

NR 725 Notification Requirements for Residual Contamination and Continuing Obligations.

- NR 725.01 Purpose.
- NR 725.02 Applicability.
- NR 725.03 Definitions.
- NR 725.05 Situations where notification is required.
- NR 725.07 General notification requirements.

NR 725.01 Purpose. The purpose of this chapter is to specify the minimum notification requirements that shall be met before the agency with administrative authority may determine that a specific site or facility may be closed under ch. NR 726 with a continuing obligation or residual contamination, or to approve a remedial action plan which includes a continuing obligation, and to identify which sites shall be included on a department database. This chapter is adopted pursuant to ss. 227.11(2), 287.03, 289.06 and ch. 292, Stats.

NR 725.02 Applicability. (1) This chapter applies to persons seeking closure for a case that includes a property with residual contamination or where a continuing obligation may be applied on a property that is not owned by that person, regardless of whether there is direct involvement or oversight by the department. This chapter also applies to local governmental units or economic development corporations that are required to take action under ch. NR 708 or persons receiving approval of a remedial action plan under ch. NR 722, when the department determines that notification is necessary.
(2) In addition to being applicable to sites or facilities specified in sub. (1), this chapter also applies to the proposed closure of solid waste facilities where remedial action is required by the department.

NR 725.03 Definitions. The definitions in s. NR 700.03 apply to this chapter.

NR 725.05 Situations where notification is required. (1) PERSONS REQUIRING NOTIFICATION. Written notification shall be provided to the following parties if the property meets any of the criteria in sub. (2):
(a) The owner of each property within or partially within the contamination site or facility boundaries, other than properties owned by the responsible party.
(b) Occupants of those properties listed in par. (a), as appropriate.
Note: Notification of occupants may be done by providing copies of the notification letter to occupants or to the property owner to distribute, by posting the notification letter at the property, or by other means, as long as written notification is included.
(c) The clerk of the county, and town or village or city where a public street or highway right-of-way is located, and to the municipal department or state agency that is responsible for maintaining the public street or highway, and
(d) The railroad that maintains the railroad right-of-way.
Note: In cases where an owner of record cannot be located, responsible parties are encouraged to work with the agency project manager regarding notification.
(e) The owner of each property where a monitoring well was constructed, but where the monitoring well was unable to be located for abandonment, or where continued monitoring will be required.
Note: Monitoring wells need to be located before a closure request is prepared, so that all necessary notifications are completed in a timely manner.
Note: In some cases, continued monitoring of a well may be required of another responsible party, in which case responsibility for the abandonment of the well will be a condition for closure for that responsible party.
(2) SITUATIONS REQUIRING NOTIFICATION. Written notification shall be provided in the following situations:
(a) Groundwater contamination which attains or exceeds ch. NR 140 enforcement standards remains after completion of the remedial action,
(b) Soil contamination which attains or exceeds ch. NR 720 residual contaminant levels remains after completion of the remedial action,
(c) A monitoring well will not be abandoned upon completion of the remedial action because:
1. The well was unable to be located,
2. A property owner requested the responsible party not to abandon the well, to allow for continued monitoring by the property owner and the agency with administrative authority has approved the request, or

3. Continued monitoring of the well is required by the agency with administrative authority.

(d) Where there is residual soil contamination beneath a building or a cover, such as concrete or asphalt pavement, a soil cover, or composite cap, or within an engineered containment structure, that exceeds residual contaminant levels based on protection of groundwater as determined under ch. NR 720, which would pose a threat to groundwater if the building, cover or containment structure were removed.

(e) A building, soil cover, cover or engineered containment structure must be maintained in order to prevent direct contact with contaminated soil within 4 feet of the ground surface that exceeds residual contaminant levels as determined under ch. NR 720.

(f) A building or other structural impediment at a site or facility has prevented either the completion of an investigation to determine the degree and extent of contamination, or the completion of the remedial action.

(g) A property has been classified as industrial under ch. NR 720 and soil contamination on the property has only been remediated to the industrial residual contaminant levels.

(h) Sub-slab vapor risk screening levels have been exceeded following source removal and remedial actions taken to address contamination.

Note: Operation and maintenance of a vapor mitigation system will be required in order to limit or prevent vapor intrusion.

(i) Compounds of concern will continue to be used at the site after closure.

Note: Property use and occupancy restrictions will be applied to ensure that closure will be protective.

(j) Site-specific hydrogeology controls the vapor exposure pathway into a building and a vapor mitigation system designed for the site must be operated and maintained in order to limit or prevent vapor intrusion.

Note: Additional actions may be required to enable a vapor mitigation system to work, due to the hydrogeology.

(k) Vapor inhalation exposure assumptions for a non-residential setting will be applied for closure.

Note: Property use and occupancy restrictions will be applied to ensure that closure will be protective.

(L) Contamination in soil or groundwater from volatile compounds remains after completion of the remedial action, in an area that does not have buildings at the time of closure.

Note: A completed vapor pathway depends on the construction and use or occupancy of a building or structure and other exposure assumptions. Vapor mitigation or vapor control technologies may be needed to limit or prevent exposure in the future if a building is to be constructed, or if other land use changes or actions could result in a completed vapor pathway. NR 726 specifies closure conditions regarding the option of using vapor control technologies to limit or prevent future exposures.

Note: The department may also require notification for site-specific reasons upon review of a closure request, in accordance with s. NR 726.13 or upon review of a remedial action plan in accordance with s. NR 722.15(2)(e). Responsible parties are encouraged to contact the department project manager with questions about tailoring the notification for site-specific circumstances.

NR 725.07 General notification requirements. (1) APPENDIX A LETTER. The responsible party, or other party required to provide notification by the department, shall send a letter that contains the standard provisions in Appendix A. All notification letters shall also include the provisions about the applicable continuing obligations on the affected properties or rights-of-way. The closure-related paragraphs shall be altered to fit the situation, as applicable.

Note: For local governmental units or economic development corporations that are directed to take an action, or for sites receiving a remedial action plan approval, the Appendix A language regarding closure needs to be changed to reflect the applicable situation.

(2) NOTIFICATION METHOD. Unless otherwise directed by the department, notification letters shall be sent via certified mail, return receipt requested, or priority mail with signature confirmation. If the letters are sent via priority mail with signature confirmation, the responsible party may use the signature waiver option if the responsible party has reason to believe that the owner of the property or other applicable party may refuse to sign for the letter.

Note: The department will not conduct a closure review until at least 30 days after the date on which the notification letter was received, in accordance with s. NR 726.13. Parties receiving the notification letter may notify the department within the 30 days to request additional time to finalize an agreement on continuing obligations, if needed.

(3) NOTIFICATION OF THE DEPARTMENT OF TRANSPORTATION. Notification letters for department of transportation rights-of-way shall be sent either electronically, or via certified mail, return receipt requested, or standard mail with use of a complete mailing address.

Note: Send notifications for DOT rights-of-way electronically to: DOTHazmatUnit@dot.wi.gov , or by mail to: Wis. DOT Bureau of Equity and Environmental Services, 4802 Sheboygan Ave. Room 451, PO Box 7965, Madison, WI 53707-7965. Include "Notification of Contamination" in the subject line of the e-mail. The Department of Transportation (DOT) sends a receipt electronically (e-mail).

(4) FACTSHEETS. (a) Groundwater. A department fact sheet that describes the use of natural attenuation as a final remedy, shall be enclosed with all letters that are sent to parties listed under s. NR 725.05(1) with ch. NR 140 groundwater standard exceedances, where natural attenuation is to be used as a final remedy.

(b) Liability and responsibilities of off-source property owners. A department fact sheet that describes the responsibilities and limits of liability of a property owner under s. 292.12 and 292.13, Stats., shall be enclosed with all letters that are sent to owners of properties, sites or facilities meeting one or more of the conditions of sub. NR 725.05 (2), except for any property owned by the responsible party.

Note: Copies of department fact sheets may be obtained by accessing the following web site: http://dnr.wi.gov/org/aw/rr/archives/pub_index.html or from any regional office of the department, or by writing to the Department of Natural Resources, Bureau for Remediation and Redevelopment, P. O. Box 7921, Madison, Wisconsin 53707. The referenced fact sheets are RR 671 - "What Landowners Should Know: Information About Using Natural Attenuation To Clean Up Contaminated Groundwater" and RR 819 - "Continuing Obligations for Environmental Protection, Responsibilities of Wisconsin Property Owners".

NR 725 Appendix A Notification Template

This template is for notification of property owners and rights-of-way holders affected by residual contamination and continuing obligations. Only a subset of the obligations listed will be required at any particular site.

Notification is required under Wis. Adm. Code:

- ch. NR 725, prior to placement of a continuing obligation by the agency with administrative authority through a closure letter, or
- ch. NR 722, as part of a remedial action plan approval, or
- ch. NR 708, for a local governmental unit directed to take an action at a site to maintain their liability exemption.

In addition to the instructions below, paragraph specific instructions are provided within the template, to identify which paragraphs should be used for specific situations, and to provide for site-specific detail within any given paragraph. These directions are generally in *italics*.

INSTRUCTIONS: All letters sent to rights-of-way holders, or owners whose property meets any of the listed criteria shall contain the specified provisions, at a minimum, in order to satisfy the requirements of s. NR 725.05, Wis. Adm. Code.

Follow paragraph-specific instructions. Use all applicable paragraphs. *If requesting remedial action plan approval, or if the Department has directed a local governmental unit to take an action at a site, modify the language regarding a 'closure request' to reflect the appropriate situation (remedial action plan approval or liability clarification).*

Use this template if you will be providing notification for a site that meets one or more of the following criteria:

- *groundwater that attains or exceeds applicable standards remains after remedial action is complete,*
 - *soil that attains or exceeds applicable standards remains after remedial action is complete,*
 - *one or more monitoring wells have not been located for abandonment, or*
 - *one or more monitoring wells will be kept for future monitoring,*
 - *a cover (which includes soil covers or pavement) was used to address exposure by the groundwater pathway or direct contact,*
 - *a structural impediment (generally a building or other type of structure) prevented completion of a site investigation or remedial action,*
 - *industrial land use soil standards were used for cleanup,*
 - *the continued operation of a vapor mitigation system is necessary in order to limit or prevent vapor intrusion,*
 - *compounds of concern will continue to be used in facility operations after closure,*
 - *site-specific hydrogeology controls the vapor exposure pathway into a building and a vapor mitigation system designed for the site is necessary to limit or prevent vapor intrusion,*
 - *vapor inhalation exposure assumptions for a non-residential setting will be applied for closure,*
 - *contamination in soil or groundwater from volatile compounds remains after completion of the remedial action, in an area that does not have buildings at the time of closure.*
- The Department may also require a condition based on site-specific circumstances. If this is the case, consult with the project manager to determine what information to include in the notification if any affected property owner.*

The agency cannot provide a response on your closure request until at least 30 days after this notification letter has been sent. Documentation that this letter has been sent must be provided to the agency with administrative authority for an approval or decision under ch. NR 726, Wis. Adm. Code.

NOTIFICATION LETTER FORMAT:

[Use the following two paragraphs if a right-of-way, or property other than the source property (location where the release occurred) has been affected by the contamination. Do NOT use these two paragraphs if the party conducting the cleanup is not the source property owner.]

"The investigation of a release of [describe type of release] on [specify location of the source property] has shown that contamination has migrated onto your property. I have conducted a cleanup, and will be requesting that the Department of [insert either "Natural Resources" or "Safety and Professional Services" or "Agriculture, Trade and Consumer Protection"] grant case closure. Closure means that the Department will not be requiring any further investigation or cleanup action to be taken."

"As part of the cleanup, I am proposing that [describe the remedy applied, and any resulting continuing obligation] be used not only at [specify location of the source property], but also at your property. [Describe the type and location of the continuing obligation(s).]"

[Use the following two paragraphs if the party conducting the cleanup is not the source property owner.]

"The investigation of a release of [describe type of release] on [specify location of the source property] has shown that contamination [remains on your property] [has migrated onto your property]. I have conducted a cleanup, and will be requesting that the Department of [insert either "Natural Resources" or "Safety and Professional Services" or "Agriculture, Trade and Consumer Protection"] grant case closure. Closure means that the Department will not be requiring any further investigation or cleanup action to be taken."

"As part of the cleanup, I am proposing that [describe the remedy applied, and any resulting continuing obligation] be used at [specify location of the source property]. [Describe the type and location of the continuing obligation.]"

[Use the following paragraph if groundwater contamination exceeds enforcement standards for the applicable property]

"Groundwater contamination that appears to have originated on the property located at [insert source property address] has migrated onto your property at [insert address of off-source property]. The levels of [insert names of substances] contamination in the groundwater on your property are above the state groundwater enforcement standards found in chapter NR 140, Wisconsin Administrative Code.

[Use the following 2 paragraphs if natural attenuation for groundwater is used for all or part of the final remedy for groundwater which attains or exceeds an enforcement standard. If the person conducting the cleanup is not the current owner of the source property, revise the first sentence to reflect the source location, and eliminate the reference to migration. In all cases, include the Department fact sheet RR-671, "What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater".]

However, the environmental consultants who have investigated this contamination have informed me that this groundwater contaminant plume is stable or receding and will naturally degrade over time. I believe that allowing natural attenuation to complete the cleanup at this site will meet the requirements for case closure that are found in chapter NR 726, Wisconsin Administrative Code, and I will be requesting that the Department of [insert either "Natural Resources" or "Safety and Professional Services" or "Agriculture, Trade and Consumer Protection] accept natural attenuation as the final remedy for this site and grant case closure.

The following DNR fact sheet (RR 671 – "What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater") has been included with this letter, to help explain the use of natural attenuation as a remedy. If the fact sheet is lost, you may obtain a copy at <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR671.pdf>.

[Use the following two paragraphs for properties where the final remedy includes residual soil contamination that attains or exceeds applicable NR 720 soil standards. These paragraphs are often used in conjunction with the cover/barrier and structural impediment continuing obligations.]

"Residual soil contamination remains at [Specify location(s) of remaining soil contamination]. The remaining contaminants include [Specify contaminants of concern]. The following steps have been taken to address any exposure to the remaining soil contamination. [Insert a brief description of the remedy chosen to address potential or completed exposure pathways]."

"If soil in the specific locations described above is excavated, the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual contamination remains. If sampling confirms that contamination is present the property owner at the time of excavation will need to determine whether the material would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules. In addition, all current and future owners and occupants of the property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken during excavation activities to prevent a health threat to humans."

[Use the following paragraph for sites where a monitoring well which has not been located will remain on a property at the time of the closure request. A condition of closure regarding future abandonment may be allowed if earnest attempts are made to locate the well prior to submittal of the closure request.]

"I have been unable to locate a monitoring well that was installed on your property, at the location shown on the attached map [attach surveyed well location map with well or wells identified by number], due to the following reason(s) [identify reason(s)]. The well, when located, is required to be filled and sealed in accordance with ch. NR 141, Wis. Adm. Code. This will be the responsibility of the property owner at that time."

[Use the following paragraph for sites where the property owner has requested to keep a monitoring well, at the time of the closure request. A condition of closure regarding future abandonment may be allowed if a request, with an explanation, is included as part of the closure request.]

"You have requested that I not fill and seal well(s) [Specify ID number and location(s) of applicable monitoring wells]. I will include this request in the case closure request to [Specify agency with administrative authority] for approval. If the request to keep the well is approved, you will be required to conduct a yearly inspection of the integrity of the well, and an inspection log will need to be maintained and to be available to the [Specify agency with administrative authority]. Filling and sealing the well in accordance with ch. NR 141, Wis. Adm. Code is still required when use of the well ceases."

[Use the following paragraph for sites where the agency has indicated it will require the continued monitoring of certain wells, at the time of the closure request.]

"The (specify the agency with administrative authority) has indicated that they will be requiring continued monitoring of wells (insert well ID numbers) as a condition of closure. These wells will not be filled and sealed at this time, but will need to be filled and sealed upon completion of the monitoring required in the closure letter. Filling and sealing this well in accordance with ch. NR 141 will be the responsibility of the property owner at that time."

[Use the following paragraph if a continuing obligation, used to achieve closure, requires continued maintenance or inspections. Attach a dated maintenance plan. Include the DNR fact sheet RR- 819, "Continuing Obligations for Environmental Protection". Do NOT use the following paragraph if inclusion on the Department database due to a groundwater enforcement standard exceedance is the only continuing obligation at a property.]

"Before I request closure, I will need to inform the Department as to who will be responsible for maintaining the [describe the necessary continuing obligation] on your property. Under s. 292.12, Wis. Stats., the responsibility for maintaining all necessary continuing obligations for your property will fall on you or any subsequent property owner, unless another person has a legally enforceable responsibility to

the responsibility for [insert the type of the continuing obligation.], you will need to request additional time from the Department contact identified in the last paragraph of this letter." [Indicate if any agreement or contract has been worked out between the parties.]"

[Use the following 2 paragraphs for all continuing obligations.]

"If closure for this [describe the remedy applied] is approved, the following are some continuing obligations for which [insert either "you and any subsequent property owner" or "I"] will be responsible. Under s. 292.12(5), Wis. Stats., occupants of this property are also responsible for complying with any continuing obligations. Please notify any current and future occupants that may be affected of this continuing obligation, by supplying them with a copy of this letter."

The following DNR fact sheet (RR-819, "Continuing Obligations for Environmental Protection" has been included with this letter, to help explain a property owner's responsibility for continuing obligations on their property. If the fact sheet is lost, you may obtain copies at <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR819.pdf>.

[Use the following 2 paragraphs if a cap or cover, including but not limited to pavement, a building foundation or a soil barrier, was used as the cleanup remedy.]

"The [insert pavement, building foundation and/or soil cover] that currently exists in the location shown on the attached map must be maintained in compliance with the attached maintenance plan in order to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health."

"If you choose to remove any portion of the cap or cover, you will need to notify the Department of [insert either "Natural Resources" or "Safety and Professional Services" or "Agriculture, Trade and Consumer Protection"], in order to determine what additional cleanup actions may be needed."

[Use the following sentence only if a building foundation is acting as a cap or cover.]

"In this case, the building is also considered a structural impediment, and additional investigation and response requirements apply."

[Use the following paragraph if a cap or cover; including but not limited to pavement, a building foundation, a soil cover, an engineered cap or other barrier was used, or if a vapor mitigation system or barrier was used. If the barrier is a cap or cover, use #1-8. If the barrier is for a vapor mitigation system, use #1-9.]

"The following activities will be prohibited on any portion of the property where [pavement, soil cover, an engineered cap or other barrier] is located, as shown on the attached map, unless prior written approval has been obtained from the Wisconsin Department of [insert either "Natural Resources" or "Safety and Professional Services" or "Agriculture, Trade and Consumer Protection"]: 1) removal of the existing barrier; 2) disturbing the barrier by planting trees or shrubs; 3) replacement with another barrier; 4) excavating or grading of the land surface; 5) filling on capped or paved areas; 6) plowing for agricultural cultivation; 7) construction or placement of a building or other structure, 8) changing the use or occupancy of the property to a residential setting, which may include certain uses such as single or multiple family residences, a school, day care, senior care, hospital or similar residential exposure settings, or 9) changing the construction of a building that has a passive or active vapor mitigation system in place."

[Use the following paragraph if soil standards applied for cleanup were based on industrial land use in accordance with ch. NR 720.]

"Soil samples that are representative of currently remaining residual soil contamination on this property contained [Insert names of contaminants that exceeded NR 720 non-industrial soil standards and met industrial standards] in concentrations that met NR 720 industrial soil standards but exceeded the non-

industrial soil standards. Under s. 292.12 (2) (c), Wis. Stats., the property may not be used or developed for a residential, commercial, agricultural or other non-industrial use, unless (at the time that the non-industrial use is proposed) an investigation is conducted, to determine the degree and extent of [type of contaminant] contamination that remains on the property, and remedial action is taken as necessary to meet all applicable non-industrial soil cleanup standards. You will need to notify the Department of [insert either "Natural Resources" or "Safety and Professional Services" or "Agriculture, Trade and Consumer Protection"] prior to changing the use of this property, to determine what additional cleanup actions may be needed."

[Use the following paragraph if a structural impediment, such as a building or other type of structure, remains on the property, which restricted completion of either the investigation or cleanup. This paragraph may also apply to site-specific situations which prevent a complete investigation or cleanup, such as an overhead power lines. Contact the agency with administrative authority first for site-specific situations. Revise the first sentence as needed in site-specific situations.]

"Structural impediments, such as buildings, existing at the time of cleanup, [insert description of the impediments], made complete investigation and remediation of the contamination on this property impracticable. Prior to the removal of the structural impediment, you will need to notify the Department of [insert either "Natural Resources" or "Safety and Professional Services" or "Agriculture, Trade and Consumer Protection"], in order to determine if further investigation and cleanup will be required. If the structural impediments on this property are removed, the property owner will need to investigate the degree and extent of [type of contaminant] contamination and is responsible for any further cleanup necessary."

[Use the following paragraph for all vapor intrusion related continuing obligations.]

"Vapor intrusion is the movement of vapors coming from volatile chemicals in the soil or groundwater, into buildings where people may breathe air contaminated by the vapors. Vapor mitigation systems are used to interrupt the pathway, thereby reducing or preventing vapors from moving into the building."

[Use the following paragraph if continued operation of a vapor mitigation system will be needed to limit or prevent exposure to vapors.]

"Vapors of [insert the type of compounds found in vapors at this site or property] have migrated onto your property. A vapor mitigation system was installed. You will need to operate and maintain the vapor mitigation system, in accordance with the attached maintenance plan. This may include maintenance the floor of the building. The agency will require inspections of the system and define the frequency in the closure letter. The inspection log needs to be made available to the (identify the agency with administrative authority). Submittal of the log may also be required. You will also need to notify any future owners or occupants of this property of the need to maintain this system."

[Use the following paragraph if the compounds of concern are still being used in facility operations.]

"The current use of the property is [type of operation]. The operations introduce [type of contaminant] into the indoor air space. Case closure is possible, based on site-specific conditions [identify exposure assumptions applied, typically a non-residential exposure setting]. Prior to changing the use or occupancy of this property to a residential exposure setting, the property owner will need to notify the Department of [insert either "Natural Resources" or "Safety and Professional Services" or "Agriculture, Trade and Consumer Protection. Depending on exposure conditions, additional investigation and remediation may be required."

[Use the following paragraph if a vapor mitigation system is needed due to site-specific hydrogeologic conditions. Use this paragraph in conjunction with the paragraph above for continued operation of a vapor mitigation system.]

"The [insert description of any hydrogeologic control system needed to control water or contamination from entering the building, or needed for the vapor mitigation system to work] needs to be operated and maintained. [Describe the reason for, location of, and need for the type of mitigation system involved.]

[Use the following paragraph if site-specific exposure assumptions were used to address vapor migration at this site, and land or property use will be restricted to non-residential uses.]

"Vapors of [insert the type of compounds found in vapors at this site or property] have migrated onto your property. The following are the exposure assumptions used to address exposure to vapors at this site: [define and list what assumptions were used in addressing vapor migration and exposure at this site]. Therefore, use of the property will be restricted to certain non-residential uses. Prior to any change in the use of this property, the property owner will need to notify the Department of [insert either "Natural Resources" or "Safety and Professional Services" or "Agriculture, Trade and Consumer Protection"] and to assess whether the closure is still protective. Additional response actions may be necessary at that time."

[Use the following 2 paragraphs if contamination in soil or groundwater from volatile compounds remains after completion of the remedial action that could be of concern for migration of vapors into a future building. This is especially important in cases where elevated residual soil concentrations or large volumes of soil contaminated with volatile compounds remain.]

"Contamination of [insert the type of contaminants found in soil or groundwater at this site or property] has migrated onto your property. While vapors are not of concern at this time, they may pose a health issue if buildings are constructed on this property in the future. If a property owner intends to construct a building to be occupied, the property owner will need to first notify the Department of [insert either "Natural Resources" or "Safety and Professional Services" or "Agriculture, Trade and Consumer Protection"]. At that time, the Department may require an evaluation of the potential for vapors, or may require that certain vapor control technologies be incorporated into the building design."

In addition, depending on site-specific conditions, construction over contaminated materials may result in vapor migration of contaminants into enclosed structures or migration along newly placed underground utility lines. The potential for vapor inhalation and means of mitigation should be evaluated when planning any future redevelopment, and measures should be taken to ensure the continued protection of public health, safety, welfare and the environment at the site.

[Use the following paragraph for sites where contamination remains on a property other than the source property, except if the property owner also owns the source property. Include the Department fact sheet RR-598, "Guidance for Dealing with Properties Affected by Off-Site Contamination".]

"The following fact sheet (Department of Natural Resources' publication #RR-589, "Guidance for Dealing with Properties Affected by Off-Site Contamination") has been included with this letter, to help explain the responsibilities you may have for maintenance of a certain remedy, the limits of any liability for investigation and cleanup of contamination, and how these differ. If the fact sheet is lost, you may obtain a copy at <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR589.pdf>.

[Use the following six paragraphs for all letters.]

"The Department of [insert "Natural Resources" or "Safety and Professional Services" or "Agriculture, Trade and Consumer Protection"] will not review my closure request for at least 30 days after the date of this letter. As an affected property owner, you have a right to contact the Department to provide any technical information that you may have that indicates that closure should not be granted for this site. If you would like to submit any information to the Department of [insert "Natural Resources" or "Safety and Professional Services" or "Agriculture, Trade and Consumer Protection"] that is relevant to this closure request, you should mail that information to: [insert name and address of agency contact for the site]."

"Please review the enclosed legal description of your property, and notify me within the next 30 days if the legal description is incorrect."

"If this case is closed, all properties within the site boundaries where [Select from the following options, as applicable to the situation: "groundwater contamination attains or exceeds chapter NR 140 groundwater enforcement standards"; soil contamination attains or exceeds ch. NR 720 residual contaminant levels"; "a continuing obligation is required under ch. NR 726] will be listed on the publically accessible Bureau for Remediation and Redevelopment Tracking System on the Web (BOTW). In addition, information will be displayed on the Remediation and Redevelopment Sites Map (RR Sites Map); a mapping application, under the Geographic Information System (GIS) Registry theme. The information on the GIS Registry includes maps showing the location of properties in Wisconsin where one or more of the continuing obligations listed above were found or imposed at the time that the case was closed. This GIS Registry is available to the general public on the Department of Natural Resources' internet web site.

"Once the Department makes a decision on my closure request, it will be documented in a letter. If the Department grants closure, you will receive a copy of the closure letter. If you need to, you may also obtain a copy of the closure letter by requesting a copy from me, by writing to the agency address given above or by accessing the DNR GIS Registry (via RR Sites Map) on the internet at <http://www.dnr.wi.gov/org/aw/rr/gis/index.htm>. The final closure letter will contain a description of the continuing obligation, any prohibitions on activities and will include any applicable maintenance plan. The final closure letter, any required maintenance plan and a map of the properties affected will be included as part of the site file attached on the GIS Registry."

"Should you or any subsequent property owner wish to construct or reconstruct a well on your property, special well construction standards may be necessary to protect the well from the residual contamination. Any well driller who proposes to construct a well on your property in the future will first need to obtain approval from a regional water supply specialist in DNR's Drinking Water and Groundwater Program. The well construction application, form 3300-254, is on the internet at <http://www.dnr.state.wi.us/org/water/dwg/3300254.pdf>, or may be accessed through the GIS Registry web address in the preceding paragraph.

"If you need more information about my proposed cleanup completion and request for closure, you may contact me at [insert address and phone number]. If you need more information about cleanups and closure requirements, or to review the Department's file on my case, you may contact [insert the name of the agency contact] at (insert address and phone number)."

Attachments: maintenance plan
 fact sheets
 any referenced site maps