

Potential Changes to the NR 700 Rule Series

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Overview of Presentation

- The NR 700 Rule Series changes includes 22 separate rules.
- This presentation will cover 7.
- Primary focus will be on Soil Cleanup Standards and Case Closure.

Background

- Significant discussions including 11 Meetings with the Technical Focus Group/Brownfield's Study Group.
- Members support moving ahead with the rulemaking process.
- Current versions of the draft rules along with a summary of the major changes are available on our web page at:
http://dnr.wi.gov/org/aw/rr/wi_regs/index.htm

NR 700 – General Requirements

- Added definitions on “vapor action level” and “vapor risk screening level”.
 1. Using a 10^{-5} cancer risk action level or a hazard index of 1 for non-carcinogens.
 2. Screening levels will be based on EPA attenuation factors.
- Removing the “Simple Site Process”.
- Requiring semi-annual progress reports with the forms being web-based.

NR 716 – Site Investigation

- Deadlines added for beginning work and submitting documents in order to keep projects moving forward.
- Require better definition of the source areas.
- Additional details on reporting sampling results, especially to property owners.

NR 718 – Management of Contaminated Soil or Solid Waste Excavated During Response Actions

- Sections 718.11, 718.13, and 718.14 are being consolidated into 1 new section .
- NR 718.12(1) covers those situations where DNR approval is not needed.
- NR 718.12(2) specifies the criteria that need to be met when contaminated soil is managed as part of a remedial action or interim measure.

NR 720 Soil Cleanup Standards - Proposed Changes

- Removing Tables 1 & 2.
- Removing the GRO and DRO standards.
- Allowing the Enforcement Standard rather than the Preventive Action Limit when calculating soil standards protective of groundwater.

NR 720 Changes (cont.)

- The actual land use (and not the expected use) will determine the appropriate land use classification.
- Language has been included to indicate that averaging soil sampling results may be appropriate.
- The default exposure assumptions have been modified to be consistent with EPA's new web based calculator.

NR 720 Changes (cont.)

- DNR is developing guidance to provide detailed directions for using the new EPA web calculator.
- Our web site will be expanded to present individual soil cleanup values based on using the updated default exposure assumptions.
- Also developing a spreadsheet for site data which will identify if exceedances are present.

NR 722 – Remedy Selection

- Requiring the long-term sustainability of the selected remedy to be assessed.
- Including a provision that clarifies our authority to require the vapor intrusion pathway be addressed.
- Adding a section that indicates land use controls can be required when approving a remedial action.

NR 726 – Case Closure

- Breaking up section NR 726.05 (requests for case closure) into smaller sections based on topic.
- Creating 2 new rules:
 - NR 725 to cover pre-closure notifications requirements, and
 - NR 727 to address post-closure requirements.
- Incorporated the provisions of s. 292.12, Stats. by removing references to deed restrictions.

NR 726 – Case Closure

- Several new provisions to address sites with vapor intrusion issues. DNR may require:
 - The installation of a vapor mitigation system.
 - Notification if the specific exposure assumptions relied on for closure change in the future.
 - Installation of building control technologies if the potential for vapor intrusion exists on property where no building is present at the time of closure.

NR 746 – Risk Screening and Closure Criteria for Petroleum Contaminated Sites

- Removing the technical language from the rule because high risk sites (DNR Lead) don't qualify for closure under ch. NR 746.
- Also removing Appendix A on the use of Statistical Tests for determining the effectiveness of natural attenuation.
- The responsibilities of DNR and the Department of Safety and Professional Services would be retained.

NR 700 Rule Series Schedule

- Request authorization from the Natural Resources Board (NRB) to hold public hearings – January, 2012.
- Develop an economic impact analysis in conjunction with local governments, business and business groups, utilities, and other interested parties – May, 2012.
- Submit the rule to the Legislative Council for review – June, 2012.

NR 700 Rule Series Schedule (cont.)

- Send the economic impact analysis to the Legislative Council, DOA, the Governor, and the Chief Clerk of each house of the Legislature – June, 2012.
- Conduct public hearings – September, 2012.
- Request authorization from the NRB to finalize the rule – December, 2012.
- Governor review – March, 2013
- Legislative review – May, 2013.
- Rule effective – September, 2013.



Questions?

