



Back to Basics: Discovery and Reporting of Contamination

DNR Remediation and Redevelopment Program

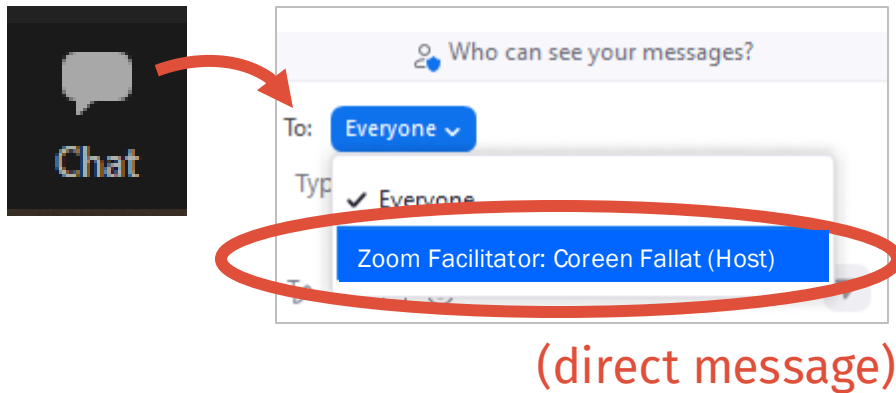
May 2, 2025

Meeting Logistics

All attendees are muted

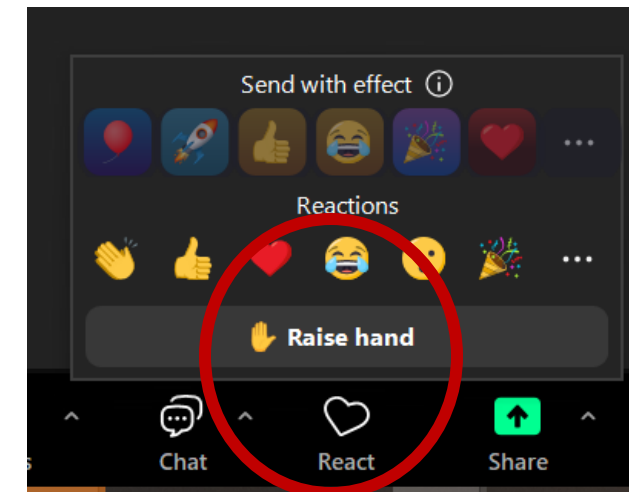
Written Comments/Questions

- Use **chat** and select Zoom facilitator in the “To” dropdown
- Remarks will be read out loud by facilitator



Verbal Comments/Questions

- **In-Person:** Raise hand and in-person moderator will help manage
- **By Zoom:** Select React to Raise hand to request a turn to talk (* 9 on phone)
- Please unmute when your name is called (*6 on phone)



Objectives



Understand the steps in the process to investigate and clean up contaminated sites



Learn how sites are discovered through spills identification and reporting, property transactions and environmental site assessments



Gain insight on environmental consultant qualifications




Hear practical tips from RR program supervisors



Menu » [Administrative Rules Related](#) » [Administrative Code](#) » [Department of Natural Resources \(NR\)](#)
» [Chs. NR 700-799; Environmental Protection – Investigation and Remediation of Environmental Contamination](#)

Chapter NR 700 (PDF:  - General Requirements

Chapter NR 702 (PDF:  - Contingency Planning For Hazardous Substance Discharge Response By State Agencies

Chapter NR 704 (PDF:  - Contingency Planning For Abandoned Container Response


Chapter NR 706 (PDF:  - Hazardous Substance Discharge Notification And Source Confirmation Requirements


Chapter NR 708 (PDF:  - Immediate And Interim Actions

Chapter NR 712 (PDF:  - Personnel Qualifications For Conducting Environmental Response Actions

Chapter NR 714 (PDF:  - Public Participation And Notification

Chapter NR 716 (PDF:  - Site Investigations

Chapter NR 718 (PDF:  - Management Of Contaminated Soil Or Solid Wastes Excavated During Response Actions

Chapter NR 720 (PDF:  - Soil Cleanup Standards

Chapter NR 722 (PDF:  - Standards For Selecting Remedial Actions

Chapter NR 724 (PDF:  - Remedial And Interim Action Design, Implementation, Operation, Maintenance And Monitoring

Chapter NR 725 (PDF:  - Notification Requirements For Residual Contamination And Continuing Obligations

NR 700 Process Overview

Alyssa Sellwood, PE
RR Program

WI Regulatory Framework

- Self-implementing, *responsible party* follows the steps
- Timelines
- DNR approvals
- Request technical review from DNR

Wisconsin Statutes
Chapter 292

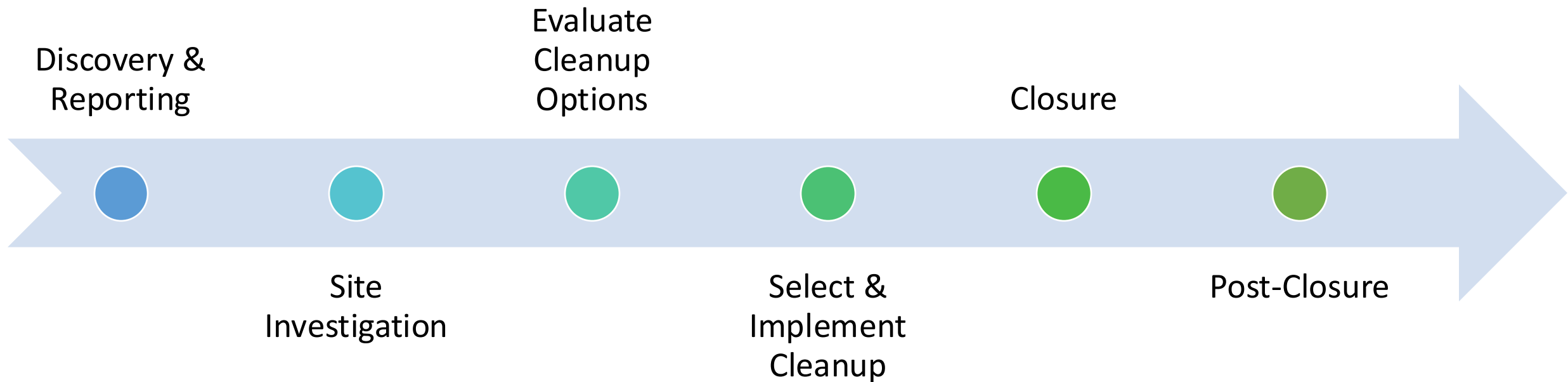
Wisconsin Administrative Code
Chapters NR 700-799



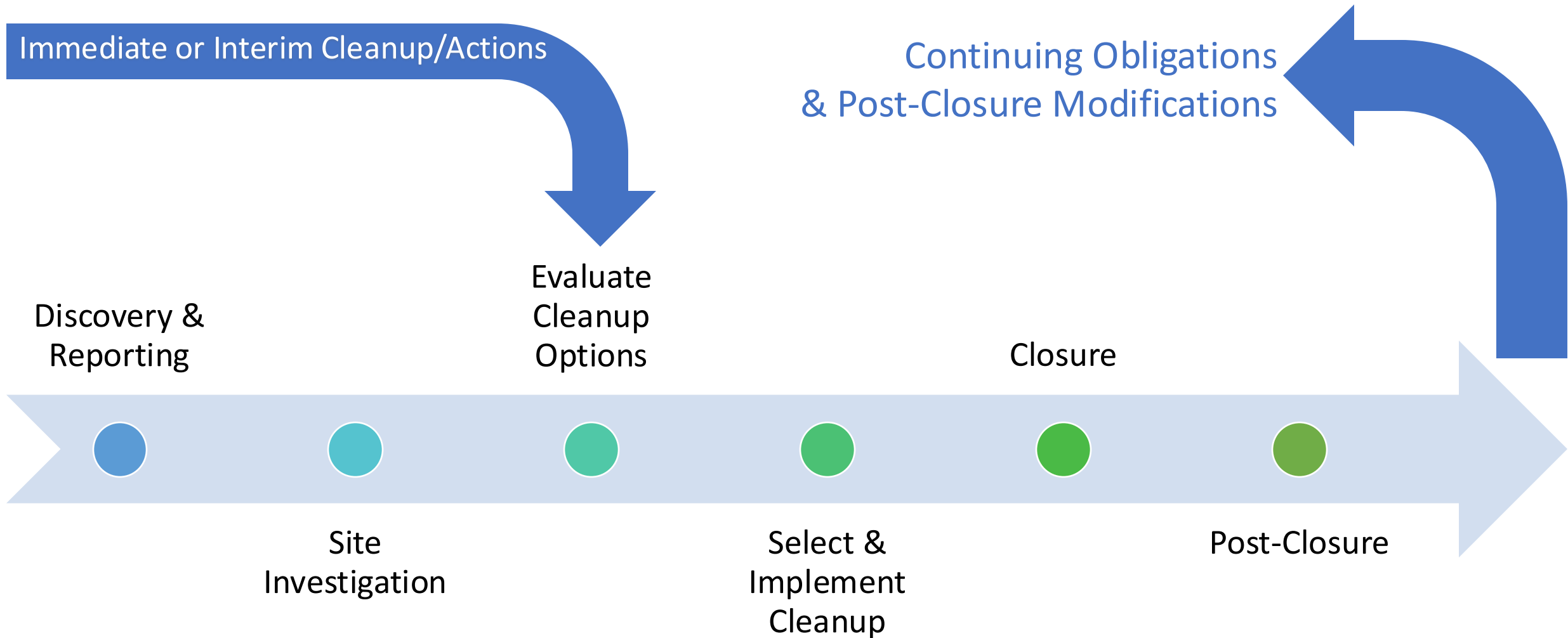
Federal Regulations

- “*Superfund*” Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
- Resource Conservation and Recovery Act (RCRA) Cleanup

Wis. Admin. Code chs. NR 700 - 799



Wis. Admin. Code NR 700 - 799



Discovery

- Spill events
- Property transactions (Superfund/CERCLA liability)
 - Phase I ESA
 - Phase II ESA



Discovery & Reporting

Evaluate Cleanup
Options

Closure

Site Investigation

Select & Implement
Cleanup

Post Closure

Spills: Discovery, Reporting and Response

Maizie Reif,
Spills Coordinator
RR Program



SPILLS OVERVIEW

- Discovery of spills
- Identifying responsible parties
- Reporting (Notification)
- Response
 - Working with the DNR
 - Working with a spills contractor

Defining a “Spill”

Discharge of a **Hazardous Substance**

Any substance that can potentially cause impacts to human health or the environment



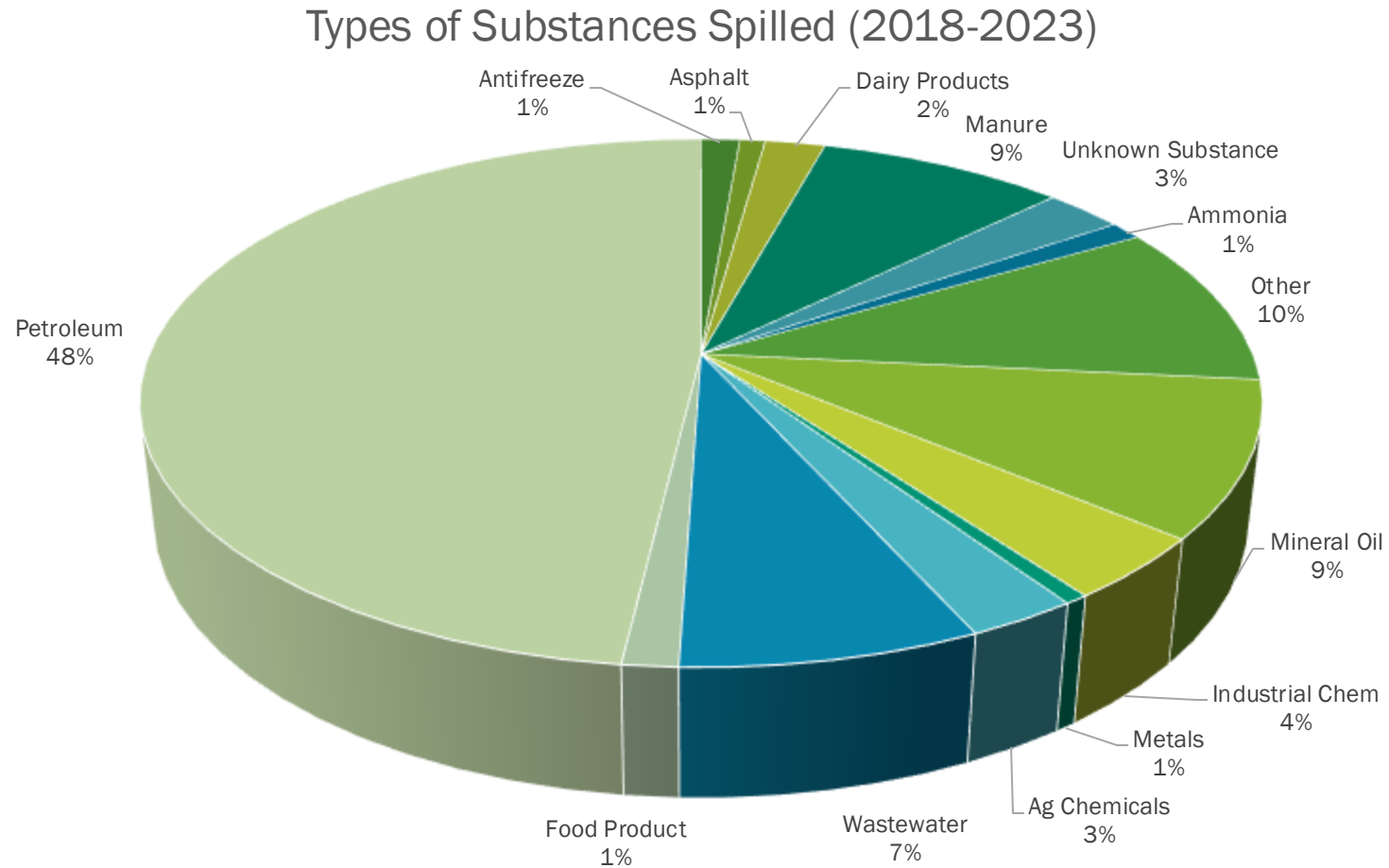
Hazardous Substance Discharge is...

Any substance or combination of substances (solid, semisolid, liquid or gaseous form) that – because of its quantity, concentration or physical, chemical or infectious characteristics - may cause or significantly contribute to:

- An increase in mortality or
- An increase in serious irreversible or incapacitating reversible illness or
- A substantial present or potential hazard to human health
- A substantial present or potential hazard to the environment

Wis. Stat. 292.01(5)

Spills in Wisconsin





Responsible Party

Anyone who **causes, possesses, or controls** the discharge

Take Action



Stop the Release



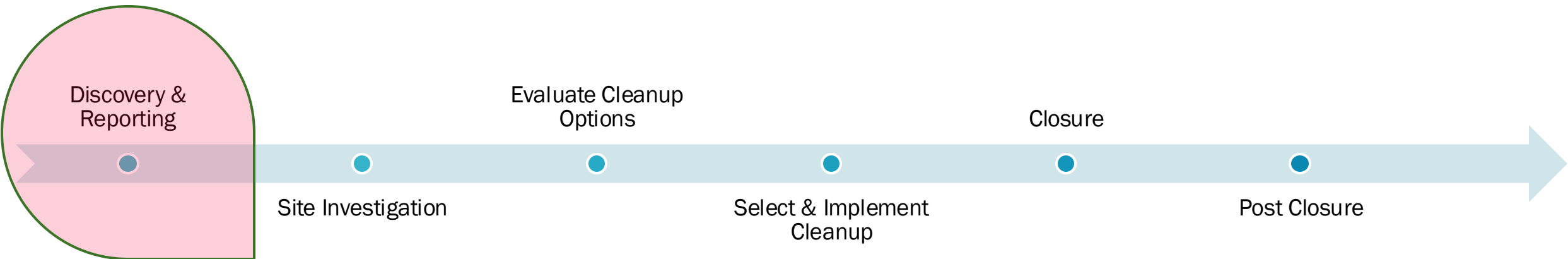
Report



Respond

Reporting to the DNR

- Wisconsin Statutes s. 292.11(2)
- Wisconsin Administrative Code ch. NR 706
- Responsible Party Letter



Notification Exemptions

- Statutory Exemption
 - Permitted discharges
 - Pesticides and fertilizers applied per label instructions
- De minimis quantities
 - Less than one gallon of gasoline
 - Less than five gallons of petroleum product other than gasoline
 - Any amount of petroleum product completely contained on an impervious surface
 - Less than 250 pounds of dry fertilizer
 - Less than 25 gallons of liquid fertilizer
 - Less than federal reportable quantities for other listed substances in 40 CFR part 117 or 302



Wis. Admin. Code, ch. NR 706.07

Notification De Minimis Exemptions - DO NOT APPLY if:

- Has not been immediately cleaned up
- Has or threatens to adversely impact the environment
- Has or threatens to cause human health impacts
- Presents or threatens to present a safety hazard (e.g. fire, explosion, slippery conditions)

Wis. Admin. Code, ch. NR 706.07

DNR Response: Oversight & Enforcement



Identify
responsible
party



Ensure
compliance
with law



Assist with
assessing spill
impacts



Pursue
enforcement
as needed



Hire a cleanup
contractor,
when
necessary



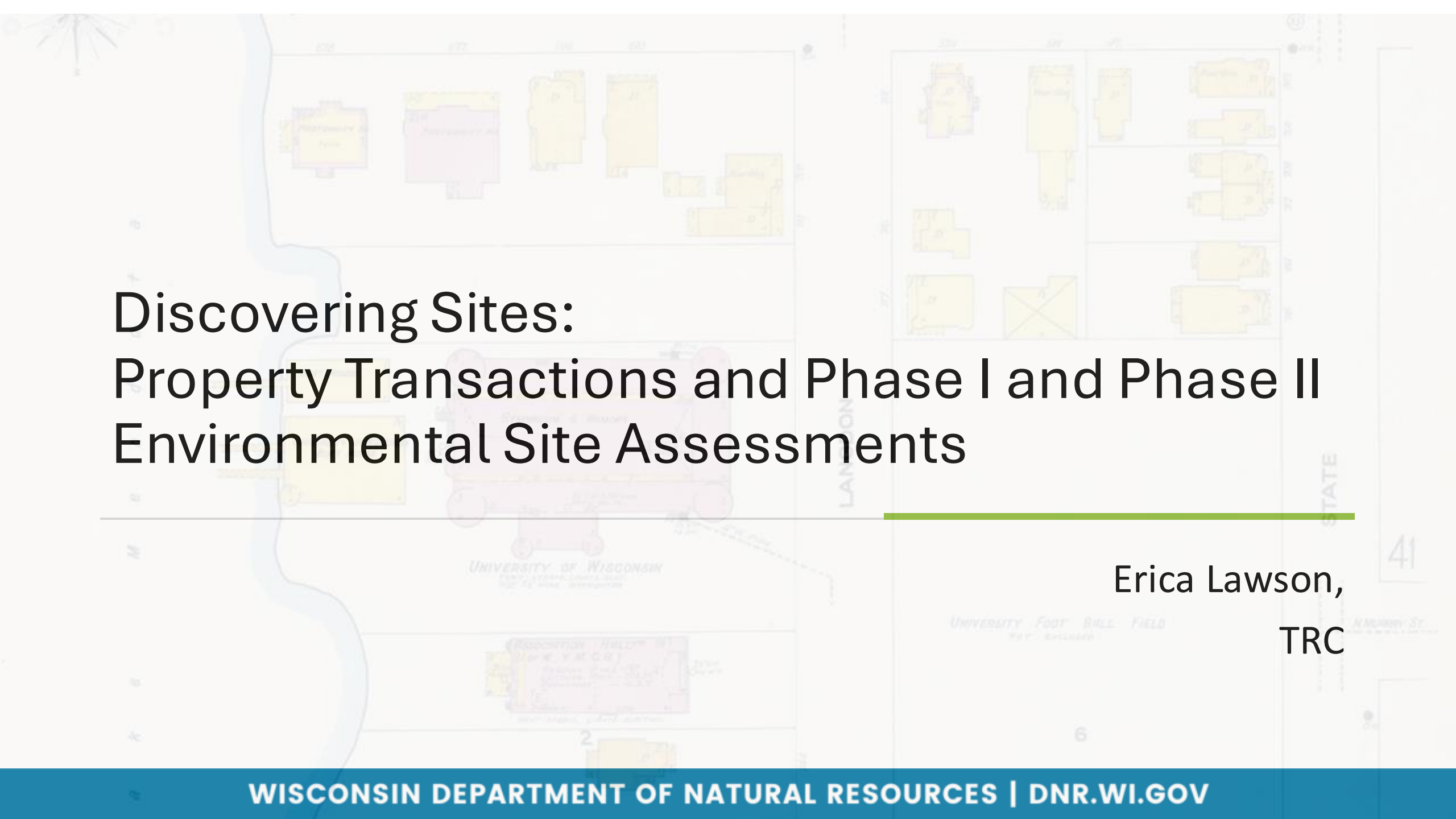


WISCONSIN DEPARTMENT OF NATURAL RESOURCES | DNR.WI.GOV



Working as a Spills Contractor

Dave Johnson,
North Shore



Discovering Sites: Property Transactions and Phase I and Phase II Environmental Site Assessments

Erica Lawson,
TRC



Qualifications for Working in Wisconsin's Cleanup Program

Qualifications and Certifications
Wis. Admin. Code ch. NR 712

Judy Fassbender,
RR Program

Guidance Available: Qualifications and Certification (RR-081)

Wisconsin DNR – NR 700 Process



Remediation and Redevelopment Program

December 2018

Wis. Admin. Code ch. NR 712 Qualifications and Certifications

Introduction

This fact sheet is for use by persons who hire and those that provide services associated with conducting certain environmental response actions in Wisconsin. It identifies the necessary professional qualifications and certifications for performing and supervising work, and the requirement for signing

NR 712

Qualifications

Minimum standards for experience and professional qualifications for persons who perform and provide certain services or scientific evaluations associated with specific environmental response actions.

Wis. Admin. Code ch. NR 712



Definitions

Wis. Admin. Code ch. NR 712.03

- Hydrogeologist – licensed as a hydrologist or registered as a geologist and meets educational and field experience requirements.
- Professional engineer - registered with the department of safety and professional services.
- Scientist - a graduate of an accredited institution of higher education in a field of expertise applicable to environmental response actions.
- Supervised field experience - experience collecting samples of air, soil, water or other media completed with guidance from, and oversight by, a person who meets the requirements of s. NR 712.05(2).
- Supervision - means personal, active oversight and control of the preparation of submittals.



Wisconsin Department of Safety and Professional Services

For information on the licensing of
professionals in Wisconsin:

<https://app.wi.gov/licensesearch>

Requirements: Submittal Preparation and Certification and Fieldwork



Must meet or be supervised by qualified person to conduct all phases of work necessary to obtain data, develop conclusions and recommendations and prepare submittals



Additional requirements apply when developing plans for field activities and when conducting sampling and fieldwork.

Wis. Admin. Code chs. NR 712.05, 712.07, NR 712.09

Submittal	Professional Engineer (PE)	Hydrogeologist	Professional Engineer and Hydrogeologist	PE, Hydrogeologist or Scientist
Phase I and Phase II Environ. Site Assessment ¹		With GW ²		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 ³			
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	

Responsible
for Supervising
Work and
Certifying
Submittal

Certifications

- All submittals prepared by or under the supervision of a professional engineer, a hydrogeologist or a scientist must include the appropriate certification.
- The responsibility for signing the certification may not be delegated.
- The work must be conducted or supervised by the person who certified the submittal.



Wis. Admin. Code ch. NR 712.09

Selecting the Certification Statement

Three statements available:

- Professional Engineer
- Hydrogeologist
- Scientist

Wis. Admin. Code ch. NR 712.09

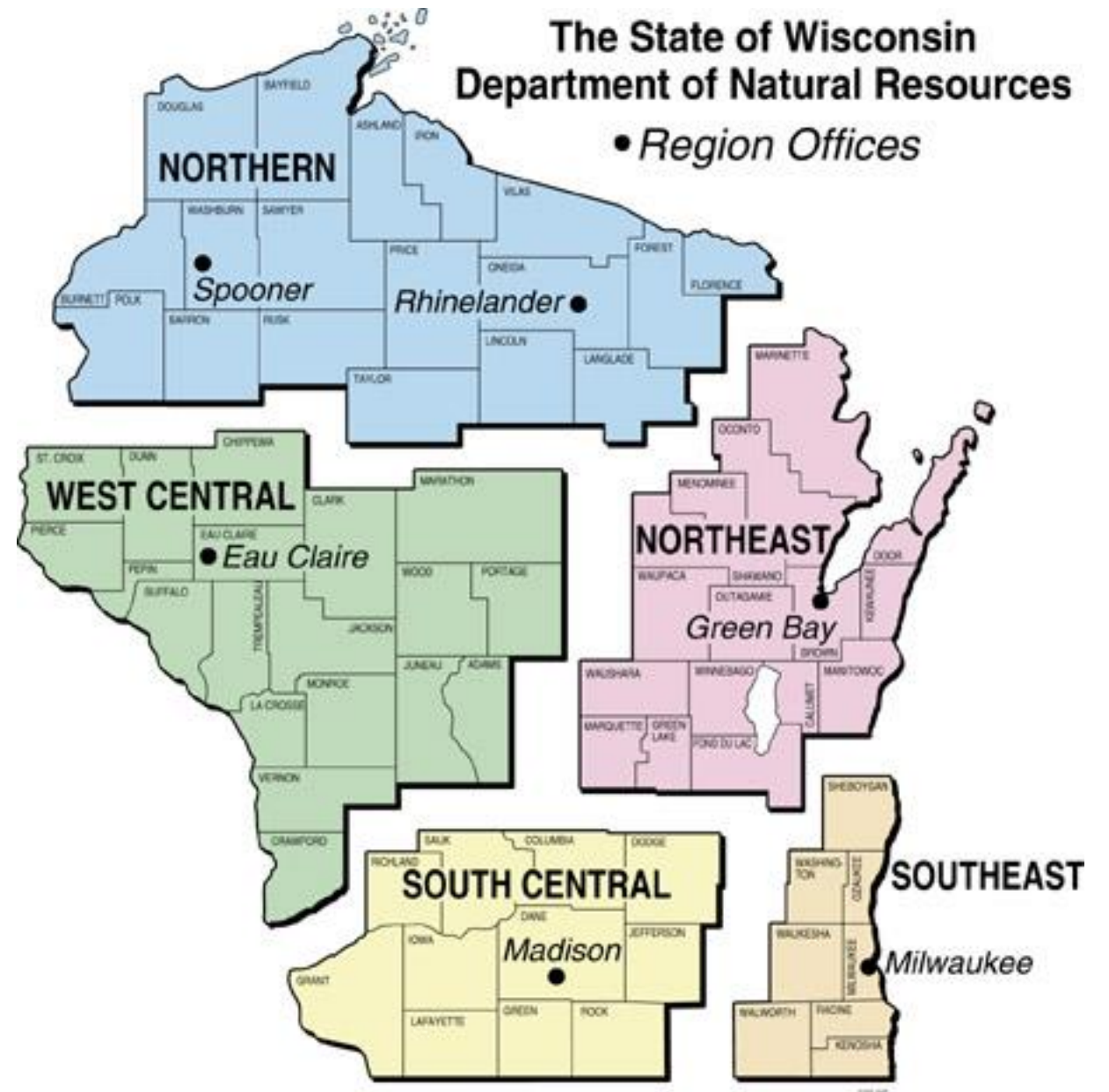
Professional Engineer Statement

"I, _____, hereby certify that I am a registered professional engineer in the State of Wisconsin, registered in accordance with the requirements of ch. A-E 4, Wis. Adm. Code; that this document has been prepared in accordance with the Rules of Professional Conduct in ch. A-E 8, Wis. Adm. Code; and that, to the best of my knowledge, all information contained in this document is correct and the document was prepared in compliance with all applicable requirements in chs. NR 700 to 726, Wis. Adm. Code."

Signature, title and P.E. number P.E. stamp

Tips and Tricks for Release Notification

Tim Alessi,
RR Program




Release Notification Tips for Naming a Site

- Name based on the source of the contamination
- Consider adding historical fill, UST, historical operations, etc.
- Do not use an address to name a site as these change over time

Example site name:

Northside Steelworks – Historical Fill

 Wisconsin Department of Natural Resources

[RR Program Submittal Portal Home](#) [DNR RR forms](#) [DNR Contacts](#) Sonya Rowe

Notice: Hazardous substance discharges must be reported immediately according to [Wis. Stat. § 292.11](#). Non-emergency hazardous substance discharges may be reported by submitting this online form, calling the Department or visiting an office in person. Under [Wis. Stat. § 292.99](#), the penalty for violating the reporting requirement of Wis. Stat. ch. 292 shall be no less than \$10 nor more than \$5,000 for each violation. Each day of continued violation is a separate offense. It is not the Department's intention to use any personally identifiable information from this form for any purpose other than program administration. However, information submitted on this form may also be made available to requesters under Wisconsin's Open Records Law (Wis. Stat. § 19.31 - 19.39). Submitting the notification as part of a Phase 1 or Phase 2 environment assessment report is not considered immediate notification under Wis. Stat. ch. 292.

To assist the DNR in processing this Hazardous Substance Discharge Notification please include any laboratory confirmation results as part of step six of this submittal. If the results are not yet available please return to the Submittal Portal, click on "Submitted Forms - Pending Attachments" and submit the labs with with the appropriate form, as soon as possible.

Discharge Reported By:

First Name *	Last Name *	Company *	Email *	Phone Number *
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Address 1 *		City *	State *	Zip *
<input type="text"/>		<input type="text"/>	<input type="text"/>	<input type="text"/>

Site Information - Identify the area of the hazardous substance discharge

Site Name: Identify the location of the hazardous substance discharge. For example, a business name, a public facility, a road, a waterbody, etc. *

Add Discovery Details and Reports

<https://dev.dnrx.wisconsin.gov/RRSubmittal/NotifyDischarge/Print>

*Contamination was discovered as a result of:

☐ Tank System Site Assessment (TSSA)

☐ Phase I Environmental Site Assessment (ESA)

☐ Phase II Environmental Site Assessment (ESA)

☐ Other Assessment - Describe

- Indicate how the contamination was discovered
- Include attachments
 - All reports that were part of the discovery including Phase I, Phase II, TSSA, etc.
 - Figure with the sampling locations and the property boundary (if not in reports)

Local Governmental Unit (LGU) Exemption

- It is most efficient to submit the LGU eligibility information with the discharge notification form
- Typical next step for the DNR is to send an LGU inquiry letter
- Only available to local governments that acquire a property through method identified in state law (Wis. Stat. § 292.11(9)(e)1m.)

Check all that apply

- ☐ I certify that I am submitting this form for a local governmental unit claiming an exemption from state Spill Law and Solid Waste Management responsibilities for the discharge being reported, per Wis. Stat. §§ 292.11(9)(e) and 292.23.

Please review [DNR publication RR-055](#) and provide documentation to DNR that demonstrates compliance with the statutory requirements of the liability exemptions. Local governmental units may also request a fee-based liability clarification letter from DNR by using [DNR Form 4400-237](#).

Use the Comment Box

- Clarify whether the RP listed is the *causer* or *possessor* of the contamination
- Identify the current property owner
- Include site specific details
- Describe next steps

Lab Results and Documents

*Please select one of the below:

☐ Lab results or report will be submitted upon receipt ☐ Lab Results or report are attached ☐ No Lab results or report are available

<https://dev.dnr.wisconsin.gov/RRSubmittal/NotifyDischarge/Print>

<https://dev.dnr.wisconsin.gov/RRSubmittal/NotifyDischarge/Print>

☐ Additional documentation is attached (e.g. General Liability Clarification request, No Action Required Request, etc).

Additional Comments: Include a brief description of immediate actions taken to halt the release and contain or cleanup hazardous substances that have been discharged or any other information not captured in this form.

Additional Information



Encourage Timely Notification

Encourage notification of contamination when discovered

- Discovery through work completed on behalf of prospective purchasers/property owners/RP/possessors (Phase II ESAs) should be submitted when contamination is found
- Consultants are encouraged to emphasize the importance of timely notification

Outcome of timely notification

- Reduces confusion and suspicion about the failure of notification
- Provides data to DNR before financing or construction schedules are imminent

Moderated Panel Discussion

Bill Nelson,
Godfrey & Kahn

Schedule: Back to Basics Sessions

July 17, 2025

- **Investigating, Sampling and Lab Data**
- Madison, Milwaukee, Superior & Virtual

October 29, 2025

- **Planning for Remediation and Continuing Obligations**
- Madison, Milwaukee, Oshkosh & virtual

January 23, 2026

- **Applying for Closure and Maintaining Continuing Obligations**
- Madison, Milwaukee, TBD & virtual

April 21, 2026

- **Notifying Affected Parties and the Public**
- Locations TBD

Thank you!



CONNECT WITH US

Jodie Thistle, PG

Section Manager - Brownfields, Outreach and Policy
Remediation & Redevelopment Program

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/WIDNR



@WIDNR



@WI_DNR



/WIDNRTV



"WILD WISCONSIN:
OFF THE RECORD"

North Shore Environmental Construction Inc.



- Established 1989
- Executive and Project Managers over 200 years of combined experience (Valdez, Space Shuttle, Weyauwega, Deepwater Horizon)
- WDNR All Hazards Emergency Response/Remediation Contractor
- Emergency Response/Environmental & Industrial Services
 - Major Electric Utilities in WI, IL and IA
 - Fortune 500 Companies
 - Petroleum Companies
 - Municipalities

Spill Response



Points to consider 5 W's

- Who is responsible
- What spilled
- When did it spill
- Why did it spill
- Where did it spill

Spill Response



Points to consider

Who is responsible

- Have they been identified
- Are they accepting responsibility
- Are contract/payment arrangements in place
 - Insurance
 - Credit cards
 - Credit Account

Spill Response



Points to consider

What Spilled

- Petroleum or chemical
- SDS available
- Who is on site
- Evacuations in place
- Quantity spilled

Spill Response



Points to consider

When did it Spill

- When did the spill occur
- Any actions taken
- Is it contained
- Agencies involved

Spill Response



Points to consider

Why did it spill

- Accident
- Mechanical Failure
- Chemical reaction
- Procedure failure

Spill Response



Points to consider

Where did it spill

- Inside or outside
- Is it containment
- Waterways
- Surface construction
- Ventilation

Spill Response



Points to consider Property Access

- Is property owner different than RP
- Do we have permission to go on property
- What protection must be put in place
 - DIGGERS HOTLINE Notified

Spill Response



Points to consider

Agencies involvement

- WDNR
- DHS needed and at what levels
- Incident command on site
- Who else may be needed

Spill Response



Points to consider

Spill versus historical issues

- Focus on spill cleanup
- Historical incidents and property use
- Current regulations
- Testing requirements
- 708 closure letter

North Shore Environmental Construction Inc.



Thank you for your time.

Are there any questions?

Discovering Sites:

Property Transactions and Phase I and Phase II
Environmental Site Assessments(ESAs)

WDNR Back to Basics Training Series

May 2, 2025

TRCCOMPANIES.COM



Erica Lawson, PE

- UW-Platteville: Environmental Engineering
- 13 years in Environmental Consulting
- Personal Practice – Project Manager/ Technical Lead/Team Leader
 - Phase I/II ESAs
 - Landfill O&M
 - NR 700 Investigations
 - Clients: WisDOT, private developers, utility companies, private & public landfills
- Hobbies: lake life/pontooning + old cars





Environmental Due Diligence

- Assessment of real estate for environmental contamination (e.g. soil, groundwater, vapor)
- Performed by buyers, lessees, sellers, financial institutions
- Can impact project budget
- Can help allocate liability in transaction
- Provide \$\$ reserves or reduce purchase price
- Confidential process





Phase I ESA – Research & Evaluation

- Process described in ASTM E1527-21
- Meets the EPA's All Appropriate Inquiry rule
 - Used to satisfy one of the landowner liability protections provided by CERCLA
- Purpose: Identify Recognized Environmental Conditions (RECs)
- Qualified Environmental Professional (EP)
 - EP is required to oversee the work performed and sign the completed report



What is a REC?



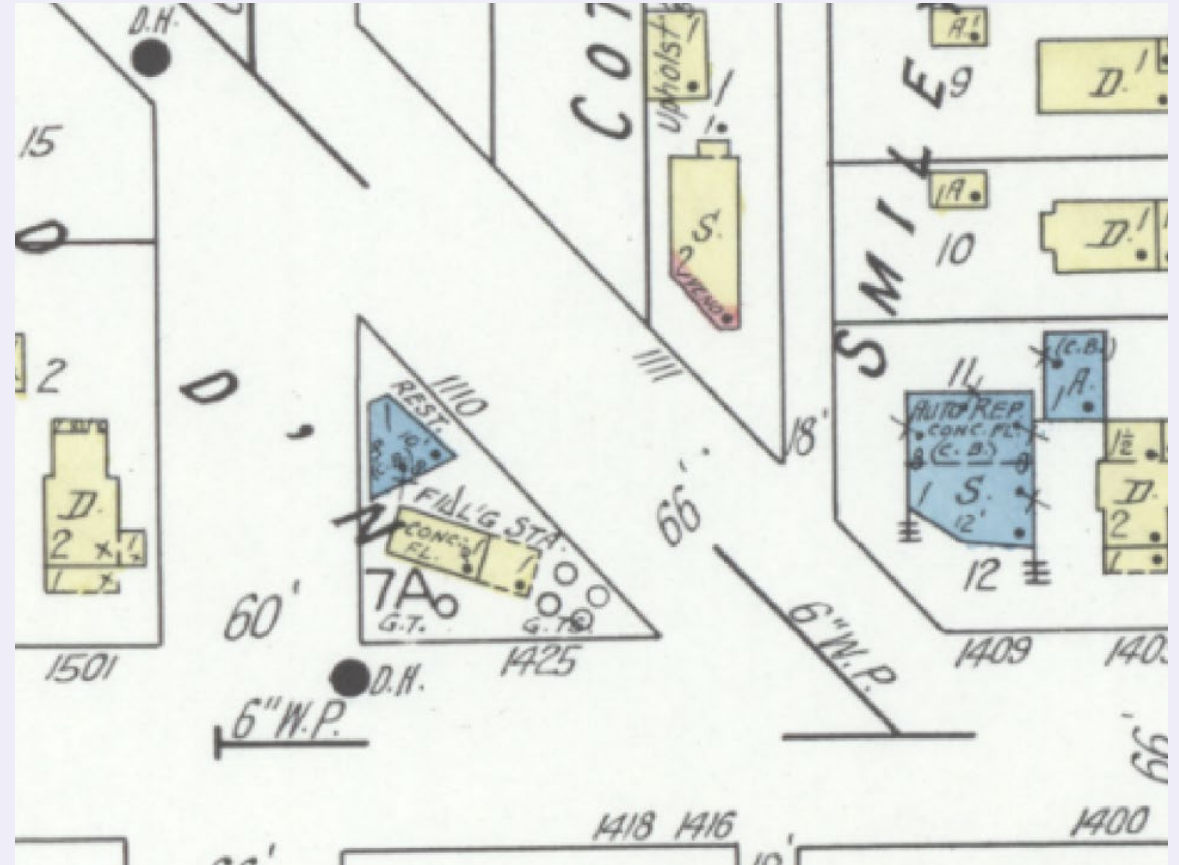
*“The **presence** of hazardous substances or petroleum products in, on, or at the subject property due to a release to the environment; (2) the **likely presence** of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; or (3) the **presence** of hazardous substances or petroleum products in, on, or at the subject property under conditions that pose material threat of a future release to the environment.”*





How do you identify RECs?

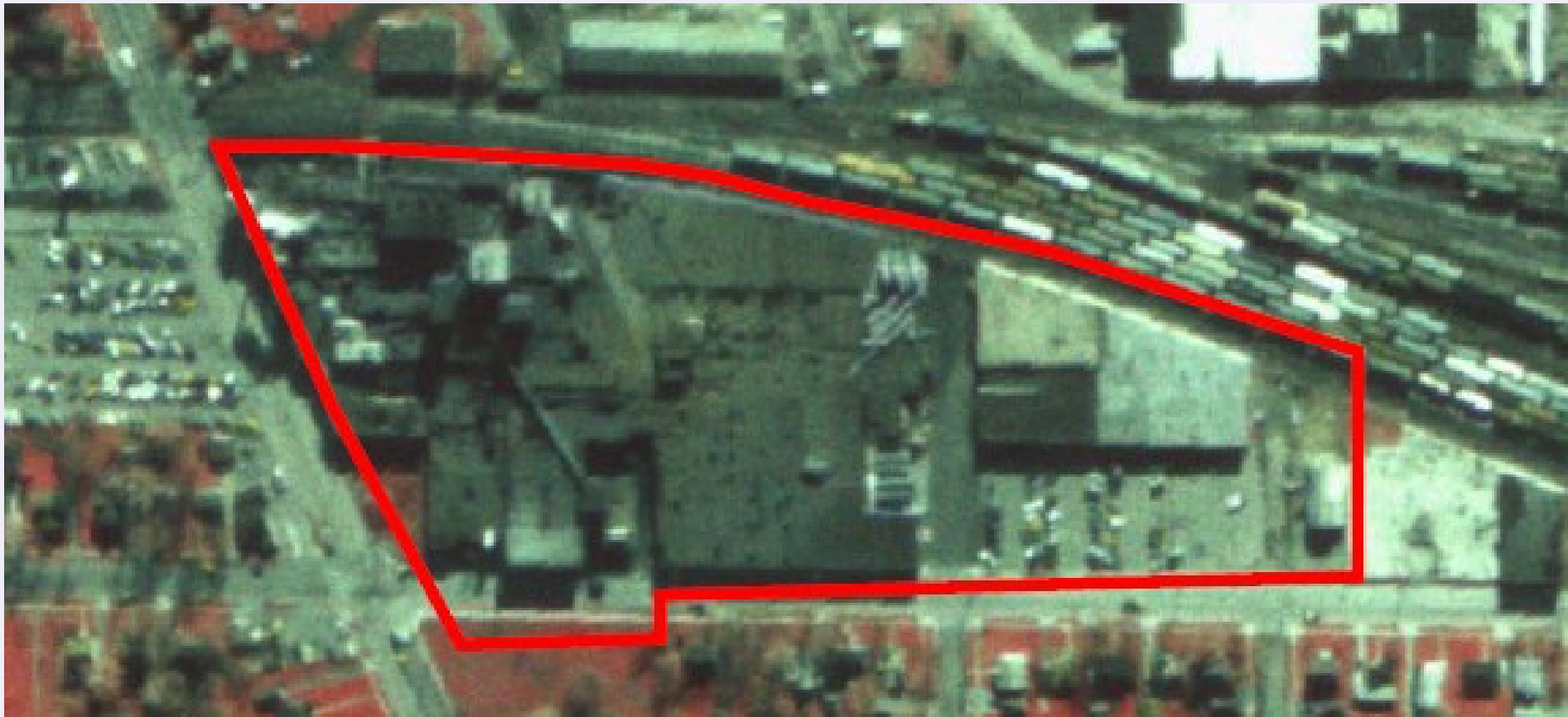
- Records Review
 - Standard Historical Sources (aerials, Sanborn maps, topos, street directories)
 - Federal, State, and Tribal environmental records
 - Physical Settings Sources (USGS topo maps)
 - Title records
 - Past environmental reports/investigations
 - Regulatory Agency File Review
- Property Reconnaissance
- Interviews
 - Key Site Manager
 - Local government





Findings & Opinions

- Tell the Story
- Summarize and evaluate each finding
 - “the presence or likely presence of a haz. substance or petroleum product release”



Findings & Opinions (continued)

- REC - Recognized Environmental Condition
- CREC - Controlled REC
- HREC - Historical REC
- De minimis condition
- Data gap

Now what?





Phase II ESA – Sampling & Analysis

- ASTM E1903-19: Phase II Assessor
- Purpose: varies, generally used to determine the absence or presence of contamination
- Scoping & Sampling: soil, groundwater, vapor, etc.
- Reporting



Confirmed Release

- Next step(s) vary by site based on proposed property transaction or objective
- Reporting a release – Wisconsin Spills Law (Wis. Stats. Section 292.11)
 - Responsibility of “A person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance...”
- Hire a Qualified Environmental Consultant
- Hire an Environmental Attorney





Case Study – Sun Prairie Gas Station

- LUST site, closed in 2001
- Nearly \$500k PECFA funding in 1990s
- Residual soil and groundwater contamination
- Phase I/II for City's due diligence
- City acquired for private redevelopment
- MMP, passive vapor barrier, surprise UST!
- Post-construction confirmation sampling
- \$250K WEDC grant



Thanks!



Call Us:

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608.566.4957



Email Us:

Elawson@TRCcompanies.com



Visit Us:

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