



WISCONSIN DEPARTMENT OF NATURAL RESOURCES NOTICE OF FINAL GUIDANCE & CERTIFICATION

Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.

DOCUMENT ID

RR-19-0081-C

DOCUMENT TITLE

Wis. Admin. Code ch. NR 712 Qualifications and Certifications

PROGRAM/BUREAU

Remediation and Redevelopment

STATUTORY AUTHORITY OR LEGAL CITATION

Wis. Stats. ch. 292; Wis. Admin. Code ch. NR 700

DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

26-Aug-19

DATE FINALIZED

02-Sept-19

DNR CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

Signature

September 4, 2019

Date



Wis. Admin. Code ch. NR 712 Qualifications and Certifications

Introduction

This fact sheet is for use by persons who hire and those that provide services associated with conducting certain environmental response actions in Wisconsin. It identifies the necessary professional qualifications and certifications for performing and supervising work, and the requirement for signing and certifying specific submittals for actions conducted under Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700-754. This document does not describe the personnel qualifications required by Wis. Admin. Code for sampling, fieldwork and the development of plans for field activities for response actions.

Wis. Admin. Code § NR 712.03: Definitions

Wis. Admin. Code ch. NR 712 establishes minimum standards for experience and professional qualifications for persons who perform and provide certain services or scientific evaluations associated with specific environmental response actions.

(1) “Hydrogeologist” means a person who is licensed as a hydrologist or registered as a geologist with the department of safety and professional services, and is a graduate of an accredited institution of higher education and who has successfully completed 30 semester hours or 45 quarter hours of course work in geology. At least 6 semester hours or 9 quarter hours of the geology course work shall be hydrogeology, geohydrology or groundwater geology. This person shall also have acquired, through education and field experience, the ability to direct the drilling of borings and the installation and development of wells, describe and classify geologic samples, and evaluate and interpret geologic and hydrogeologic data.

Note: The term registered geologist means a Professional Geologist that has been licensed in accordance with the provisions in ch. GHSS 2, Wis. Adm. Code and the term licensed hydrologist means a Professional Hydrologist that has been licensed in accordance with the provisions in ch. GHSS 3, Wis. Adm. Code.

(2) “Professional engineer” means an engineer registered with the department of safety and professional services.

(3) “Scientist” means a person who is a graduate of an accredited institution of higher education and who has successfully completed the necessary credit hours to receive a degree in a field of scientific expertise applicable to environmental response actions, including, but not limited to, geology, chemistry, agronomy, crops and soils, soil science, toxicology and biology.

(4) “Supervised field experience” means experience collecting samples of air, soil, water or other media completed with guidance from, and oversight by, a person who meets the requirements of s. NR 712.05(2).

(5) “Supervision” means personal, active oversight and control of the preparation of submittals.

Wisconsin Department of Safety and Professional Services Licensing Information

For information on the licensing of professionals in Wisconsin, visit: <https://app.wi.gov/licensesearch>.

Wis. Admin. Code §§ NR 712.07, NR 712.09: Requirements for Submittal Preparation and Certification

All phases of work necessary to obtain data, develop conclusions and recommendations and prepare submittals shall be conducted or supervised by persons possessing the qualifications required in Wis. Admin. Code, as summarized in the table below. In addition, there are requirements specified under Wis. Admin. Code § NR 712.05 for persons conducting sampling, fieldwork, and the development of plans for conducting field activities.

When submitting documents to DNR, the submittal titles listed in the table should be used, including the rule reference. This will help speed up the review process.

Who must supervise work and certify the submittal?				
Submittal	Professional Engineer (PE)	Hydrogeologist	Professional Engineer and Hydrogeologist	PE, Hydrogeologist or Scientist
Phase I and Phase II Environ. Site Assessment ¹		With GW ²		Without GW
Wis. Adm. Code § NR 708.11 (4) Interim Action	Without GW		With GW	
Wis. Adm. Code § NR 708.13 Free Product Removal			With GW	
Wis. Adm. Code ch. NR 716 Site Investigation Submittals		With GW		Without GW
Wis. Adm. Code § NR 718.12(1) Immediate Action	Wis. Adm. Code § NR 712.05(2) sampling and fieldwork requirements apply ³			
Wis. Adm. Code § NR 718.12 (1) and (2) (Interim or Remedial Action)	Without GW		With GW	
Wis. Adm. Code ch. NR 720 Submittals		With GW		Without GW
Wis. Adm. Code ch. NR 722 Remedial Action Options report	Without GW		With GW	
Wis. Adm. Code ch. NR 724 Submittals	Without GW		With GW	
Wis. Adm. Code ch. NR 726 Closure Request	Without GW		With GW	
Wis. Adm. Code ch. NR 727 Request to Modify Continuing Obligations	Without GW		With GW	

¹ Wis. Admin. Code ch. 712 does not apply to Phase I and II reports/actions unless work is done or will be used to satisfy Wis. Admin. Code §§ NR 708.11(4) (i.e. interim action that triggers NR 724), 708.13, 716-754 or to obtain a certificate of completion under the Voluntary Park Liability Exemption program as defined in Wis. Stat. § 292.15 and NR 750.

² GW = groundwater. NOTE: “With GW” means the report includes an investigation or evaluation of groundwater conditions, or groundwater related conclusions or recommendations.

³ Submittals documenting actions taken pursuant to Wis. Admin. Code § NR 718.12(1) are exempt from Wis. Admin. Code ch. NR 712 requirements but are not exempt from the requirements specified in Wis. Admin. Code § NR 712.05(2).

Wis. Admin. Code § NR 712.09: Certifications

The appropriate certification statement listed below shall be attached to any submittal to the DNR that is required to be prepared by, or under the supervision of, a professional engineer, a hydrogeologist or a scientist to demonstrate that the requirements of Wis. Admin. Code ch. NR 712 have been met. The responsibility for signing the certification may not be delegated per Wis. Admin. Code § 712.09(1). Per Wis. Admin. Code § 712.05(1), the work must be conducted or supervised by the person certifying. The certification statement must match the code per Wis. Admin. Code § 712.09 (3) a thru c as listed below.

Professional Engineer

The following certification shall be attached to any submittal that is required to be prepared by, or under the supervision of, a professional engineer under s. NR 712.07 (2), (3) or (5):

"I, _____, hereby certify that I am a registered professional engineer in the State of Wisconsin, registered in accordance with the requirements of ch. A-E 4, Wis. Adm. Code; that this document has been prepared in accordance with the Rules of Professional Conduct in ch. A-E 8, Wis. Adm. Code; and that, to the best of my knowledge, all information contained in this document is correct and the document was prepared in compliance with all applicable requirements in chs. NR 700 to 726, Wis. Adm. Code."

Signature, title and P.E. number

P.E. stamp

Hydrogeologist

"I, _____, hereby certify that I am a hydrogeologist as that term is defined in s. NR 712.03 (1), Wis. Adm. Code, am registered in accordance with the requirements of ch. GHSS 2, Wis. Adm. Code, or licensed in accordance with the requirements of ch. GHSS 3, Wis. Adm. Code, and that, to the best of my knowledge, all of the information contained in this document is correct and the document was prepared in compliance with all applicable requirements in chs. NR 700 to 726, Wis. Adm. Code."

Signature and title

Date

Scientist

"I, _____, hereby certify that I am a scientist as that term is defined in s. NR 712.03 (3), Wis. Adm. Code, and that, to the best of my knowledge, all of the information contained in this document is correct and the document was prepared in compliance with all applicable requirements in chs. NR 700 to 726, Wis. Adm. Code."

Signature and title

Date