

CONTINUING OBLIGATION MODIFICATIONS

When Closure Doesn't Mean Goodbye

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Key Points

- Many sites have continuing obligations placed on the property
- Continuing obligations (C.O.s) are long-term responsibilities to control exposure when residual contamination remains
- Future actions may trigger process to notify DNR and receive approval

Continuing Obligation Modifications

Generally considered to be:

- Proposed actions by a person that if taken will affect the continuing obligations.



Ch. NR 727 Continuing Obligations

Notify DNR: Section NR 727.07 identifies the situations to notify the DNR before making certain property changes.

DNR Approval: May also be needed before making the change.

NR 727.07 Notification Situations



- Removal of an engineering control or cover
- Removal of a structural impediment
- Change from industrial to non-industrial land use

NR 727.07 Notification Situations

Vapor Exposures:

- Change in use of a vapor system
- Change in use to a residential setting
- Construction of a building over VOC contamination



Optional Changes or Requests

- Satisfaction of a continuing obligation
- Property boundary changes
- Existing deed restrictions



Where to Find Continuing Obligations

RR Program's tracking system:

BRRTS on the Web



Where to Find Continuing Obligations

Check our database and:

- Interim action approvals
- Remedial action approvals
- Closure letters
- Old deed restrictions



General Process

- Notify DNR
- Request review, with fee
- DNR provides approvals
- Applicant takes those actions
- Applicant provides documentation
- DNR updates database

Submittals

- A submittal may cover one or more actions taken in the same timeframe
- Actions affecting multiple sites or properties



NR 749 Fees

- Database fees are assessed per submittal
- Fees for combination submittals
- Separate fees assessed with other submittals



NR 749 Fees

- Submittal review:
 - ▣ \$1050
- Modify database:
 - ▣ \$300
 - ▣ \$350



Summary

- Redevelopment may involve dealing with the residual contamination & C.O.s
- A process is available for notification and approval of proposed actions at sites with C.O.s
- Fees are generally \$1050 + database fees per submittal

Takeaways

- State approvals don't always mean goodbye.
- Opportunity for development spurs the need to address residual contamination.
- Follow the requirements in the state approval document.

**Continuing Obligation
Modifications**



Questions