

NR 700 RULE  
UPDATE



**WELCOME TO THE  
NR 700 REVISIONS  
WEBINAR**

Audio for this webinar via WisLine  
Call 1-888-291-0312 / passcode 5155 216#

October 22  
2013

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**NR 700 REVISIONS WEBINAR**

- 1:00 – 3:00 pm
- You must call WisLine for audio. 1-888-291-0312 (passcode: 5155 216#)
- Please MUTE your telephone (\*6) (#6 to unmute)
- Download presentation at <http://dnr.wi.gov/topic/brownfields/training.html>
- Questions via Live Meeting "Q & A" feature or email Michael.Skwarok@wisconsin.gov

Webinar Instructions

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NR 700 RULE  
UPDATE



**NR 746  
AGENCY ROLES AND  
RESPONSIBILITIES FOR  
PETROLEUM CONTAMINATED  
SITES**

Mark Gordon  
Bureau for Remediation and  
Redevelopment

October 22  
2013

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### SUMMARY OF NR 746 CHANGES

- NR 746 contains the risk screening and closure criteria for petroleum contaminated sites as well as the responsibilities of DNR and DSPS.
- High risk sites typically have not met the risk screening criteria and therefore DNR had very few sites seek closure under NR 746 - none for many years.
- Discussed the need for retaining the technical provisions in NR 746 for high risk sites with our external rules committee.

NR 746 Update

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### SUMMARY OF NR 746 CHANGES

- It was ultimately decided that the risk screening and closure criteria in NR 746 were not necessary for high risk sites. This included the statistical tests in Appendix A.
- While using statistical tests to determine the effectiveness of natural attenuation is no longer the presumptive approach, it still remains an option.

NR 746 Update

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### SUMMARY OF NR 746 CHANGES

- With the consolidation of the PECFA Program at DNR the revised version of NR 746 - which only includes the roles and responsibilities for DNR and DSPS - is no longer necessary.
- A note was added to NR 746 indicating that due to the transfer of the PECFA Program, DNR intends to repeal the remainder of NR 746 as part of a future rulemaking.

NR 746 Update

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**QUESTIONS?**

Questions via Live Meeting "Q & A" feature  
or email [Michael.Skwarok@wisconsin.gov](mailto:Michael.Skwarok@wisconsin.gov)

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NR 700 RULE  
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**NR 749  
FEES FOR PROVIDING  
ASSISTANCE; REMEDIATION  
AND REDEVELOPMENT  
PROGRAM**

Mark Gordon  
Bureau for Remediation and  
Redevelopment

October 22  
2013

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**SUMMARY OF NR 749 CHANGES**

- The fees in NR 749 have not been raised since they were originally promulgated in September, 1998.
- A 40% increase will take effect November 1<sup>st</sup>. This change represents an average annual increase of approximately 2.3% per year.
- Reports with fees that are postmarked on or before October 31<sup>st</sup> can pay the existing fees. Anything mailed on or after November 1<sup>st</sup> must include the new fee.

NR 749 Update 9 

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### SUMMARY OF NR 749 CHANGES

- Added a section (NR 749.05) that allows responsible parties and others the option of paying hourly fees for DNR oversight as part of a negotiated agreement.
- Based on authority provided by s. 292.94 of the statutes a provision was added that allows DNR to require the payment of fees as part of an enforcement action. The document can specify each action that must include a fee.

NR 749 Update

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### SUMMARY OF NR 749 CHANGES

- Added several additional situations when a database fee is necessary. This includes:
  1. Sites that are being added to the database for a reason other than when groundwater attains or exceeds an enforcement standard or when soil contamination attains or exceeds ch. NR 720 RCL's. This would include situations where a vapor mitigation system is required at closure.
  2. Cases submitted for closure without residual groundwater contamination but where 1 or more monitoring wells has not been properly abandoned.
- The fee table was reorganized to group similar types of assistance into the same category.

NR 749 Update

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### MAKING A PAYMENT

- 2 Options for making a payment:
  1. Submit a check or
  2. Electronic transfer
- For electronic transfers, additional information on how the process works is available at: [http://dnr.wi.gov/epay/ACH\\_Instructions.pdf](http://dnr.wi.gov/epay/ACH_Instructions.pdf)
- Credit card payments are currently not an option.

NR 749 Update

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NR 700 RULE  
UPDATE



**NR 750  
FEES FOR PROVIDING  
OVERSIGHT FOR THE  
CONTAMINATED LAND  
RECYCLING PROGRAM**

Michael Prager  
Land Recycling Team Leader

October 22  
2013

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**VPLE BASICS**

- Any contaminated site
- Large complex cleanups and small corner gas stations
- Complete assessment of entire property- Phase I and II
- Follow NR 700 for investigation and remediation and closure requirements
- Exemption from future liability - transferable to new owners



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### SUMMARY OF NR 750 RULE CHANGES

- Corrections to be consistent with statutory changes and cleanup
- Defined "Property"
- Process to remove inactive sites from program
- Fee Changes



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### NR 750 – UPDATES FOR STATUTORY CHANGES

- Removed References to Purchasers
- Any party, including RP, can enter VPLE
- Clarified that insurance requirements in s.292.15(2)(ae) and NR 754 must be met before Certificate of Completion can be used
- Removed final fee option (750.07(6))



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### NR 750 – DEFINED PROPERTY

- For VPLE program voluntary parties submit application for a "property" and received exemption for the "property".
- "Property" means a contiguous area of land the entire legal description of which is found in one deed.
- One application and \$250 application fee for each property – single deposit can be submitted if multiple properties are part of one cleanup project.



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NR 750 – INACTIVE SITES

- 750.05(4) and s. 292.15(2)(av) define process to remove inactive sites
- If voluntary party fails to provide updates and reports for a year or longer, DNR can request progress report
- If progress report is not received within 60 days, site will be removed from VPLE program
- Unused deposit returned
- To re-enter program, need to enter into agreement with DNR



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NR 750 – FEES FOR VPLE SITES

- \$250 application fee (no changes)
- Advanced deposit required and voluntary parties are billed hourly (deposit increased)
  - \$2000 one acre or smaller
  - \$4000 larger than 1 acre
- Once deposit is used up, voluntary parties receive quarterly bills
- If bills are not paid, DNR will stop working on the site



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NR 750 – FEES FOR VPLE SITES

- Hourly rate is calculated each year based on formula in NR 750 – currently \$100 per hour (no change)
- In almost every case, Voluntary Parties do not pay NR 749 flat fees
- *Exception* – at closure, VPLE sites with continuing obligations do pay fee to add the site to the database (GIS Registry)
  - For example – site with GW above standards would pay \$350 and all other time staff spend reviewing closure would be billed hourly



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NR 750 – VPLE RESOURCES

- VPLE Webpage:  
<http://dnr.wi.gov/topic/Brownfields/vple.html>
- VPLE application form:  
<http://dnr.wi.gov/files/PDF/forms/4400/4400-178.pdf>
- VPLE Fact Sheet #2 – RR-506  
<http://dnr.wi.gov/files/PDF/pubs/rr/RR506.pdf>
- Section 292.15, Wis. Stats.



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NR 750 – VPLE RESOURCES (CONT.)

- Email Michael Prager  
[Michael.Prager@wisconsin.gov](mailto:Michael.Prager@wisconsin.gov)



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## NR 700 REVISIONS

- This concludes the NR 700 Rules Series Revisions Webinars
- Presentations (slides & audio) available at <http://dnr.wi.gov/topic/brownfields/training.html>
- Questions after today can be emailed to [DNRRRCComments@wisconsin.gov](mailto:DNRRRCComments@wisconsin.gov)
- Nov. 1 implementation.
- Revised rules can be found here at that time: <http://docs.legis.wisconsin.gov/code/toc/nr>

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