

DNR Frequently Asked Questions (FAQs): Administrative Completeness Review at Closure, ch. NR 726

DNR-RR-975

November 2015

The following frequently asked questions (FAQs) were developed to aid environmental consultants, responsible parties and others who are submitting requests to the Department of Natural Resources (DNR) for case closure of their contaminated property under the ch. NR 700 administrative rule series. In January 2013, the DNR changed its closure form and internal review process as part of a Lean Six Sigma project. The closure form was then updated in March, 2015. Additional closure-related topics were also included in this FAQ, based on questions received after the April 2015 Consultant's Day conferences.

Questions have been divided into categories:

Site Information and Fees: (p. 1)

Site Summary (p. 2-5 of the closure form),

Attachments (p. 6-10 of the closure form), and

Submittals/Other (p. 11 – Signatures and Certifications, and general submittal related questions).

SITE INFORMATION AND FEES:

1. How many CD-ROMs need to be submitted as part of a closure request and when?

Up to two CD-ROMs total may be necessary. One CD-ROM should be submitted with the original closure request. The second CD-ROM, if necessary, should be submitted after the closure committee meets and determines what, if any, corrections are needed to the initial submittal. The second CD-ROM will be used to upload data to RR Sites Map/BRRTS. The CD-ROM should include a signed version of the form. No part of the form should be submitted in a fillable PDF format.

2. When and how should a revised closure request with attachments be submitted as a final, with both CD-ROM and paper copy?

Submit the final CD-ROM and paper copy after the closure committee review, with all changes requested during the closure review incorporated. During the review process, the project manager will likely request that certain attachments be updated; additional revisions may be requested after the closure committee review. Submittal of one final version with all changes included will save the project manager time, and allow for earlier issuance of the final closure letter.

Make sure the final CD-ROM submitted has all attachments updated with the latest version. It is recommended that each attachment be dated, so that the project manager can more easily and quickly check that the applicable attachments have been updated. In addition, make sure that the paper copy and the electronic copy of the final submittal match. Both these actions will help avoid further delays in receipt of the final closure letter.

3. Which GIS fee is charged for the following situations?

The GIS fee or fees (for closure and/or for post-closure modifications) are assessed on the continuing obligations affected by the action. For example, if only soil related continuing obligations are imposed



(or changing), then only the soil related GIS fee would be assessed. For covers, only the GIS fee for soil is charged, regardless of why the cover is required (direct contact or groundwater pathway). If both a soil related continuing obligation (or more) and a groundwater/other continuing obligation (or more) are required/affected, then both the GIS fee for soil and the GIS fee for groundwater would be charged (\$300+\$350).

GIS Fees, based on ch. NR 749, Table 1, (d):

| | |
|--|-------|
| Soil meets/exceeds Residual Contaminant Levels | \$300 |
| Cover: Direct Contact (DC) pathway | \$300 |
| Cover: Groundwater (GS) pathway | \$300 |
| Cover: DC and GW pathways | \$300 |
| Structural Impediment | \$300 |
| Industrial Soil Standards applied | \$300 |
| Performance Standard for soil with maintenance | \$300 |
| Groundwater meets/exceeds Enforcement Standards: | \$350 |
| Monitoring Wells need to be abandoned | \$350 |
| Vapor Mitigation options | \$350 |
| Site-Specific continuing obligations | \$350 |

4. Is the groundwater Geographic Information System (GIS) Registry \$350 fee for Groundwater AND Monitoring Wells?

Yes, however the fee is only paid once if both conditions exist. It is one payment of \$350 for a groundwater listing if you have any of the following, in accordance with ch. NR 749, Table 1, (d), Wis. Adm. Code:

- a) residual groundwater contamination,
- b) are missing or retaining one or more monitoring wells, or
- c) any vapor related continuing obligations, and any site-specific conditions imposed in accordance with ch. NR 726. (NR 749, Table 1, (d) 3., Wis. Adm. Code: sites not otherwise addressed by Table 1, (d) 1. (residual soil contamination) or (d) 2. (residual groundwater contamination), where “the department imposes any other limitation or condition in accordance with s. 292. 12 (2), Stats.”)

5. If a case closure request has been denied, does the resubmittal of the case closure request have to be submitted on the most up-to-date version of the case closure form?

If the closure was submitted once, and denied, then the Responsible Party (RP) or consultant should contact the site Project Manager (PM) to determine if the most up-to-date case closure form should be used. If the closure request was denied prior to June 30, 2015, and is presently on an outdated form, then at a minimum, the RP and consultant would need to include all the new, additional items specified in the revisions to the ch. NR 700 rule series that went into effect on November 1, 2013. In such a case, it is likely that the Department will require that the case closure request be submitted on the most recent closure form.

6. Is it the parcel identification (ID) or Tax Parcel ID? If so, how are you handling rights of way?

Parcel ID and Tax Parcel ID are the same thing. The parcel or tax identification number should be obtained from the county’s GIS web mapping application rather than the deed. To access the county GIS web mapping application, go to: <http://coastal.lic.wisc.edu/wisconsin-ims/wisconsin-ims.htm>.

Rights-of-way (ROWs) are being handled in the same manner as before. A letter is sent from the RP to the ROW owner and easement holder indicating that contaminated soil or groundwater is present within the ROW, and that it needs to be handled in accordance with the applicable rules if handled. The ROW holder will receive a written notification upon closure approval, identifying any continuing obligations for which they may become responsible.

SITE SUMMARY:

7. If one of the boxes/blank narrative spaces are not filled out, will the application be “administratively incomplete”?

If one of the text boxes does not apply it is necessary to explain in that text box why that section is not applicable. If an explanation is not provided the application will be considered administratively incomplete. Only question 1.F. may be answered as “Not Applicable” without further explanation.

8. How do we consistently address “Not Applicable” sections of closure submittals?

The directions on the form currently indicate that “For each attachment (A-G), provide a Table of Contents page, listing all ‘applicable’ and ‘not applicable’ items by Closure Form titles (e.g., A.1. Groundwater Analytical Table, A.2. Soil Analytical Results Table, etc.). If any item is ‘not applicable’ to the case closure request, you must fully explain the reasons why.”

A table of contents page must be included for each Attachment section (A-G) that contains a ‘not applicable’ item. The consultant must indicate whether or not each sub-section is included and they must include a full explanation for the reasons why a section is not relevant to the case. See example following:

| | | |
|--|----------------|----------------------------|
| BRRTS No. _____ | EXAMPLE | Activity (Site) Name _____ |
| <p><u>Attachment B: Maps & Figures</u></p> <p>B.1. Location Maps B.1.a. Site Location Map B.1.b. Detailed Site Map B.1.c. RR Site Map</p> <p>B.2. Soil Figures B.2.a. Pre-Remedial Soil Contamination Map B.2.b. Post Remedial Soil Contamination – No Attachment because there was no remediation at the site B.2.c. Pre/Post Remaining Soil Contamination</p> <p>B.3. Groundwater Figures – No Attachment because there was no groundwater investigation other than collection of a sample from a temp well at GP-3</p> <p>B.4. Vapor Maps & Other Media – No Attachment because a vapor assessment was not necessary after performing vapor intrusion pathway screening.</p> | | |

9. Item 1H in form – Immediately adjacent means what? Only abutting parcels with Bureau for Remediation and Redevelopment Tracking System (BRRTS) numbers?

*Section 1H refers to any property that is immediately adjacent to (abutting) this source property (whether is it impacted by the source property or not) **AS WELL AS** any property that is impacted by contamination originating from the source property (whether it is adjacent or not).*

10. Does groundwater level need to be surveyed to mean sea level or can we use a site datum?

Survey of the top of the well casing to the nearest benchmark of a National Geodetic Survey Datum is required in s. NR 141.065 (2, Wis. Adm. Code. If the site is currently surveyed to site datum a resurvey is not necessary. However, if future surveying is completed then the monitoring wells for the entire site must be surveyed to the National Geodetic Survey Datum.

11. How will the Remediation and Redevelopment (RR) and Water programs work together to determine what appropriate standards are for a given site pertaining to surface water and sediments? When is this accomplished?

RR staff will begin working with Water staff as soon as it becomes apparent that there are surface water or sediment issues at a particular site. This should occur during the SI stage at a minimum. While the RR program can help coordinate communication between the RP and the Water program, ultimately it is the responsibility of the RP and consultant to ensure they are complying with all applicable federal, state and local laws at the time case closure is requested. The project manager should provide proof of concurrence to the closure committee from the Water Program that the Water Program is in agreement that the site is eligible for closure.

ATTACHMENTS:

12. What are the specific requirements for including historical results? Are all historical results, to date, required? For example, do we need to include results that are not associated with the areas we are requesting closure on? (e.g., a previous no further action (NFA) gasoline underground storage tank (UST)?)

All historical results that pertain to the activity for which case closure is being requested need to be included. If other activities have been conducted at this site that do not affect this closure request, that information does not need to be included. However, those other activities need to be listed in section 1F.

13. Do both non-industrial and industrial residual contaminant levels (RCLs) need to be listed regardless of the zoning? (Attachment A, Directions): "...identify individual ch. NR 720 Wis. Adm. Code RCL exceedances. Tables should also include the corresponding groundwater pathway and direct contact pathway RCLs for comparison purposes."

Yes, include both industrial and non-industrial RCLs, regardless of the zoning. The closure committee needs to understand which RCLs are exceeded for closure decisions. It also needs to be clear at closure which RCLs are exceeded when referencing the soil data tables for future development/zoning decisions.

14. Is there anything in the works to include cumulative RCL impacts to the closure documents?

Go to the page <http://dnr.wi.gov/topic/Brownfields/Professionals.html>. Select the "Soil RCL" tab. Open the "RCL spreadsheet for use with macro-enabled Excel program" to see the "Overview of the Soil RCL Worksheets". Select the first tab, Overview. See the Example Site Investigation Report Soil Summary Table. Results for Industrial Direct Contact RCLs may be found under the third tab.

See also the Directions for Attachment A: Data Tables. A discussion of the cumulative Hazard Index (HI) can be included in sections 4. F. and 4. G. Cumulative HI can also be included in the data tables submitted with Attachment A. 2 and A. 3.

15. On A.2. Soil Analytical Results Table(s), should consultants BOLD RCL exceedances that fall below the Background Threshold Value (BTV)? For example, if arsenic is detected at 3.5 ppm, it is above all three RCLs (groundwater pathway, Non-Industrial Direct Contact & Industrial Direct Contact but below the BTV. Should the 3.5 ppm be bolded?

The short answer is “no”. Based on how the BTVs were calculated, any values detected below the BTV can be categorically accepted as not exceeding background. Values detected below the BTV:

- are not considered to be exceedances of the RCL,
- do not need to be bolded as exceedances, and
- do not need to be included in table A.3.

16. Where should an RP/consultant include applicable Background Threshold Values (BTVs) on the soil data tables?

The “Example SIR Soil Summary Table” (shown below) is available at <http://dnr.wi.gov/topic/Brownfields/Professionals.html>. Open the “Soil RCLs” tab, then open the “RCL spreadsheet for use with macro-enabled Excel program” from the list. Select the Overview tab to see the “Overview of the Soil RCL Worksheets”. A similar summary table can be included in the closure form with Attachment A. The significance of the BTVs for the site can also be discussed in section 3. B. i – iii.

Example SIR Soil Summary Table:

The PURPOSE of this Summary Table is to:
 1.) Display all soil data, and
 2.) Highlight exceedances found when the soil data are entered in RR's spreadsheet of RCLs.

| | | | |
|--|--|-------------------------------------|--|
| | | BRRTS #: 02-73-007107 | |
| | | SITE NAME: Leysamarte Inn | |
| | | SITE ADDRESS: Leysamarte, WI | |

| BORING # | *B-1* | B-1 | B-2 | | B-3 | | B-4 | Soil RCLs (mg/kg) | | | |
|------------------------------------|---------------------------------------|----------|-----------------|------------|-----------------|------------|-----------------|--|------------|---------------|-------------------------|
| DEPTH to Water Table (ft BGS) | 6 | | 7 | | 6 | | 8 | | | | |
| Date Collected | 11/11/13 | 11/11/13 | 11/11/13 | 11/11/13 | 11/11/13 | 11/11/13 | 11/11/13 | | | | |
| DEPTH (ft BGS) | 2.5 - 4.5 | 5 - 7 | 2.5 - 4.5 | 5 - 7 | 0 - 4 | 6 - 8 | 2 - 4 | | | | |
| SOIL TYPE | clay | peat | clay | silty clay | soil fill | waste fill | sandy silt | | | | |
| | Soil Concentrations in mg/kg (or ppm) | | | | | | | Calculated 06/2014 | Background | Lab | |
| | | | | | | | | Non-Industrial Direct Contact | Soil to GW | Surficial BTV | Detection Limit (mg/kg) |
| Benzene | 0.75 | < 0.005 | 2. | 0.5 | 1. | 1. | 1. | 1.49 | 0.005 | - | 0.005 |
| Ethylbenzene | 5.6 | < 0.005 | 8. | 2. | < 0.005 | 1. | 1. | 7.47 | 1.57 | - | 0.005 |
| Toluene | 800. | 0.05 | 10. | 2. | < 0.005 | 2. | 2. | 818. | 1.107 | - | 0.005 |
| Xylene | 250. | 3. | 10. | 4. | < 0.005 | 50. | 50. | 258. | 3.94 | - | 0.005 |
| PCE | 2. | < 0.005 | 2. | 0.5 | < 0.005 | 7. | 7. | 30.7 | 0.005 | - | 0.005 |
| Naphthalene | 1. | < 0.005 | 2. | 3. | < 0.005 | 3. | 3. | 5.15 | 0.659 | - | 0.005 |
| Benzo[a]pyrene | < 0.01 | < 0.01 | 0.1 | 0.5 | 0.4 | 0.3 | 0.3 | 0.015 | 0.47 | - | 0.01 |
| Arsenic | 5. | < 0.5 | 10. | 5. | < 0.5 | 8. | 8. | 0.613 | 0.584 | 8. | 0.5 |
| Lead | 240. | 25. | 100. | 50. | < 1 | 50. | 50. | 400. | 27. | 52. | 1 |
| No. of Individual Exceedances (DC) | 0 | | 4 | | 1 | | 1 | | | | |
| Cumulative Hazard Index (DC) | 1.063 | | 0.603 | | 0.009 | | 0.143 | | | | |
| Cumulative Cancer Risk (DC) | 2.19E-06 | | 2.59E-05 | | 2.77E-05 | | 2.19E-05 | } HI and CCR are from the DC_RCL Worksheet | | | |

Exceedance Highlights:
Red font indicates DC RCL exceedance, and BTV exceedance for metals. ***BI***: Cumulative exceedance (HI > 1), even though no individual DC RCL was exceeded.
Italic font indicates GW RCL Exceedance. Groundwater quality (> NR 140 ES) may be affected when GW RCLs are exceeded.

17. In Attachment A4, if there were no vapor samples collected and no vapor analytical table, does the RP need to submit a page saying there isn't a table?

YES. If a particular section or attachment of the closure form is “Not Applicable” – See FAQ #7: A full explanation must be included in a table of contents page for each section that contains a ‘non-applicable’ item.

18. Some sites have decades of soil and GW data from multiple consultants. Do we need to re-tabulate these historical data and compare them to current RCLS, Preventive Action Limits (PALs) and Enforcement Standards (ESs)?

Not necessarily. If the data can be presented in a manner that clearly supports the request to approve the case closure then re-tabulating may not be necessary. However, consultants may want to consider re-tabulating the data if it more clearly demonstrates the trends necessary for closure of the site. If you do not re-tabulate the information, it will be necessary to indicate current standards on the historic tables. The department strongly encourages re-tabulation of data from multiple different formats into one consistent format for clarity purposes.

19. Can consultants submit a paper map greater than 11 x 17 inches if PM says its ok, especially for large sites?

Maps that are larger than 11x17 can be submitted if necessary.

20. Can electronic map submittals be in color?

Yes, the Department encourages the use of color and bold/italics fonts.

21. Aren't municipal wells considered sensitive material and shouldn't be on our maps because they will be public?

Correct. Municipal wells should not be indicated on the figures that will be placed on the GIS Registry. For the GIS Portable Document Format (PDF), it is helpful to include a version of Map B.1.a. without the municipal well location. However, a figure indicating locations of municipal wells will need to be provided for internal closure review purposes.

22. Groundwater (GW) isoconcentration maps: Do we need to submit a separate map for each constituent above PAL or ES?

Not necessarily. Only one figure will be necessary if several constituents can easily be identified in a legible manner. If the number of constituents exceeds 3 or 4 and/or the figure is not legible with that number of constituents then additional figures will be necessary.

23. If the current project does not involve GW contamination or monitoring wells, but there is previous GW monitoring/remediation project at the site, does the GW data and maps need to be included?

Not necessarily. However, if the old data supports the case closure request it can be included. The RP/consultant should clearly mark that the data is from a previous investigation.

24. In B.3.d., is the Department asking for monitoring associated with this specific site or all wells associated with the facility to include closed site?

Any wells that are applicable to the contaminants of concern at the site for which closure is being requested.

25. GW flow/isoconcentration maps: Why 3 maps? B.3.b. GW Isoconcentration, B.3.c. Flow Direction, B.3.d. Monitoring Wells (should be on first two).

Three maps are necessary for quick reference and easy visualization. In some cases the maps can be combined if the figure does not become too cluttered. However, that figure must be provided in each section requested.

26. Where in the case closure form should lab data that was collected after the Site Investigation (SI) report was submitted to the department be included?

Any previously un-submitted information that is not specifically requested in the closure form should be included in section "Documentation of Remedial Action" (Attachment C). For example: Laboratory data is not required in the closure form and there is no appropriate location in the closure form to include raw, un-tabulated data. If this information was not previously submitted it should be included in this section, with the caveat of FAQ #43 (can the case closure form serve as the SI report); that the SI report should not be submitted as part of the case closure form.

27. Do I have to use the Continuing Obligations (CO) Inspection and Maintenance Log in the Maintenance Plan?

Yes, use the CO Inspection and Maintenance Log; Form 4400-305 at: <http://dnr.wi.gov/files/PDF/forms/4400/4400-305.pdf>. All maintenance plans finalized after 3-12-14 should include the CO Inspection and Maintenance Log. For sites that have not been issued a final closure by the Department, CO Inspection and Maintenance Log Form 4400-305 shall be made part of the maintenance plan(s) prior to final closure. Section NR 727.05, Wis. Adm. Code, requires submittal on this form, at the frequency requested by the Department.

28. Does form 4400-305 (Continuing Obligation Inspection and Maintenance Log) need to be filled out as part of the closure form (section D.4), or can a blank form be attached? Must the initial log include site photos inserted or are photos submitted under D.3. exclusively?

It is highly recommended, but not required, that Form 4400-305 be "personalized" for the client within the closure request. It is very helpful to have the contact information filled in, and photographs attached that show the baseline condition of the feature/s to be maintained.

Photographs are required under ch. NR 726, Wis. Adm. Code. They are best included in the inspection log form, but can be included separately as part of Attachment D.3. of the closure form.

Reviewing the required maintenance activities and responsibilities with the client and affected property owners would also help achieve greater compliance with the required conditions of closure. The inspection log could be filled out at this time, providing a baseline inspection.

29. For which monitoring wells are well logs required under Attachment E?

Submittal of monitoring well construction and development logs (form 4400-113 A, B) with the closure form (for the GIS PDF) is only required for the wells that:

- a. could not be located for abandonment*
- b. will remain in use*
- c. are to be transferred to another party for continued monitoring.*

Include well construction and development logs, soil boring logs and abandonment forms for all wells with the Site Investigation report, in accordance with s. NR 716.15 (4) (g), Wis. Adm. Code. Abandonment forms (Form 3300-005) for monitoring wells retained until the submittal of the closure request are typically provided during the closure review process.

30. Is Att. F: ‘Source Legal Documents’ only necessary if the site is to be placed on the GIS Registry?

Yes, source legal documents are only required under s. NR 726.11 (4), Wis. Adm. Code, for sites which meet the criteria to be included in the GIS Registry. The information in attachments D – G are only required in ch. NR 726 when a site will be included in the GIS Registry due to residual contamination or other continuing obligations. The information in attachments A – C are required for all closure submittals.

31. If inclusion on the GIS Registry is not required is it necessary to provide a deed for the property (Attachment F)?

No. If there are no remaining RCL or ES exceedances then a deed “for all properties within or partially within the contaminated site boundaries” is not necessary.

32. Does the Signed Statement apply to the source property or the “site” which includes the source property and all other affected property(s)?

The signed statement applies to the source property and all off-site affected properties.

33. Given the “new” case closure submittal timelines, when is best time to provide the ch. NR 725 impacted property notification to any affected parties – where there is residual contamination and continuing obligations?

At least 30 days prior to submittal of the case closure request.

34. What if the recipient won’t sign the return receipt?

The RP/consultant will need to submit documentation that the recipient would not sign. Typically, the post office will return the envelope with an “unclaimed” or “refused” stamp. This documentation would need to be provided with the letter. The RP/consultant should also resend the letter via priority mail with delivery confirmation to ensure that the letter at least made it into the mailbox.

35. Why is a 150-year old plat map required, rather than a GIS parcel map showing the property’s current boundaries?

If referenced in the deed, the plat map is required because it was referenced as an attachment to the legal document (deed). A GIS parcel map may also be submitted, in addition to the referenced plat map.

36. If it is unclear as to whether contamination results are from “our client” or the owner of the property, is a ch. NR 725 notification necessary?

This should be addressed with the PM on a site-specific basis.

37. Where is it noted that the person conducting the cleanup is not the property owner?

If the person conducting the cleanup is not the current source property owner, that can be noted by the absence of a check in the box on p. 1 (Check here if the RP is the owner of the source property), as well as on p. 10 in the Notifications table. Click in the column "Type of Property Owner", and select "source property owner" in the drop down box.

38. WTM Coordinates: For an affected source property, can the department provide any direction for where to reference the xy coordinates on off-site affected property?

The code requirements are to use the center of the parcel. See NR 716.15 (5) (d). However, the department prefers the x:y coordinates to identify the source of the contamination (tank bed, pump island) on that property. Please indicate if the x,y coordinates represent the center of parcel or the contaminant source.

39. Wisconsin Transverse Mercator (WTM) Coordinates: For an affected property other than the source property, can the department provide any direction for where to reference the xy coordinates on off-site affected property?

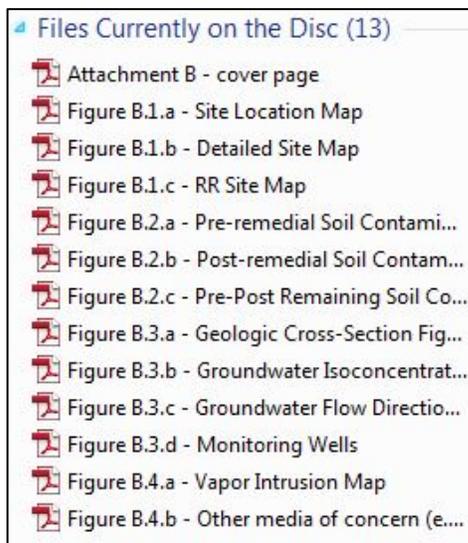
The code requirements are to use the center of the parcel. See NR 716.15 (5) (d), Wis. Adm. Code. However, the Department prefers the x:y coordinates to locate the area that contamination was identified (monitoring well, soil sample) on that property. Please indicate if the x,y coordinates represent the center of parcel or the contaminant source.

40. Who can sign the Signed Statement for the source property or other affected property(s)?

Anyone conducting the cleanup (RP, Department of Transportation, Local Governmental Unit, Financial Institution, or property owner) can sign the signed statement indicating the legal description(s) are correct. The designee for the party conducting the cleanup can sign the statement - consultant or attorney.

41. Does each attachment on the CD-ROM need to be its own file and how should it be labeled?

Yes. Each attachment of the closure form should be a separate folder on the disk. Every file within each folder should indicate the correct alphanumeric file name.



SUBMITTALS/OTHER:

42. How do I determine whether an engineer and/or a hydrogeologist signature is required?

The closure form incorporates the signatures required by NR 712, Wis. Adm. Code. On p. 11, if you hover the mouse over the two choices under the heading “Signatures and Findings for Closure Determination”, a pop-up box will appear for each choice, which contains an explanation of the NR 712, Wis. Adm. Code certification requirements.

To verify professional qualifications go to <https://app.wi.gov/licensesearch>.

- *Click the Health/Business Individual Credential Search*
- *Enter the person’s name and profession (i.e. professional engineer, professional geologist, or professional hydrologist)*
- *Hit search and you will get a list of individuals that match the last name along with their license number and the expiration date of their license.*
 - ***It is important to check the expiration date** as the list includes everyone who has been licensed, even if their license has expired.*

43. Can the case closure form serve as the SI report required in ch. NR 716 for sites?

No. Section NR 716.15, Wis. Adm. Code, requires the submittal of a site investigation report within 60 days of completion of the field investigation and receipt of laboratory data. In most cases, the SI report will need to be submitted to the department long before the case closure request is submitted. The consultant should not be submitting what they consider to be the SI report as part of the case closure form (e.g., as part of Attachment C).

The SI Report is a separate document, and should be submitted in a format in compliance with s. NR 716.15, Wis. Adm. Code, unless otherwise determined by the department. Any SI data submitted as part of Attachment C should only be any additional information that was collected after a SI report was submitted to the department.

Please note that s. NR 716.01, Wis. Adm. Code, states: “Nothing in ch. NR 716, Wis. Adm. Code shall be construed to require plans or reports that are more detailed or complex than is justified by the known scope of contamination or the complexity of the site or facility.” In other words, the site investigation report can be as simple as necessitated by the site.

44. Is the “administrative incomplete” email of sufficient detail that the consultant clearly knows what was deficient in their submittal? Are PMs putting some more details in the “notes” sections? And how is that displayed in the email to the RP?

In most cases the “admin incomplete” email will have sufficient detail. Notes that the PM puts in the “Comments” section of the checklist will be included in the “admin incomplete” email to the consultant. If additional detail is necessary you can contact the PM.

45. If I’ve already submitted a closure request on an old form, but have not yet received approval, what information am I required to submit?

If the closure was submitted once, and denied, then the RP or consultant should contact the site PM to determine if the most up-to-date case closure form should be used. If the closure request was denied prior to June 30, 2015 and is presently on an outdated form, then at a minimum, the RP and consultant would need to include all the new, additional items specified in the revisions to the ch. NR 700 rule

series that went into effect on November 1, 2013. In such a case, it is likely that the Department will require that the case closure request be submitted on the most recent closure form (dated March, 2015).

Recent rule revisions of November, 2013 included a few new requirements for closure. These items should be specified in the request for information as part of the administrative incomplete email, or in later requests based on the technical review. DNR publication, RR 965, Summary of Changes to the ch. NR 700 Series of Administrative Rules, provides a list of changes made to the rules. It can be found at: <http://dnr.wi.gov/files/PDF/pubs/rr/RR965.pdf>.

This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts. This publication is available in alternative format upon request. Please call 608-267-3543 for more information.