Technical Focus Group Meeting Notes
DNR Remediation and Redevelopment (RR) Program
Tuesday, November 13, 2007

1. **RR Sites Map**

Jane Lemcke provided a demonstration of the recently deployed upgrade to the RR Sites Map, the Remediation and Redevelopment Program's on-line GIS application. The map allows users to zoom in to any selected area of the state for more information, which is provided through links to the RR Program's database of contaminated sites. Improvements include:

- New instructions, frequently asked questions, and "What is RR Sites Map?" information
- New map symbols that better show the various types of information available
- Adding two new "themes", for a total of four customized map views
- Upgraded map printing, including customized map titles and notes
- Improved data transfer to other GIS applications or spreadsheets

The RR Sites Map is available at: dnr.wi.gov/org/aw/rr/gis/index.htm.

2. **Vapor intrusion**

Mark Gordon explained that RR's guidance is still being discussed. It will focus on how to define risk and obtain case closure at sites where volatile contaminants have the potential to move into structures. EPA and ITRC guidance already cover sampling techniques. DNR is working with the Dept. of Health & Family Services, and checking into procedures used in other states. Discussion by the group focused on these issues:

- Determining the appropriate risk numbers at which to require vapor venting. DNR has generally used a $10^{-6}$ (1 in one million) excess cancer risk level in the NR 700 rules. EPA uses a range of $10^{-4}$ to$10^{-6}$ risk for Superfund.
- How much active venting may be required?
- What are the appropriate vapor measuring points? Below poured slabs? Indoor air?
- What is appropriate sampling protocol?
- Is there any "de minimus" level of soil contamination below which vapor intrusion is not an issue? (Probably not, because this would require so many conservative assumptions that it would not be valuable, and soil sampling results are not generally recommended to assess the risk of vapor intrusion.)
- Is "clean" indoor air a default to assume no risk of vapor intrusion? (Probably not, because it does not protect against future vapor intrusion through cracked foundations, broken sump seals, etc.)

3. **PCBs**

Ed Lynch reviewed the PCB provisions in DNR's "One Cleanup Program" memorandum of agreement with EPA. By including contamination that falls under the federal Toxic Substances Control Act, the agreement provides those conducting cleanups under the direction of DNR greater assurance that EPA will not choose to enter into the oversight of their work. The PCB provisions in the agreement generally place PCB sites under DNR review when they fall into one of the following categories:

- PCB contamination originating from spills prior to April 18, 1978, regardless of contaminant concentrations;

- PCB contamination originating from spills on or after April 18, 1978, but prior to July 2, 1979, where contaminant concentrations are at or above 50 parts per million (ppm) and less than 500 ppm; and
- PCB contamination originating from spills on or after July 2, 1979, when the concentration of PCBs in the substance that was spilled was less than 50 ppm.

Certain discharges of PCBs, such as at complex sites impacting water supplies or sediments, will remain under EPA jurisdiction. Other less complex PCB discharges that do not fall under the three criteria above may be handled through a new "expedited coordinated review and approval process" between DNR and EPA Region 5. Under this process, DNR will inform Region 5 when DNR has found the proposed cleanup to be in compliance with the NR 700 rule series, and EPA should respond in a letter to the responsible party containing its own findings within 30 days. The agreement is on the web at dnr.wi.gov/org/aw/rr/cleanup/ocp.htm. DNR plans to add an exemption to state rules for PCB cleanups, referencing the federal rules (40 CFR) for cleanup objectives, as long as state site investigation and remedial action procedures are followed.

4. **Case closure letter**

Mark Gordon reviewed recent changes to the RR Program's case closure letter. This includes a bulleted list on the first page that will describe the reason(s) that a completed cleanup will be listed on-line in the GIS Registry, such as a specific land use control. In addition, our on-line database, the Bureau for Remediation and Redevelopment Tracking System (BRRTS), will have new codes that define the specific type of land use control if one has been imposed at case closure approval. For example, one of the new codes will be for a land use control due to residual soil contamination at levels suitable for industrial use only.

5. **PECFA and Leak Reporting**

The recently signed state budget contained a sunset on new claimants seeking reimbursement under the Petroleum Environmental Cleanup Fund Act (PECFA), but the governor has vetoed the sunset.

Mark Gordon explained that the federal Energy Bill says that by October 1, 2007 states must begin collecting information on the cause of each new environmental discharge from a leaking underground petroleum storage tank (LUST) and must make the information available to the public by December 31, 2008. For example, the state should identify whether the leak originated from a tank overfill, a pump or piping problem or a leak in the tank itself. The RR Program plans to track the causes of petroleum discharges in our database (BRRTS), and Mark said that he anticipated a new data sheet to collect this information from those responsible for leaks, to be completed and submitted to DNR. Attendees asked whether the RR Program may want to collect this information by amending the existing "fax form" for notifying DNR of a new discharge to the environment.

**6. Groundwater use restrictions and GIS Registry**

A group member asked if DNR will proactively seek to remove groundwater use restrictions recorded with county Registers of Deeds and in the GIS Registry when groundwater conditions change. DNR indicated we couldn't remove a deed restriction but could record a deed affidavit describing the new conditions. However, this change would have to be based on new data submitted to DNR along with a review fee. The group also discussed how this same process could be applied to property that becomes legally divided, with a "clean" portion of the land

removed from the GIS Registry. One group member said that the data tracking can get very complicated, describing a site with nine current tax parcels that are being consolidated into four new parcels by two different developers. He said it would be best for DNR to focus on tax parcels rather than street addresses in assigning database tracking numbers in BRRTS. DNR suggested that we be notified of the new parcels as soon as possible so we could assign tracking numbers accordingly. Another group member described how a small parcel in the middle of a four-block redevelopment project was assigned a separate parcel number so it would be the only portion of the project in the GIS Registry.

7. **Potential topics for future discussion**:

- Ask Dan Kolberg to repeat his presentation to the Brownfields Study Group about unlicensed landfill liability exemptions
- Electronic submittals and DNR file size restrictions for GIS packets
- Update on the lead-arsenate study with DATCP
- PAHs levels and redevelopment concerns