NR 700 RULE UPDATE

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October 2, 2013

NR 700 REVISIONS WEBINAR

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NR 706 – HAZARDOUS SUBSTANCE DISCHARGE NOTIFICATION & SOURCE CONFIRMATION REQUIREMENTS

Roxanne N Chronert Spill Team Sponsor

October 2, 2013
SUMMARY OF NR 706 CHANGES

- Removed most references to the LUST program as these are either no longer needed or covered by other rule language.
- Clarify that discharges to the environment may include long-term applications or permitted discharges.
- Provide more specific details on how to report non-emergency discharges.

SUMMARY OF NR 706 CHANGES

- Clarify that even if a discharge is exempt from notification it must be adequately responded to.
- Add a provision to report the source and cause of discharges from LUST systems in order to comply with the 2005 Federal Energy Act.
- Updated definition of Petroleum Product.

REFERENCES TO LUST

- Added: Additional responsibilities for owners or operators of underground storage tank systems.
- Removed:
  - Indication of discharge from UST discharge monitoring system.
  - UST discharge source confirmation
  - UST response action status Report

Rule cite: NR 706.05 & NR 706.11
Discharge includes:

- Recent discharges,
- Historic discharges, and
- Discharges caused by the long-term application or permitted discharge of a substance. If accumulation of a permitted discharge or approved application constitutes a hazardous substance discharge to the air, lands or waters of the state, the person must report and respond to the discharge in accordance with applicable state law.

Rule cite: NR 706.05(1)

Telefaxing a completed discharge notification form provided by the department or
- Alternative procedures approved by department.
  - E-mail notification
- Laboratory results shall be included
- Provide geographic position via NR716.15(5)(d)
  - Center of property
  - WTM

Rule cite: NR 706.05(c) and NR 706.05 (d)

Notification of the discharge is exempt (reportable quantities)

A response to the discharge is still required under s. 292.11, Stats.

Rule cite: NR 706.07
At time of release notification also provide information on source and cause of the discharge from UST system.

- **Source:** tank, piping, dispensers, submersible pump, delivery problem, other
- **Cause:** spills, overfills, physical or mechanical damage, corrosion, installation problems, other

*Rule cite: NR 706.11(3)*

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New Definition: refined petroleum based substance or blend intended for use as motor fuel, turbine fuel, lubrication, cooling, machine cutting or heating.

Old Definition: gasoline products, diesel–like products and light crude oils, medium grade crude oils and intermediate products, and heavy crude oils and residual products

*Rule cite: NR 706.03(5)*

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**QUESTIONS?**

Questions via Live Meeting “Q & A” feature
or email Michael.Prager@wisconsin.gov
NR 712 – PERSONNEL QUALIFICATIONS

Mark Gordon
Bureau for Remediation and Redevelopment

SUMMARY OF NR 712 CHANGES

- Added a provision to clarify this chapter. Applies to Phase 1 and 2 Environmental Assessments.
- These documents need to be prepared under the supervision of a P.E., a hydrogeologist or a scientist.
- Recommending that ASTM standards be followed when conducting Phase 1 and 2 Environmental Assessments.

SUMMARY OF NR 712 CHANGES

- The definition of hydrogeologist has been expanded to require that the person must be licensed as a hydrologist or registered as a geologist.
- The existing education requirements for hydrogeologists were not changed.
- The certification statement for hydrogeologists has been modified to include language that the individual is licensed or registered.
The issue of who needs to sign closure requests was the subject of much discussion earlier this year.

DNR initially took the position that closure requests must be signed by both an engineer and a hydrogeologist.

We received significant feedback that requiring both signatures does not necessarily improve the quality of the documents.

Ultimately DNR decided that until further notice, we would accept either an engineer or a hydrogeologist's signature on closure requests.

We are currently evaluating data from recent closure requests to see what information the data provide.

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NR 716
SITE INVESTIGATIONS

Jane Lemcke
Standards & Streamlining
Team Leader

OVERVIEW OF CHANGES

- Applicability - other persons seeking closure
- Definitions - a few new or changed
- Timeframes - for submittals of work plan and report, and for starting fieldwork
- More focus on source definition for source control
- Investigation of vapor intrusion

OVERVIEW (CONT.)

- Sampling and analysis - decisions on methods and documentation left to consultant
- Monitoring wells - protection and integrity
- Sample Results Notification - modified
- SI Documentation - reformatted
APPLICABILITY

- Changed “purchaser” to “voluntary party”, to be consistent with statutory changes
- Now allow for persons other than the responsible party to conduct a site investigation and cleanup

DEFINITIONS

- “Field blank” changed to “equipment blank,” also known as “field equipment blank”
- Responsible parties defined for NR 716 to include “other persons seeking closure under NR 726”
- “Temperature blank” and “trip blank” definitions updated to be consistent with revised NR 149 definition

TIMEFRAMES

- “unless otherwise directed” allows for flexibility
- SI work plan – within 60 days of RP letter
- Field investigation – start within 90 days of submittal of the work plan
  - If fee submitted, start within 60 days of WP approval
  - DNR has 30 days to review: approve/conditionally approve/or proceed without approval
  - “field work” includes preparatory measures
TIMEFRAMES (CONT.)

- SI Report - submit within 60 days of completion of field work and receipt of lab data
- Sampling results to DNR and owner within 10 days of receiving results
- Notify DNR within 30 days of refusal to obtain access for investigation of a property (current)

SOURCE DEFINITION

- 716.11 (3)(d) - estimate the mass of contamination in the source area
  - Aimed at discrete source areas, not area-wide contamination
  - See RR 699 - Understanding Chlorinated Hydrocarbon Behavior in Groundwater
- 716.11 (4) - evaluate the extent of contamination in the source area, in soil and saturated materials, and in groundwater
  - Intent is to investigate zone of release, areas of greatest contamination, locate NAPLs and smear zone
  - Extent of groundwater contamination, piezometer use

INVESTIGATING FOR VAPOR INTRUSION

- Determine the presence and concentration of vapors
  - Sub-slab
  - In indoor air when the impact on an occupied structure needs to be determined - occupied residential setting:
    - Single or multiple family housing
    - Educational settings
    - Child care settings
    - Senior/elder care facilities
SAMPLING AND ANALYSIS

- NR 716.13: Reformatted to cover only sample collection and analysis
- "Analytical methods used shall be suitable for the matrix, type of analyte, expected level of analyte, regulatory limit, and potential interferences in the samples to be tested."
- "Maximum holding times for soils shall be in accordance with the sampling method, sample storage container and analytical methods used."
- VOC Reporting limit = method detection limit

SAMPLING AND ANALYSIS (CONT.)

- Groundwater samples collected/handled according to NR 140.16 (current), methods updated
- Immediate preservation of soil samples collected for VOC analysis (from NR 700)
- Collection/analysis for geochemical indicators, where NA is a potential remedy
  - Dissolved oxygen, nitrate, dissolved manganese, total and ferrous iron, sulfate and methane, alkalinity, oxidation reduction potential, pH, temperature and conductivity

MONITORING WELL INTEGRITY

- Reminder - survey the well locations in accordance with NR 141- important at closure
- Flush-mounted wells - include a magnet between cover and annular space seal
- High-traffic areas - use appropriate protective traffic posts
- MWs in ROW - include the DOT construction permit, with the well construction form
SAMPLE RESULTS NOTIFICATION

- Reformatted
- In general, have 10 days to notify DNR and owners upon receipt of sampling results
- Rule revised to be consistent with manual code (internal rules) on water supply results, so that both RR and DG can help respond to questions about the results
- Information to be included in notification specified in NR 716.14(2), or can use optional form (4400-249) (designed for 2 uses - owner/occupant notification, and summary of recipients for DNR

SI DOCUMENTATION

- Requirements reformatted
- Include certification (NR 712) within the executive summary
- Include email addresses within the general information section
- Recommend that for paper submittals:
  - All reports be double sided
  - Large reports use accordion folders instead of 3-ring binders (file space issues)

QUESTIONS?

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NR 700 REVISIONS

- Next Webinar: Wednesday, October 9, 2013
- 1:00 - 3:00 pm
- Chapters 718 & 720
- Presenters: Mark Gordon & Resty Pelayo
- Presentations available at [http://dnr.wi.gov/topic/brownfields/training.html](http://dnr.wi.gov/topic/brownfields/training.html)
- Questions after today can be emailed to DNRRRComments@wisconsin.gov