

**Technical Focus Group Meeting Minutes  
Remediation and Redevelopment Program  
May 18, 2010**

Introduction

The ninth joint meeting of the Technical Focus Group/Brownfield's Study Group was held to continue discussions on proposed revisions to the NR 700 rule series. The primary purpose of this meeting was to discuss the white paper provided on the options for calculating soil cleanup standards. In addition, some follow-up discussion also took place on the proposed revisions to NR 718. Below is a brief summary of the discussions that took place.

A question was asked on the overall timing of the rule making process. The Department indicated that the draft Vapor Intrusion Guidance will be released for external review by mid-June. Approximately 3 to 4 weeks after the draft guidance is released, the Department will set up another meeting to begin discussions on both the guidance and the rule language related to the vapor intrusion pathway.

NR 720 – Soil Cleanup Standards.

The Department provided a summary of the white paper. The Department also mentioned that previous discussions concluded two major changes were agreed to including removing Tables 1 and 2 from the rule and allowing the soil-to-groundwater numbers to be determined based on compliance with the Enforcement Standard instead of the Preventive Action Limit (PAL).

Members asked if the other methods currently available in NR 720 for addressing contaminated soil, in particular soil performance standards, would be retained as part the proposed revisions and the Department indicated they would. It was then suggested that the rule clearly state there are several options for addressing contaminated soil. A question was asked on what happens if EPA makes changes.. The Department indicated that our goal is to avoid making repeated rule revisions based on Federal changes. Instead, the Department would prefer to do outreach with interested parties when major changes occur such as updated toxicity values for particular compounds.

Members asked about the ability to use averaging for determining the appropriate cleanup level. The Department indicated Listserv guidance was provided several years ago indicating that averaging could be used under certain circumstances. The Department's major concern with this approach has been those situations where an attempt is made to "average away hotspots" rather than pursuing the necessary remedial action. The Department stated that language would be included in the draft rule that allows for averaging, but likely won't include detailed criteria for utilizing averaging. In response to a question, the Department indicated that all averaging methods would be considered,

but justification that the approach is scientifically valid and appropriate for the situation would need to be provided.

One member was concerned about how the new EPA web calculator (Option No. 2) defined “volatile” which results in some compounds having higher values than the current option. The Department indicated that it was our preference to select one method or the other and not modify portions of the method based on the results it provides.

A question was raised regarding whether the Department would be willing to allow a  $1 \times 10^{-4}$  risk level to calculate soil cleanup values for carcinogenic compounds. The Department was uncomfortable using the upper most boundary of the EPA risk range, but did express a willingness to have discussions on what the appropriate risk level should be.

Several questions were raised on whether the default exposure assumptions could be modified on a site-specific basis. The Department indicated that the web calculator was very user friendly in that regard, but supporting justification needed to be presented if a change was being proposed.

At the end of the discussions, the Department asked if members present had a recommendation on which option to pursue. It appeared there was general consensus that Option No. 2 utilized the most up to date information and should be utilized when determining soil cleanup levels in Wisconsin.

#### NR 718 – Management of Contaminated Soil and Solid Wastes

The proposed revisions to NR 718 were discussed, in particular those scenarios where contaminated soil was discovered but not expected as part of on-going construction work. The Department indicated that in those situations the projects would be handled under NR 708 as opposed to NR 718. The follow-up discussions generally focused on how various related scenarios would be handled. Ultimately it was decided that it would be worthwhile to identify 5 or 6 typical scenarios and then clarify which rule provision would apply. Frank Dombrowski and Mark Gordon will meet to go over the various scenarios, draft revised language as necessary and then present to members of the Focus Group and Study Group for review and discussion at the next meeting.

#### Next Meeting

It was tentatively agreed that the next meeting would be held approximately 3 or 4 weeks after the Department provides the draft Vapor Intrusion Guidance. In addition, further discussions on the proposed changes to NR 718 may also be covered.

Approximately 10 people participated via “Live Meeting”.