

Tips and Reminders for a Complete Closure Submittal

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RR-979

As part of the DNR Remediation and Redevelopment Program's continuing effort to improve the site closure process and explain how the process works, this document includes several reminders and tips for a correct and complete closure submittal. There were many changes within the RR Program recently, including revised rules going into effect on November 1, 2013, as well as revisions to the closure form and process. Due to these changes, a number of guidance documents will be updated by DNR staff.

The following tips may help reduce the need for certain items to be resubmitted, saving money and time. If you have any questions on a specific submittal, please call a [DNR RR Program Project Manager](#) for an explanation.

1. **Forms**

Always make sure you are using the most recent version of a form by going to the RR Program's web page for [publications and forms](#).

a. [Form 4400-202, Case Closure – GIS Registry Form \(Case Closure Request\)](#)

If you have any questions on what is required for a certain section, don't guess - call and ask the DNR Project Manager. This form is subject to periodic updates; make sure you are using the most current version.

b. [Form 4400-246, Impacted Property Notification Information](#)

Use this form to list the addresses of affected property owners and rights-of-way holders, and to identify which continuing obligation applies to which property/ROW.

NOTE: Form 4400-246 will be retired with the next update in the closure request form (4400-202). It will be replaced by a table within form 4400-202. This change is expected later this spring/early summer.

c. [Form 4400-286, Notification of Continuing Obligations and Residual Contamination](#)

The RP or consultant should use this form (4400-286) when providing notification to affected property owners prior to submitting a closure request. RR 919 and previous versions of the former NR 726 Appendix A letter have been retired.

d. [Form 4400-305, Continuing Obligations Inspection and Maintenance Log](#)

The RP or consultant should include this form (4400-305) in the maintenance plan provided to property owners/others who will be responsible for maintaining a specific continuing obligation (covers, vapor mitigation systems, monitoring wells kept for continued monitoring, or other). This form also allows for inclusion of photographs.

e. [Form 4400-249, Site Investigation Sample Results Notification](#)

This form is for providing notification of the sample results of media other than drinking water, to the affected property owners or occupants. This form is newly available, and use of this form is optional. A letter can also be used to provide sample results to affected parties, in accordance



with s. NR 716.14, Wis. Adm. Code. In the past, submittal of the results from water supply wells was required shortly after receipt of sample results from the lab. With the recent rule changes, a similar requirement now also applies to the results from all other environmental media, under s. NR 716.14, Wis. Adm. Code. Submittal of sample results to DNR is also required.

2. Maps and Figures

It is especially important to add a revised date to the final version of maps and figures. This allows the final version to be correctly referenced in the closure approval letter. In some cases, it is helpful to define both the date the map was drawn, and the date of the sampling event shown. For example: "Map drawn on 2/22/2002 showing TCE concentrations from GW samples collected on 12/02/2000".

3. Maintenance Plan

Make sure the maintenance plan is specific to the site, with up-to-date links and references. If there will be one maintenance plan for multiple types of covers, or for multiple continuing obligations, make sure each section is clearly labeled.

- a. Prohibited Activities: The addition of the following prohibited activity/ies may also be needed when using a cover/barrier or vapor mitigation system, to provide consistency with the prohibited activities in the closure letter:
 - *If the use of the property is commercial or industrial (non-residential) use this option:* "changing the use or occupancy of the property to a residential exposure setting, which may include certain uses, such as single or multiple family residences, a school, day care, senior center, hospital, or similar residential exposure settings."
 - *If the use of the property is a residential-type setting OTHER THAN single-family residential only use this option:* "changing the use or occupancy of the property to single-family residential use."
 - *If the building has a VMS only use this option:* "changing the construction of a building that has a vapor mitigation system in place."
- b. Monitoring Wells: If any monitoring wells are to be kept for continued sampling (after closure), indicate within the maintenance plan that inspections will be conducted at least annually, for compliance with the criteria in s. NR 716.13 (14), Wis. Adm. Code, and include provisions for repair or replacement. The inspection needs to address verification of the integrity of the well labels, lock and seal, and to determine whether the well/s are providing a conduit to the subsurface. Make sure the well location/s are identified on a site location map. Photographs (dated and labeled) of the well condition at the time of closure are also useful for future inspections.
- c. Inspection Reports:
 - Talk to the DNR Project Manager to determine if submittal of inspection reports is likely to be required, or at what frequency inspections should be conducted. Within the maintenance plan, add a reference to the closure letter for final frequency of inspection.

- Continuing obligations inspection and maintenance log: It is important that a copy of the Continuing Obligations Inspection and Maintenance Log (RR-305), or a link to the form is included in the maintenance plan, and that a copy and a link is provided to the person/s who will be conducting inspections.
- d. Continuing Obligations: When using one of the continuing obligations identified in s. NR 727.07, Wis. Adm. code, include a sentence in the maintenance plan reminding the party that notification to DNR/DATCP is required at least 45 days before making certain changes, and written approval may also be required.

The 45 day notice period is required when the following continuing obligations are applied:

- cover/barrier removal,
- removal of a structural impediment,
- changing the use of the property from industrial to non-industrial, change in use of a vapor mitigation system,
- change in property use from non-residential to residential (vapor sites), and
- construction of a building over residual volatile compound contamination.

4. **Submitting Sampling Results**

The NR 700 rule modifications which took effect in November 2013 included changes in the requirements for submitting sampling results to both DNR and affected parties. Reporting requirements for all sampling data include that notifications be submitted to DNR and the affected parties within 10 business days of receiving the sampling results. Affected parties may include affected property owners, occupants and the source property owner when the person conducting the investigation and cleanup does not own the source property. Information to be provided is found in [s. NR 716.14, Wis. Adm. Code](#).

Section NR 716.14 (1) covers the requirements for samples from water supply wells, and requires notification of affected parties, and of both the Remediation and Redevelopment project manager, and the regional Drinking and Groundwater specialist or the Water Supply engineer.

Section NR 716.14 (2) addresses the notification requirements for sample results from all other media. RPs and consultants may use their own format, as long as all the required information is included. We recommend that any sample result tables use the same format as used for closure requests. A department form, [Site Investigation Sample Results Notification \(4400-249\)](#), is now available for providing sample result information to the affected parties. The use of form 4400-249 is optional – a letter can be used instead.

This document contains information about certain state statutes and administrative rules but does not necessarily include all of the details found in the statutes and rules. Readers should consult the actual language of the statutes and rules to answer specific questions.

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