Rule Development Meeting
December 3, 2019

Remediation & Redevelopment Program
Rule Revisions Relating to Definition of “Continuing Obligations” – First Draft

Proposed Rule Revisions - Drafting Update
Molly Schmidt
December 3, 2019
Rule Revisions Relating to CO Definition – First Draft

- White paper
- Changes:
  - NR 714
  - NR 700
Next steps

• Second draft rule: January 9, 2020, Rule Development Meeting

• Post-meeting comments may be directed to: DNRRNR700input@wisconsin.gov
Revisions Relating to Act 204
Changes and Continuing Obligations
for Interim Actions - First draft

Proposed Rule Revisions - Drafting Update
Michael Prager
December 3, 2019
Revisions Relating to COs for Interim Actions - First draft

- Act 204 modified s. 292.12 to allow DNR to impose continuing obligations after approval of an interim action.
- White paper presented at August meeting
- Changes to NR 708 and NR 727
Revisions Relating to COs for Interim Actions - First draft

• Proposed rule changes allow DNR to impose CO requirements after approval of a plan or after interim action is completed.
• NR708.11(4) – RP must submit plan or report required under 724 for engineering control, VI system and other actions as required by DNR
• NR708.15 – RP must submit Interim Action Report with:
  – Fee
  – Documentation for CO are needed (NR 708.16)
Revisions Relating to COs for Interim Actions - First draft

- NR 708.16 – Documentation requirements for adding interim action COs to database (from rules shared at April meeting)
- NR 708.165 – Department Response – DNR will provide written response to plan or interim action report that may include continuing obligation requirements
- NR 725 – Notification requirements apply to interim actions with COs (from April meeting)
- NR 727 – All the CO requirements (follow them, get approval if you want to make a change, etc.) apply to interim action COs too.
Next steps

• Second draft rule: January 9, 2020, Rule Development Meeting

• Post-meeting comments may be directed to: DNRRRRNR700input@wisconsin.gov
Revisions Relating to Act 204 and the Rights and Responsibilities of Owners and Occupants at Sites with Residual Contamination – First Draft

Proposed Rule Revisions - Drafting Update

Michael Prager
December 3, 2019
Revisions Relating to Owners and Occupants – First Draft

- Consistency with Act 204 changes to s. 292.12
- NR 708, NR 722, NR 726 – legally enforceable agreement shall be provided to DNR to be included in database
- Modified NR 727 to clarify that continuing obligation requirements apply to owner or occupant or person who has entered into agreement
Revisions Relating to Owners and Occupants – First Draft

• Modified NR 727 to clarify that:
  – for non-sediment sites, the owner or occupant is responsible for COs
  – for sediment sites, the RP is responsible for COs

• Owner or occupant can’t interfere with another person’s actions to follow COs
Next steps

- Second draft rule – January 9, 2020

- Post-meeting comments may be directed to: DNRRNR700input@wisconsin.gov
Proposed Revisions Relating to Emerging Contaminants – Second Draft

Proposed Rule Revisions - Drafting Update
Molly Schmidt
December 3, 2019
Revisions Relating to Emerging Contaminants – Second Draft

- White paper June 4
- First draft rule Oct. 1
- Rule changes:
  - NR 700.03 definitions
  - NR 725, NR 726, NR 727 – site-specific standards
  - NR 750 (corresponds with NR 700.03 revisions)
Next steps

• This is the last Rule Development Meeting for this item.

• Post-meeting comments may be directed to: DNRRRN700input@wisconsin.gov
Proposed Rule Revisions Relating to Remedy Selection (Ch. NR 722) – Second Draft

Proposed Rule Revisions - Drafting Update
Molly Schmidt
December 3, 2019
Rule Revisions Relating to Remedy Selection – Second Draft

- White paper June 4
- First draft rule Oct. 1
- Rule change:
  - Consider technical feasibility of managing excavated contaminated soil or other solid waste through NR 718.12 or NR 718.15
Next steps

• This is the last Rule Development Meeting for this item.

• Post-meeting comments may be directed to: DNRRNR700input@wisconsin.gov
Proposed Revisions Relating to Notification and Closure – Second Draft

Proposed Rule Revisions - Drafting Update
Jenna Soyer
December 3, 2019
Notification and Closure
Overview of Proposed Changes

- NR 716.14 to clarify sample results notification requirements
- NR 725 and NR 726 to revise notification requirements for off-site properties with groundwater contamination and relation to NR 812
- NR 726 to reflect updates to terminology; clarify and update the methods and requirements for submitting closure requests and forms, and case closure response action goals
Notification and Closure
NR 716.14

- Update information required when submitting results from water supply wells
- Currently only well ID number
- Make consistent with remainder of media
Notification and Closure
NR 725/26 GW Notifications

- Modify notification and continuing obligation (CO) for off-sites affected by residual groundwater contamination.
- For sites that obtain drinking water from municipal systems, residual groundwater contamination will not be a concern because property owners are required to connect to an available municipal system if a local ordinance exists (Wis. Stat. § 281.45).
Notification and Closure
NR 725 Notification Requirements

• Clarify notification requirements for Continuing Obligations
• Updated DOT contact
Notification and Closure
NR 726 Closure Request Requirements

- Electronic submittals through document submittal portals
- Require executive summary
- Clarify property information requirements and map and figure requirements
- Clarify vapor pathway submittal information (consistency with other media)
- Include sediment requirements
Notification and Closure
Response Action Goals

- Update NR 726 response action goals and authority to be consistent with NR 722 media
- Update both to include sediment
Next steps

• This is the last Rule Development Meeting for this item.

• Post-meeting comments may be directed to: DNRRRN700input@wisconsin.gov
Thank you!