

**Technical Focus Group Meeting Minutes  
Remediation and Redevelopment Program  
November 11, 2008**

Introduction

A joint meeting of the Technical Focus Group/Brownfield's Study Group was held to begin discussions on WDNR's proposed revisions to the NR 700 rule series. The Department indicated its intent to undertake an informal external review of the draft rules for approximately the next 6 months in order to help ensure that many of the potential issues can be resolved prior to initiating the formal public comment period. The Department also mentioned that as new draft rules are completed they will be posted on the RR Program's web page and a notice of their availability will be sent to the group. In response to a question, the Department indicated that it would likely take one year from the time the Natural Resources Board authorizes public hearings (currently anticipated to be in May, 2009) until the rules become final. Below is a brief summary of the discussion associated with each rule.

NR 708 – Immediate and Interim Actions

Most of the discussion on ch. NR 708 dealt with s. NR 708.05(3)(b) which contains the criteria for determining if a response action meets the definition of a non-emergency immediate action. Currently, one of the provisions (#3) specifies that the response can not result in the excavation and subsequent management of more than 100 cubic yards of contaminated media. The Department indicated that there have been cases where the 100 cubic yard limit was too constraining and as a result the rule language is proposed to be modified in order to give the Department the discretion to approve higher volumes.

Most members agreed that this provision should be changed. However, several people felt a much higher upper limit should be set and suggested that the volume be increased to 5,000 cubic yards. The Department pointed out that this provision was intended to be for smaller situations where the contamination could be relatively easily addressed and as a result a site investigation would not be needed. Another member suggested the Department decide whether a 716 investigation was necessary after the response action was taken and the documentation was provided. The discussion concluded with the Department agreeing to evaluate this section further.

NR 710 – Site Discovery, Screening and Ranking

The Department stated that the vast majority of this rule would be deleted. Since this rule was promulgated, the statutes have been changed to no longer require that sites be inventoried and the process for scoring sites was no longer needed to determine priority. No one present objected to the proposed changes.

## NR 712 – Personnel Qualifications for Conducting Environmental Response Actions

The biggest proposed changes with this rule was adding language that clarifies ch. NR 712 applies to field work associated with Phase I/Phase II environmental assessments and expanding the definition of hydrogeologists to require licensing as a hydrologist or registration as a geologist. It was suggested that the work “site” be added between the words “environmental” and “assessments” in order to be consistent with the language used by ASTM. There were several questions over the difference between licensing and registration. The Department explained that this is the terminology used by the Department of Regulation and Licensing.

## NR 718 – Management of Solid Waste Excavated During Response Actions

The major comment on this rule was that the sections dealing with on-site disposal of contaminated soil (NR 718.11, 718.12, and 718.13) were too complicated and should be streamlined significantly. Many members felt that these sections were particularly confusing for redevelopment situations, especially when all of the properties in question were not contiguous or owned by the same party. Members felt that any revision should retain the distinction for those situations where prior Department approval was needed and those where it was not needed.

There was also a suggestion to include a reference to our Building on Abandoned Landfill guidance, if the responsible party or other interested person was potentially managing solid waste other than contaminated soil. The Department indicated a reference to the available guidance would likely be included in NR 718.15.

## NR 750 – Fees for Providing Oversight for the Contaminated Land Recycling Program

There were several general questions regarding the proposed revisions, but no recommended changes with this rule.

### Summary

At the end of the meeting, the Department summarized the major discussion items and those that required follow-up. In response to a Department question on whether there were other issues that members wanted to raise, it was suggested that rule language be included to indicate that closure committees are used by the Department when evaluating requests for case closure. In part, this issue was raised because of the concern that some project managers were using the closure committee to require additional information. This led to significant discussions about the use of regional closure committees. Department staff indicated that this was a legitimate issue that needed to be addressed, but that it shouldn't be included as part of the rulemaking effort.

It was agreed that the next meeting would be held in early to mid January.