**AMENDMENT NO. \_\_\_\_ TO TRUST AGREEMENT**

THIS Amendment dated this [ \_\_ ] day of [Month], [Year] amends the Trust Agreement, the “AGREEMENT,” dated [Effective date], by and between [Name of the Owner or Operator] a [Name of state] [Choose *one*: Corporation, Partnership, Association or Proprietorship], the "GRANTOR," and [Name of financial institution acting as TRUSTEE], [Insert "incorporated in the state of (State)" **or** "a national bank"], the "TRUSTEE".

WHEREAS, the North Dakota Department of Environmental Quality "DEPARTMENT" a regulatory agency of the state of North Dakota, has established certain regulations applicable to the GRANTOR requiring that an owner or operator of a solid waste management facility shall provide assurance that funds will be available when needed for closure or post-closure, or both, care of the facility(ies),

WHEREAS, the GRANTOR has elected to obtain a [Choose *applicable*: rider and/or amendment] to update the original [Choose *applicable*: performance bond, surety bond, or irrevocable letter of credit] and has established a [standby] trust to provide all or part of such financial assurance for the facility(ies) identified in the AGREEMENT, and

NOW, THEREFORE, the GRANTOR and TRUSTEE agree as follows:

[***Instructions:*** *Delete any non-applicable items listed below and then delete these instructions from the final version of the document*.]

1. The existing Schedule A is replaced with the attached revised Schedule A.
2. The existing Schedule B is replaced with the attached revised Schedule B.
3. The existing Exhibit A is replaced with the attached revised Exhibit A.
4. Except as hereby amended, the provisions of the AGREEMENT are hereby ratified and confirmed and shall remain in full force and effect.

This Amendment is executed in triplicate original, each of which shall be deemed an original, but which shall each constitute but one Agreement, with each party retaining an executed original.

IN WITNESS, whereof the parties have caused this Amendment to be executed by their respective officers duly authorized and their corporate seals, if applicable, to be hereunto affixed and attested as of the date first written above.

**ACKNOWLEDGMENT**

**[Name of the Owner or Operator]**

By: [Signature of GRANTOR]

 Name and Title: [Name and Title of GRANTOR]

**[Name of the TRUSTEE]**

By: [Signature of TRUSTE]

 Name and Title: [Name and Title of TRUSTEE]