

# Soil Management Update





# **NR 718/NR 500 LOW HAZARD EXEMPTION GUIDANCE**



# Waste Management Options

- No restriction
- No cover
- No obligation

Clean?

- Location criteria met
- Shown to be protective
- Possible cover and/or restriction

LHE + NR718?

- Managed by facility guidelines

Licensed Landfill

# Waste Management Options

- Excavated material may be eligible for the “clean fill” exemption in s. NR 500.08(2)(a).
- If “clean fill” then no DNR approval is required.





# Waste Management Options

- The person generating the material and person receiving it may have liability if contamination results.

# Waste Management Options

If low-level contamination, may be able to manage it at site or facility, other than licensed landfill.



# Exemption Options

1. NR 718 Exemption

2. Low Hazard  
Exemption

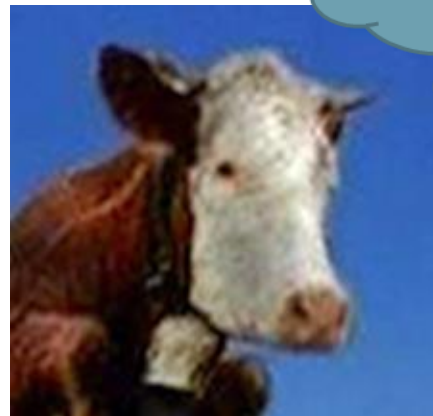
Wis. Stats. 289.43(8)





# Exemption Options – NR 718

- Limited to Response Action sites
- Limited to management of soil at the same or other site or facility
- Limited to management of other solid waste on source property only

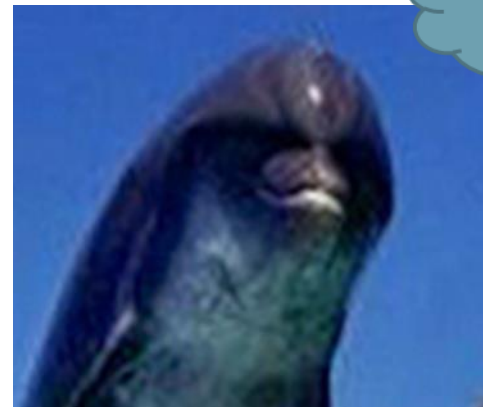


Call RR  
program



# Low-Hazard Waste Exemption

- Low-Hazard Waste Grant of Exemption LHGE - 289.43(8) Stats.
- Very broad authority under Section 289 and NR 500
- Can be used to exempt many types of material for disposal at a non landfill location



Call  
WMM



# LHE and NR 718 Similarities

- Allow for management of contaminated material at a location other than a landfill.
- Consider similar criteria for acceptable material and placement locations/conditions.
- Can require capping or other post placement controls.
- Require a fee.



# LHE and NR 718 Differences

## Applicability

- LHE – Very Broad
- NR 718 – limited to
  - NR 700 Response Actions
  - Placement at another site or facility
  - Movement of soil or other solid waste on site and soil only off site
  - Self-implementing option for immediate action



# Guidance Update

- 1.NR 718 Guidance
- 2.NR 718 Exemption Request Format
- 3.Sample Results Notification
- 4.Immediate Action Exemption from Locational Criteria Request



# Guidance Complete



# 1. NR 718 Exemption Guidance

Wisconsin DNR – NR 700 Process



**Remediation and Redevelopment Program**

**March 2017**

## **Management of Contaminated Soil and Other Solid Wastes Wis. Admin. Code §§ NR 718.12 and NR 718.15**

### **Purpose**

This guidance is intended for use by responsible parties when excavating contaminated soil and/or other waste materials that may not warrant disposal at an operating, licensed landfill. This guidance describes several exemptions that may be available in such situations.

### **Background**

Contaminated soil and other solid wastes that are generated as part of a *response action* under the state's clean-up rules may be eligible for an exemption from state solid waste laws in Wis. Stats. § 292 and Wis. Admin. Code §§ NR 500 to 538. The Wis. Admin. Code § NR 700 rule series governs the response to and cleanup of hazardous substance discharges and environmental pollution. These exemptions to solid waste management are granted under Wis. Admin. Code §§ NR 500.08(6), NR 718.12 and NR 718.15. See the "Quick Guide" in Appendix 1 for an overview.



# Exemption Options – NR 718

- Immediate Action
  - Self Implementing
  - Includes movement of soil and other solid waste on source property and soil on another site or facility.
  - Limited to 100 cy of material
  - Levels of contaminants cannot require engineering controls (< NR 720 RCLs)



# Exemption Options – NR 718

- Interim or Remedial Actions
  - Requires DNR pre approval
  - Requires information in “Recommended Exemption Request Format”
  - May require engineering controls or other continuing obligations (>NR 720 RCLs).

# Exemption Options – NR 718





### Remediation and Redevelopment Program

March 2017

## NR 718 Quick Guide: What Contaminated Soil or other Solid Waste Management Options are Available at Response Action Sites or Facilities?

This table is a general guide that describes what management/exemption options are available to responsible parties (RPs) and possibly others when managing contaminated soil or other solid waste (e.g., contaminated sediments, fill, foundry sand) excavated as a result of an immediate, interim or remedial response action taken under the Wis. Admin. § NR 700 rule series. This is an alternative approach to managing the material as a solid waste at an operating solid waste facility licensed to accept that waste.

Questions	NR 718.12(1) Contaminated Soil Exemption	NR 718.12(1) & (2) Contaminated Soil Exemption	NR 718.15 – on site replacement of solid waste other than soil
1. What types of NR 700 response actions are eligible for the exemptions?	<ul style="list-style-type: none"> <li>Immediate Actions - NR 708.05</li> </ul>	<ul style="list-style-type: none"> <li>Interim Actions - NR 708.11</li> <li>Remedial Actions – NR 722 and 724</li> </ul>	<ul style="list-style-type: none"> <li>Interim Actions - NR 708.11</li> <li>Remedial Actions – NR 722 and 724</li> </ul>
2. Who may utilize the NR 718 exemptions?	<ul style="list-style-type: none"> <li>Responsible parties</li> <li>Construction or utility projects<sup>1</sup></li> </ul>	<ul style="list-style-type: none"> <li>Responsible parties</li> </ul>	<ul style="list-style-type: none"> <li>Responsible parties</li> </ul>
3. Is Department pre-approval required to receive the NR 718 exemption and take action?	<ul style="list-style-type: none"> <li>No, but all criteria in NR 718.12(1) must be met</li> </ul>	<ul style="list-style-type: none"> <li>Yes, pre-approval in writing</li> <li>RP is required to provide DNR advance notice of 7 or 45 days, depending on situation</li> <li>RP must wait for approval.</li> </ul>	<ul style="list-style-type: none"> <li>Yes, pre-approval in writing</li> <li>RP is required to provide DNR advance notice of 7 or 45 days, depending on situation</li> <li>RP must wait for approval.</li> </ul>



# 2. NR 718 Recommended Exemption Request Format

Wisconsin DNR – NR 700 Process



Remediation and Redevelopment Program

March 2017

## **Recommended Format for Exemption Request** **Wis. Admin. Code § NR 718.12 or § NR 718.15**

### **Purpose**

The purpose of this document is to provide a consistent format for consultants and responsible parties to demonstrate that the proposed management of solid waste material qualifies for a Wis. Admin. Code §§ NR 718.12 or NR 718.15 exemption and to request written approval of the exemption request. This document may be included as part of a Remedial Action Plan or Post Closure Modification Request, or can be submitted by itself depending on the activities conducted at the site. The use of this form is optional.

### **Introduction**

Soil and other solid waste generated from a response action site as part of an interim or remedial action may be managed at a site or facility that is not an operating licensed landfill if a Wis. Admin. §§ NR 718.12 or NR 718.15 exemption is obtained from the Department of Natural Resources (DNR). The property where material will be managed would be exempted from the Waste and Materials Management Program requirements established in Wis. Stat. § 289 and Wis. Admin. §§ NR 500 to NR 538. An exemption through Wis. Admin. § NR 718.12 can be granted when soil is being managed as part of an interim action under Wis. Admin. § NR 708 or a remedial action under Wis. Admin. § NR 722. An exemption through Wis. Admin. § NR 718.15 can be granted when other waste material is managed as part of an interim or remedial action on the site from which it was generated. Managing material with either exemption requires prior written approval from the DNR.



# Exemption Request Format

- Part fillable form:

*Provide the following information for the owner of the receiving site or facility. If there is more than one property owner include the information requested below for each as a separate document and attach to this form.*

<b>Property Owner Name(s)</b>	<b>Company Name</b>		
<b>Mailing Address</b>	<b>City</b>	<b>State</b>	<b>ZIP Code</b>
<b>Phone # (include area code)</b>	<b>Email</b>		



# Exemption Request Format

## – Part requires attachments:

*Address the following items to describe the soil and/or non-soil waste material that will be managed under this plan and demonstrate that it has been adequately characterized. Attach your responses to these items at the end of this document.*

- A. Describe the material proposed to be managed, including its general makeup, physical characteristics, the homogeneity of the material, the proportion of soil to non-soil waste, and any other pertinent descriptors.
- B. Total volume of contaminated soil and/or other solid waste to be managed (cubic yards):

If format is used, submit filled out form plus all attachments.



# Exemption Request Format

- Format is Optional – but recommended:
  - Helps to ensure a complete submittal
  - Allows for streamlined review
  - Satisfies the requirement to notify receiving site property owners of continuing obligations





# Exemption Request Format

- Includes the following Sections:
  1. General Information and Fees
  2. Property and Contact Information
  3. Waste Characterization
  4. Project Description/Soil Mgmt Plan
  5. Receiving Site or Facility Information
  6. Locational Criteria
  7. Add. Info for Non-Metallic Mine Sites
  8. Continuing Obligations at Receiving Site or Facility
  9. Figures – Attachments
  10. Additional Attachments
  11. Certification - Signatures



# Waste Characterization

- What is it (soil or other waste)?
- How much is there?
- What are the contaminants?
- How was it characterized?
  - Present the sampling data

# Project Description/Soil Mgmt Plan

- Where is it coming from?
- where is it going?
- Schedule





# Certification Statements

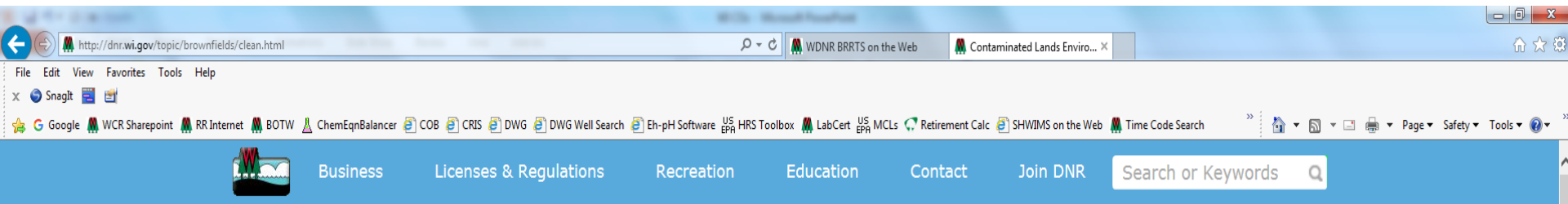
Professional Engineer			
Last Name		First Name	
Mailing Address	City	State	ZIP Code
Phone # (include area code)	Email		
It is my professional opinion that the proposed soil management activity will not cause environmental pollution nor cause any other significant risk to public health, safety or welfare."			
Signature	Date	Wisconsin Registration Number	

# Tracking in BRRTS

- Documents including the exemption request and the approval letter will be uploaded to BRRTS.



# BRRTS Database



## Contaminated Lands Environmental Action Network (CLEAN)

[The Contaminated Lands Environmental Action Network \(CLEAN\) \[PDF\]](#) is an inter-linked system providing information on different contaminated land activities in Wisconsin, to assist with the investigation, cleanup and eventual re-use of those lands.

There are two main ways to view information about contaminated land activities.

1. **BRRTS on the Web** - on-line database
2. **RR Sites Map** - web-based mapping system

BRRTS on the Web	RR Sites Map
BRRTS On The Web (BOTW) is a comprehensive on-line database that provides information on contaminated properties and other activities in Wisconsin. Updated daily. <a href="#">Learn more about BOTW</a>	RR Sites Map is a web-based mapping system that allows a user to view different layers of contamination data using a Geographic Information System (GIS) tool. Updated on a regular basis. <a href="#">Learn more about RR Sites Map</a>

### Cleanup & redevelopment

#### BRRTS on the Web

[Go to the database](#)

#### RR Sites Map Desktop

[Go to the desktop application](#)

#### RR Sites Map Mobile

[Go to the mobile application](#)

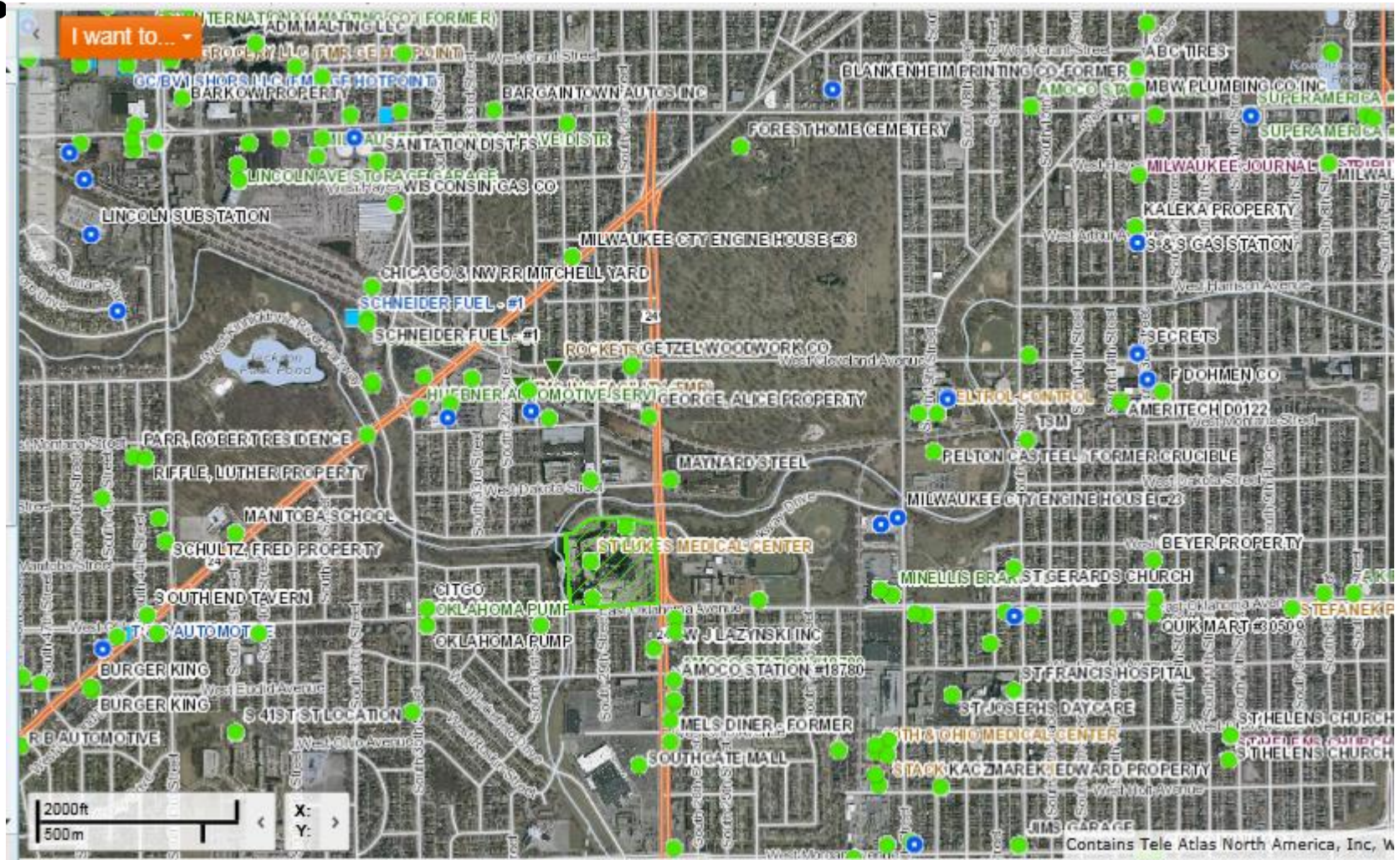
#### Subscribe

[to cleanup and redevelopment newsletters](#)

### Related links

- [Solid & Hazardous Waste Information Management System \(SHWIMS\)](#)
- [Currently Licensed Solid Waste Landfills in Wisconsin \[PDF\]](#)

# RR Sites Map



## 02-36-000268 MANITOWOC CITY / FORMER NEWTON TN GRAVEL PIT


OPEN ERP

<b>Location Name</b> (Click Location Name to View Location Details)				<b>County</b>	<b>WDNR Region</b>
<a href="#">MANITOWOC CTY</a>				MANITOWOC	NORTHEAST
<b>Address</b>				<b>Municipality</b>	
3130 HECKER RD				MANITOWOC	
<b>Public Land Survey System</b>		<b>Latitude</b>		<b>Google Maps</b>	<b>RR Sites Map</b>
SW 1/4 of the NW 1/4 of Sec 02, T18N, R23E		44.0604311		<a href="#">CLICK TO VIEW</a>	<a href="#">CLICK TO VIEW</a>
<b>Additional Location Description</b>		<b>Longitude</b>		<b>Facility ID</b>	<b>Size (Acres)</b>
		-87.7211455		436104020	UNKNOWN
<b>Jurisdiction</b>	<b>PECFA No.</b>	<b>EPA Cerclis ID</b>	<b>Start Date</b>	<b>End Date</b>	<b>Last Action</b>
DNR RR			1991-07-02		2016-10-10

### Comments

ACTIVITY NAME PREVIOUSLY LISTED AS MANITOWOC CTY / NEWTON TN - CHANGED PER T BEGGS 6-24-2014


### Characteristics

PECFA Tracked?	EPA NPL Site?	Eligible for PECFA Funds?	Above Ground Storage Tank?	Drycleaner?	Co-Contamination?	On GIS Registry? 
No	No	No	No	No	No	No

### Actions

Place Cursor Over Action Code to View Description

Date	Code	Name	Comment
1991-07-02	1	Notification	
1992-10-01	59	Enforcement Action Completed	ENFORCEMENT CONFERENCE
1993-05-01	35	Site Investigation Workplan Received (w/out Fee)	FIELD INVEST P2
1993-05-01	37	SI Report Received (w/out Fee)	FIELD INVEST P2
2002-04-16	43	Status Report Received	GW DATA
2002-11-18	43	Status Report Received	GW DATA
2004-06-21	99	Miscellaneous	REQUESTED STATUS UPDATE
2005-06-10	99	Miscellaneous	STATUS INQUIRY
2005-10-03	43	Status Report Received	GW SAMPLING EVALUATION



# Who Can Help?

## Regional NR 718 Support

**Statewide:** Paul Grittner, [Paul.Grittner@wisconsin.gov](mailto:Paul.Grittner@wisconsin.gov), (608) 263-8541

**Northeast:** Kristen Dufresne, [Kristen.dufresne@wisconsin.gov](mailto:Kristen.dufresne@wisconsin.gov),  
(920) 662-5443

**Northern:** Chris Saari, [Chris.Saari@wisconsin.gov](mailto:Chris.Saari@wisconsin.gov), (715) 685 - 2920

**South Central:** Mike Schmoller, [Michael.Schmoller@wisconsin.gov](mailto:Michael.Schmoller@wisconsin.gov),  
(608) 275-3303

**Southeast:** Nancy Ryan, [Nancy.Ryan@wisconsin.gov](mailto:Nancy.Ryan@wisconsin.gov), (414) 263 - 8533  
Linda Michalets, [Linda.Michalets@wisconsin.gov](mailto:Linda.Michalets@wisconsin.gov),  
(414) 263-8757

**West Central:** Matt Thompson, [MatthewA.Thompson@wisconsin.gov](mailto:MatthewA.Thompson@wisconsin.gov),  
(715) 839-3750



# Who Can Help?

## Dredged Material Disposal and Contaminated Soil Management (LHGE)

- Joe Lourigan, Plan Review Expert, CO (608-267-9386)
- Jaqueline Marciulionis, NER (920-662-5433)
- John Morris, NOR (715-635-4046)
- Adam Hogan, SCR (608-275-3292)
- Jerry DeMers, SER (414-263-8594)
- Brian Kalvelage, WCR (608-785-9983)

# 3. Lab Data Reporting Form

Wisconsin DNR – NR 700 Process



**Remediation and Redevelopment Program**

**March 2017**

## NR 718.12 Sample Results Notification

### Purpose

The purpose of this document is to comply with the requirements of Wis. Admin. Code § NR 718.12 (1)(e)(4).

### Introduction

This document may be used to comply with the requirements of Wis. Admin. Code § NR 718.12 (1)(e)(4). The rule requires that responsible parties report to the Department of Natural Resources (DNR) analytical results for samples collected to characterize soil that will be managed under a Wis. Admin. Code § NR 718.12 exemption. Analytical results must be reported to the DNR in writing within 10 business days after receiving the sampling results.

### Document Instructions

Complete and submit this form, along with laboratory data, to the appropriate DNR project manager. If you do not know who the project manager is, this documentation can be sent to the Environmental Program Associate in the appropriate region. A list of DNR EPA's can be found here: <http://dnr.wi.gov/topic/Brownfields/Contact.html>.

### Site Information Where Material Is Proposed to be Excavated

<b>Site Name</b>	<b>FID #</b>	<b>BRRTS #</b>	
<b>Address</b>	<b>City</b>	<b>State</b>	<b>ZIP Code</b>

# 4. Locational Criteria Exemption

Wisconsin DNR – NR 700 Process



Remediation and Redevelopment Program

March 2017

## Request for Exemption from Location Criteria of NR 718.12(1)(c) for an Managing Soil as an Immediate Action

### Purpose

The purpose of this document is to provide a consistent format for requesting an exemption from Wis. Admin. Code § NR 718.12(1)(c) locational location criteria. If the location criteria will not be met, the person conducting the immediate action may request a written exemption from the DNR from these requirements by demonstrating that the proposed activities will not cause a threat to public health, safety, welfare and the environment.

### Introduction

Contaminated soil at a site or facility excavated or otherwise managed as part of an immediate action may be exempted from the Soil Waste Rules in Wis. Stat. § 289 and Wis. Admin. §§ NR 500 to NR 538 by Wis. Admin. § NR 718.12(1) if soil contaminant concentrations soil are less than Wis. Admin. Code § NR 720 Residual Contaminant Levels. Management as an immediate action is generally self-implementing and does not require prior approval from the Department of Natural Resources (DNR) if the requirements of Wis. Admin. Code § NR 718.12(1) are met. This includes placing excavated soil at a site or facility that meets the location criteria specified in Wis. Admin. Code § NR 718.12 (1) (c).

### Document Instructions

Complete all sections of this document as instructed below. Some portions of the document may be filled in directly as indicated, other



# Locational Criteria Exemption

## Location Standards

Check any criteria that are not met for proposed material placement:

	Within a floodplain.
	Within 100 feet of any wetland or critical habitat area.
	Within 300 feet of any navigable river, stream, lake, pond, or flowage.
	Within 100 feet of any on-site water supply well or 300 feet of any off-site water supply well.
	Within 3 feet of the high groundwater level.
	At a depth greater than the depth of the original excavation from which the contaminated soil was removed.



# What's Next?

## Process Guidance

- What compounds/concentrations can be considered for non landfill management
- What receiving site conditions are acceptable for certain contaminants, concentrations and quantities
- What protective measures/continuing obligations are required for certain material placement

**5 GEOLOGISTS**



**7 DIFFERENT OPINIONS**