Remediation and Redevelopment Program

Issues & Trends 2016

January 20th, 2016
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- DNR distributed draft guidance in April 2015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:

<table>
<thead>
<tr>
<th>Type of Material</th>
<th>Code</th>
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<tbody>
<tr>
<td>Contaminated soil or waste as part of a cleanup</td>
<td>NR 718</td>
</tr>
<tr>
<td>Industrial byproducts like foundry sand, fly ash, etc.</td>
<td>Beneficial use – NR 538</td>
</tr>
<tr>
<td>Clean fill – clean soil, brick, stone, crushed concrete, etc.</td>
<td>NR 500.08(2) &amp; NR 504(3)(c) and (4)(a) – (f)</td>
</tr>
<tr>
<td>Waste not part of a remedial site</td>
<td>Low Hazard Exemption -NR 500.08(4)</td>
</tr>
</tbody>
</table>
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 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**
  

  

- **VPLE Webpage:**
  

- **Exempting Low-Hazard Wastes from Solid Waste Regulations:**
  

- **Relevant rules and statutes:**
  
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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

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