

Chapter NR 754

ENVIRONMENTAL INSURANCE REQUIREMENTS

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Note: Chapter NR 754 was created as an emergency rule eff. 3-6-01.

NR 754.01 Purpose. This chapter establishes rules and procedures promulgated under s. 292.15 c2d caed 3m. and ced, Stats., that the department shall use to determine if voluntary parties have met the requirements under s. 292.15 c2d caed, Stats., related to environmental insurance for voluntary parties seeking liability exemptions using natural attenuation.

History: CR 00-176: cr. Register July 2001, No. 547 eff. 8-1-01.

NR 754.03 Applicability. This chapter applies to voluntary parties seeking an exemption from liability for voluntary party remediation under s. 292.15 c2d caed, Stats., where groundwater contamination is in concentrations that exceed enforcement standards and the department determines that natural attenuation will restore groundwater quality in accordance with rules promulgated by the department.

History: CR 00-176: cr. Register July 2001, No. 547 eff. 8-1-01.

NR 754.05 Definitions. In this chapter:

c1d XDepartmentY has the meaning specified in s. 292.01 c2d, Stats.

Note: Section 292.01 c2d, defines YdepartmentY to mean the department of natural resources.

c2d XNatural attenuationY has the meaning specified in s. 292.15 c1d camd, Stats.

Note: Section 292.15c1dcamd, Stats., defines Ynatural attenuationY to mean the reduction in the mass and concentration in groundwater of a substance, and the products into which the substance breaks down, due to naturally occurring physical, chemical and biological processes, without human intervention.

c3d YVoluntary partyY has the meaning specified in s. 292.15 c1d cfd, Stats.

Note: Section 292.15 c1d cfd, Stats., defines Yvoluntary partyY to mean a person who submits an application to obtain an exemption under s. 292.15, Stats., and pays any fees required under s. 292.15c5d, Stats.

History: CR 00-176: cr. Register July 2001, No. 547 eff. 8-1-01.

NR 754.07 Insurance requirement. A voluntary party seeking a liability exemption under s. 292.15 c2d caed, Stats., shall pay the department the one-time insurance fee, submit an application form and comply with the requirements and procedures described in this chapter for the property to obtain coverage under the state[s] master insurance contract.

History: CR 00-176: cr. Register July 2001, No. 547 eff. 8-1-01.

NR 754.11 Insurance application and fees. c1d GENERAL. A voluntary party seeking insurance under this chapter shall apply to the department on a form provided by the department and submitted to the following address: VPLE Coordinator - Bureau for Remediation and Redevelopment, P.O. Box 7921, Madison, WI 53707-7921.

Note: The VPLE Environmental Insurance Application Form is available by telephoning the Remediation and Redevelopment Information Line at 1]800]367]6076 or c608d 264]6020 or by writing the Remediation and Redevelopment Program, Department of Natural Resources, P.O. Box 7921, Madison, WI, 53707]7921 or from the web site: <https://dnr.wi.gov/topic/Brownfields/vple.html>.

c2d APPLICATION CONTENTS. An insurance application form, shall include, but is not limited to:

cad Name, address and designated contact person.

cbd Information on site conditions.

ccd Groundwater monitoring data.

cdd Alternative remedies that may be necessary if natural attenuation fails.

ced Such additional information required as necessary by the state[s] insurance underwriter in order to provide insurance under s. 292.15 c2d caed, Stats.

c3d FEE PUBLICATION. The department shall establish and publish the insurance fees on an annual basis.

c4d FEE CALCULATION. The insurance fee shall be based on the following:

cad The cost of the insurance premium.

cbd A contribution towards the state[s] deductible.

ccd Other direct expenses which are necessary to administer the program.

c5d FEE PAYMENT. The insurance fee is non-refundable.

History: CR 00-176: cr. Register July 2001, No. 547 eff. 8-1-01.

NR 754.13 Certificate of completion. The department shall issue the voluntary party a certificate of completion pursuant to s. 292.15 c2d caed, Stats., if the department determines that all the following requirements have been met:

c1d The voluntary party has submitted to the department a request for case closure pursuant to ch. NR 726.

c2d The department has approved the request for case closure for the property.

c3d The voluntary party has submitted to the department a completed insurance application form.

c4d The voluntary party has paid the department the appropriate insurance fee as specified in this chapter.

c5d The voluntary party has reimbursed the department for any department costs incurred under ch. NR 749 or 750.

c6d All of the conditions in s. 292.15 c2d caed 1. to 6., Stats., have been met.

History: CR 00-176: cr. Register July 2001, No. 547 eff. 8-1-01; corrections in c1d made under s. 13.92 c4d cbd 7. and 35.17, Stats., Register February 2020 No. 770.