

SECTION XI – FINANCIAL RESPONSIBILITY FOR STANDARDIZED PERMIT FACILITIES

Please indicate in the Operation Plan what financial mechanisms (closure assurance and sudden and accidental liability) you will have for your facility.

Note: Every facility must establish two types of financial responsibility before it begins operating, and maintain them until the facility has been certified closed:

A. CLOSURE ASSURANCE: *Closure assurance is required to make sure there is enough money available to clean close the facility. The amount necessary will vary depending on the size of the facility and the activities conducted; the calculations for a standardized permit facility are made in the same way as for a facility with a full permit. The amount of closure assurance needed is to be estimated as part of the closure plan calculations in Form 1179 in the application packet.*

There are several financial mechanisms that an owner or operator may use to demonstrate this assurance. Please see title 22, article 8, particularly section 66264.143.

AES - Chico has chosen to post a Closure Letter of Credit and Trust Agreement as its financial assurance mechanism. A copy of the irrevocable standby letter of credit and Trust Agreement is included in Attachment XI-A.

Note: The attached letter of credit is for the ISD Closure Cost Estimate that is in effect now. It will be replaced with an equivalent letter of credit for the full amount of the Closure Cost Estimate as indicated in the Closure Plan prior to the effective date of the Standardized Operating Permit.

The AES - Chico Closure Plan is for a clean closure and no post closure activities are planned

B. SUDDEN AND ACCIDENTAL LIABILITY: *Liability coverage is required to make sure there is enough money available to deal with any accidents or upsets at the facility. There are set amounts of liability unique to standardize permit facilities; the Series B, C and Small-Quantity C levels are significantly less than those required for a facility with a full permit. The amounts are specified in existing section title 22, section 67800.5 (which will become new section 66270.69.4 in the proposed regulations):*

1. Series A \$1 million per occurrence/\$2 million annual aggregate

2. *Series B* \$500,000 per occurrence/\$1 million annual aggregate
3. *Series C* \$300,000 per occurrence/\$600,000 annual aggregate
4. *Series Small-Quantity C* \$100,000 per occurrence/\$200,000 annual aggregate

There are several financial mechanisms that an owner or operator may use to demonstrate this coverage. Please see title 22, article 8 particularly section 66264.147.

AES - Chico has liability insurance for sudden accidental occurrences in the amount of \$1 million per occurrence with an annual aggregate of \$2 million, exclusive of legal defense costs. A copy of this policy is enclosed as Attachment XI-B.

AES - Chico does not have a surface impoundment, landfill, land treatment facility, or disposal miscellaneous unit. Therefore liability insurance for non-sudden occurrences is not required.

Asbury Environmental Services - Chico
Standardized Permit Application – Section XI, Financial Responsibility for Standardized Permit
Facilities
December 29, 2006
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Attachment XI-A

Financial Assurance Letter of Credit And Trust Agreement

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Standardized Permit Application – Section XI, Financial Responsibility for Standardized Permit
Facilities
December 29, 2006
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PAGE: 1

DATE: MARCH 3, 2008

AMENDMENT TO IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER:

AMENDMENT NUMBER 6

ISSUING BANK
BANK OF AMERICA, N.A.
1000 W. TEMPLE STREET
7TH FLOOR, CA9-705-07-05
LOS ANGELES, CA 90012-1514

BENEFICIARY
DIRECTOR
DEPARTMENT OF TOXIC
SUBSTANCES CONTROL
FINANCIAL RESPONSIBILITY UNIT

APPLICANT
ASBURY ENVIRONMENTAL SERVICES, INC.
2549 SCOTT AVENUE
CHICO, CA 95928

8800 CAL CENTER DRIVE
SACRAMENTO, CA 95826

THIS AMENDMENT IS TO BE CONSIDERED AN INTEGRAL PART OF THE ABOVE CREDIT
AND MUST BE ATTACHED THERETO.

THE ABOVE MENTIONED CREDIT IS AMENDED AS FOLLOWS:

THE AMOUNT OF THIS CREDIT HAS BEEN INCREASED BY USD 3,801.64
THE AGGREGATE AMOUNT OF THE CREDIT IS NOW USD 79,834.33

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

IF YOU REQUIRE ANY ASSISTANCE OR HAVE ANY QUESTIONS REGARDING THIS
AMENDMENT, PLEASE CALL 1-800-541-6096 OPT 1.

AUTHORIZED SIGNATURE

THIS DOCUMENT CONSISTS OF 1 PAGE(S).

COPY

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Standardized Permit Application – Section XI, Financial Responsibility for Standardized Permit
Facilities
December 29, 2006
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DATE: MAY 2, 2003 PAGE: 1

AMENDMENT TO IRREVOCABLE STANDBY CREDIT NUMBER:

AMENDMENT NUMBER 1

BENEFICIARY DEPT. OF TOXIC SUBSTANCES CONTROL FINANCIAL RESPONSIBILITY UNIT 8800 CAL CENTER DRIVE SACRAMENTO, CALIFORNIA 95826	APPLICANT ASBURY ENVIRONMENTAL SERVICES, INC. 2549 SCOTT AVENUE CHICO, CA 95928
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THIS AMENDMENT IS TO BE CONSIDERED AN INTEGRAL PART OF THE ABOVE CREDIT AND MUST BE ATTACHED THERETO.

THE ABOVE MENTIONED CREDIT IS AMENDED AS FOLLOWS:

THE BENEFICIARY'S NAME AND ADDRESS IS NOW TO READ:

DIRECTOR
DEPARTMENT OF TOXIC SUBSTANCES CONTROL
FINANCIAL RESPONSIBILITY UNIT
8800 CAL CENTER DRIVE
SACRAMENTO, CA 95826.

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

THIS AMENDMENT WILL BECOME EFFECTIVE UPON RECEIPT OF THE BENEFICIARY'S WRITTEN ADVICE OF CONSENT PURPORTEDLY SIGNED BY AN AUTHORIZED SIGNOR OF THE BENEFICIARY. IF THE BENEFICIARY CHOOSES, THEY MAY SIGN AND RETURN THE ATTACHED COPY INDICATING THEIR CONSENT OR REJECTION.

AMENDMENT ACCEPTED AMENDMENT REFUSED

DATE 6/10/2003

SIGNATURE //Original signed by//

PRINTED NAME WATSON GIN

TITLE DEPUTY DIRECTOR

PHONE NUMBER (916)322-3501

IF YOU REQUIRE ANY ASSISTANCE OR HAVE ANY QUESTIONS REGARDING THIS AMENDMENT, PLEASE CALL 213-345-0153.

<u>Angelica Flores</u> AUTHORIZED SIGNATURE	<u>Annie H. Matias</u> AUTHORIZED SIGNATURE
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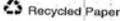
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ANGELICA FLORES **ANNIE H. MATIAS**

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JUN 18 2003

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PAGE: 1

DATE: MARCH 14, 2003

IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER:

BENEFICIARY
DEPT. OF TOXIC SUBSTANCES CONTROL
FINANCIAL RESPONSIBILITY UNIT
8800 CAL CENTER DRIVE
SACRAMENTO, CALIFORNIA 95826

APPLICANT
ASBURY ENVIRONMENTAL SERVICES, INC.
2549 SCOTT AVENUE
CHICO, CA 95928

AMOUNT
NOT EXCEEDING USD 38,723.27
NOT EXCEEDING THIRTY EIGHT THOUSAND
SEVEN HUNDRED TWENTY THREE AND
27/100'S US DOLLARS

EXPIRATION
FEBRUARY 7, 2004 AT OUR COUNTERS

WE HEREBY ESTABLISH OUR IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER 3054006 IN YOUR FAVOR AT THE REQUEST AND FOR THE ACCOUNT OF ASBURY ENVIRONMENTAL SERVICES, INC. UP TO THE AGGREGATE AMOUNT OF \$38,723.27 (THIRTY EIGHT THOUSAND SEVEN HUNDRED TWENTY THREE AND 27/100 UNITED STATES DOLLARS), AVAILABLE UPON PRESENTATION OF:

1) YOUR SIGHT DRAFT ON US BEARING REFERENCE TO THIS IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER ; AND

2) YOUR SIGNED AND DATED STATEMENT READING AS FOLLOWS:
"WE CERTIFY THAT THE AMOUNT OF OUR DRAFT DRAWN UNDER BANK OF AMERICA, N.A. IRREVOCABLE STANDBY LETTER OF CREDIT NO. 3054006 IS PAYABLE PURSUANT TO REGULATIONS ISSUED UNDER AUTHORITY OF THE CALIFORNIA HAZARDOUS WASTE CONTROL LAW."

EACH DRAFT MUST BE MARKED "DRAWN UNDER BANK OF AMERICA, N.A. IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER DATED MARCH 14, 2003."

EACH DRAFT MUST ALSO BE ACCOMPANIED BY THE ORIGINAL OF THIS IRREVOCABLE STANDBY LETTER OF CREDIT UPON WHICH WE MAY ENDORSE OUR PAYMENT. THIS IRREVOCABLE STANDBY LETTER OF CREDIT IS EFFECTIVE AS OF MARCH 14, 2003 AND SHALL EXPIRE ON FEBRUARY 7, 2004, BUT SUCH EXPIRATION DATE SHALL BE AUTOMATICALLY EXTENDED FOR A PERIOD OF AT LEAST ONE YEAR ON FEBRUARY 7, 2004 AND ON EACH SUCCESSIVE EXPIRATION DATE, UNLESS AT LEAST 120 DAYS BEFORE THE CURRENT EXPIRATION DATE, WE NOTIFY BOTH YOU AND ASBURY ENVIRONMENTAL SERVICES, INC. BY CERTIFIED MAIL THAT WE HAVE DECIDED NOT TO EXTEND THIS IRREVOCABLE STANDBY LETTER OF CREDIT BEYOND THE CURRENT EXPIRATION DATE. IN THE EVENT THAT 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 ASBURY ENVIRONMENTAL SERVICES, INC. AS SHOWN ON THE SIGNED RETURN RECEIPTS.

WHENEVER THE IRREVOCABLE STANDBY LETTER OF CREDIT IS DRAWN ON, UNDER AND IN COMPLIANCE WITH THE TERMS OF THE 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 ASBURY ENVIRONMENTAL SERVICES, INC. IN ACCORDANCE WITH YOUR INSTRUCTIONS.

WE CERTIFY THAT THE WORDING OF THIS IRREVOCABLE STANDBY LETTER OF CREDIT IS IDENTICAL, EXCEPT FOR LIABILITY COVERAGE, TO THE WORDING REQUIRED IN FORM DTSC 1157 AS SPECIFIED IN CALIFORNIA CODE OF REGULATIONS (CAL. CODE OF REGS.), TITLE 22, DIVISION 4.5, CHAPTER 14 AND 15, ARTICLE 8.

IN THE EVENT THIS IRREVOCABLE STANDBY LETTER OF CREDIT IS USED IN

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THIS IS AN INTEGRAL PART OF LETTER OF CREDIT NUMBER:

COMBINATION WITH ANOTHER MECHANISM, THIS IRREVOCABLE STANDBY LETTER OF CREDIT SHALL BE CONSIDERED PRIMARY COVERAGE.

THIS CREDIT IS SUBJECT TO THE "UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS" (1993 REVISION) INTERNATIONAL CHAMBER OF COMMERCE (PUBLICATION NO. 500).

SIGNATURE OF OFFICIAL OF ISSUING INSTITUTION: 

TITLE OF OFFICIAL OF ISSUING INSTITUTION: AUTHORIZED OFFICER

ADDRESS OF OFFICIAL OF ISSUING INSTITUTION: 333 S. BEAUDRY AVENUE,
LOS ANGELES, CA 90017.

DATE OFFICIAL OF ISSUING INSTITUTION SIGN: 03/14/03

SIGNATURE OF OFFICIAL OF ISSUING INSTITUTION: 

TITLE OF OFFICIAL OF ISSUING INSTITUTION: AUTHORIZED OFFICER

ADDRESS OF OFFICIAL OF ISSUING INSTITUTION: 333 S. BEAUDRY AVENUE,
LOS ANGELES, CA 90017.

DATE OFFICIAL OF ISSUING INSTITUTION SIGN: 03/14/03

PRIVACY STATEMENT

THIS INFORMATION IS REQUESTED BY THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL UNDER HEALTH AND SAFETY CODE, SECTION 25245, IN ORDER TO VERIFY ADEQUATE FINANCIAL ASSURANCE OF HAZARDOUS WASTE FACILITIES/TRANSPORTABLE TREATMENT UNITS (TTU'S)/ FIXED TREATMENT UNITS (FTU'S). COMPLETION OF THE FORM IS MANDATORY. THE CONSEQUENCE OF NOT COMPLETING THE FORM IS DENIAL OF A PERMIT TO OPERATE A HAZARDOUS WASTE FACILITY/TTU/FTU. INFORMATION MAY BE PROVIDED TO U.S. ENVIRONMENTAL PROTECTION AGENCY, STATE ATTORNEY GENERAL, AIR RESOURCES BOARD, CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD, ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION, WATER RESOURCES CONTROL BOARD, AND CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARDS. FOR MORE INFORMATION OR ACCESS TO YOUR RECORDS, CONTACT THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL, 8800 CAL CENTER DRIVE, SACRAMENTO, CALIFORNIA 95826, (916) 255-3545.

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