owner or operator*] fails to provide alternate financial assurance, as specified in Title 132, and obtain written approval of such assurance from the NDEQ Director within 90 days after a notice of cancellation by the guarantor is received by the NDEQ Director, guarantor shall provide such alternate financial assurance in the name of [*owner or operator*] within the next 30 days before the guarantee terminates.

12. Guarantor expressly waives notice of acceptance of this guarantee by NDEQ or by [*owner or operator*]. Guarantor also expressly waives notice of amendments or modifications of the closure and/or post-closure and/or remedial action plans, and of amendments or modifications of the facility permit(s).

Effective date: _____

[Name of guarantor] _____

[Authorized signature for guarantor] _____

[Name of person signing] _____

[Title of person signing] _____

Signature of witness or notary: _____