

State of Wisconsin
Department of Natural Resources
Box 7921
Madison, WI 53707
dnr.wi.gov

Closure Performance Bond
(For Use by Solid Waste Storage/Processing Facilities)
Form 4400-192 (R 11/09)

LEAVE BLANK – DNR USE ONLY
License Number
FID Number

Notice: This form is required under s. NR 502.04(6), Wis. Adm. Code, to be used to establish a performance bond for closure costs that may be used by a solid waste storage or processing facility owner to satisfy the financial responsibility requirements of s. 289.41, Wis. Stats. Information on this form is unlikely to be used for any purpose other than establishing solid waste storage or processing facility financial responsibility, but may be made available to requestors under Wisconsin's Open Records Law [ss. 19.31-19.39, Wis. Stats.].

KNOW ALL PERSONS BY THESE PRESENTS, that _____
(Owner)

of _____, as Principal, and
(Address)

_____, a surety company organized and
(Name of Surety Company)

existing under the laws of the State of _____ and duly authorized to do surety business in the State of Wisconsin, as Surety, are held and firmly bound unto the State of Wisconsin Department of

Natural Resources, as Obligee, in the penal sum of _____

_____ dollars (a _____), for payment of which the Principal and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

WHEREAS, the principal owns a solid waste _____ facility named _____
(storage / processing)

_____ located in Section _____, Township _____, Range _____,

_____ of _____, _____ County, Wisconsin, and that facility is subject to the closure requirements of the plan of operation approval issued by the Obligee,

dated the _____ day of _____, _____, and any amendments thereto.

WHEREAS, this bond is written to provide proof of financial responsibility pursuant to section NR 502.04(6), Wisconsin Administrative Code, to ensure compliance with the closure requirements of the plan of operation approval, and any amendments thereto, and shall inure to the benefit of the Obligee.

NOW, THEREFORE, the condition of this obligation is such that if the Principal or any successor in interest complies with the closure requirements of the plan of operation approval, and any amendments thereto, and closes the facility identified above in accordance with these closure requirements, then and only then this obligation shall be void; otherwise, it shall remain in full force and effect.

All or any part of this bond may be withdrawn by the Obligee, upon written request by the Secretary of the Obligee, to be used to carry out the closure requirements of the plan of operation approval, and any amendments thereto, if the Principal or any successor in interest fails to do so.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the full penal sum of this bond, but in no event shall the obligation of the Surety thereunder exceed the full penal sum of this bond. Release or discharge of the Surety shall not release the Principal or any successor in interest from the obligation to fully and completely comply with all closure requirements of the plan of operation approval, and any amendments thereto. The insolvency or bankruptcy of the Principal shall not constitute a defense to the Surety with regard to any claim of liability on the obligation of this bond. No amendment to the plan of operation approval will release the Surety from its obligation under this bond.

The Surety hereby waives notification of any failure on the part of the Principal or any successor in interest to faithfully comply with the terms of the plan of operation approval, or any amendments thereof, and lack of notice from the Obligee will not bar or limit recovery against the Surety.

This bond is effective on the _____ day of _____, _____, and shall continue in force until terminated as hereinafter provided. As long as any obligation of the Principal or any successor in interest for closure in accordance with the plan of operation approval, and any amendments thereto, exists, this bond shall not be cancelled by the Surety unless a replacement bond or other proof of financial responsibility acceptable to the Obligee is provided to the Obligee. If the Surety proposes to cancel this bond, notice shall be provided to the Obligee and the Principal in writing by registered or certified mail not less than 90 days prior to the proposed cancellation date. Not less than 30 days prior to the expiration of the 90 day notice period, the Principal shall deliver to the Obligee a replacement bond or other acceptable proof of financial responsibility. In the absence of the delivery of a replacement bond or other acceptable proof of financial responsibility, all facility operations shall immediately cease and this bond shall remain in full force and effect as long as any obligation of the Principal or any successor in interest for closure in accordance with the plan of operation approval, and any amendments thereto, remains unsatisfied.

Signed, sealed and dated this _____ day of _____, _____.

Principal

Surety

Attorney in Fact

Bond Number _____