

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 (2) (ae) 3m. and (e), Stats., that the department shall use to determine if voluntary parties have met the requirements under s. 292.15 (2) (ae), 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 (2) (ae), 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:

(1) "Department" has the meaning specified in s. 292.01 (2), Stats.

Note: Section 292.01 (2), defines "department" to mean the department of natural resources.

(2) "Natural attenuation" has the meaning specified in s. 292.15 (1) (am), Stats.

Note: Section 292.15(1)(am), Stats., defines "natural attenuation" 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.

(3) "Voluntary party" has the meaning specified in s. 292.15 (1) (f), Stats.

Note: Section 292.15 (1) (f), Stats., defines "voluntary party" to mean a person who submits an application to obtain an exemption under s. 292.15, Stats., and pays any fees required under s. 292.15(5), 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 (2) (ae), 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. (1) 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 (608) 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>.

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

- (a) Name, address and designated contact person.
- (b) Information on site conditions.
- (c) Groundwater monitoring data.
- (d) Alternative remedies that may be necessary if natural attenuation fails.
- (e) Such additional information required as necessary by the state's insurance underwriter in order to provide insurance under s. 292.15 (2) (ae), Stats.

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

(4) FEE CALCULATION. The insurance fee shall be based on the following:

- (a) The cost of the insurance premium.
- (b) A contribution towards the state's deductible.
- (c) Other direct expenses which are necessary to administer the program.

(5) 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 (2) (ae), Stats., if the department determines that all the following requirements have been met:

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

(2) The department has approved the request for case closure for the property.

(3) The voluntary party has submitted to the department a completed insurance application form.

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

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

(6) All of the conditions in s. 292.15 (2) (ae) 1. to 6., Stats., have been met.

History: CR 00-176: cr. Register July 2001, No. 547 eff. 8-1-01; **corrections in (1) made under s. 13.92 (4) (b) 7. and 35.17, Stats., Register February 2020 No. 770.**