

Guidance: When should a site investigation enter surface water?

Wisconsin Administrative (Wis. Admin.) Code ch. NR 716 requires a site investigation to evaluate known or potential impacts to environmental media (including sediment and surface water) and receptors (e.g., fish, bird, animal and plant life) as well as the potential pathways for migration of the contamination. Sites are evaluated on a site-specific basis considering the factors below.

General factors to consider for all sites:

Site investigation scoping requirements are listed under Wis. Admin. Code § NR 716.07; the factors evaluated during scoping can help determine if sediment or surface water contamination is a potential concern. Some factors to consider at remedial action sites with potential surface water and sediment impacts include:

- History of and land uses associated with the site or facility.
- Knowledge of contamination in sediment or surface water near the site from prior testing.
- Degree and extent of soil and groundwater contamination on the upland areas of the site and types of contaminants found.
- The type and quantity of hazardous substances that may have entered the waterbody and consideration of the potential impacts to receptors (e.g., public health, commercial or recreational use, fish, bird, animal or plant life).
- Characteristics of the groundwater plume. Is contaminated groundwater hydraulically connected to the waterbody?
- Does the site and shoreline include fill materials? Is there fill or waste material at the shoreline that may be eroding into the water?
- Hydrology and hydraulic characteristics of the waterbody.
- Evidence of an on-going or certain discharges from the site may have entered the water by overland flow (including a spill near the water or in ditches), groundwater migration, air deposition or other conduits (such as pipes, sewer lines or outfalls on or near the site).

Additional considerations for sediment dredging projects are contemplated in Wis. Admin. Code § NR 347.05(2) and include potential pathways, flow patterns, previous sampling or spills, point sources, land runoff, sources of fill, and natural deposits.

Site-Specific Issues:

Wis. Admin. Code § NR 716.11(3)(a) requires a responsible party (RP) to define the degree and extent of a known discharge or pollution. An RP may be required to sample sediment, porewater or surface water when the site-specific information indicates that contamination may have impacted these media.

In some circumstances, contamination is discovered through the DNR's water quality monitoring program, Superfund site assessment or other programs. The RP may be required to take response actions to address sediment if discharges of hazardous substances are discovered through sampling associated with dredging or is discovered by other actions.

An RP may be required to take additional response actions at a closed upland site where contamination of sediment or surface water is later found to pose a threat to public health, safety or welfare by reopening the site under Wis. Admin. Code § NR 727.13.