



## 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-19-5491-C

### DOCUMENT TITLE

Template Letter: Notification of Closure Approval for Non-WI DOT ROWs

### 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

**DNR Remediation & Redevelopment**  
**RR 5491 June 2016**  
**Notification of Closure Approval for Non-WI DOT ROWs**

**INSTRUCTIONS: Use for non-WI DOT ROW holders only. Use figure number, name and date for all attachments. (For WI DOT ROWs, email notice of closure approval and applicable COs)**

**IMPORTANT: Copy/paste the applicable continuing obligations from the "Closure Conditions" section of the closure letter. You need to add the entire continuing obligation. Include prohibited activities when applicable.**

**(Note to PMs: A copy of this letter is to be included in the CO Packet PDF along with the closure letter.)**

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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. 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.

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[Date]

[Affected ROW holder address, city, WI, zip code]

SUBJECT: Notice of Closure Approval with Continuing Obligations for Rights-of-Way Holders for affected property address  
Final Case Closure for BRRTS site name and address, WI  
DNR BRRTS Activity #: DNR BRRTS Activity number

Dear [name of affected right-of-way holder]:

The Department of Natural Resources (DNR) recently approved the completion of environmental work done at the site name site. This letter describes how that approval applies to the right-of-way (ROW) at insert address of ROW to which this letter pertains. As the right-of-way holder, you are responsible for complying with these continuing obligations for any work you conduct in the right-of-way.

State law directs parties responsible for environmental contamination to take actions to restore the environment and minimize harmful effects. The law allows some contamination to remain in soil and groundwater if it does not pose a threat to public health, safety, welfare or to the environment.

On date notification letter received from RP, you received information from RP or consultant about the insert the type of contamination, e.g. VOCs, PAHs, etc. contamination in the ROW from site name, located at [insert address of source property], and about the continuing obligations. Continuing obligations are meant to limit exposure to any remaining contamination.

Applicable Continuing Obligations

The continuing obligations that apply to this right-of-way are described below, and are consistent with Wis. Stat. § 292.12, and Wis. Admin. § NR 700 series.

**Insert, from the Closure Conditions section of the closure letter, a copy of all the continuing obligations applicable to this specific property. Make sure the notification language within the CO is included.**

**If a cover or vapor mitigation condition applies (options 4 or 7A), make sure to include the Prohibited Activities section as well.**

if option 7E is used for the potential for vapor migration - Use the following sentence at the beginning of the 7E CO paragraph: Vapor migration is the movement of vapors originating from volatile chemicals in the soil or groundwater, into buildings or other areas where people may become exposed by breathing air contaminated by the vapors.

Send all written notifications in accordance with these requirements to (Regional RR Program Office for the location), to the attention of (Regional RR Program contact, as determined by the Region; could be the PM for the county, or the Environmental Program Associate).

#### Additional Information

Additional information about this case is available at the DNR's Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web (BOTW) at [dnr.wi.gov](http://dnr.wi.gov) and search "BOTW". Enter insert site BRRTS # in the **Activity Number** field in the initial screen, then click on **Search**. Scroll down and click on the **CO Packet** link for information about the completion of the environmental work. The site may also be seen on the map view, RR Sites Map. RR Sites Map can be found online at [dnr.wi.gov](http://dnr.wi.gov) and search "WRRD".

Please contact DNR project manager, the DNR project manager, at Staff phone number or email with any questions or concerns.

Sincerely,

Supervisor's name, Team Supervisor  
Region acronym Region, Remediation & Redevelopment Program

#### Attachments:

location map name, date and figure number  
maintenance plan name, date, figure number  
inspection log  
name and date of any other applicable document

cc: [RP (the person who conducted the cleanup)]  
[RP's consultant name/address and/or other cc's]