

Technical Focus Group Meeting Notes  
Tuesday, February 13, 2007

1. NR 700 Rule Revision Update – Act 418 is leading to multiple updates to the NR 700 series of administrative rules, “Investigation and Remediation of Environmental Contamination”. Our chapter on case closure, NR 726, will require the most changes. This chapter needs to show the legislative change from deed restrictions to an on-line registry as the method of informing the public about residual contamination at completed cleanups.

We expect we’ll need a few more months to work on draft rule language, then will bring our drafts to this Technical Focus Group and also to the Brownfields Study Group. If the Natural Resource Board agrees, public hearings will follow. We anticipate adding a requirement to Chapter NR 714 that will require that data be shared promptly with nearby properties that have been affected by someone else’s contamination.

2. Vapor intrusion – DNR has had questions about sites where vapors from soil or groundwater contamination may have entered buildings. We are trying to ensure that consultants don’t overlook this pathway of exposure to contaminants. Where the cleanup can not be completed in such a way that the contaminants can be removed from the environment, we may close some sites where vapors are still being vented from below buildings. This is akin to filtration on contaminated potable wells where we use a system to protect human health because the contamination can not be cleaned up quickly.

DNR is working with the Dept. of Health and Family Services to establish criteria for analyzing & venting buildings with vapors, often at dry cleaning facilities. One consultant suggested that since it is so difficult to distinguish between vapors from soil contamination and vapors from active dry cleaning operations, that the venting under the foundation slab be installed regardless of the soil data, as a safeguard. One issue is tracking these properties over time. DNR may want to approve the cleanup in such a way that when the land use changes, we would be notified and would re-evaluate the cleanup. Another consultant added that when land is being redeveloped most developers want to take the opportunity to clean up contaminants that were previously inaccessible under a building.

Mark Giesfeldt reminded consultants that they can bring questions to us at any time – don’t need to wait for one of these meetings.

3. The Governor’s Council for the Dry Cleaner Environmental Response Fund Program (DERP) has completed its second 5-year report to the Legislature. The report is on our the web at [dnr.wi.gov/org/aw/rr/financial/dryclean.html](http://dnr.wi.gov/org/aw/rr/financial/dryclean.html). The primary issue is the long-term sustainability of the fund. The Council would like the Legislature to authorize \$8.5 million in bonding, supported by fees paid by dry cleaners which would increase to 2.8% of gross dry cleaning revenues. Dry cleaning fees are authorized through the year 2032. Current statutory provisions prohibit new sites from entering this reimbursement program after the year 2008.

4. Guidance on managing hazardous wastes at manufactured gas plants – This technical guidance has been drafted and will be sent to the group for comment by the end of February.

5. Closure Protocol (natural attenuation) Update - This study has two components, creation and review of a database of closed sites, and a field study to collect data from 10 previously completed petroleum cleanups. Our second graduate student is completing her thesis, which we will add to our web site at [dnr.wi.gov/org/aw/rr/technical/index.htm#cps](http://dnr.wi.gov/org/aw/rr/technical/index.htm#cps). One preliminary conclusion is that there may be greater variability in groundwater flow direction than has been apparent from consultant reports. Evaluation will continue, followed by EPA's peer review of our study. We will ask this Technical Focus Group to comment on the draft report. The final report is probably at least a year away.

6. New Brownfields Insurance Program – This state program is intended to bring private insurance availability to more medium-sized brownfield redevelopment projects. It offers standard policy conditions that fit Wisconsin law, as well as 10% off on premiums. The insurance applicant must have a Phase I and II environmental site assessment. More information is at [dnr.wi.gov/org/aw/rr/rbrownfields/wbip.htm](http://dnr.wi.gov/org/aw/rr/rbrownfields/wbip.htm).

7. One Cleanup Program – DNR now has the most comprehensive state memorandum of agreement (MOA) with EPA in the nation, in regard to using state authority for cleanup oversight. This MOA recognizes that cleanups, including those with PCBs or hazardous wastes, that follow the NR 700 series of administrative rules will normally lead to a state closure decision that will not be subject to federal oversight. Nothing in the MOA, however, restricts EPA's authority to intervene in a state cleanup. The MOA is on the internet at [dnr.wi.gov/org/aw/rr/cleanup/ocp.htm](http://dnr.wi.gov/org/aw/rr/cleanup/ocp.htm).

8. Federal Brownfields Income Tax Deduction – This deduction has again been extended by Congress, now through December of 2007. It now also covers expenses related to petroleum contamination from December 2005 to December 2007. The consultants suggested outreach to tax attorneys. Information is on the web at [dnr.wi.gov/org/aw/rr/financial/fed\\_tax.html](http://dnr.wi.gov/org/aw/rr/financial/fed_tax.html).

9. RR Sites Map – We are working on improvements to our GIS map application at [dnr.wi.gov/org/aw/rr/gis/index.htm](http://dnr.wi.gov/org/aw/rr/gis/index.htm). Consultants are welcome to make suggestions. One suggestion at this meeting is in regard to submitting CDs of documents that will be posted. Currently, sending a CD is optional, not required.

10. Topics for the next meeting – Consultants would like an update on meetings between DNR and DATCP regarding redevelopment issues at orchards. The next meeting will be May 8 at 1:00.