

Comment Response Summary

Form 4400-305 Continuing Obligations Inspection and Maintenance Log

Comment: Commentor “recommends that Vapor Intrusion (VI) Mitigation technologies be added to column three titled, "Item" of Form 4400-305. Vapor Intrusion is the driving force for many remedial plans and site closures. Many sites will ultimately close with VI mitigation technologies in place. These technologies will be part of approved remedial plans and conditional closures where long term maintenance and monitoring obligations are required. Therefore, VI mitigation technologies should be recognized and added to this form. Sub-Slab depressurization systems (SSDSs) are the most common form of VI mitigation technologies, however, others exist such as sub-membrane depressurization systems (SMDSs) for crawl space construction. Sealants and vapor barriers can also be used, however, these are rarely applied as stand-alone mitigation technologies. For these reasons,” Commentor “recommends that SSDS and SMDS be added to column three (Items) of this form.”

Response: We revised to form to add an option for a vapor mitigation system in the Item column. A description of the type of system can be provided in the fourth column, “Describe the condition of the item being inspected”.

Comment: “I am wondering who fills out the email address: When submittal of this form is required, submit the form electronically to the DNR project manager. An electronic version of this filled out form, or a scanned version may be sent to the following email address (see closure approval letter): With staff moving around as frequently as they have, wouldn't it be better if the department used dedicated email and snail mail addresses for these kinds of submittals? Some projects will last for many years and project managers can change a number of times during that period. Owners and/or consultants will have to track down the then current project manager.”

Response: We revised the instructions to identify how to most easily find the name of the DNR Project Manager, including if the Project Manager's name in the closure letter is out of date. We provided a link to BRRTS on the Web, and some short search instructions. While we hope to have a more automated system in place for submittal in the future, we're not there yet. For now, we will continue to ask that these inspection logs, when required to be submitted, be sent to the project manager. For most sites, submittal of the inspection log is not required, and the log is only reviewed at the time of an audit.

Comment: “The form states that its use is mandated by 726.13. I looked at the code and I do not see a specific form mandated by the rule. Again, I think these items should be run by the Brownfield Committee or the old NR 700 Advisory Committee first. “

Response: The form was revised to cite s. NR 727.05 (1) (b) 3., Wis. Adm. Code. We will continue to take more substantive draft guidance to the Brownfield Study Group or the Technical Focus Group for input. We chose to use this public notice process since this particular form is required by rule, which went into effect in November, 2013, and because this form is based on an existing template provided in 2 of our existing guidances. It was a way to balance both public input with timeliness. We will continue to accept comments as the form is used, and can update it as needed.