



# Rule Development Meeting December 3, 2019

Remediation &  
Redevelopment Program





# **Rule Revisions Relating to Definition of “Continuing Obligations” – First Draft**



**Proposed Rule Revisions - Drafting Update**  
**Molly Schmidt**  
**December 3, 2019**



# Rule Revisions Relating to CO Definition – First Draft

- White paper
- Changes:
  - NR 714
  - NR 700





## Next steps

- Second draft rule: January 9, 2020, Rule Development Meeting
- Post-meeting comments may be directed to:  
[DNRRRNR700input@wisconsin.gov](mailto:DNRRRNR700input@wisconsin.gov)



# Revisions Relating to Act 204 Changes and Continuing Obligations for Interim Actions - First draft



**Proposed Rule Revisions - Drafting Update**  
**Michael Prager**  
**December 3, 2019**



## **Revisions Relating to COs for Interim Actions - First draft**

- Act 204 modified s. 292.12 to allow DNR to impose continuing obligations after approval of an interim action.
- White paper presented at August meeting
- Changes to NR 708 and NR 727



# Revisions Relating to COs for Interim Actions - First draft

- Proposed rule changes allow DNR to impose CO requirements after approval of a plan or after interim action is completed.
- NR708.11(4) – RP must submit plan or report required under 724 for engineering control, VI system and other actions as required by DNR
- NR708.15 – RP must submit Interim Action Report with:
  - Fee
  - Documentation for CO are needed (NR 708.16)



# Revisions Relating to COs for Interim Actions - First draft

- NR 708.16 – Documentation requirements for adding interim action COs to database (from rules shared at April meeting)
- NR 708.165 – Department Response – DNR will provide written response to plan or interim action report that may include continuing obligation requirements
- NR 725 – Notification requirements apply to interim actions with COs (from April meeting)
- NR 727 – All the CO requirements (follow them, get approval if you want to make a change, etc.) apply to interim action COs too.





## Next steps

- Second draft rule: January 9, 2020, Rule Development Meeting
- Post-meeting comments may be directed to:  
[DNRRRNR700input@wisconsin.gov](mailto:DNRRRNR700input@wisconsin.gov)



# **Revisions Relating to Act 204 and the Rights and Responsibilities of Owners and Occupants at Sites with Residual Contamination – First Draft**



**Proposed Rule Revisions - Drafting Update**

**Michael Prager**

**December 3, 2019**



# Revisions Relating to Owners and Occupants – First Draft

- Consistency with Act 204 changes to s. 292.12
- NR 708, NR 722, NR 726 – legally enforceable agreement shall be provided to DNR to be included in database
- Modified NR 727 to clarify that continuing obligation requirements apply to owner or occupant or person who has entered into agreement





# Revisions Relating to Owners and Occupants – First Draft

- Modified NR 727 to clarify that:
  - for non-sediment sites, the owner or occupant is responsible for COs
  - for sediment sites, the RP is responsible for COs
- Owner or occupant can't interfere with another person's actions to follow COs



## Next steps

- Second draft rule – January 9, 2020
- Post-meeting comments may be directed to:  
[DNRRRNR700input@wisconsin.gov](mailto:DNRRRNR700input@wisconsin.gov)



# **Proposed Revisions Relating to Emerging Contaminants – Second Draft**



**Proposed Rule Revisions - Drafting Update**

**Molly Schmidt**

**December 3, 2019**



# Revisions Relating to Emerging Contaminants – Second Draft

- White paper June 4
- First draft rule Oct. 1
- Rule changes:
  - NR 700.03 definitions
  - NR 725, NR 726, NR 727 – site-specific standards
  - NR 750 (corresponds with NR 700.03 revisions)



## Next steps

- This is the last Rule Development Meeting for this item.
- Post-meeting comments may be directed to:  
[DNRRRNR700input@wisconsin.gov](mailto:DNRRRNR700input@wisconsin.gov)





# **Proposed Rule Revisions Relating to Remedy Selection (Ch. NR 722) – Second Draft**



**Proposed Rule Revisions - Drafting Update**  
**Molly Schmidt**  
**December 3, 2019**



# **Rule Revisions Relating to Remedy Selection – Second Draft**

- White paper June 4
- First draft rule Oct. 1
- Rule change:
  - Consider technical feasibility of managing excavated contaminated soil or other solid waste through NR 718.12 or NR 718.15



## Next steps

- This is the last Rule Development Meeting for this item.
- Post-meeting comments may be directed to:  
[DNRRRNR700input@wisconsin.gov](mailto:DNRRRNR700input@wisconsin.gov)



# **Proposed Revisions Relating to Notification and Closure – Second Draft**



**Proposed Rule Revisions - Drafting Update**  
**Jenna Soyer**  
**December 3, 2019**



# **Notification and Closure Overview of Proposed Changes**

- NR 716.14 to clarify sample results notification requirements
- NR 725 and NR 726 to revise notification requirements for off-site properties with groundwater contamination and relation to NR 812
- NR 726 to reflect updates to terminology; clarify and update the methods and requirements for submitting closure requests and forms, and case closure response action goals



# **Notification and Closure**

## **NR 716.14**

- Update information required when submitting results from water supply wells
- Currently only well ID number
- Make consistent with remainder of media



# **Notification and Closure**

## **NR 725/26 GW Notifications**

- Modify notification and continuing obligation (CO) for off-sites affected by residual groundwater contamination
- For sites that obtain drinking water from municipal systems, residual groundwater contamination will not be a concern because property owners are required to connect to an available municipal system if a local ordinance exists (Wis. Stat. § 281.45)



# Notification and Closure

## NR 725 Notification Requirements

- Clarify notification requirements for Continuing Obligations
- Updated DOT contact







# **Notification and Closure**

## **NR 726 Closure Request Requirements**

- Electronic submittals through document submittal portals
- Require executive summary
- Clarify property information requirements and map and figure requirements
- Clarify vapor pathway submittal information (consistency with other media)
- Include sediment requirements



# **Notification and Closure Response Action Goals**

- Update NR 726 response action goals and authority to be consistent with NR 722 media
- Update both to include sediment



## Next steps

- This is the last Rule Development Meeting for this item.
- Post-meeting comments may be directed to:  
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**Thank you!**

