

CONSULTANTS' DAY 2015

20th Anniversary

DNR's
Remediation
& Redevelopment
Program

Managing Contaminated Soil and Certain Other Waste Materials

NR 718 and NR 500

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Hosted by DNR's
Remediation & Redevelopment Program



Key Points



- NR 718.12 Exemption Applicability
- Program Authority
- Receiving Site Requirements
- Sampling Requirements
- Soil Management Plans



NR 718 - Purpose



Outlines standards for the storage, transportation, treatment and disposal of **contaminated soil and certain other solid wastes** excavated during response actions conducted under NR 700.

NR 718 Exemptions



Chapter NR 718 exempts specific types of response actions from obtaining site-specific approvals from the waste program, when the response actions are conducted in accordance with NR 718.



NR 718 Exemptions



Exemptions may include approval for disposal of:

- Contaminated soil on the property where it was generated;
- Solid waste excavated during a response action on the property where it was generated;
- Contaminated soil on an off-site property.

Program Authority



When NR 718 is applicable, RR Program staff will review exemptions for managing contaminated soil and certain waste materials excavated at response action sites.

Program Authority



There are situations where it is appropriate to request a low-hazard waste exemption (LHE) under s. 289.43(8), Wis. Stats. from the Waste and Materials Management (WMM) Program.

Approval Process



The RR Program will review NR 718 exemption requests for contaminated soil.

The WMM Program will review other Low Hazard Exemption requests when NR 718 is not applicable.



Approval Process



Regional coordinators within the RR and WMM Programs will identify the lead program when authority is not clear.



Not Applicable



Activities not covered under NR 718 include:

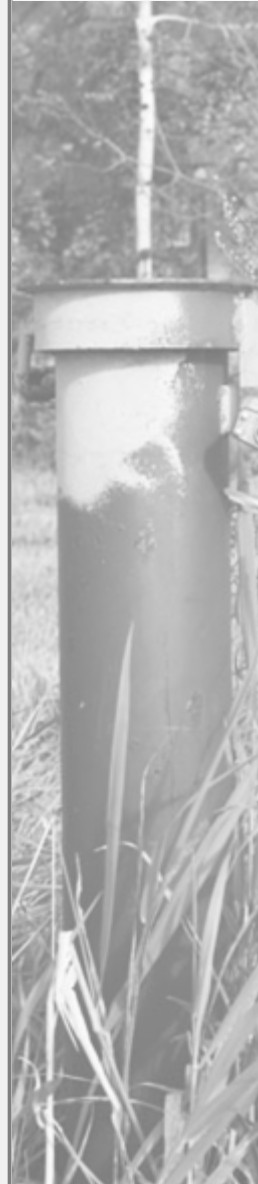
- disposal of solid waste other than contaminated soil, such as foundry sand, ash or cinders, from a response action site at a site other than the response action site;
- disposal of solid waste from a site that is not an active response action site;
- These activities are regulated under NR 500 to 538 and may be eligible for a LHE.



Not Applicable



- Disposal of contaminated soil at an active or on a closed licensed landfill requires WMM approval.
- Disturbing or building on unlicensed fill/waste sites also requires an exemption to construct on an historic fill site from the RR Program.



Not Applicable



- Management of excavated soils and solid waste that would be defined as hazardous waste or TSCA regulated waste.



Receiving Sites



1. Not within a floodplain.
2. Not within 100 feet of any wetland or critical habitat area.
3. Not within 300 feet of any navigable waterway.
4. Not within 100 feet of any on-site water supply well or 300 feet of any off-site water supply well.

(continued)



Receiving Sites



5. Not within 3 feet of the high groundwater level.
6. Not at a depth greater than the depth of the original excavation from which the contaminated soil was removed.
7. Not where the contaminated soil poses a threat to public health, safety, or welfare or the environment.



Receiving Sites



Exemption from location criteria will consider:

1. Waste characteristics and quantities,
2. The geology and hydrogeology of the area,
3. The unavailability of other environmentally suitable alternatives,
4. Compliance with other state and federal regulations,
5. The threat to public health, safety, or welfare or the environment.



Sampling Requirements



One sample for each 100 yd³ for the first 600 yards with a minimum of 2 samples.

For volumes that exceed 600 cubic yards, one additional sample for each additional 300 cubic yards.



Sampling Requirements



Analyze samples for all contaminants detected during site investigation and for contaminants expected based on past land use.

Collect samples from areas most likely to contain residual soil contamination.



Notice to DNR



Soil managed as part of an Interim Action or Remedial Action requires written notice at least 7 days prior to initiating soil excavation activities.



Notice to DNR



Submit a soil mgmt. plan including:

1. The RP contact information.
2. Soil volume.
3. Originating site location.
4. Consultant/contractor contact.

(continued)



Notice to DNR



Submit a soil mgmt. plan including:

5. Soil management schedule.
6. Sample analysis results.
7. Soil management description.
8. Sufficient information to justify that the placement of the soil will meet s. NR 726.13 (1) (b) 1. to 5.



Notice to DNR



If management of the soil is proposed for a location other than where it was excavated, provide the following additional information:

- Receiving site property owner contact information.
- The location of the receiving site.
- The geology and hydrogeology of the site.



Notice to DNR



If the soil management requires a continuing obligation, written notice shall be provided to affected parties at least 30 days prior to submitting the soil management plan to the department for review.



Notice to DNR



For sites where a soil management plan or other remedial action includes a continuing obligation, the sites are included on the department database.



Summary of Key Points



- NR 718.12 Exemption Applicability
- Program Authority
- Receiving Site Requirements
- Sampling Requirements
- Soil Management Plans



What's Next?



- Soil Management Guidance
 - NR 718 and LHE
- Implementation Consistency
 - RR and WMM Programs
- External Advisory Group



What's Next?



- External Advisory Group Members
 - Non-Metallic Mining/Quarry Operators
 - Landfill Operators
 - County and City Government Reps
 - Utilities
 - Developers
 - Environmental Groups
 - Legal and Consulting Reps
 - State agencies – DNR, DOT, DHS, DATCP



What's Next?



- Advisory Group Issues
 - Definition of “clean” soil
 - Pre-certification of receiving sites
 - Implementation and enforcement of continuing obligations
 - Reporting requirements
 - Liability concerns



Questions & Contacts

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**Thank you for attending
Consultants' Day**

