

**Technical Focus Group Meeting Minutes
Remediation and Redevelopment Program
March 10, 2009**

Introduction

A third joint meeting of the Technical Focus Group/Brownfield's Study Group was held to continue discussions on WDNR's proposed revisions to the NR 700 rule series. Below is a brief summary of the discussion associated with each rule.

NR 169 – Dry Cleaner Environmental Response Program

The Department explained that this rule was being changed to establish a new ranking process for dry cleaner sites. In addition, a definition was added which defines the term "solvent vapor action level" to mean: "the concentration of vapors from dry cleaner product is at or above the 1-in-100,000 excess lifetime cancer risk or is at or above a Hazard Index of 1 for non-carcinogens."

The discussion focused primarily on how the 1-in-100,000 level would apply to the broader issue of vapor intrusion. The Department indicated that while this specific definition would only apply to dry cleaners, it is our intent to apply the same level to other vapor intrusion situations. Members also asked if consideration was given to using a risk range instead of a specific value. The Department stated that this had been considered, but that from an ease of implementation standpoint we felt that a bright line provides a more straightforward approach. In general, it appeared that the members present were comfortable with the cancer risk level proposed.

NR 700 – General Requirements

The Department stated that the major revisions to NR 700 were elimination of the simple site process and the addition of a requirement that all sites submit semi-annual progress reports. The question was raised whether the information provided in progress reports could be made available on our web page. The Department indicated that while we supported providing as much information as possible via the web, it was unlikely we would be able to implement this suggestion due to resource issues. It was also suggested that the Department include a section in the progress report form where the responsible party would need to sign a statement certifying they were in compliance with the appropriate provisions of the NR 700 series.

NR 716 – Site Investigations

The Department briefly summarized the major changes with the rule. There were several comments and suggested clarifications. Members requested that the section covering site investigation work plans be revised to clarify that if no fee is received no Department approval will be issued. Under the field investigation section, it was suggested that for

those situations where the Department does not review the work plan, initiating the field work be extended by 30 days. Also, members requested that where no specific source is identified (i.e. area wide contamination or fill) that the provision to characterize the source does not apply.

A question was asked on whether groundwater sampling was needed if there was clean soil between the source and the water table. The Department stated that it has been our experience that many of these sites do have groundwater impacts and so groundwater sampling should be performed. Finally, Focus Group members stated that piezometric maps may not always be needed, particularly if the piezometers are not significantly deeper than the water table wells and are located in the same stratigraphic unit.

NR 728 – Enforcement and Compliance Authorities

The Department indicated that based on feedback from the Focus Group, the provisions regarding filing of deed affidavits was reinserted into the rule. In addition, the process for putting a site on the Registry was simplified as suggested by Focus Group members. In general, members seemed comfortable with the revised rule language.

NR 749 – Fees for Providing Assistance; Remediation and Redevelopment Program

The Department summarized the revisions that were being proposed, the most significant being the proposal to increase the fees by approximately 40%. This change is being pursued since the fees had not been increase since they initially took affect in September, 1998. No one present raised concerns with the proposed changes. One member asked about whether the Department had given consideration to waiving the fees and then potential filing a lien on the property in question. The Department indicated that this approach has not been pursued.

Open Discussion on Options for Revising NR 746 – The Department indicated that we have been evaluating what changes would be appropriate for NR 746. Several different options have been considered and discussions have taken place with Commerce. In general, members felt that the technical provisions of this rule were not needed. They also stated that if we felt the procedural components of the rule were still needed, they should be retained.

Next Meeting

It was agreed that the next meeting would be held on May 12th from 1:00 to 3:00 pm.