

STATE OF GEORGIA UNDERGROUND STORAGE TANK IRREVOCABLE STANDBY LETTER OF CREDIT

Reference: 40 CFR 280.99(b)

Director, Georgia Environmental Protection Division
4244 International Parkway Suite 104
Atlanta, Georgia 30354

[Name of issuing institution]

Dear Sir or Madam:

[Address of issuing institution]

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in your favor, at the request and for the account of _____, herein referred

[Legal name of owner or operator]

to as the "owner or operator", of _____

[Business address of owner or operator]

up to the aggregate amount of _____

[Amount in words]

U.S. dollars (\$ _____), available upon presentation of:

- (1) Your sight draft, bearing reference to this letter of credit, No. _____, and
- (2) Your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under the authority of Subtitle I of the Solid Waste Disposal Act, as amended."

This letter of credit may be drawn on to cover _____
[Insert "taking corrective action" and/or "compensating third parties for bodily injury and property damage"]

caused by _____ arising from operating the storage tank(s) identified below in
[Insert "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"]

the amount of _____ U.S. dollars (\$ _____) per occurrence and
[Amount in words for 'per occurrence']

the amount of _____ U.S. dollars (\$ _____) annual aggregate:
[Amount in words for 'annual aggregate']

[List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to 40 CFR 280.22, as adopted by reference in GUST Rule 391-3-15-.05, and the name and address of the facility. Indicate "See attachment" if required.]

GAEPD Fac ID	Facility Name and Site Address (for all sites covered)	Number of Tank or Tank I.D. Nos

The letter of credit may not be drawn on to cover any of the following:

- (a) Any obligation of the owner or operator under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;
- (b) Bodily injury to an employee of the owner or operator arising from, and in the course of, employment by the owner or operator;
- (c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;
- (d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by the owner or operator that is not the direct result of a release from a storage tank;
- (e) Bodily injury or property damage for which the owner or operator is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 40 CFR 280.93.

This letter of credit is effective as of _____ and shall expire on _____,
[Date] [Date]

but such expiration date shall be automatically extended for a period of _____ on
[At least the length of the original term]

_____ and on each successive expiration date, unless, at least 120 days before the current
[Expiration date]
expiration date, we notify the owner or operator by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event that the owner or operator is 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 the owner or operator, as shown on the signed return receipt.

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 the owner or operator in accordance with your instructions.

The person whose signature appears below hereby certifies that the wording of this instrument is identical to the wording specified in 40 CFR 280.99(b) as adopted and incorporated by reference in GUST Rule 391-3-15-.12 as such regulations were constituted on the date shown immediately below.

[Signature of Authorized Official of Issuing Institution]

[Name and Title]

[Phone Number]

[Email Address]

[Signature of Witness or Notary]

[Printed Name of Witness or include Notary Seal]

[Date of Witness or Notary]

This credit is subject to _____
[Insert: governing words such as "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"]