**Insurance**

Each insurance policy must be amended by attachment of the industrial waste landfill liability endorsement or evidenced by a certification of liability insurance.

a. If you use a certificate of liability insurance it should be worded as follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted:

**INDUSTRIAL WASTE LANDFILL CERTIFICATE OF LIABILITY INSURANCE**

1. [Insert name of insurer] , (the "insurer") of [Insert address of insurer] hereby certifies that it has issued liability insurance covering bodily injury and property damage to [Insert name of insured] , (the "insured"), of [Insert address of insured] in connection with the insured's obligation to demonstrate financial responsibility under North Dakota Administrative Code (NDAC) Section 33.1-20-14-06. The coverage applies at [Insert permit number, name, and address for each facility] for sudden accidental occurrences. 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. The coverage is provided under policy number , issued on [Insert date] the effective date of said policy is [Insert date] .

2. The insurer further certifies the following with respect to the insurance described in paragraph 1:

(a) Bankruptcy or insolvency of the insured shall not relieve the insurer of its obligations under the policy.

(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.

(c) When requested by the North Dakota Department of Environmental Quality (DEPARTMENT), the insurer agrees to furnish to the DEPARTMENT a signed duplicate original of the policy and all endorsements.

(d) Cancellation of the insurance, 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 industrial waste landfill, will be effective only upon written notice, and only after the expiration of sixty days after a copy of such written notice is received by the DEPARTMENT.

(e) Any other termination of the insurance will be effective only upon written notice, and only after the expiration of thirty days after a copy of such written notice is received by the DEPARTMENT, as evidenced by the return receipt.

I hereby certify that this instrument meets the requirements specified in NDAC Section 33.1-20-14-06, as such regulation was constituted on the date first above written, and that the insurer is licensed to transact the business of insurance, in the state of North Dakota 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]

b. An industrial waste landfill liability endorsement should be worded as follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted:

**INDUSTRIAL WASTE LANDFILL 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 North Dakota Administrative Code (NDAC) Section 33.1-20-14-06. The coverage applies at [Insert permit number, name, and address for each facility] for sudden accidental occurrences. 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 this policy with a right of reimbursement by the insured for any such payment made by the insurer.

(c) When requested by the North Dakota Department of Environmental Quality (DEPARTMENT), the insurer agrees to furnish to the DEPARTMENT 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 industrial waste landfill will be effective only upon written notice and only after the expiration of sixty days after a copy of such written notice is received by the DEPARTMENT.

(e) Any other termination of this endorsement will be effective only upon written notice, and only after the expiration of thirty days after a copy of such written notice is received by the DEPARTMENT, as evidenced by the return receipt.

Attached to and forming part of policy number issued by [Insert name of insurer] herein called the insurer of [Insert address of insurer] to [Insert name of insured] of [Insert address of insured] this day of [Insert month], 20 . The effective date of said policy is day of [Insert month] , 20 .

I hereby certify that this endorsement meets the requirements specified in NDAC Section 33.1-20-14-06, as such rule was constituted on the date first above written, and that the insurer is licensed to transact the business of insurance in the state of North Dakota 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]