

Issue	Background
Vapor Intrusion (VI)	<p>WDNR and USEPA have recently released regulations and/or guidance for assessment of Vapor Intrusion Issues. The new ASTM Standard for Phase I Environmental Site Assessments, 1527-13, now includes a vapor assessment to identify potential contributing sources of vapor intrusion. How do these regulations and guidance documents differ and can clarification from State and Federal agencies help to discern what steps are necessary to assess and mitigate vapor intrusion?</p>
Chlorinated Solvents	<p>How should the agency address closed sites where chlorinated solvents are known or suspected to exist? There may be VI issues at these locations, but it's unknown.</p>
Building Contamination/PCBs	<p>Contamination types of PCB– is it a brownfield? WI plant recovery initiative, equipment  <i>The agreement between the WDNR and USEPA for the “One Cleanup Program Memorandum of Agreement”(MOA) dated November 2006 includes a prescriptive guidance as to when WDNR can lead a cleanup for PCB contamination; however, this MOA appears to cover PCB soil contamination only. Should the WDNR and USEPA update the MOA to address building contamination and revisit the agreement specific to sediment contamination?</i></p> <p><i>Building contamination can include asbestos, lead paint, PCBs, etc. Which types of contamination constitute a Brownfield? USEPA guidance states that “CERCLA expressly limits, under 104 (a) (3), any response actions taken in response to a release or threat of release... from products which are part of the structure of, and result in exposure within, residential building or business or community structures...” Is clarification necessary to determine that this is specific to asbestos and lead paint?</i></p> <p><i>The increase in plant closings has spurred the WDNR to implement the WI Plant Recovery Initiative to provide funding for assessment of these properties prior to the closing plant becoming insolvent. Through this funding program, other issues with plant closures have come to light. The disposition of plant equipment is often the first thing lenders attempt to recoup investment losses, without properly assessing potential contamination present on the contamination. Further, lenders do not always properly report or track the amount of funding recouped from selling equipment or machinery. What suggestions can be put in place to require the equipment is properly assessed and cleaned, if necessary, prior to disposition? Additionally, what requirements are needed to ensure cost recovery is possible when the property is contaminated?</i></p>
Background levels (lead, PAH)	<p>Issue #1: Background levels of Lead and PAHs in soil, by definition, are only attributed to by atmospheric deposition. In some locations, lead concentrations are elevated due exclusively to the mineral content of their parent material, NOT atmospheric sources.</p> <p>Issue 2: If a site has ubiquitous fill on it and has elevated levels of lead and / or PAHs, how do we know whether the fill was impacted with atmospheric deposition or other anthropogenic means?</p> <p>Issue #3: Background level requirements are found in many different Codes and Statues NR 149, NR 700, and NR 716; Wis. Adm. Codes s. 292.11, s. 292.31, and statutes 160.25 and 160.25. One definition should be consistently used in all Codes and Statues.</p> <p>Issue #4: At what depth should a background soil sample be collected and analyzed? Is direct contact the</p>

	<p>only issue? What if background levels were elevated via atmospheric means but late the site is filled with clean fill?</p> <p>Issue #5: How many background samples per site should be collected? # per sq. ft. surface area??</p> <p>Issue #6: So much Lead and PAH is in surface soils from “non-atmospheric means” and is so ubiquitous in urban settings that it is unreasonable to expect affordable cleanups or engineered controls to mitigate all the elevated levels of lead and PAHs in urban background soils. What is the groups’ recommendation to address this widespread issue?</p>
Sediment standards	<p>Issue #1: Three different DNR Bureau’s have some jurisdiction (R &amp; R; Water, and Solid Waste)</p> <p>Issue #2: How is sediment defined among the three Bureaus? How is it different than soil? Can soil become sediment and can sediment become soil? Under what conditions does this occur?</p> <p>Issue #3: Can a site get a VPLE if he contains contaminated sediment? How about contaminated sediment dredged and deposited on an upland? A VPLE requires that an investigation take place on a property. What if portions of the property are under the ordinary high water mark (sediment)? Would/should continuing obligations occur below a high water mark on a property?</p> <p>Issue #4: Is guidance necessary to address soil/groundwater vs. sediment sampling in wetlands?</p>
292.12 & Feds	<p>Deed restrictions – continuity between feds and state on closure? Cap maintenance</p> <p>WDNR requires institutional controls (GIS Registry) for closed sites to ensure the public has access to determine if residual contamination is present on a property. Even with these institutional controls in place, USEPA requires a deed restriction for properties with contamination left in place when for properties under USEPA jurisdiction. Deed restrictions are prohibitive to redevelopment and land sales due to additional requirement and difficulty in getting the deed restrictions lifted, while providing little value in providing additional information to a potential buyer. Can WDNR and USEPA negotiate a waiver to the deed restriction based on GIS Registry in the State program?</p>
NR 718 and NR 500 Low Hazard Exemptions	<p>Issue #1: Statute and Admin. Rules address recycling facilities. Unlike landfills that have escrow accounts intended for remediation and maintenance following dissolution of the landfill owner, neither code or statute address how a cleanup of a recycling facility (public or private) would occur should the owner/operator default on its financial obligations for operation of the facility.</p> <p>Issue 2: Assist in clarifying which administrative code (NR 700 vs. 500) and which program (RR or WMM) has authority over the movement on-site or off the property of contaminated soil that is part of an NR 700 response action. RR is working on this with Waste and Materials Management, but it is an issue for the consulting community.</p> <p>Issue #3: Establish streamlined standards or protocol for allowing a low hazard exemption for landfilling similarly contaminated soils on other brownfield sites.</p>
Urban Agriculture: Direct and uptake numbers	<p>direct and uptake numbers</p> <p>Urban gardening on small and large scales has been gaining significant popularity in recent years. Urban areas often have background levels of contamination due to industrial disposition and less than clean fill material. A significant amount of research has been completed and is under way to determine contaminant uptake levels of different types of edible plants. Additionally, research on best practices is being conducted to protect individuals from direct contact exposure to contaminants during gardening.</p>

	<p>Are there areas of research that are specifically needed to address residual and low level contamination? Should guidance be developed to help small and large scale urban agriculture projects identify best practices? How can we address jurisdictional issues to determine if low level contamination found constitutes and NR700 clean up, or should be addressed based on Department of Health Services exposure standards.</p>
<p>Presumptive remedies/guidance on historic fill sites</p>	<p>Issue #1: It may have to do with what is an acceptable, standard remedy for an area that has widespread fill?</p> <p>Issue 2: How to address cleanup sites with areas of historic fill? What if they are not building and don't plan to obtain an exemption to build on historic fill site approval/ how do we make sure there is no exposure risk from chemicals in the fill (since it is not soil NR 720 doesn't apply) and how do we provide clear process for developers, etc.</p> <p>Issue #3: Many cities have large areas with historic fill, foundry sand, etc. This poses a challenge for redevelopment. How can the DNR provide a more streamlined consistent process to get these sites through NR 700? Could there be a pre-approved remedy for certain situations so a lot of testing and site specific cleanup plans are not needed?</p>