

# Contaminated Material External Advisory Group Meeting

**June 6, 2017**





# Overview

- Other states
- SPLP
- New Guidance Document



# What do other states do?

- Onsite management of contaminated soil
- Offsite Management of contaminated soil
- Clean Soil Management Guidance



# Onsite Management Options:

- **Illinois and Minnesota**, Onsite Management is allowed if incorporated into a RAP
- **Iowa**, if soil remains in the AOC its not a waste and onsite management is allowed.
- **Michigan and Indiana**, Onsite Management allowed only if inert (below standards).
- **Ohio** is case by case, any planed onsite managements needs prior approval.



# Offsite Management Options:

## **Illinois, Iowa, Michigan, and Indiana**

Generally landfill disposal for un-clean or non-inert material.

- Clean or inert material (which can include material with contaminants below a screening level or standard) do not have management restrictions.

**Ohio** is case by case, any planned offsite managements needs prior approval.



# Offsite Management Options:

- **Minnesota** has various categories of material. 'Regulated material' (material with contaminants between residential and commercial standards) can only be moved between project sites if:
  - the receiving site is commercial/industrial
  - both sites have Phase I & II
  - receiving site has ongoing project requiring fill
  - the LGU signs off on importation of material



# Offsite Management Options:

- **Minnesota** - Unregulated fill is defined as excess soil in which a release of contaminants has been identified at concentrations less than the MPCA's most conservative risk-based values. Thus, the identified contaminants in the fill are present at concentrations that are not of regulatory concern to the MPCA. Unregulated fill is not a solid waste.\*



# Offsite Management Options:

- **Minnesota** - Unregulated fill is not a solid waste.\*
- If sent to a permitted landfill, unregulated fill may be subject to a solid waste tax.





# Offsite Management Options:

- **Minnesota** - Best practices for placing fill
- Restricted locations based on land use
- Avoid schools, playgrounds, residential properties, gardens
- Minimum 10 foot separation between the fill and the water table
- Avoid areas where there may be runoff to streams, ponds, other surface water bodies.



# Offsite Management Options:

- For all States reviewed - If offsite management is allowed, it is typically limited to soil. Waste is excluded.



# Wisconsin Management Options:

- Allows for movement of soil or waste on a response action site
- Allows for movement of soil from a response action site to another site or facility under 718.
- Low hazard exemption from WMM may be applied to other situations.



# Offsite Management Options:

## **Wisconsin**

- Approval based on:
  - Location criteria
  - Characterization
  - Won't pose a threat
  - Pre-approval
  - Continuing obligations/off site notification



**QUESTIONS?**

**WISCONSIN  
DEPT. OF NATURAL RESOURCES**



# SPLP Testing

- Existing Guidance RR-523
- Guidance on the use of leaching tests.... for groundwater contamination potential
- Method for determining site specific RCLs
- Not designed for determining waste characteristics



# SPLP Testing

- Use Data from SPLP testing to indicate contaminant present at concentrations in excess of GW RCLs will not leach
- Require SPLP testing of highest total concentration(s) reported in other samples for SPLP testing
- Use results in conjunction with other site data (soil type, placement location, contaminant type, volume of material, relative contaminant concentration)



# SPLP Testing

- SPLP Methods –EPA Method 1312
- Compare results to ES or PAL?
- [NR 726.13\(1\)\(b\)2.](#) will not cause a violation of a ch. [NR 140](#) groundwater quality enforcement standard at any applicable point of standards application





# New Guidance - Technical

- Will compliment the policy guidance
- Should give insight into what can/will be approved to move under NR718 process.



# How to meet sampling criteria of 718.12(1)(e)

- Utilize existing data
  - What is considered acceptable data
    - Data must be representative of the material to be moved (area, depth, etc.)
    - Taken within a reasonable timeframe (i.e. conditions were the same as current).
    - Appropriate contaminants were analyzed



# How to meet sampling criteria of 718.12(1)(e)

Requesting an exemption

- What is homogenous?
  - Uniform source/native material vs. fill site
  - Similar geologic material



# What compounds/concentrations can be considered for non landfill management?

## **Good**

- PAHs
- Inorganics

## **Not so good**

- CVOCs
- PVOCs
- PCBs



# What compounds/concentrations can be considered for non landfill management?

- Conditions for PAH and inorganic contaminants
  - Protected from DC risk
  - No groundwater RCL exceedance or passes leach test



# What compounds/concentrations can be considered for non landfill management?

When would VOC's be allowed?

- No DC risk?
- No vapor risk?
- No surface water, air or groundwater (ES)?



# What compounds/concentrations can be considered for non landfill management?

Which VOC's or other volatiles are OK?

- Petroleum related?
- Chlorinated?
- Naphthalene?
- Mercury?
- Other?



# What compounds/concentrations can be considered for non landfill management?

- Should and how would we consider Co-solvency Effect for VOCs?
- How do we evaluate contaminant loading potential for sites accepting large quantities of material?





## Where can contaminated material be placed at non-landfills?

- Where it will not cause violation of surface water quality standards
- Where it will not cause violation of air quality standard
- Where it will not cause a vapor action level to be exceeded



# Where can contaminated material be placed at non-landfills?

- > Protection of GW RCLs
  - under an impervious cap if SPLP is  $>$  ES
  - more than 3' above high water level, if SPLP is  $<$  ES



# Where can contaminated material be placed at non-landfills?

- > Industrial direct contact RCL
  - below 4 feet or under a cap
- > Non-industrial direct contact RCL & < Industrial direct contact RCL
  - below 4 feet or under cap at non-industrial site
  - no restrictions at industrial site
- < Non-industrial direct contact RCL
  - No cap requirement

# Non Industrial/No cap



- < Non Industrial DC RCLs
- > GW RCLs & < NR 140 SPLP



- < Industrial DC RCLs
- > GW RCLs & < NR 140 SPLP

- < Industrial DC RCLs
- < GW RCLs

Not Allowed

# Industrial/No cap



- < Industrial DC RCLs
- > GW RCLs & < NR 140 SPLP

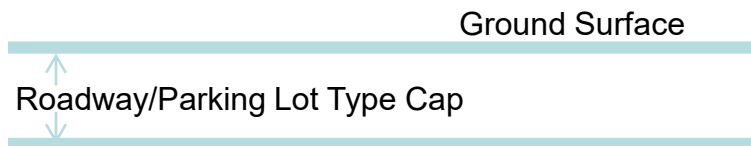


- > Industrial DC RCLs
- > GW RCLs & < NR 140 SPLP

- > Industrial DC RCLs
- < GW RCLs

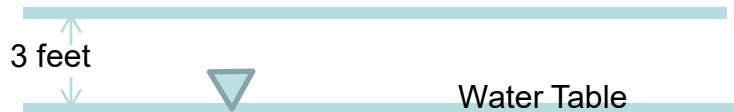
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# Under Roadway/Parking Lot Cap



Asphalt/Concrete

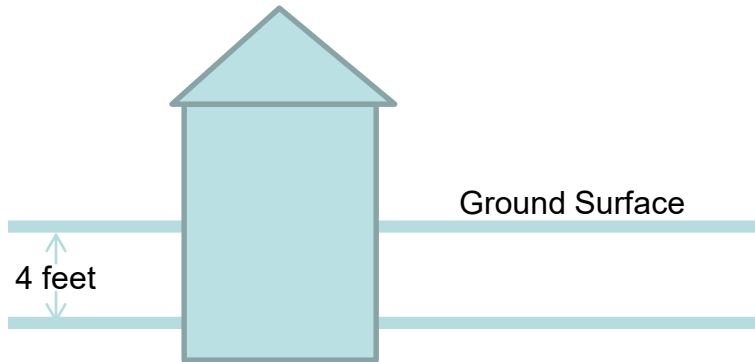
- > Industrial DC RCLs
- > GW RCLs & < NR 140 SPLP



- > Industrial DC RCLs
- < GW RCLs

Not Allowed

# Under Structure - Residential




- < Non Industrial DC RCLs
- > GW RCLs & < NR 140 SPLP

- > Industrial DC RCLs
- > GW RCLs & < NR 140 SPLP



- > Industrial DC RCLs
- < GW RCLs

Not Allowed

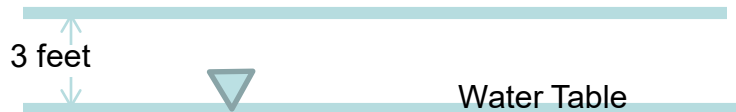


# Under Structure – Non Industrial/not residential



- < Non Industrial DC RCLs
- > GW RCLs & < NR 140 SPLP

- > Industrial DC RCLs
- > GW RCLs & < NR 140 SPLP

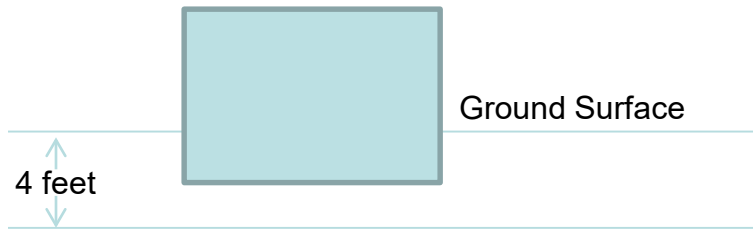


- > Industrial DC RCLs
- < GW RCLs

Not Allowed



# Under Structure - Industrial



- < Industrial DC RCLs
- > GW RCLs & < NR 140 SPLP

- > Industrial DC RCLs
- > GW RCLs & < NR 140 SPLP



- > Industrial DC RCLs
- < GW RCLs

Not Allowed



# Large Receiving Site/Quarry



- < Non Industrial DC RCLs
- > GW RCLs & < NR 140 SPLP



- > Industrial DC RCLs
- > GW RCLs & < NR 140 SPLP

- > Industrial DC RCLs
- < GW RCLs

Not Allowed



# Continuing Obligations

- Potential obligations imposed as a result of soil management
- When are obligations imposed?
  - Upon approval of soil management plan
  - Upon site closure



# On-site Projects

- When is prior approval needed to manage excavated soils?
- Can the material go back in the hole?



## Other topics

- What management activities are self-implementing
- How to request modifications or changes to approved soil management plans



## Other topics

- How will management activities be tracked in BRRTS
- What documentation is required at the completion of a management activity



# Thank You

- Further comments/questions?

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