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State of Wisconsin  
Department of Natural Resources  
OFR Specialist – WA/5  
PO Box 7921, Madison WI 53707-7921  
[dnr.wi.gov](http://dnr.wi.gov)

**Performance Bond  
For Closure**  
*For Use by Registered E-Cycle Wisconsin Recyclers*  
Form 4400-318 (R 05/20)

LEAVE BLANK – DNR USE ONLY
FID Number

**Notice:** This form is required for Wisconsin recycling facilities registering under s. 287.17(8), Wis. Stats., which choose to name the Wisconsin Department of Natural Resources as beneficiary. Information on this form will not be used for any purpose other than establishing 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 under NAIC number \_\_\_\_\_, as Surety, are held and firmly bound unto the State of Wisconsin Department of Natural Resources, as Obligee, in the penal sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_), for payment of which the Principal and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

WHEREAS, principal owns an electronics recycling facility named \_\_\_\_\_ located at the street address of \_\_\_\_\_, City of \_\_\_\_\_, \_\_\_\_\_ County, State of \_\_\_\_\_, and that facility is subject to the closure requirements of s. 287.17(8)(c)3, Wis. Stats.

WHEREAS, this bond is written to provide proof of financial responsibility pursuant to s. 287.17(8)(c)3, Wis. Stats., 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 shall faithfully perform closure, whenever required to do so, of each facility for which this bond guarantees closure, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules and regulations may be amended, 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All or any part of this bond may be withdrawn by the Obligee, upon written request by the Secretary of the Obligee, to be used to carry out closure in accordance with the closure requirements outlined in the closure cost estimate maintained by the Principal as required by s. 287.17(8)(c)3, Wis. Stats., and the conditions described above, 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 outlined in the closure cost estimate provided to the Obligee under s. 287.17(8)(c)3, Wis. Stats. 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.

The Surety hereby waives notification of amendments to applicable laws, statutes, rules, and regulations and agrees that no such amendment shall in any way alleviate its obligation on this bond.

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This bond is effective on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, 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 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 remains unsatisfied.

Signed, sealed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_ Principal

\_\_\_\_\_ Surety

\_\_\_\_\_ Attorney in Fact

Bond Number \_\_\_\_\_