



Remediation and Redevelopment Program

Issues & Trends 2016

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12:00 p.m. – 1:00 p.m.

Dial: 1-855-947-8255

Passcode: 6612 745#





Importing Soil to VPLE Sites

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Questions will be taken during the presentation or
may be submitted to DNRRRComments@wisconsin.gov



Discussion Topics

- Background & purpose
- Process steps
- Soil management plan expectations
- What and where to sample
- Waste determination
- Common situations
- Questions



Background

- DNR distributed draft guidance in April 2015
- Received several comments from Brownfields Study Group and public
- Revised final guidance sent out in December 2015
- Part of larger effort to clarify who and how to deal with different materials



Contaminated Material Management

- External Advisory Groups
 - Contaminated Soil/Material
 - Contaminated Sediment
- Purpose: Clarify requirements for management of contaminated materials and solid waste from environmental cleanups, redevelopments and other construction projects.



Promote Brownfields Remediation & Redevelopment





Why did we write this?

- Encourage best practices
- Prevent costly delays and problems
- Outline consistent process so people can plan ahead, know what to expect
- Recognize this issue is common to most redevelopment projects
- Brownfield Study Group recommendation
- Process for evaluating imported material at VPLE sites was inconsistent
- If new material is put on VPLE site, site investigation not complete



Guidance Overview

- Are you planning to bring soil or fill or other material to a property in VPLE program?
- Follow process even if:
 - Soil is not part of the remedial project
 - Soil is not being put in the area of the contamination
 - Another company (construction company, city, tenant, developer, etc.) is bringing on the soil
 - You are sure the material is “clean”
 - Soil is going under a parking lot or building

Process #1

- ✓ Identify need for material (how much, what for, when, where, etc.)
- ✓ Collect information about property where material is proposed to come from
- ✓ Phase I or similar background research
- ✓ Cleanup /investigation history of site and neighboring properties



Process #1

- ✓ Information on how and where the material will be used on the VPLE site is critical for defining the requirements for sampling.
- ✓ Materials with low levels of contamination may be acceptable for use on a VPLE site if the end use will be protective.



Process - #2

- ✓ Prepare a soil/materials management plan
- ✓ Plan should include sampling work plan for the borrow site
- ✓ Submit management plan to VPLE Project Manager



Process - #3

- ✓ After DNR Project Manager approves sampling plan, conduct sampling
- ✓ Submit sample results to Project Manager
- ✓ Waste characterization based on sample results
- ✓ Move material in accordance with plan*
- ✓ Document actions



* Other options if material is worse than expected

Waste Determination



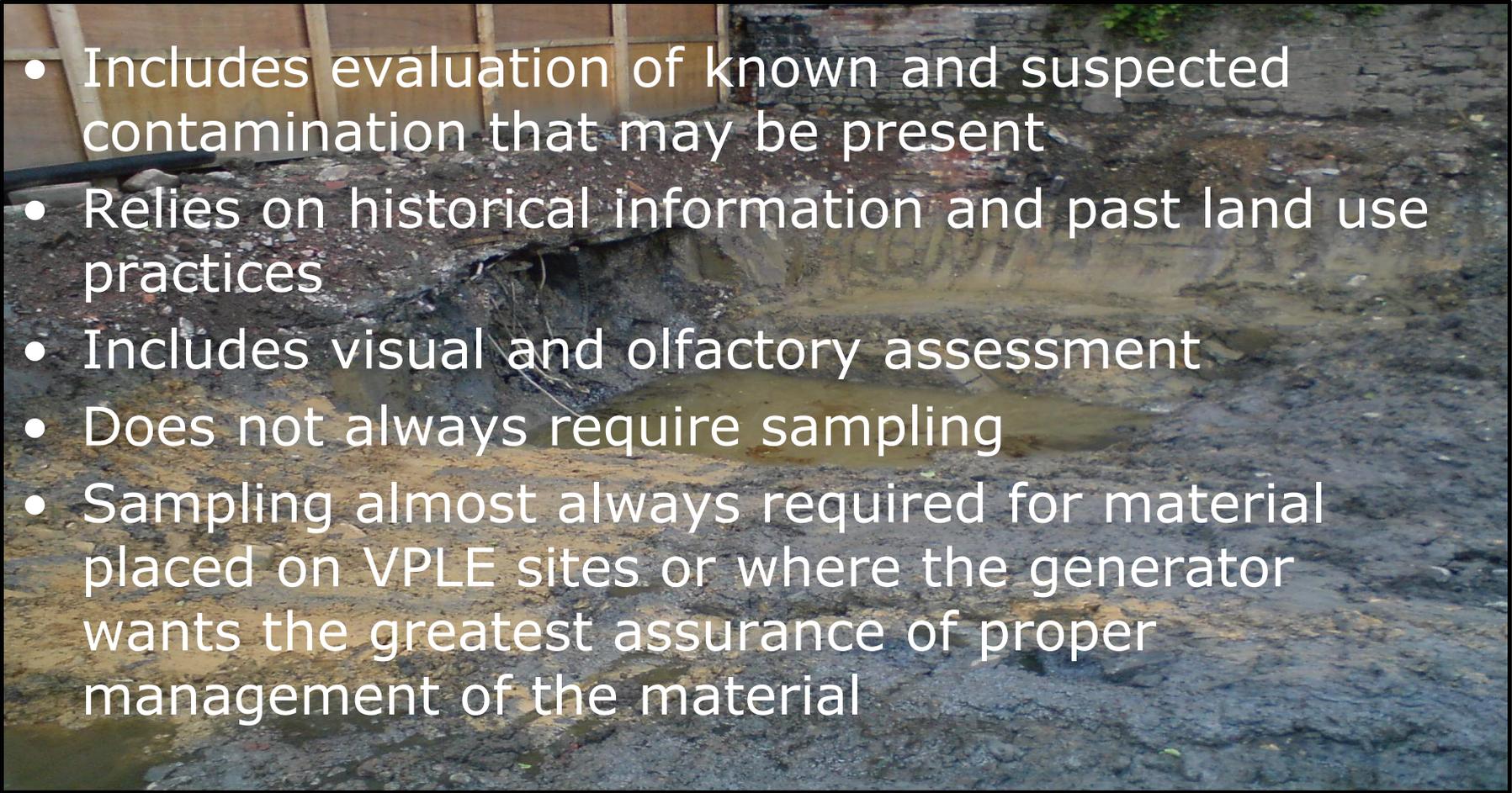
CLEAN FILL ONLY

(Concrete, Dirt, Sand, Brick,
Block, Mortar, Asphalt)

**NO Wood, Plastic,
Cardboard, Paper,
or Trash**



Waste Determination

- 
- Includes evaluation of known and suspected contamination that may be present
 - Relies on historical information and past land use practices
 - Includes visual and olfactory assessment
 - Does not always require sampling
 - Sampling almost always required for material placed on VPLE sites or where the generator wants the greatest assurance of proper management of the material

Waste Determination

- Responsibility of the generator to make waste determination
- If waste determination is not accurate, future liability resulting from improper use of material may reside with the generator.
- Parties accepting solid waste material for placement on their property are also responsible for any environmental contamination that may result from the solid waste material.





Depending on material, also follow:

Contaminated soil or waste as part of a cleanup	NR 718
Industrial byproducts like foundry sand, fly ash, etc.	Beneficial use – NR 538
Clean fill – clean soil, brick, stone, crushed concrete, etc.	NR 500.08(2) & NR 504(3)(c) and (4)(a) – (f)
Waste not part of a remedial site	Low Hazard Exemption -NR 500.08(4)

Soil Management Plan

Include:

- ✓ information on where the imported fill will be placed,
- ✓ how much material will be imported,
- ✓ what the final conditions will be upon completion of development or interim phase (under parking lot or building, under other fill, exposed at ground surface.
- ✓ Development staging/timing of construction action



Acceptable Materials

- ✓ Materials with low levels of contamination may be acceptable for use on a VPLE site if the end use will be protective.
- ✓ Information on how and where the material will be used on the VPLE site is critical for defining the requirements for sampling.
- ✓ Provide adequate information on how the imported material will be used so material acceptability can be assessed as part of the of the sampling plan approval process.



Sampling Plan

Consider:

- ✓ The source of the material to be imported
- ✓ The proposed use of the material on the receiving site



Sampling Plan

Material Source Site:

- ✓ Provide information on the history of the source site - Phase I type info
- ✓ Number of samples and analytical parameters will be based on probable contaminants suspected
- ✓ In general, the more homogeneous the material, the fewer samples required.



Sampling Plan

Sampling Required – NR 718.12(1)(e)

- One sample for each 100 cubic yards of contaminated soil, for the first 600 yards with a minimum of 2 samples being collected.
- If more than 600 cubic yards, collect one sample for each additional 300 cubic yards.



Sampling Plan

- Analyze for all contaminants detected during site investigation or suspected based on past land use.
- Collect samples from areas most likely to contain residual soil contamination.





Example Situation 1

- Material proposed for import to VPLE property
 - is from rural area
 - source property is undeveloped
 - no evidence for environmental concern
 - significant quantity of material to be imported
 - Material anticipated to be homogeneous
 - material to be used as final grading material
- Parameters and sampling requirements
 - without cap
 - Under parking lot, building or other cap



Example Situation 2

- Material proposed for import to VPLE property
 - is from urban area
 - source property is roadway project
 - Phase I indicates no recognized environmental conditions (RECs) with significant surface impacts probable
 - significant quantity of material to be imported
 - material anticipated to be heterogeneous
 - material to be used as final grading material
- Parameters and sampling requirements
 - without cap
 - Under parking lot, building or other cap

Questions?

Any general questions related to sampling requirements or soil management plans?





Material moved without prior DNR approval

- If there is documentation about the source of the material, provide that to the DNR
- If sampling was done but not shared with the DNR, provide that to the Project Manager
- The fill may be a new Recognized Environmental Condition (REC)
- Propose a site investigation work plan for the fill
- Material may be able stay in place or may need to be removed based on property use, remediation and results of investigation



Bringing Soil on After Certificate of Completion

- Continuing obligations in Certificate and Closure letter
- Don't cause a new discharge
- Soil management plan recommended – review fee
- Liability exemption applies to any discharges before initial investigation was approved



**Plan ahead for
success!**



Resources

- *Obtaining DNR Approval Prior to Use of Imported Soil and Other Fill Materials on Voluntary Party Liability Exemption Sites, Wis. Stats. §292.15 – RR-041*
<http://dnr.wi.gov/files/PDF/pubs/rr/RR041.pdf>
- Proposed Guidance: *Management of Contaminated Soils and Other Waste Materials Under s. NR 718, Wis. Adm. Code- RR-999 (Final Version Coming Soon)*
<http://dnr.wi.gov/news/input/documents/guidance/RR999Draft.pdf>
- VPLE Webpage:
<http://dnr.wi.gov/topic/Brownfields/vple.html>
- Exempting Low-Hazard Wastes from Solid Waste Regulations:
<http://dnr.wi.gov/files/pdf/pubs/wa/wa1645.pdf>
- Relevant rules and statutes:
<http://dnr.wi.gov/topic/Brownfields/Laws.html>

DNR Land Recycling Contacts

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Note: These are the Remediation & Redevelopment Program's designated regions. Other DNR program regional boundaries may be different.



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Issues & Trends 2016

February 3 12:00 p.m.

Screening Closed BRRTS Sites for Vapor Risk: How PUB RR-042 Can Help Speed Property Transactions

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](http://dnr.wi.gov/topic/Brownfields/Training.html)

Questions/Comments/Suggestions regarding the
Issues & Trends Series can be submitted to:

DNRRRComments@wisconsin.gov

