Soil Management Update
NR 718/NR 500 LOW HAZARD EXEMPTION GUIDANCE
<table>
<thead>
<tr>
<th>Clean?</th>
<th>LHE + NR718?</th>
<th>Licensed Landfill</th>
</tr>
</thead>
<tbody>
<tr>
<td>- No restriction</td>
<td>- Location criteria met</td>
<td>- Managed by facility guidelines</td>
</tr>
<tr>
<td>- No cover</td>
<td>- Shown to be protective</td>
<td></td>
</tr>
<tr>
<td>- No obligation</td>
<td>- Possible cover and/or restriction</td>
<td></td>
</tr>
</tbody>
</table>
Waste Management Options

• Excavated material may be eligible for the “clean fill” exemption in s. NR 500.08(2)(a).
• If “clean fill” then no DNR approval is required.
Waste Management Options

• The person generating the material and person receiving it may have liability if contamination results.
Waste Management Options

If low-level contamination, may be able to manage it at site or facility, other than licensed landfill.
Exemption Options

1. NR 718 Exemption

2. Low Hazard Exemption

Wis. Stats. 289.43(8)
Exemption Options – NR 718

- Limited to Response Action sites
- Limited to management of soil at the same or other site or facility
- Limited to management of other solid waste on source property only
Low-Hazard Waste Exemption

• Low-Hazard Waste Grant of Exemption LHGE - 289.43(8) Stats.
• Very broad authority under Section 289 and NR 500
• Can be used to exempt many types of material for disposal at a non landfill location
LHE and NR 718 Similarities

- Allow for management of contaminated material at a location other than a landfill.
- Consider similar criteria for acceptable material and placement locations/conditions.
- Can require capping or other post placement controls.
- Require a fee.
LHE and NR 718 Differences

Applicability

- LHE – Very Broad
- NR 718 – limited to
  - NR 700 Response Actions
  - Placement at another site or facility
  - Movement of soil or other solid waste on site and soil only off site
  - Self-implementing option for immediate action
Guidance Update

1. NR 718 Guidance
2. NR 718 Exemption Request Format
3. Sample Results Notification
4. Immediate Action Exemption from Locational Criteria Request
Guidance Complete
1. NR 718 Exemption Guidance

Purpose
This guidance is intended for use by responsible parties when excavating contaminated soil and/or other waste materials that may not warrant disposal at an operating, licensed landfill. This guidance describes several exemptions that may be available in such situations.

Background
Contaminated soil and other solid wastes that are generated as part of a response action under the state’s clean-up rules may be eligible for an exemption from state solid waste laws in Wis. Stats. § 292 and Wis. Admin. Code §§ NR 500 to 538. The Wis. Admin. Code § NR 700 rule series governs the response to and cleanup of hazardous substance discharges and environmental pollution. These exemptions to solid waste management are granted under Wis. Admin. Code §§ NR 500.08(6), NR 718.12 and NR 718.15. See the “Quick Guide” in Appendix 1 for an overview.
Exemption Options – NR 718

• Immediate Action
  – Self Implementing
  – Includes movement of soil and other solid waste on source property and soil on another site or facility.
  – Limited to 100 cy of material
  – Levels of contaminants cannot require engineering controls (< NR 720 RCLs)
Exemption Options – NR 718

• Interim or Remedial Actions
  – Requires DNR pre approval
  – Requires information in “Recommended Exemption Request Format”
  – May require engineering controls or other continuing obligations (>NR 720 RCLs).
Exemption Options – NR 718
NR 718 Quick Guide: What Contaminated Soil or other Solid Waste Management Options are Available at Response Action Sites or Facilities?

This table is a general guide that describes what management/exemption options are available to responsible parties (RPs) and possibly others when managing contaminated soil or other solid waste (e.g., contaminated sediments, fill, foundry sand) excavated as a result of an immediate, interim or remedial response action taken under the Wis. Admin. § NR 700 rule series. This is an alternative approach to managing the material as a solid waste at an operating solid waste facility licensed to accept that waste.

<table>
<thead>
<tr>
<th>Questions</th>
<th>NR 718.12(1) Contaminated Soil Exemption</th>
<th>NR 718.12(1) &amp; (2) Contaminated Soil Exemption</th>
<th>NR 718.15 – on site replacement of solid waste other than soil</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. What types of NR 700 response actions are eligible for the exemptions?</td>
<td>• Immediate Actions - NR 708.05</td>
<td>• Interim Actions - NR 708.11</td>
<td>• Interim Actions - NR 708.11</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Remedial Actions – NR 722 and 724</td>
<td>• Remedial Actions – NR 722 and 724</td>
</tr>
<tr>
<td>2. Who may utilize the NR 718 exemptions?</td>
<td>• Responsible parties</td>
<td>• Responsible parties</td>
<td>• Responsible parties</td>
</tr>
<tr>
<td></td>
<td>• Construction or utility projects</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Is Department pre-approval required to receive the NR 718 exemption and take action?</td>
<td>• No, but all criteria in NR 718.12(1) must be met</td>
<td>• Yes, pre-approval in writing</td>
<td>• Yes, pre-approval in writing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• RP is required to provide DNR advance notice of 7 or 45 days, depending on situation</td>
<td>• RP is required to provide DNR advance notice of 7 or 45 days, depending on situation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• RP must wait for approval</td>
<td>• RP must wait for approval</td>
</tr>
</tbody>
</table>

1 See the note in Wis. Admin. Code § NR 718.12(1) for further clarification on the appropriateness of using this exemption at construction and utility projects.
2. NR 718 Recommended Exemption Request Format

Wisconsin DNR – NR 700 Process

Remediation and Redevelopment Program

March 2017

Recommended Format for Exemption Request
Wis. Admin. Code § NR 718.12 or § NR 718.15

Purpose
The purpose of this document is to provide a consistent format for consultants and responsible parties to demonstrate that the proposed management of solid waste material qualifies for a Wis. Admin. Code §§ NR 718.12 or NR 718.15 exemption and to request written approval of the exemption request. This document may be included as part of a Remedial Action Plan or Post Closure Modification Request, or can be submitted by itself depending on the activities conducted at the site. The use of this form is optional.

Introduction
Soil and other solid waste generated from a response action site as part of an interim or remedial action may be managed at a site or facility that is not an operating licensed landfill if a Wis. Admin. §§ NR 718.12 or NR 718.15 exemption is obtained from the Department of Natural Resources (DNR). The property where material will be managed would be exempted from the Waste and Materials Management Program requirements established in Wis. Stat. § 289 and Wis. Admin. §§ NR 500 to NR 538. An exemption through Wis. Admin. § NR 718.12 can be granted when soil is being managed as part of an interim action under Wis. Admin. § NR 708 or a remedial action under Wis. Admin. § NR 722. An exemption through Wis. Admin. § NR 718.15 can be granted when other waste material is managed as part of an interim or remedial action on the site from which it was generated. Managing material with either exemption requires prior written approval from the DNR.
Exemption Request Format

- Part fillable form:

Provide the following information for the owner of the receiving site or facility. If there is more than one property owner include the information requested below for each as a separate document and attach to this form.

<table>
<thead>
<tr>
<th>Property Owner Name(s)</th>
<th>Company Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address</td>
<td>City</td>
</tr>
<tr>
<td></td>
<td>State</td>
</tr>
<tr>
<td></td>
<td>ZIP Code</td>
</tr>
<tr>
<td>Phone # (include area code)</td>
<td>Email</td>
</tr>
</tbody>
</table>
Exemption Request Format

– Part requires attachments:

Address the following items to describe the soil and/or non-soil waste material that will be managed under this plan and demonstrate that it has been adequately characterized. Attach your responses to these items at the end of this document.

A. Describe the material proposed to be managed, including its general makeup, physical characteristics, the homogeneity of the material, the proportion of soil to non-soil waste, and any other pertinent descriptors.

B. Total volume of contaminated soil and/or other solid waste to be managed (cubic yards):

If format is used, submit filled out form plus all attachments.
Exemption Request Format

• Format is Optional – but recommended:
  – Helps to ensure a complete submittal
  – Allows for streamlined review
  – Satisfies the requirement to notify receiving site property owners of continuing obligations
Exemption Request Format

• Includes the following Sections:
  1. General Information and Fees
  2. Property and Contact Information
  3. Waste Characterization
  4. Project Description/Soil Mgmt Plan
  5. Receiving Site or Facility Information
  6. Locational Criteria
  7. Add. Info for Non-Metallic Mine Sites
  8. Continuing Obligations at Receiving Site or Facility
  9. Figures – Attachments
  10. Additional Attachments
  11. Certification - Signatures
Waste Characterization

- What is it (soil or other waste)?
- How much is there?
- What are the contaminants?
- How was it characterized?
  - Present the sampling data
Project Description/Soil Mgmt Plan

- Where is it coming from?
- Where is it going?
- Schedule
Certification Statements

<table>
<thead>
<tr>
<th>Professional Engineer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Last Name</td>
</tr>
<tr>
<td>Mailing Address</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Phone # (Include area code)</td>
</tr>
</tbody>
</table>

It is my professional opinion that the proposed soil management activity will not cause environmental pollution nor cause any other significant risk to public health, safely or welfare.”

<table>
<thead>
<tr>
<th>Signature</th>
<th>Date</th>
<th>Wisconsin Registration Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Tracking in BRRTS

- Documents including the exemption request and the approval letter will be uploaded to BRRTS.
Contaminated Lands Environmental Action Network (CLEAN)

The Contaminated Lands Environmental Action Network (CLEAN) is an inter-linked system providing information on different contaminated land activities in Wisconsin, to assist with the investigation, cleanup and eventual re-use of those lands.

There are two main ways to view information about contaminated land activities.

1. **BRRTS on the Web** - on-line database
2. **RR Sites Map** - web-based mapping system

### BRRTS on the Web

BRRTS On The Web (BOTW) is a comprehensive on-line database that provides information on contaminated properties and other activities in Wisconsin. Updated daily.

[Learn more about BOTW](#)

### RR Sites Map

RR Sites Map is a web-based mapping system that allows a user to view different layers of contamination data using a Geographic Information System (GIS) tool. Updated on a regular basis.

[Learn more about RR Sites Map](#)
# 02-36-000268 Manitowoc City / Former Newton TN Gravel Pit

## Location Information
- **Location Name**: Manitowoc City
- **County**: Manitowoc
- **WDNR Region**: Northeast
- **Address**: 3130 Hecker Rd, Manitowoc
- **Public Land Survey System**: SW 1/4 of the NW 1/4 of Sec 02, T18N, R23E
- **Latitude**: 44.0604311
- **Longitude**: -87.7211455
- **Jurisdiction**: DNR RR
- **PECFA No.**: 1991-07-02
- **EPA Cercls ID**: 1991-07-02
- **Start Date**: 1991-07-02
- **End Date**: 2016-10-10

## Comments
ACTIVITY NAME PREVIOUSLY LISTED AS MANITOWOC CTY / NEWTON TN - CHANGED PER T BEGGS 6-24-2014

## Characteristics
- **PECFA Tracked?**: No
- **EPA NPL Site?**: No
- **Eligible for PECFA Funds?**: No
- **Above Ground Storage Tank?**: No
- **Drycleaner?**: No
- **Co-Contamination?**: No
- **On GIS Registry?**: No

## Actions
<table>
<thead>
<tr>
<th>Date</th>
<th>Code</th>
<th>Name</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991-07-02</td>
<td>1</td>
<td>Notification</td>
<td></td>
</tr>
<tr>
<td>1992-10-01</td>
<td>59</td>
<td>Enforcement Action Completed</td>
<td>ENFORCEMENT CONFERENCE</td>
</tr>
<tr>
<td>1993-05-01</td>
<td>35</td>
<td>Site Investigation Workplan Received (w/out Fee)</td>
<td>FIELD INVEST P2</td>
</tr>
<tr>
<td>1993-05-01</td>
<td>37</td>
<td>SI Report Received (w/out Fee)</td>
<td>FIELD INVEST P2</td>
</tr>
<tr>
<td>2002-04-16</td>
<td>43</td>
<td>Status Report Received</td>
<td>GW DATA</td>
</tr>
<tr>
<td>2002-11-18</td>
<td>43</td>
<td>Status Report Received</td>
<td>GW DATA</td>
</tr>
<tr>
<td>2004-06-21</td>
<td>99</td>
<td>Miscellaneous</td>
<td>REQUESTED STATUS UPDATE</td>
</tr>
<tr>
<td>2005-06-10</td>
<td>99</td>
<td>Miscellaneous</td>
<td>STATUS INQUIRY</td>
</tr>
<tr>
<td>2005-10-03</td>
<td>43</td>
<td>Status Report Received</td>
<td>GW SAMPLING EVALUATION</td>
</tr>
</tbody>
</table>
Who Can Help?
Regional NR 718 Support

**Statewide:** Paul Grittner, [Paul.Grittner@wisconsin.gov](mailto:Paul.Grittner@wisconsin.gov), (608) 263-8541

**Northeast:** Kristen Dufresne, [Kristen.dufresne@wisconsin.gov](mailto:Kristen.dufresne@wisconsin.gov), (920) 662-5443

**Northern:** Chris Saari, [Chris.Saari@wisconsin.gov](mailto:Chris.Saari@wisconsin.gov), (715) 685 - 2920

**South Central:** Mike Schmoller, [Michael.Schmoller@wisconsin.gov](mailto:Michael.Schmoller@wisconsin.gov), (608) 275-3303

**Southeast:** Nancy Ryan, [Nancy.Ryan@wisconsin.gov](mailto:Nancy.Ryan@wisconsin.gov), (414) 263 - 8533
Linda Michalets, [Linda.Michalets@wisconsin.gov](mailto:Linda.Michalets@wisconsin.gov), (414) 263-8757

**West Central:** Matt Thompson, [MatthewA.Thompson@wisconsin.gov](mailto:MatthewA.Thompson@wisconsin.gov), (715) 839-3750
Who Can Help?
Dredged Material Disposal and Contaminated Soil Management (LHGE)

- Joe Lourigan, Plan Review Expert, CO (608-267-9386)
- Jaqueline Marciulionis, NER (920-662-5433)
- John Morris, NOR (715-635-4046)
- Adam Hogan, SCR (608-275-3292)
- Jerry DeMers, SER (414-263-8594)
- Brian Kalvelage, WCR (608-785-9983)
3. Lab Data Reporting Form

Wisconsin DNR – NR 700 Process

Remediation and Redevelopment Program

NR 718.12 Sample Results Notification

**Purpose**
The purpose of this document is to comply with the requirements of Wis. Admin. Code § NR 718.12 (1)(e)(4).

**Introduction**
This document may be used to comply with the requirements of Wis. Admin. Code § NR 718.12 (1)(e)(4). The rule requires that responsible parties report to the Department of Natural Resources (DNR) analytical results for samples collected to characterize soil that will be managed under a Wis. Admin. Code § NR 718.12 exemption. Analytical results must be reported to the DNR in writing within 10 business days after receiving the sampling results.

**Document Instructions**
Complete and submit this form, along with laboratory data, to the appropriate DNR project manager. If you do not know who the project manager is, this documentation can be sent to the Environmental Program Associate in the appropriate region. A list of DNR EPA’s can be found here: http://dnr.wi.gov/topic/Brownfields/Contact.html.

**Site Information Where Material Is Proposed to be Excavated**

<table>
<thead>
<tr>
<th>Site Name</th>
<th>FID #</th>
<th>BRRTS #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>City</td>
<td>State</td>
</tr>
</tbody>
</table>

March 2017
4. Locational Criteria Exemption

Wisconsin DNR – NR 700 Process

Remediation and Redevelopment Program

March 2017

Request for Exemption from Location Criteria of NR 718.12(1)(c) for an Managing Soil as an Immediate Action

Purpose
The purpose of this document is to provide a consistent format for requesting an exemption from Wis. Admin. Code § NR 718.12(1)(c) locational location criteria. If the location criteria will not be met, the person conducting the immediate action may request a written exemption from the DNR from these requirements by demonstrating that the proposed activities will not cause a threat to public health, safety, welfare and the environment.

Introduction
Contaminated soil at a site or facility excavated or otherwise managed as part of an immediate action may be exempted from the Soil Waste Rules in Wis. Stat. § 289 and Wis. Admin. §§ NR 500 to NR 538 by Wis. Admin. § NR 718.12(1) if soil contaminant concentrations soil are less than Wis. Admin. Code § NR 720 Residual Contaminant Levels. Management as an immediate action is generally self-implementing and does not require prior approval from the Department of Natural Resources (DNR) if the requirements of Wis. Admin. Code § NR 718.12(1) are met. This includes placing excavated soil at a site or facility that meets the location criteria specified in Wis. Admin. Code § NR 718.12 (1)(c).

Document Instructions
Complete all sections of this document as instructed below. Some portions of the document may be filled in directly as indicated, other
**Location Standards**

Check any criteria that are not met for proposed material placement:

<table>
<thead>
<tr>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within a floodplain.</td>
</tr>
<tr>
<td>Within 100 feet of any wetland or critical habitat area.</td>
</tr>
<tr>
<td>Within 300 feet of any navigable river, stream, lake, pond, or flowage.</td>
</tr>
<tr>
<td>Within 100 feet of any on-site water supply well or 300 feet of any off-site water supply well.</td>
</tr>
<tr>
<td>Within 3 feet of the high groundwater level.</td>
</tr>
<tr>
<td>At a depth greater than the depth of the original excavation from which the contaminated soil was removed.</td>
</tr>
</tbody>
</table>
What’s Next?

Process Guidance

• What compounds/concentrations can be considered for non landfill management

• What receiving site conditions are acceptable for certain contaminants, concentrations and quantities

• What protective measures/continuing obligations are required for certain material placement
5 GEOLeGISTS
7 DIFFERENT OPINIONS