

# Rule Development Meeting January 9, 2020

## Remediation & Redevelopment Program



# **Rule Revisions Relating to Submittal Timelines – Second Draft**



**Proposed Rule Revisions - Drafting Update**

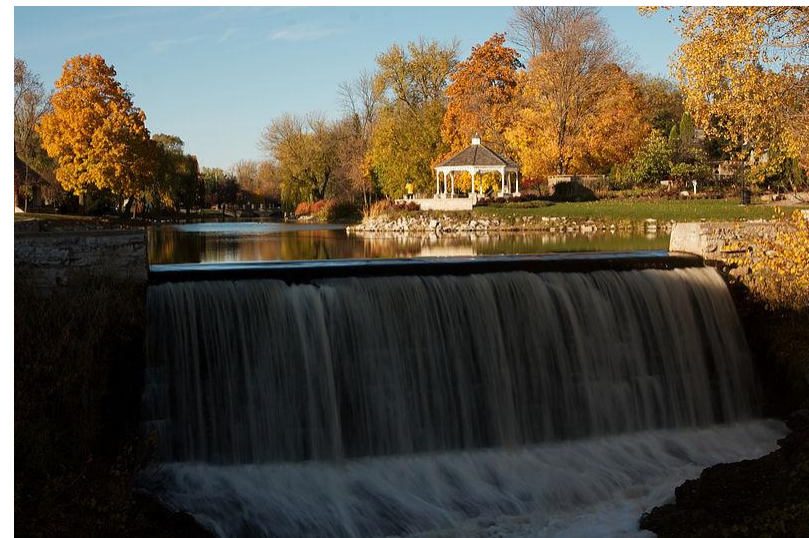
**Jenna Soyer**

**January 9, 2020**



# Revisions Relating to Submittal Timelines – Second Draft

- NR 700
  - Content and timing of site progress reports
  - Enforcement tools





# Revisions Relating to Submittal Timelines – Second Draft

- NR 716
  - Schedule for SIR additional info
- NR 726
  - Denial of incomplete closure requests and reapplication of fee
  - Schedule for meeting additional closure conditions



## Next steps

- Post-meeting comments may be directed to:  
[DNRRRNR700input@wisconsin.gov](mailto:DNRRRNR700input@wisconsin.gov)
- Please send by January 16, 2020

# Revisions Relating to Fees under ch. NR 749 – Second Draft



**Proposed Rule Revisions - Drafting Update**

**Jenna Soyer**

**January 9, 2020**



# Revisions Relating to Fees under ch. NR 749 – Second Draft

- NR 749.03 and NR 749.04
  - Electronic payment, processing fees
  - 5% increase every 3 years
  - Closure fee reapplication to SIR





# Revisions Relating to Fees under ch. NR 749 – Second Draft

- NR 749.04, Table 1
  - Overall 2% increase (rounded)
  - Contracts under s. 292.31
  - Fees added for interim action plan & report
  - Fees added for NR 756 items
  - Construction documentation report fee increased
  - Database fees simplified



# Revisions Relating to Fees under ch. NR 749 – Second Draft

- NR 749.05, NR 749.06, and NR 749.07
  - Hourly fees for 292.31 contracts
  - Fees for enforcement orders or actions
  - Fees for database listings





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# Proposed Revisions Relating to Remedial Action Confirmation Samples– Second Draft



**Proposed Rule Revisions - Drafting Update**

**Judy Fassbender**

**January 9, 2019**



# **Revisions Relating to RA Confirmation Samples– Second Draft**

- NR 724 Describes requirements for remedial action design, implementation and documentation
- NR 724.15 Documentation of cleanup action
- Proposal: Modify 724.15 to explicitly require confirmation sampling to verify that cleanup levels have been achieved and reported to DNR



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# **Rule Revisions Relating to Definition of “Continuing Obligations” – Second Draft**



**Proposed Rule Revisions - Drafting Update**  
**Molly Schmidt**  
**January 9, 2020**



# Rule Revisions Relating to CO Definition – First Draft

- White paper
- First draft
- Changes:
  - NR 714
  - NR 700





## Next steps

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# Revisions Relating to COs for Interim Actions - Second draft

- Act 204 modified s. 292.12 to allow DNR to impose continuing obligations after approval of an interim action.
- White paper presented at August meeting, 1<sup>st</sup> draft of rule changes in December
- Changes to NR 708 and NR 727



# Revisions Relating to COs for Interim Actions - Second draft

- DNR can impose CO requirements after approval of a plan or after interim action is completed
- NR708.11(4) – RP must submit plan or report required under 724 for engineering control, VI system and other actions as required by DNR
- NR708.15 – RP must submit Interim Action Report with:
  - Fee
  - Documentation for CO are needed (NR 708.16)



# Revisions Relating to COs for Interim Actions - Second draft

- NR 708.16 – Documentation requirements for adding interim action COs to database (from rules shared at April meeting)
- NR 708.165 – Department Response – DNR will provide written response to plan or interim action report that may include continuing obligation requirements
- NR 725 – Notification requirements apply to interim actions with COs (from April meeting)
- NR 727 – All the CO requirements (follow them, get approval if you want to make a change, etc.) apply to interim action COs too.



## Next steps

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# **Act 204 and the Rights and Responsibilities of Owners and Occupants at Sites with Residual Contamination – Second Draft**



**Proposed Rule Revisions - Drafting Update**

**Michael Prager**

**January 9, 2020**



# Revisions Relating to Owners and Occupants – Second Draft

- Consistency with Act 204 changes to s. 292.12
- NR 708, NR 722, NR 726 – legally enforceable agreement shall be provided to DNR to be included in database
- Modified NR 727 to clarify that continuing obligation requirements apply to owner or occupant or person who has entered into agreement





# Revisions Relating to Owners and Occupants – Second Draft

- Modified NR 727 to clarify that:
  - for non-sediment sites, the owner or occupant is responsible for COs
  - for sediment sites, the RP is responsible for COs
- Owner or occupant can't interfere with another person's actions to follow COs



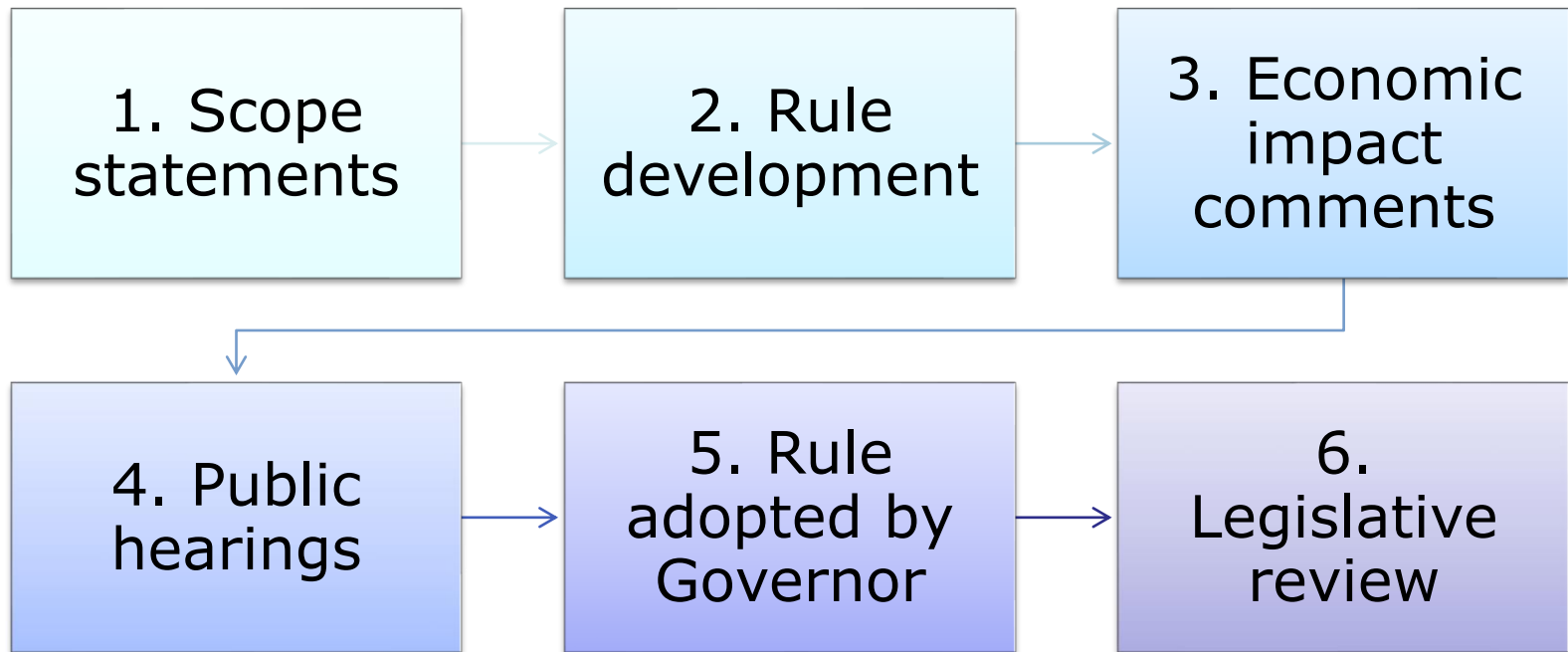


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# Next steps: rulemaking process



**Thank you!**

