



## 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-19-5538-C

### DOCUMENT TITLE

Template Letter: Wisconsin DNR Spill Electronic Reporting and Tracking System (SERTS) Responsible Party Notification

### 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.*

A handwritten signature in black ink that reads "Andrew Haeg".

Signature

September 4, 2019

Date

**RR-5538:****Wisconsin DNR Spill Electronic Reporting and Tracking System (SERTS) Responsible Party Notification**

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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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This Notification contains information for the Responsible Party of the spill referenced below. Included is important legal information and links to spill response resources.

Spill Occurred: YEAR-MONTH-DAY-TIME

Spill Reported: YEAR-MONTH-DAY-TIME

Spilled Substance(s): NAME/TYPE

SERTS ID: TRACKING #

Spill Location:

ADDRESS

MUNICIPALITY

COUNTY

Responsible Party:

*(RP Contact Name Field)*

NAME

ADDRESS

CITY, WI ZIP CODE

**Notice to Responsible Party**

The person identified as the “Responsible Party” pursuant to Wis. Admin. Code § NR 700.03 (51) is obligated to take the necessary response actions to address the hazardous substance discharge or environmental pollution under Wis. Stat. ch. 292.

**Obligations**

Your legal responsibilities are defined in Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700-754. In particular, the hazardous substances spill law, [Wis. Stat. § 292.11 \(3\)](#), states:

- **RESPONSIBILITY.** A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state.

[Wis. Admin. Code chs. NR 700 - 754](#) establish requirements for actions to be taken by responsible parties to restore the environment to the extent practicable; protect public health, safety, welfare and the environment; and establishes documentation requirements associated with these response actions, where a hazardous substance discharge or environmental pollution has occurred. [Wis. Admin. Code ch. NR 708](#) contains requirements for immediate actions following a hazardous substance discharge.

## Steps to Take

[Wis. Admin. Code § NR 708.05](#) requires responsible parties to take immediate action to halt a hazardous substance discharge or environmental pollution and minimize the harmful effects of the discharge or environmental pollution to the air, lands and waters of the state, unless otherwise directed by the DNR.

Below are initial actions that should be taken to address a hazardous substance discharge or environmental pollution:

- Obtain the services of an environmental response contractor and/or an environmental consultant to help ensure that proper immediate actions are taken and documented. Information about [environmental consultants](#) and [spill response contractors](#) is available at [dnr.wi.gov](http://dnr.wi.gov); search “environmental consultants” and “spills”.
- Review, along with your contractor or consultant, [Wis. Admin. Code § 708.05](#), which describes spill response actions for both emergency and non-emergency immediate actions.
- [Wis. Admin. Code NR 708.05\(6\)](#) requires the submittal of written documentation to the DNR of immediate actions taken and the outcome of those actions, within 45 days after the hazardous substance discharge notification to the DNR.
- [Comply with Wis. Admin. Code § NR 708.09](#), which specifies the requirements for the preparation and submittal of a final report to the DNR documenting the actions taken to respond to the hazardous substance discharge and environmental pollution. Reports may be submitted to the appropriate DNR regional spill coordinator, listed below.
- Review the remainder of [Wis. Admin. Code ch. NR 708](#) to ensure that all immediate response action requirements have been complied with.

## DNR Determination

The DNR will provide a cursory review of the Wis. Admin. Code ch. NR 708 reports, if submitted without a review fee. If no further action is necessary, the DNR will note that in the Bureau for Remediation and Redevelopment (BRRTS) database. If you want a written response from the DNR related to a “no further action” decision, or any other determination, please fill out and submit [DNR Form 4400-237](#) with the appropriate fee.

If, however, groundwater wells are affected by the hazardous substance discharge or environmental pollution, if free product removal is required, if there is evidence that contaminated soil may be in contact with groundwater or residual contamination poses a threat to public health or the environment, the DNR shall require additional action per Wis. Admin. Code § NR 708.09(2).

Please contact me if you have any questions regarding this notification or you would like to discuss your specific situation in more detail.

## DNR Regional Spill Coordinator:

(name)

(phone #)

(email address)