

# **NR 700 Technical Focus Group**

# **WELCOME**

## **March 12, 2018**

**WiFi: DNR Guest**

**Password: GoodAYR&h2o**



# MEETING OVERVIEW

- Vapor Intrusion
- Cumulative Assessment of PAHs
- NR 718/LHE Soil Management
- Required Document Submittals
- Case Closure Reconsideration Process
- NR 712 Certification Requirements
- VPLE
- PECFA Update
- NR 140 Standard Requests
- Hazardous Substance Discharge Reporting
- Site Investigation Guidance
- Local Government Brownfield Workshop
- Seeking Training Topics



# **NR 700 Technical Focus Group**

## **TOPIC 1**

**Vapor Intrusion**

**RR 800 Guidance**



# VAPOR INTRUSION

- RR-800 Vapor Intrusion Guidance Posted
  - Easy to use format
  - Adds system commissioning and O&M info
  - Adds outreach and communication
- April 4<sup>th</sup> Webinar – Overview of RR-800
- Updates to website
- New Fact Sheet for residential property owners
- [Alyssa.Sellwood@Wisconsin.gov](mailto:Alyssa.Sellwood@Wisconsin.gov)





## Vapor intrusion resources for environmental professionals

Screening for the vapor intrusion pathway must be conducted at every contaminated site in Wisconsin. This page provides resources to help environmental consultants screen the vapor pathway, assess vapor risk and, where necessary, investigate and mitigate vapor intrusion at specific buildings. General information about vapor intrusion for property owners, tenants and the general public is available on the [vapor intrusion page](#).

[Guidance](#)[Screening levels](#)[Community outreach](#)[Training](#)[Other resources](#)[Contacts](#)

### Guidance on addressing vapor intrusion (VI)

Vapor migration is a contaminant pathway that needs to be evaluated like other pathways. Its evaluation is required by NR 716.11(5)(a), (b), (g) and (h), Wis. Adm. Code.

#### DNR VI guidance

- [Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin \(RR-800\) \[PDF\]](#) - provides the framework for responsible parties and consultants to screen, investigate, remediate and mitigate the vapor pathway at contaminated sites in order to satisfy the requirements for case closure. **NEW! This revised version of the guidance was published in January 2018.**

### Cleanup & redevelopment

#### Read

and subscribe to cleanup and redevelopment newsletters.

#### Find

information on contaminated land activities.

#### Request

Green Team assistance.

### Related links

- [Vapor intrusion](#)
- [Cleanup resources for environmental professionals](#)
- [Soil residual contaminant levels](#)
- [Dry cleaner contamination](#)
- [Technical Focus Group](#)
- [Cleanup overview](#)



## Mitigation: Protection from Vapor Intrusion

When test results show contaminant vapors (like petroleum or solvent fumes) are present in the air below a building, these vapors can get into the indoor air and present a health risk even if you cannot smell them. The good news is that **vapor mitigation** options are available to prevent these contaminant vapors from getting indoors. For more information and list of DNR contacts, go to [dnr.wi.gov](http://dnr.wi.gov) and search “vapor intrusion”.

The DNR and the Department of Health Services (DHS) recommend that building owners allow installation of vapor mitigation systems when test results show chemical concentrations in the air below or near a building exceed the vapor screening criteria.

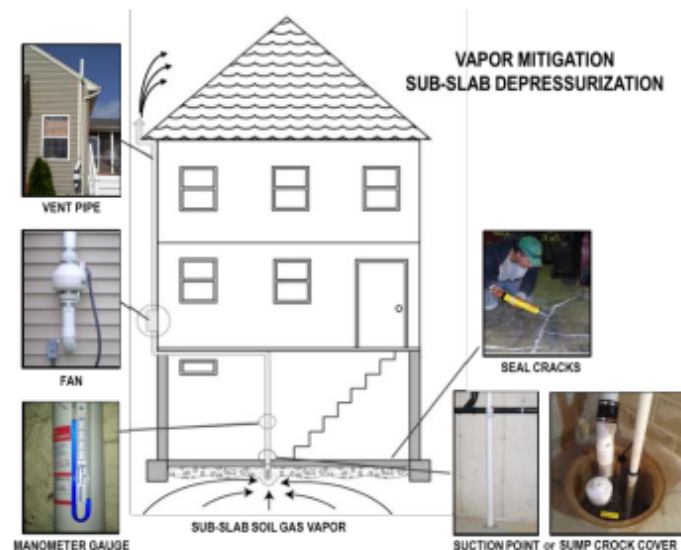
### Why Should I Allow Vapor Mitigation?

Exposure over time to chemical vapors can have negative health effects and increase cancer risk potential. By allowing a mitigation system to be installed, exposure to these contaminant vapors will be minimized. In addition, most vapor mitigation systems can also protect against exposure to radon (a naturally occurring element known to cause lung cancer) and can lessen the moisture entering through the lower level of a building.

These combined effects will improve the overall air quality inside a home or building, and having a mitigation system in place will demonstrate to future buyers that the building is already protected from these hazards.

### What Does Vapor Mitigation Look Like?

Vapor mitigation designs will vary, and will take into consideration the specific layout and needs of a building. In most cases, significant cracks in the floor will be sealed and a sub-slab depressurization system



### TYPICAL INSPECTION CHECKLIST

- ✓ Check manometer gauge for vacuum
- ✓ Check that fan is running
- ✓ Check that vent pipe is clear
- ✓ Check foundation for cracks



# **NR 700 Technical Focus Group**

## **TOPIC 2**

### **Cumulative PAH Assessment**



# CUMULATIVE PAH ASSESSMENT

- NR 722 Risk based approach- Requires approval
- Approval can be part of any fee based review
  - Site Investigation
  - Remedial Action Plan
  - Technical Assistance
  - Closure Request
- Equally protective as individual compound specific assessment for 7 carcinogenic PAHs
- Figures, Tables and Text of reports should indicate cumulative assessment used
- [Paul.Grittner@Wisconsin.Gov](mailto:Paul.Grittner@Wisconsin.Gov)



# **NR 700 Technical Focus Group**

## **TOPIC 3**

### **NR 718 / LHE Soil Management**



# CONTAMINATED SOIL MGMT

- Soil Management Guidance RR-060 and Recommended exemption request format RR-072
- Much quicker review with recommended format
- Reminder: Continuing Obligations are imposed at the time of soil management plan approval.
- Expedited review support and process questions – [Paul.Grittner@Wisconsin.gov](mailto:Paul.Grittner@Wisconsin.gov)



# **NR 700 Technical Focus Group**

## **TOPIC 4**

### **Required Document Submittals**

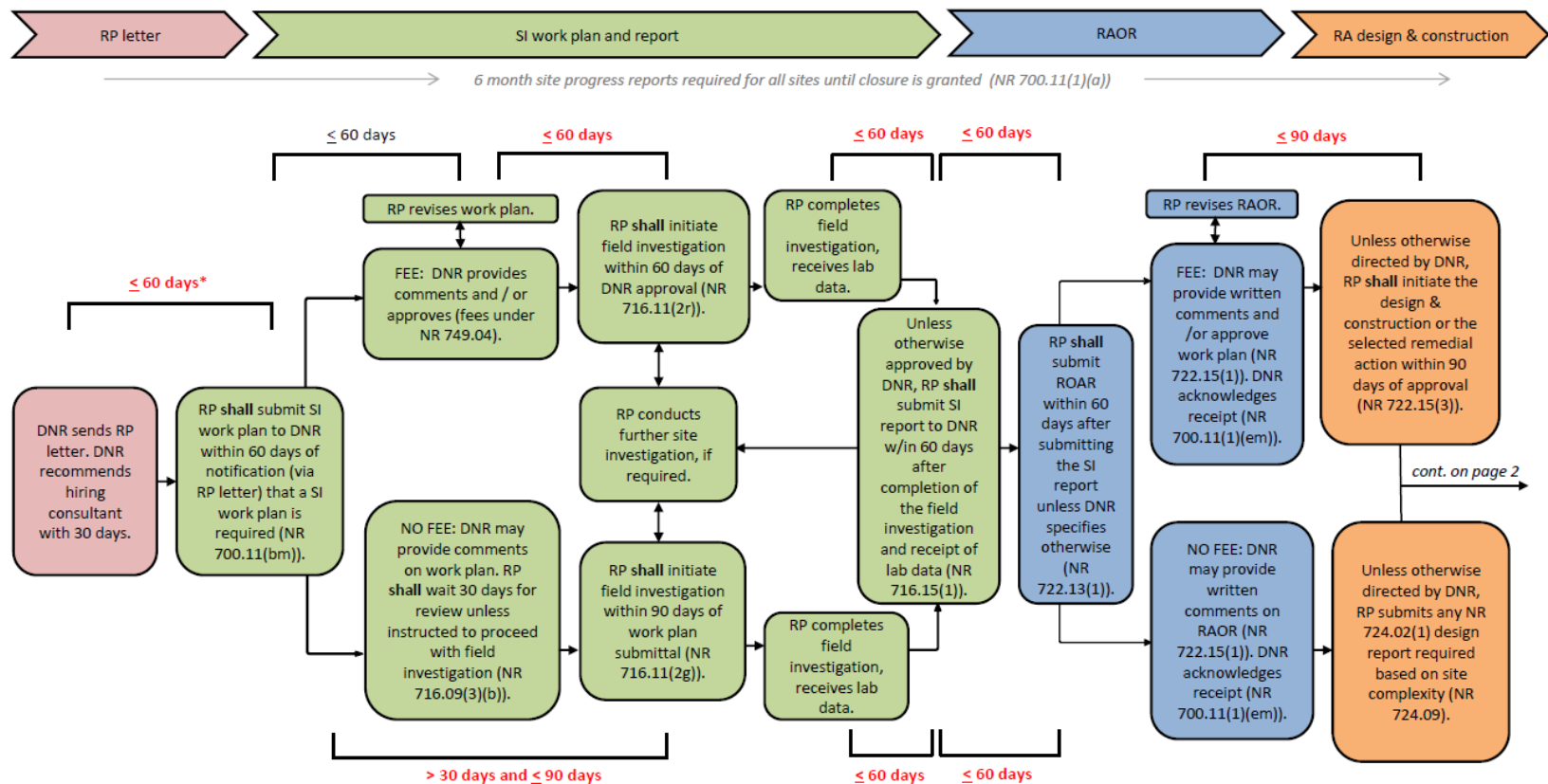


# REQUIRED DOCUMENT SUBMITTALS

PUB-RR-967 April 2017

## NR 700 Process & Timeline Overview\*

(page 1 of 2)



\*Bold red font indicates timelines required in administrative code. **Disclaimer:** This document is intended solely as guidance and does not include mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any manner addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

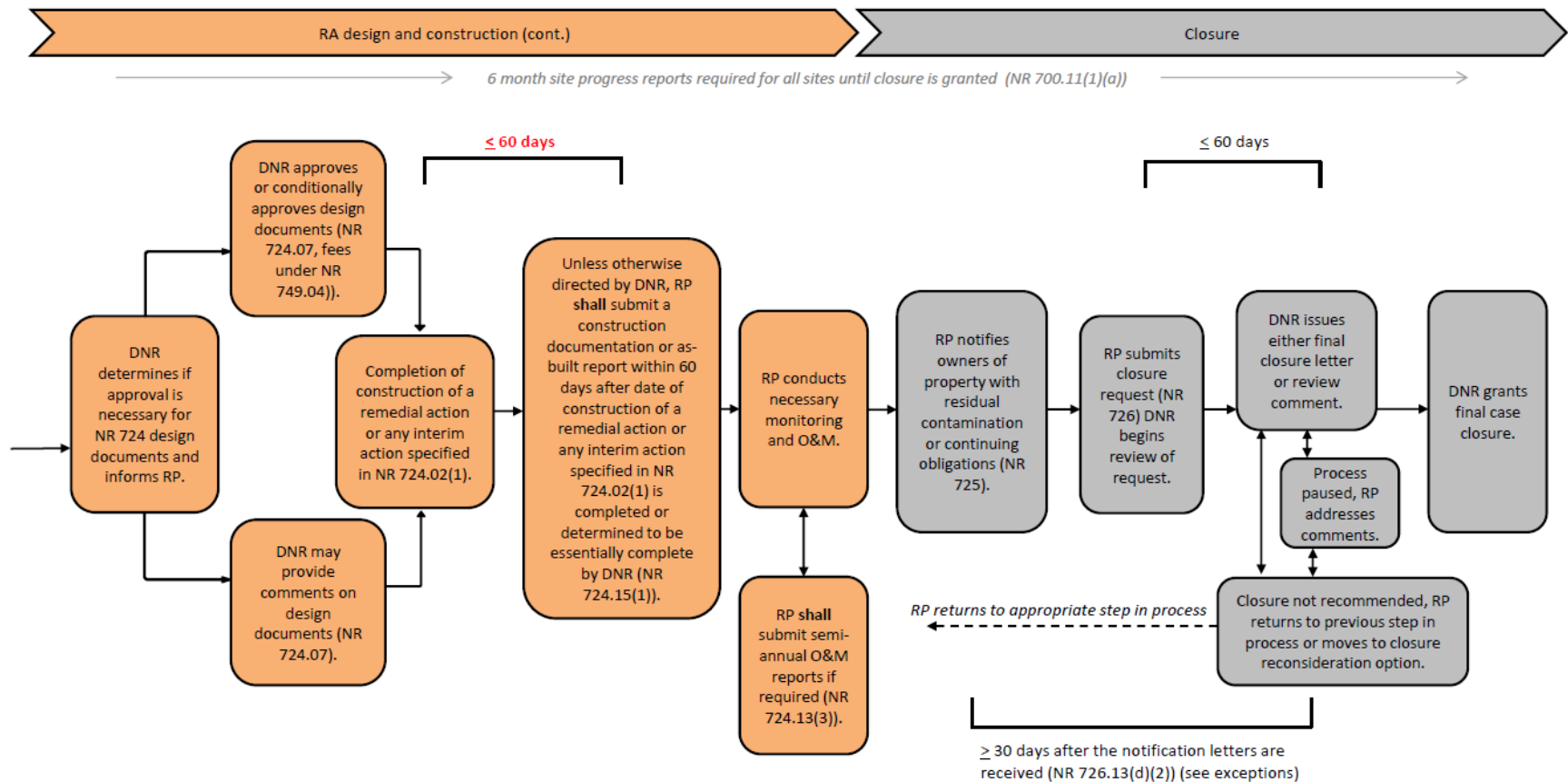




# REQUIRED DOCUMENT SUBMITTALS

## NR 700 Process & Timeline Overview\*

(page 2 of 2)



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# REQUIRED DOCUMENT SUBMITTALS

Reminder:

- Site investigation report must be submitted prior to submittal of a closure request.
- Closure request will not be reviewed unless a site investigation report has been received.
- Questions? Contact DNR Project Manager or [Judy.Fassbender@Wisconsin.gov](mailto:Judy.Fassbender@Wisconsin.gov)

RP letter and  
consultant

SI work plan  
and report

RAOR

RA design &  
construction

Closure



# **NR 700 Technical Focus Group**

## **TOPIC 5**

### **Case Closure Reconsideration Process**



# CASE CLOSURE RECONSIDERATION PROCESS

- If closure is not recommended by closure committee, the reconsideration process provides more opportunity for RP/consultant to communicate directly with DNR decision makers.
- Offers face-to-face meeting at stages.
  1. Regional Team Supervisor and Project Manager
  2. Program Director and Field Operations Director
- Delays label of “closure denial” until later.
- Includes Ch. 227 appeal rights at conclusion.
- Questions? Project Manager, Regional Team Supervisor or [Stephen.Ales@Wisconsin.gov](mailto:Stephen.Ales@Wisconsin.gov)





# **NR 700 Technical Focus Group**

## **TOPIC 6**

### **NR 712**

### **Certification Requirements**



# NR 712 CERTIFICATION

- NR 712 Guidance - Out for comment until April 4, 2018
- For use by persons who hire and those that provide services associated with conducting certain environmental response actions in Wisconsin.
- Identifies the necessary professional qualifications and certifications for performing and supervising work, and the requirement for signing and certifying specific submittals for actions conducted under Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700 - 754.



# NR 712 CERTIFICATION

- Guidance restates Wis. Admin. Code § NR 712.03: Definitions:
  1. “Hydrogeologist”
  2. “Professional engineer”
  3. “Scientist”
  4. “Supervised field experience”
  5. “Supervision”



# NR 712 HYDROGEOLOGIST HISTORY

Wis. Admin. Code § NR 712.03(1) was promulgated in 1994 and became effective in 1995. It incorporated the then-existing NR 600.03(98) definition of hydrogeologist:

- *"a person who is a graduate of an accredited institution of higher education and who has successfully completed 30 semester hours or 45 quarter hours of course work in geology. At least 6 semester hours or 9 quarter hours of the geology course work shall be hydrogeology, geohydrology or groundwater geology. This person shall also have acquired through education and field experience, the ability to direct the drilling of borings and the installation and development of wells, describe and classify geologic samples and evaluate and interpret geologic and hydrogeologic data."*



# NR 712 CERTIFICATION

- This definition remained in effect, with only minor alterations, from 1994 to 2013.
- In May 2013, 5 public hearings were held to obtain comments on proposed revisions to Wis. Admin. Code chs. NR 700-754. No public comments were received regarding the proposed changes to Wis. Admin. Code ch. NR 712.
- In November 2013, Wis. Admin. Code § NR 712.03(1) was amended, and the current definition of hydrogeologist went into effect.



# NR 712 CERTIFICATION

- Since November 2013, the code defines hydrogeologist to include:
  - DSPS registration as a geologist or licensure as a hydrologist,
  - Specific education and experience related to hydrology and geology.



## Who must supervise and certify the submittal?

Submittal	Professional Engineer (PE)	Hydrogeologist	Professional Engineer <u>and</u> Hydrogeologist	PE, Hydrogeologist <u>or</u> Scientist
Phase I and Phase II Environ. Site Assessment <sup>1</sup>		With GW <sup>2</sup>		Without GW
Wis. Adm. Code § NR 708.11 (4) Interim Action	Without GW		With GW	
Wis. Adm. Code § NR 708.13 Free Product Removal			With GW	
Wis. Adm. Code ch. NR 716 Site Investigation Submittals		With GW		Without GW
Wis. Adm. Code § NR 718.12(1) Immediate Action	Wis. Adm. Code § NR 712.05(2) sampling and fieldwork requirements apply <sup>3</sup>			
Wis. Adm. Code § NR 718.12 (1) and (2) (Interim or Remedial Action)	Without GW		With GW	
Wis. Adm. Code ch. NR 720 Submittals		With GW		Without GW
Wis. Adm. Code ch. NR 722 Remedial Action Options report	Without GW		With GW	
Wis. Adm. Code ch. NR 724 Submittals	Without GW		With GW	
Wis. Adm. Code ch. NR 726 Closure Request	Without GW		With GW	
Wis. Adm. Code ch. NR 727 Request to Modify Continuing Obligations	Without GW		With GW	



# NR 712 CERTIFICATION

- Draft guidance and more background on history of hydrogeologist definition development can be found at:

<https://dnr.wi.gov/news/input/documents/guidance/NR712Guidance.pdf>

Comments due to [Christine.Haag@Wisconsin.gov](mailto:Christine.Haag@Wisconsin.gov) by April 4, 2018



# **NR 700 Technical Focus Group**

## **TOPIC 7**

**VPLE**



# VPLE - WHAT IS A PROPERTY?

## Changes by 2017 Act 70

### ■ New Definition:

- “An area of real property that is included in an application to obtain an exemption under this section, made up of a legally identifiable parcel or legally identifiable contiguous parcels created in compliance with applicable laws.” (Wis. Stat. § 292.15(1)(c))

### ■ Old Definition:

- “a contiguous area of land the entire legal description of which is found in one deed.”



# VPLE - WHAT IS A PROPERTY?

- No longer tied to the deed
- Survey map is required as part of the application
- Parcels can be created by Plat of Survey, Certified Survey Map or original city plat
- Parcel has a tax parcel ID #
- Can include more than one contiguous parcel



# VPLE - WHAT IF VPLE SITE PROPERTY BOUNDARIES CHANGE?

- Voluntary Party can continue cleanup on the original VPLE property and get COC for original property.

OR

- Voluntary Party can submit revised application or applications for new properties. Confirm:
  - The new parcels meet definition of a “property”
  - The new parcels are eligible (not NPL site, not approved solid waste facility, etc.)
  - If new land is added, they'd need start at beginning for that area, Phase I and II, etc.
- Questions? [Michael.Prager@Wisconsin.gov](mailto:Michael.Prager@Wisconsin.gov)





# **NR 700 Technical Focus Group**

## **TOPIC 8**

### **PECFA Status Update**



# PECFA UPDATE

- PECFA June 30, 2020 Deadline
- Letters sent to eligible sites every 6 months to remind RPs of approaching deadline.
- Currently 72 claims in audit line
- \$344,648.88 submitted amount
- Ave. claim \$4,786.79
- Review time 2-3 weeks



# PECFA UPDATE

- DNR developing guidance to expedite cost approvals and reimbursement:
  - Overages
  - Mobilizations
  - Per Diems
  - Excavations
  - cPAH
  - Demolitions
- Skype call at 1:00 on March 14, 2018 for feedback
- Details – [Jenna.Soyer@Wisconsin.gov](mailto:Jenna.Soyer@Wisconsin.gov)



# **NR 700 Technical Focus Group**

## **TOPIC 9**

### **NR 140 Standards**



# NR 140 STANDARDS

- DNR Request for standards sent to DHS
- Request includes 27 contaminants
  - 11 updates to existing standards based on new or updated federal information
  - 16 new substances based on detections in Wisconsin groundwater or likelihood of detection



# NR 140 STANDARDS

## 11 updates to existing standards

- 5 metals
  - Boron
  - Molybdenum
  - Aluminum
  - Cobalt
  - Barium
- 5 solvents
  - TCE
  - PCE
  - 1,2,3 – TCP
  - 1,1 – DCA
  - 1,4 – Dioxane
- 1 bacteria - Total Coliform bacteria



# NR 140 STANDARDS

## 16 new substances

- 11 pesticides
  - Thiamethoxam
  - Imidacloprid
  - Clothianidin
  - Isoxaflutole
  - Isoxaflutole DKN
  - Isoxaflutole BA
  - Thiencarbzone-methyl
  - Dacthal TPA & MTP
  - Glyphosate
  - Gloyphosate AMPA



# NR 140 STANDARDS

## 16 new substances, cont.

- 2 metals
  - Strontium
  - Hexavalent Chromium
- 1 bacteria
  - E. coli bacteria
- 2 stain-resistant/waterproofing chemicals
  - Perfouriooctanoic Acid (PFOA)
  - Perfluorooctane Sulfonate (PFOS)

## ■ More Information –

[Judy.Fassbender@Wisconsin.gov](mailto:Judy.Fassbender@Wisconsin.gov)



# **NR 700 Technical Focus Group**

## **TOPIC 10**

### **New Web-based Hazardous Substance Discharge Reporting Form**



# WEB-BASED REPORTING

## ■ R&R E-Submittal Portal

- Online submittal application replacing PDF forms
  - Notification - Hazardous Substance Discharge Form (4400-225)
    - A Few Features
      - Log-in to use form
      - In Progress and completed forms will be saved
      - Option to enter WTM, Lat/Long or click on map
      - Auto-population of some location fields based on address entered
      - Ability to print form before filling it out to see a preview of questions
  - More forms will be added over the year



# WEB-BASED REPORTING

- R&R Document submittal Portal
  - Easier way to submit documents
    - One place to go to submit document
    - Less rules/steps to follow
    - Maximize automation while giving the appropriate flexibility to the user
- More Information – [Sonya.Rowe@Wisconsin.gov](mailto:Sonya.Rowe@Wisconsin.gov)



# **NR 700 Technical Focus Group**

## **TOPIC 11**

### **Site Investigation Guidance**



# SITE INVESTIGATION GUIDANCE

## ■ Web Based Guidance

- Links to existing guidance
- New topics under development
  - Contaminant Sources and Sampling Parameters
  - Determining groundwater flow and integrating flow and contaminant data in SI Reports
  - Groundwater contaminant trend assessment
  - Characterization of stratigraphy
  - NAPL Assessments
  - Site Investigation Workplan Checklist
  - Site Investigation Report Checklist
- More Information – [Jane.Lemcke@Wisconsin.gov](mailto:Jane.Lemcke@Wisconsin.gov)



# **NR 700 Technical Focus Group**

## **TOPIC 12**

### **Brownfields Conference For LGUs**



# LGU BROWNFIELD CONFERENCE

- May 10 in Stevens Point
- One-day conference to help LGUs understand the steps and procedures to get community from a brownfield cleanup to a redevelopment groundbreaking.
- Registration is limited and open to government officials and non-profit employees (\$35) through April 15. After April 15, registration is open to all guests (\$50). [Register now.](#)



# LGU BROWNFIELD CONFERENCE

- Topics include ([agenda](#)):
  - Local government success stories and lessons learned
  - The real estate developer's perspective
  - The DNR's brownfields toolbox
  - Federal and state resources for brownfields redevelopment
  - Environmental consultant and community relationships
- Details – [Michael.Skwarok@Wisconsin.gov](mailto:Michael.Skwarok@Wisconsin.gov)
- Please note: technical topics will not be discussed during this conference; Consultants' Days events will return in the spring of 2019.



# **NR 700 Technical Focus Group**

## **TOPIC 13**

**Seeking Recommendations:**

**2018 Webinar Topics**

**2019 Consultants' Days topics**



# TRAINING TOPICS

- Confused or Confusing?
- Questions?
- Clarifications needed?
- If you've identified technical, policy, or process issues that are puzzling, we want to help.
- Please contact [Judy.Fassbender@Wisconsin.gov](mailto:Judy.Fassbender@Wisconsin.gov) with suggestions for R&R Webinar or Consultant Day training topics.



# **NR 700 Technical Focus Group**

## **TOPIC 14**

**Thank You!**

**Your interest and  
participation are  
appreciated!**