



# NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

## ENVIRONMENTAL GUIDANCE DOCUMENT

05-174m

August, 2005

### **Hazardous Waste Facility Liability Endorsement**

40 CFR § 264.151 (i) A hazardous waste facility liability endorsement as required in Sec. 264.147 or Sec. 265.147 must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

#### **Hazardous Waste Facility Liability Endorsement**

1. This endorsement certifies that the policy to which the endorsement is attached provides liability insurance covering bodily injury and property damage in connection with the insured's obligation to demonstrate financial responsibility under 40 CFR 264.147 or 265.147. The coverage applies at [*list NDEQ Identification Number, name, and address for each facility*] for [*insert "sudden accidental occurrences," "nonsudden accidental occurrences," or "sudden and nonsudden accidental occurrences"; if coverage is for multiple facilities and the coverage is different for different facilities, indicate which facilities are insured for sudden accidental occurrences, which are insured for nonsudden accidental occurrences, and which are insured for both*]. The limits of liability are [*insert the dollar amount of the "each occurrence" and "annual aggregate" limits of the Insurer's liability*], exclusive of legal defense costs.

2. The insurance afforded with respect to such occurrences is subject to all of the terms and conditions of the policy; provided, however, that any provisions of the policy inconsistent with subsections (a) through (e) of this Paragraph 2 are hereby amended to conform with subsections (a) through (e):

- (a) Bankruptcy or insolvency of the insured shall not relieve the Insurer of its obligations under the policy to which this endorsement is attached.
- (b) The Insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the Insurer. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated as specified in 40 CFR 264.147(f) or 265.147(f).

- (c) Whenever requested by the Director of the Nebraska Department of Environmental Quality (NDEQ), the Insurer agrees to furnish to the NDEQ Director a signed duplicate original of the policy and all endorsements.
- (d) Cancellation of this endorsement, whether by the Insurer, the insured, a parent corporation providing insurance coverage for its subsidiary, or by a firm having an insurable interest in and obtaining liability insurance on behalf of the owner or operator of the hazardous waste management facility, will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the NDEQ Director.
- (e) Any other termination of this endorsement will be effective only upon written notice and only after the expiration of thirty (30) days after a copy of such written notice is received by the NDEQ Director.

Attached to and forming part of policy No. ----- issued by [*name of Insurer*], herein called the Insurer, of [*address of Insurer*] to [*name of insured*] of [*address*] this ---- day of ----, 20--. The effective date of said policy is the ---- day of -----, 20--.

I hereby certify that the wording of this endorsement is identical to the wording specified in 40 CFR 264.151(i) as such regulation was constituted on the date first above written, and that the Insurer is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States.

[*Signature of Authorized Representative of Insurer*] \_\_\_\_\_

[*Type name*] \_\_\_\_\_

[*Title*] \_\_\_\_\_, Authorized Representative of [*name of Insurer*]

[*Address of Representative*] \_\_\_\_\_

---

*Produced by: Nebraska Department of Environmental Quality, P.O. Box 98922, Lincoln, NE 68509-8922; phone (402) 471-2186. To view this, and other information related to our agency, visit our web site at <http://deq.ne.gov/>*