REMEDIATION AND REDEVELOPMENT ISSUES & TRENDS 2016

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CONTAMINATED MATERIALS MANAGEMENT

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POLICY & TECHNICAL RESOURCES
1. Waste Determination
2. Immediate Action Process
3. Interim or Remedial Action Process
4. Tracking
5. Clean Soil Update
6. Soil Management Documents/Tools
Conducted by generator

Evaluates:

- Known and suspected contamination
- Historical info
- Field assessment (e.g. visual and odor)
WASTE DETERMINATION

May include sampling based on:

- Phase I RECs
- Present and past land use
- Phase II results
- BRRTS RECs on adjacent site
- Potential sources (USTs, drums, stain)
- Suspicious fill
Sampling requirements

- Adequately characterize material
- Use NR718 sampling frequency
- Assess all suspected contaminants
- Characterization may include leach test (SPLP type) for PAHs and metals
Reminder:
Clean soil cannot be placed in a wetland or on a floodplain without preapproval from the DNR.
Immediate Action - NR 718.12(1)
vs
Interim or Remedial Action – NR 718.12(1)&(2)
Follows NR 708.05 Process
Applicable to Responsible Parties
May also apply to construction and utilities projects
No DNR pre-approval required
If location criteria cannot be met, then need exemption from DNR prior to material placement
IMMEDIATE ACTION

- Take appropriate action
- No soil management plan required
- Limited to 100 cubic yards of material
- Contaminants less than NR720 RCLs
- Meet NR718.12(1)(c)7
- No vapor risk
- No performance standard (e.g. cap)
IMMEDIATE ACTION

- Sampling data to DNR within 10 days
- Provide NR708.05(6) report
- Soil can be managed on another “site” or “facility”
- No continuing obligations
- Tracked on BRRTS or SHWIMS
INTERIM OR REMEDIAL ACTION

- Interim Action follows NR708.11 and NR724
- Remedial Action follows NR722 and NR724
- Applicable to responsible parties
- Requires DNR pre approval – in writing
INTERIM OR REMEDIAL ACTION

Approval request:
- Provide generating site info
- Source of Impacts
- Lab data
- Map of placement location
- Soil management plan
- Justification of why proposed placement is protective
If receiving site is not the generating site...

- Include receiving site info – Must be “site” or “facility”
- Owner information and owner acknowledgement
- Deed of receiving site
NR718.15 allows management of other solid waste on the site where it was generated/excavated.

A Low Hazard Exemption from the WMM Program is required to manage other solid waste at another property.
Site or Facility Definitions

1. Site per 700.03(56)
2. Facility per 700.03(21)
**RECEIVING SITE REQUIREMENT**

### Locational Criteria

1. Within a floodplain.
2. Within 100 ft of any wetland or critical habitat area.
3. Within 300 ft of any navigable waterbody.
4. Within 100 ft of any on-site water supply well or 300 ft of any off-site water supply well.
5. Within 3 ft of the high groundwater level.
6. At a depth greater than the depth of the original excavation from which the contaminated soil was removed.
7. Where the contaminated soil poses a threat to public health, safety, or welfare or the environment.
NR 718 approvals tracked in BRRTS
Receiving site locations shown on RR Sites Map
Relationship link indicated between generating and receiving site
BRRTS information packet will include
- Cover Sheet
- Application (to include signature from receiving site owner)
- DNR Approval letter
- Deed
- Detailed site map
CLEAN SOIL

WMM and RR proposing definition of “Clean Soil”
- Background Threshold Values for Metals
- Non Industrial Direct Contact RCLs and GW Protective RCLs for PAHs
- Non Detect for other non naturally occurring compounds (VOCs, PCBs, etc.)
SOIL MANAGEMENT DOCUMENTS

1. NR 718 Guidance (RR-999)
2. NR 718 Checklist for NR718.12(2) approval request
3. Maintenance Plan Template
4. NR 718 RR Approval letter templates - off site and on site versions
5. Waste Determination Guidance
6. LHE Guidance (WA-1645)
7. LHE Template for Exemption Request – Included with WA-1645
8. LHE WMM Approval Template
9. Clean Soil Definition
10. Form/submittal to request variance from location standards in 718.12(1)
11. Data submittal form for sampling data reporting per 718.12(1)
12. Property owner acknowledgement template when receiving site not owned by RP per 718.12(2)(d)
14. BRRTS Tracking requirements – NR 718 generator and receiving sites
NR718 GUIDANCE REVISIONS

- Summary Table – Comparing:
  - Immediate action
  - interim/remedial action
  - other solid waste

- Definitions
  - Generator/RP
  - Site/Facility
  - Urban Fill/Soil Mixture

- Information Call Out Boxes
  - NR 706 Reporting/Notification/Responsibility
  - Notification Timelines/Fees
  - Points of Contact by Region for RR Staff
Call us with questions or for more details

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POST-CLOSURE MODIFICATION: COVER TABLE AND OTHER GUIDANCE

Audio and information from today’s presentation and future Issues & Trends Series events can be found on the RR Program Training Webpage at: Http://dnr.wi.gov/topic/Brownfields/Training.html

Questions/Comments/Suggestions regarding the Issues & Trends series can be submitted to: DNRRRComments@wisconsin.gov