

Issue Statement – Simple Site Process

Background

Simple sites are defined in NR 700.09(1) as follows:

If a site or facility meets all of the following criteria, the site or facility may be classified as simple and responsible parties may use the simple process in s. 700.11(1) for that site or facility:

(a) All of the contaminants of concern at the site or facility are listed in Table 1 or Table 2 of ch. NR 720, unless gasoline range organics or diesel range organics, or both are the only other contaminants of concern;

(b) No residual soil contamination at the site or facility will adversely affect surface water;

(c) No residual soil contamination at the site or facility will adversely affect a sensitive environment; and

(d) No residual soil contamination at the site or facility will concentrate through plant uptake.

Under s. NR 700.11 a responsible party whose site meets the definition of a simple site is required to provide progress reports and once the remedial action is completed can submit a report documenting compliance with the applicable rules such that no further action is necessary. In most cases the Department does not approve or deny these reports.

Issue for Discussion

WDNR is currently in the process of modifying ch. NR 720 to remove the table values and replace them with the algorithms necessary to calculate site specific soil cleanup levels. When the table values are removed, the references above to Tables 1 and 2 will need to be modified. We are interested in feedback from Focus Group members on whether we should continue to retain the simple site concept. Since the promulgation of NR 700 in 1994 we estimate that this approach has been used less than 10 times. Another option would be to list the compounds that would be considered contaminants of concern under s. NR 700.09(1)(a).