NR 718 & NR 500 DIRTY DIRT

Don't Pick It Up
Without a Plan to Put It Down

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Key Points

- Once excavated, contaminated soil and other solid waste must be managed in accordance with applicable laws.
- Minimally contaminated material may not warrant disposal at a landfill.
- · Exemptions available from state solid waste law.
- · Guidance documents provide details.

Presentation Overview

- · Determine what you are managing.
- 2 exemption options for managing low-level materials.
- · Focus on New NR 718 Guidance Documents
 - Tracking
 - Fees
 - Support Staff
 - What's Next?



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General Overview

Wisconsin laws that apply to management of materials:

- NR 500 Solid Waste
- NR 718 Response Actions
- NR 600 Hazardous
 Waste



Waste Management Options





Waste	Management	Options
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- Excavated material may be eligible for the "clean fill" exemption in s. NR 500.08(2)(a).
- · If "clean fill" then no DNR approval is required.



Determining Management Options

The person generating the material and person receiving it may have liability if contamination results.

Waste Management Options

- If you pick up contaminated material, it requires appropriate management.
- The waste determination is used by generator to identify options for management.
- Focus on Phase I type evaluation criteria past land use.



Waste Management Options

- Sampling is not required but should be evaluated as option
- If contaminated, generator must adequately characterize the material.

If sampling is warranted:

- · Analyze for all contaminants likely to be present at the site
- · Collect samples from areas most likely impacted

Waste Management Options

- · Option to use NR 718.12 sampling:
 - 1 sample/100 yds (for the first 600 yds)
 - 1 sample for each additional 300 yards thereafter
 - Minimum 2 samples



Waste Management Options

- Samples must be representative of what is being managed.
- · Alternate sampling frequency may be approved
- Pre-approval should be obtained for alternate plans.

HW Determinations

- Required if material is known to be or has potential to be impacted by hazardous waste.
- Must be documented in writing, even if no samples taken.
- Consult "Waste Determinations & Recordkeeping" (WA-1152).



Waste Management Options

If low-level contamination, may be able to manage it at site or facility, other than licensed landfill.



DNR Program Coordination

Two exemptions to manage waste in location other than licensed landfill:

- · 1) NR 718
- · 2) Wis. Stats. 289.43(8)



DNR Program Coordination

- NR 700 response actions:
 - Managing contaminated soil on site or at another site or facility; and/or
 - Managing other solid waste on response action site as part of a response action.
- Exemptions available via NR 718



DNR Program Coordination

Activities that may be eligible for low hazard exemption:

- $\bullet~$ All other management activities where NR 718 does not apply.
- See WA publication 1645.





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Low-Hazard Waste Exemption

- · Very broad authority under Section 289 and NR 500
- · Can be used to exempt many types of material for disposal at a non-landfill location



Overview of: NR 718.12 and 718.15 Materials Management

NR 718 Exemption





Remediation and Redevelopment Program

Management of Contaminated Soil and Other Solid Wastes Wis. Admin. Code §§ NR 718.12 and NR 718.15

Purpose
This guidance is intended for use by responsible parties when excavating contaminated soil and/or other waste materials that may not warrant deposal at an operating, icensed landfill. This guidance describes several exemptions that may be available in such situations.

Background

Background

Contaminated soil and other solid wastes that are generated as part of a response action under the state's clean-uprules may be eligible for an exemption from state solid waste laws in Ws. Stats, § 292 and Ws. Admin. Code § 8 N 800 to 538. The Wis. Admin. Sode § 8 N 800 to 538. The Wis. Admin. Pode § 8 N 800 to 538. The Wis. Admin. Pode § 8 N 800 to 538. The Wis. Admin. Code § 8 N 800 to 538. The State of the State of

Exemption Options - NR 718

Applies to:

- · Responsible parties.
- Materials generated as part of NR 700 response action.
- Management of contaminated soil at the same "site" or other "site" or "facility."
- Management of "other solid waste" (e.g., fill material) on source property only.
- Not disposing of in operating, licensed landfill.



Response Action

A "response action" is defined in s. NR 700.03(50) as:

 "any action taken to respond to a hazardous substance discharge of environmental pollution, including emergency and non-emergency immediate actions, investigations, interim actions and remedial actions."

NR 708 Immediate Actions

May use NR 718.12(1) exemption:

- · Self-implementing.
- Allows movement of soil on source property and soil on another site or facility.
- · Limited to 100 cy of total soil.
- Levels of contaminants cannot require engineering controls (>NR 720).

Interim or Remedial Actions

May use NR 718.12 & 718.15 exemption:

- · Requires RR program pre-approval.
- Submits information included within the "Recommended Exemption Request Format."
- May require engineering controls or other continuing obligations (> NR 720).

Exemption Options - NR 718



Remediation and Redevelopment Program

Wisconsin DNR - NR 700 Process

NR 718 Quick Guide: What Contaminated Soil or other Soild Waste Management Options are Available at Response Action

Waste Management Options are Available at Response Action
Sites of Facilities?

This talk is a general goals that discribes what management exception options are resided to responsible
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Ü	Spection 1	NY TIREMEN Contaminated Self-Exemption	AR F18.13(1) & (2) Contaminated Soil Exemption	RM TIM 10 - on site replacement of solid wash after than and	
b.	What types of NR 700 response actions are eligible for the exemptions?	Inmediate Actions - NR 700.05	Inverse Actions - NR 705.11 Remedial Actions - NR 722 and 724	Interior Actions - SR 768.11 Remedial Actions - NR 722 and 734	
2.	Who may utilize the NK 139 enemptions?	Erspunsible parties Construction or stillty projects ²	Responsible parties	Empose alide posities	
λ	In Department pro- approval angulard to receive the SSR TH exemption and take action?	Ma, but off setteria in NR, TRAZZ(1) must be used	Yes, perapperval is writing EP is required to provide DNR advance acidize of Tor 43 days, depending on situation EP must wait for appearul.	Yes, per-approval in verticap EP to expected to present EOU advantamental of TO days, deprecing on election EP and vanishes approved.	

"Sites" and "Facilities"	
For NR 700 response actions, where can I place the material per NR 718? Contaminated soil:	
 On same site where generated; or Another "site" or "facility" approved by RR program. Other solid waste: 	
 On same "site" or "facility" where generated. 	
"Site" or "Facility"	
These terms have specific definitions	
Site means: Any "waste" site per 292.01(21) Any "area where a hazardous substance has been	
discharged" per NR 700.03(56)(b) <u>Facility</u> means:	
Properties that meet definition per 292.	
Takeaway: RR program is limited by law as to where it can approve this material to be placed.	
Forms and Other Tools	
Forms and Other Tools	
NR 718 Recommended Format for an Exemption Request	
Locational Criteria Exemption Request – Immediate Actions	
Lab Data Reporting Form	
Maintenance Plan Template	
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NR 718 Recommended Exemption Request Format

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Recommended Forma	t for Exemption Request R 718.12 orš NR 718.15
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Exemption Request Format

Not a completely fillable form (yet).

• Some parts filled out on the form:

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Exemption Request Format

Other parts provided as attachments:

Address the following hum to describe the and and/or non-sed mate material that will be entanged under this plan and demonstrate that it has been adequately characterized. Acts by one responses to these terms at the end of this obsciousest.

A. Describe the custorial proposed to be managed, including its general analong, physical characteristics, the homogeously of the material, the proportion of sell to non-sell waste, and any other portions descriptors.

B. Total written of contemirated well under other colid waste to be managed (cobb); yards):

If format is used, submit filled out form plus all attachments.

Exemption Request Format

Format is Optional – but recommended:

- Helps to ensure a complete submittal.
- Allows for streamlined review.
- Satisfies the requirement to notify receiving site property owners of continuing obligations.



Exemption Request Format

Includes the following Sections:

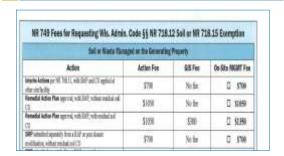
- 1. General Information and Fees
- 2. Property and Contact Information
- 3. Waste Characterization
- 4. Project Description/Materials Mgmt Plan
- 5. Receiving Site or Facility Information
- 6. Locational Criteria
- 7. Add. Info for Non-Metallic Mine Sites
- 8. Continuing Obligations at Receiving Site or Facility
- 9. Figures Attachments
- 10. Additional Attachments
- 11. Certification Signatures

1. General Information and Fees

Identify the purpose of the exemption:

- Manage contaminated soil on the same response action site from which it was generated (§ NR 718.12).
- Manage contaminated soil at a site or facility that is different from the response action site from which it was generated (§ NR 718.12).
- Manage other solid waste at the same site from which it was generated (§ NR 718.15).

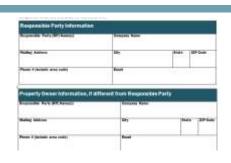
1. General Information and Fees



2. Property and Contact Information



2. Property and Contact Information



2. Property and Contact Information



2. Property and Contact Information





3. Waste Characterization

- · What is it (soil or other solid waste)?
- · How much is there?
- · What are the contaminants?
- · How was it characterized?
 - Present the sampling data, justify that it is sufficient
- Depth of excavated material?

4. Project Description/ Materials Mgmt. Plan

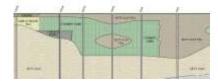
Where is it coming from, and where is it going to?

- Schedule
- How will activities minimize environmental impacts



5. Receiving Site or Facility Information

- · Receiving site use
- · Geology/hydrogeology
- · Environmentally sensitive areas
- · Other regulatory restrictions (storm water)



5. Receiving Site or Facility Information

Additional documentation for off site relocation:

- · Waste characteristics and quantities.
- · The geology and hydrogeology of the area.
- · The unavailability of other environmentally suitable alternatives.
- · Compliance with other state and federal regulations.
- · No threat to public health, safety, or welfare or the environment.
- · Current land use and zoning.

6. Locational Criteria



- · An exemption to the criteria may be requested.
- Applies to Immediate Actions under NR 708.

7. Non-Metallic Mine Receiving Sites

- Depth of natural groundwater level
- Copy of the reclamation plan that allows low-level contaminated material
- · Capping requirements/restrictions

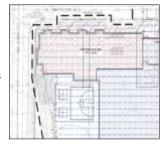


8. Continuing Obligations at Receiving Site

- · Residual Soil Contamination.
- · Maintenance of a Cover.
- · Industrial Soil Standards.
- · Future Actions to Address Vapor.
- · Site-Specific Condition.
- Responsibility of owner of site or facility where it is being disposed of.

9. Figures

- Cut-Fill Maps
- Cross Sections
- Groundwater
- Contour Maps
- Sample Location Maps



9. Figures



10. Additional Attachments

- Maintenance Plan
- Deed for the Receiving Property
- Lab Data
- Analytical Table

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11. Certification Statements



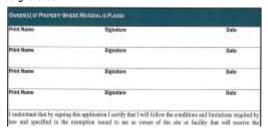
Property Owner Acknowledgement

Follow the conditions and limitations specified in the exemption and agreed to by applicant(s):

- · Certify material managed at a "site" or "facility."
- Manage material in future as solid waste with DNR approval.
- Understand exemption will be tracked in the BRRTS.
- Inspect and maintain engineering controls over the contaminated material per any continuing obligations.
- Subject to audits by the DNR.
- Understand that Wis. Stats. Chapter 709, Disclosures by Owners of Real Estate, may apply.
- Responsibility if hazardous substance discharge occurs.

Property Owner Acknowledgement

Signatures



Locational Criteria Exemption

Wisconsin DNR - NR 700 Process



Remediation and Redevelopment Program

Request for Exemption from Location Criteria of NR 718.12(1)(c) for an Managing Soil as an Immediate Action

Purpose
The purpose of this document is to provide a consistent format for requesting an exemption from Wis. Admin. Code§ NR 718.12(1)(c) locational location altocation criteria will not be met, the location criteria will not be met, the mercon conduction the immediate. location criteria will not be met, the person conducting the immediate action may request a written exemption from the DNR from these requirements by demonstrating that the proposed activities will not cause a threat to public health, safety, welfare and the environment. Introduction

Introduction
Comtaminated soil at a site or facility excavated or otherwise managed as part of an immediate action may be exempted from the Soil Waste Rules in Wis. Stat. 289 and Wis. Admin. § 8 NR 500 to NR 538 by Wis. Admin. § 8 NR 70 Residual Contaminant concentrations soil are less than Wis. Admin. Code \$NR 70 Residual Contaminant Levels. Management as an immediate action is generally self-implementing and does not require prior approval from the Department representation of the Soil Programment of the Code \$NR 718.12(1) are met. This includes placing excavated soil at a site or facility that meets the because criteria specified in Wis. Admin. Code \$NR 718.12(1) (e).

Document Instructions

Complete all sections of this document as instructed below. Some portions of the document may be filled in directly as indicated, other

Locational Criteria Exemption



Lab Data Reporting Form

Wisconsin DNR - NR 700 Process



Remediation and Redevelopment Program NR 718.12 Sample Results Notification



Introduction

This document may be used to comply with the requirements of Wei. Admin. Code DVR 18.2 (1/20(b)). The rule requires that responsible parties report Code DVR 18.2 (1/20(b)). The rule requires that responsible parties report code code to the code of the responsible parties report code code code to characterize so diff at will be managed under a Wei. Admin. Code 8 NR 718.12 exemption. Analytical results must be reported to the DNR in writing within 10 business days after receiving the sampling results.

Document Instructions

Complete and submit this form, along with laboratory data, to the appropriate DNR project manager. If you do not know who the project manager is, this documentation can be sent to the Environmental Program Associate in the appropriate region. A list of DNR EPA's can be found here: https://dr.w.ig.ov/orige-fibrownfelk-fc-0.0matc.html.

Site Information Where Material Is Proposed to be Excavated					
Site Name	BRRTS #				
Address	City	State	ZIP Code		

Maintenance Plan Template

- Under NR 718, if a cap is required a Maintenance Plan is also required.
- Maintenance Plan Template included as Attachment D, parts D.1. – D. 5. of Form 4400-202 – Closure Form
- Site can be audited in the future to ensure maintenance is conducted.



Tracking in BRRTS

- Continuing obligations will be imposed on receiving sites or facilities where placement requires long-term stewardship.
- · Includes listing on the DNR database.



Tracking in BRRTS

- · Contaminated material management sites:
 - receiving site or facility at which a property owner has agreed to accept contaminated soil from another "site" under an NR 718 approval process.
- Linked on BRRTS to show relationship to site or facility where material originated.

Tracking in BRRTS

 Documents, including the exemption request and the approval letter, will be uploaded to BRRTS.



Fees

- · NR 718 Exemption fees:
 - Immediate Action \$700
 - Interim Action \$700
 - Remedial Action \$1050
 - Continuing Obligation Modification \$1050
 - PLUS database fees \$300 &/or \$350
- · On-site and off-site fees apply





Fees

On-Site Management of Material

Sail or Marte Managed on the Senerating Property					
Action	Action Fee	Q57ve	On-Site MONT Fee		
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Fees

Off-Site Management of Material

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## office Arthurs II recorded witness, pred phonon possibilitations; etc.) with product and CO	\$790	3300	☐ \$1000
All other latters (Coparing prime, good shown madification), the Joshica created and CO	. 8100	No fee	D 5700
Total of On-Site Management Fee and Off-Site Nanagement Fee			5

Who Can Help? NR 718 Support

Statewide: Paul Grittner	Paul.Grittner@wisconsin.	.gov (608) 263-8541
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Northeast: Kristen Dufresne Kristen.Dufresne@wisconsin.gov (920) 662-5443

Northern: Chris Saari Chris.Saari@wisconsin.gov (715) 685-2920

South Central: Mike Schmoller Michael.Schmoller@wisconsin.gov (608) 275-3303

Southeast: Nancy Ryan Nancy.Ryan@wisconsin.gov (414) 263-8533 Linda Michalets Linda.Michalets@wisconsin.gov (414) 263-8757

West Central: Matt Thompson MatthewA.Thompson@wisconsin.gov (715) 839-3750

Takeaways

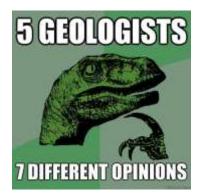
- · Don't pick it up without a plan to put it down.
- RR program is responsible for materials management at response action sites, as noted.
- RR program may allow contaminated soil to be managed at other sites or facilities.
- Exemptions are most readily approved if you tell us your story connect the dots.
- Persons accepting material have responsibilities and will be in database.

What's Next?

Process Guidance

- What contaminants?
- Where to place?
- What controls?





NR 718 & NR 500

Questions