

# Contaminated Material Management External Advisory Group Update







# Waste Determination

- 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



# Low-Hazard Waste Exemption

Low-Hazard Waste Grant of Exemption

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

# NR 718 Exemption

Wisconsin DNR – Soil Management

**DRAFT**



## Remediation and Redevelopment Program

### **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 minimally contaminated soil and/or other waste materials and those materials 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. Wisconsin Administrative 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 our "Quick Guide" in Appendix A of an overview.

# Exemption Options – NR 718





**Remediation and Redevelopment Program** **April 2016**

## 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. Who may utilize the NR 718 exemptions?	<ul style="list-style-type: none"> <li>Responsible parties</li> <li>construction or utility projects<sup>5</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>
2. What type 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</li> </ul>	<ul style="list-style-type: none"> <li>Interim Actions - NR 708.11</li> <li>Remedial Actions – NR 722 and 724</li> </ul>
3. Is Department pre-approval required to...?	<ul style="list-style-type: none"> <li>No, but all criteria in NR 718.12(1)</li> </ul>	<ul style="list-style-type: none"> <li>Yes, pre-approval in writing</li> </ul>	<ul style="list-style-type: none"> <li>Yes, pre-approval in writing</li> <li>RP is required to provide DNR</li> </ul>

# NR 718 Example Proposal Format

Wisconsin DNR – Contaminated Soil and Other Solid Waste Management



**Remediation and Redevelopment Program**

**October 2016**

## **NR 718.12 and NR 718.15 Exemption Example Proposal Format**

The purpose of this template is to provide a consistent format for consultants and responsible parties to use to demonstrate that the solid waste material qualifies for an NR 718.12 or NR 718.15 exemption when conducting interim actions under Wis. Admin. Code § NR 708 and remedial actions under Wis. Admin. Code § NR 722.

Per the requirements of s. NR 718.12(2)(b), as part of a response action, soil and other solid waste generated and proposed for disposal in a location other than an operating, licensed solid waste facility requires a soil and/or waste management plan. The soil and/or waste management plan must be submitted to the Department for review and approval prior to excavating, transporting or disposing of any contaminated soil or other solid waste. The soil management plan/exemption request should include the following information and be submitted to the DNR Project Manager:

# Agreement to Receive Contaminated Soil



Wisconsin DNR – Contaminated Soil Management

Remediation and Redevelopment Program

December 2016

## Agreement to Receive Contaminated Soil at a Site or Facility

**Responsible Party / 3<sup>rd</sup> Party Model Agreement to Receive Contaminated Soil Under Wis. Admin. Code § NR 718.12(1) and (2)**

This template agreement is meant to be used by anyone who possess or controls soil that does meet the criteria to be categorized as “clean,” and who wishes to relocate the contaminated materials to another site or facility” as defined in Wis. Stats. § 292. This agreement is not needed if the contaminated soil is being transported to an operating, licensed solid waste facility.

This signed agreement should be submitted to the Department of Natural Resources (the “Department”) as part of a broader Wis. Admin. Code § NR 718.12 “Management of Contaminated Soil” exemption request. **The Department must provide written approval of this exemption request prior to moving any contaminated soil to location other than an operating solid waste facility that is licensed to accept that waste material.**

# Agreement to Receive Contaminated Soil



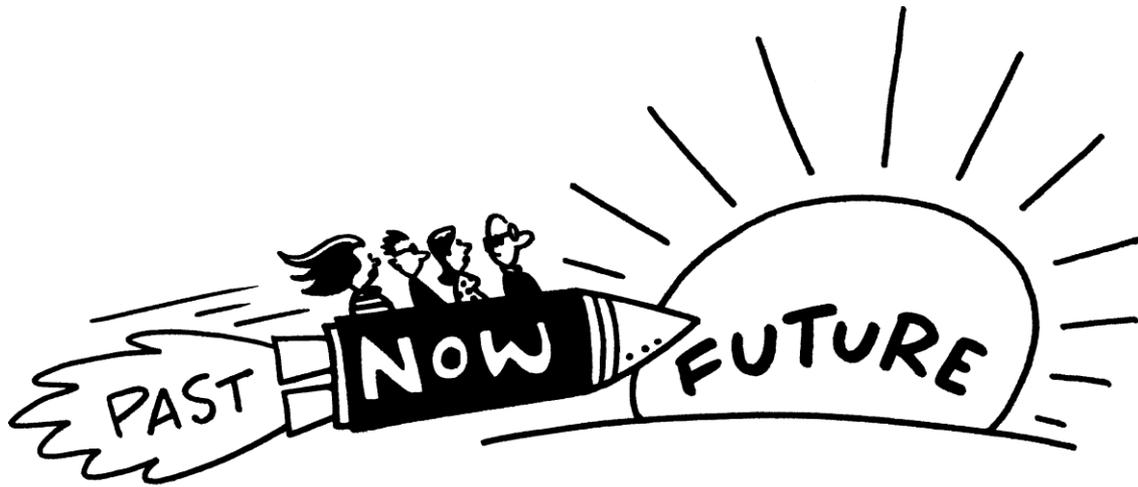


# Agreement to Receive Contaminated Soil

- Please note, while this document serves to notify you of the potential risks and liabilities associated with accepting contaminated soil, not signing the document does not waive a property owner of those risks, obligations and liabilities if they otherwise accept the contaminated soil.

# What's Next?

- Process Guidance





# What's Next?

- 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
- Sampling Recommendations

**5 GEOLOGISTS**



**7 DIFFERENT OPINIONS**