



Overview of Rule Development

Proposed Rule Revisions

**Wis. Admin. Code chs. NR 700 through NR 754
and new chs. NR 756 and NR 758**

Remediation & Redevelopment Program

Feb. 5, 2019

Overview

- Rationale and scope
- Drafting process
- Key topics



Scope of drafting

- Scope statements required
- Determines content
- Limits scope



Scope of drafting

- Approval received Jan. 23, 2019
- Two statements
 - Emergency
 - Permanent





Scope of drafting

- 2015 Wis. Act 204 – 2016
- 2017 Wis. Act 70 – 2017
- Clarifications and updates – since 2013





Scope of drafting

- 2015 Wis. Act 204
 - Media includes contaminated sediment
 - Forms of financial responsibility
 - Requirements for insurance and financial assurance
- 2017 Wis. Act 70
 - Property definition
 - Boundary changes
- Clarifications and updates
 - Housekeeping, e.g., terms no longer in use “CLEAN”
 - Substantive, e.g., e-submittals

Scope of drafting

- Economic impact estimate < \$4 million/year
- Comparative costs
- Part of rule development





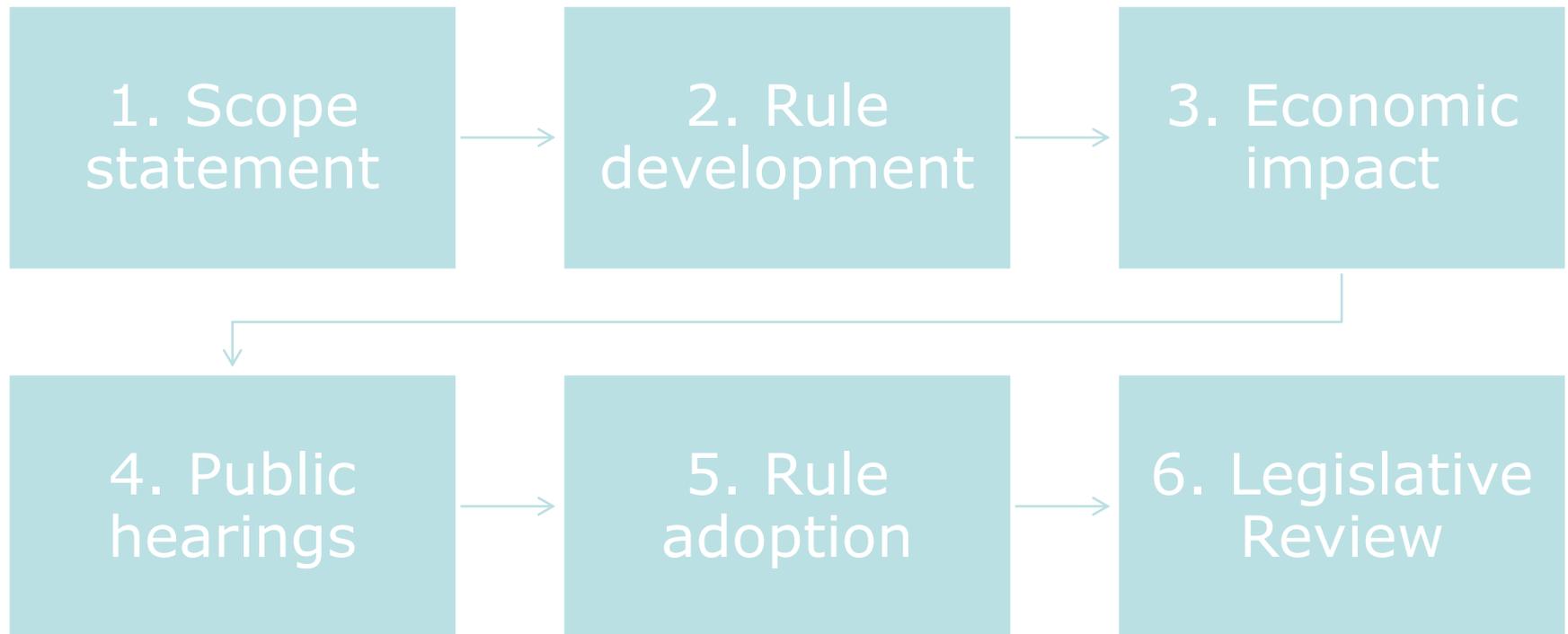
Rule development

- Rulemaking process
 - 6 phases
 - 3 years (entire process)
 - Emergency/permanent
- Input opportunities
 - Economic impact
 - Public hearings
 - NRB meetings
 - And, rule development ...





Rule development





Rule development

- Rulemaking process
 - 6 phases
 - 3 years (entire process)
 - Emergency/permanent
- Input opportunities
 - Economic impact
 - Public hearings
 - NRB meetings
 - And, rule development ...



Rule development

- 30 month expiration date
- 12 month drafting period





Rule development

- Monthly rule development meetings
- Straightforward change = 1 meeting
- Complicated topics = up to 4 meetings
- Subgroups possible
- Save the dates

<https://dnr.wi.gov/topic/Brownfields/RuleChanges.html>

...or google "RR WDNR rule revisions"

Rule development

- Meeting notice and documents
- Meeting format and goals
 - Email: DNRRRNR700input@wisconsin.gov



Key topics

- PAH
 - Permanent scope
 - NR 720 and NR 722 to include cumulative approach and background considerations for PAH contaminants
 - Modify reference to EPA exposure values
 - Cross-reference other portions of code where standard exposure assumptions are found





Key topics

- Financial assurance, financial responsibility, insurance
 - Emergency scope
 - Financial responsibility – engineering controls at sediment cleanups & sediment contamination remaining due to structural impediment (not VPLE)
 - Insurance or other financial assurance for VPLE sediment sites (or waiver)
 - Permanent Scope
 - Above topics &
 - Financial responsibility partial cleanup for VPLE site with sediment contamination



Key topics

- Sediment
 - Permanent scopes
 - Background
 - Clarify applicability of NR 700 rules to sediment
 - Create and modify definitions
 - Changes to chapters NR 700, 708, 716, 722, 724, 725, 726, and 727, Wis. Adm. Code



Key topics

- VPLE
 - New definition of “property”
 - Process to address changes to property boundaries when a property is in VPLE
 - Sediment cleanups using VPLE



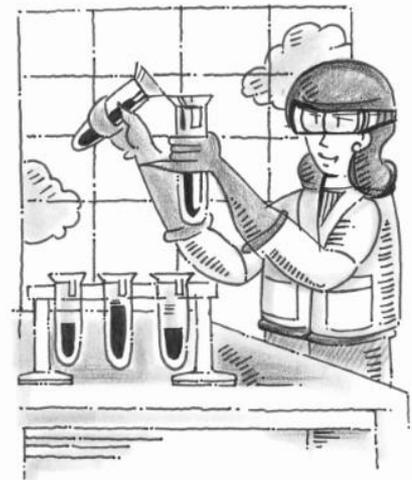
Key topics

- Soil management
 - Permanent
 - Background
 - Clarify reporting requirements
 - Update/remove sections of NR 718 that are no longer used



Key topics

- Emerging contaminants
 - Permanent scopes
 - Background
 - Ensure rule is flexible enough to take into account substances or pollution that are now considered “emerging contaminants”
 1. Definitions
 2. Notification
 3. Investigation
 4. Remedy Selection
 5. Case Closure





Key topics

- Continuing obligations
 - Permanent scopes
 - Background
- Changes due to Act 204 and 292.12
 - Sediment
 - Interim action
 - Interference
- Clarifications to NR 708, 722, 724, 725, & 726





Summary

- Scope statements direct drafting
- Rule development meeting schedule
- Key topics = several meetings
- 12 months to develop final rule language for public comment (January 2019 – January 2020)



Questions?