

ISSUE: Revisions to Wis. Admin. Code ch. NR 722 (Standards for Selecting Remedial Actions) regarding cross references

Rule Subgroup: Other – remedy selection

BACKGROUND

This paper addresses two sets of rule revisions within Wis. Admin. Code ch. NR 722:

1. References to portions of code regarding documentation of soil management. Proposed rules would cross reference between portions of code regarding documentation of soil management.

2. Reference to standard exposure assumptions / EPA exposure values. Proposed rules would modify a section within this chapter (Wis. Admin. Code § 722.11) to emphasize that the standard exposure assumptions used to develop a risk assessment are the same as those referenced in Wis. Admin. Code § NR 720.12(3) for calculating residual contaminant levels. Standard exposure assumptions referenced in Wis. Admin. Code § NR 720.12(3) are equivalent to values established by the U.S. EPA and Wis. Stat. § 160.13.

PROPOSED CHANGES

1. References to portions of code regarding documentation of soil management

The proposed draft rule would add a requirement in Wis. Admin. Code ch. NR 722, stating that the need for a NR 718.12 or NR 718.15 exemption must be considered as part of the remedial action selection process. The purpose of the revision is to reiterate that the exemption may be needed to complete the remedial action – and that specific information may need to be submitted to the department for approval. Specifically, the proposed rule would create language within Wis. Admin. Code § NR 722.07 that requires a person completing a remedial action options report (RAOR) to consider, as part of the “Implementability” of the appropriate remedial action options, the technical feasibility of managing excavated contaminated soil or other solid waste through Wis. Admin. Code §§ NR 718.12 or NR 718.15, if such actions are needed to conduct the remedial action option. Additional revisions to address this topic may be proposed.

2. Reference to standard exposure assumptions / EPA exposure values

Proposed changes to Wis. Admin. Code § NR 722.11(2) will clarify that the ‘default exposure assumptions’ referenced in this section are defined in Wis. Admin. Code § NR 720.12(3). The intent of this proposed change is to ensure that the exposure values that are used to develop risk assessments are the same as those used to calculate the department’s residual contaminant levels (RCLs). These values are equivalent to those used in the EPA’s regional screening level (RSL) calculator.

AFFECTED RULE CHAPTERS

Wis. Admin. Code ch. NR 722

OTHER RELATED RULE REVISIONS

Soil standards-related revisions (NR 720)

Soil management-related revisions (NR 708, NR 718, and NR 724)

Contaminated sediments (NR 700, NR 708, NR 716, NR 722, NR 724, NR 725, NR 726, NR 727, and NR 750)

COMPARABLE STATE OR FEDERAL POLICIES

1. References to portions of code regarding documentation of soil management

Not applicable; the proposed change is a clarification of existing requirements.

2. Reference to standard exposure assumptions / EPA exposure values

Not applicable; the proposed change is a clarification of existing requirements.

DISCUSSION OF POTENTIAL ECONOMIC IMPACTS

1. References to portions of code regarding documentation of soil management

Not applicable; the proposed change is a clarification of existing requirements.

2. Reference to standard exposure assumptions / EPA exposure values

Not applicable; the proposed change is a clarification of existing requirements. Developing a risk assessment under Wis. Admin. Code § NR 722.11 requires the use of “standard exposure assumptions provided by the department”. Rule revisions will indicate where, within code, these “standard exposure assumptions” are defined. There is no substantive change in how risk assessments are developed; however, providing the reference to the other code section may make the process easier as it clarifies that these values are available and where they can be found.

COMMENTS
