



Rule Revisions Relating to Emerging Contaminants – White Paper



Proposed Rule Revisions - Drafting Update

Judy Fassbender

June 4, 2019



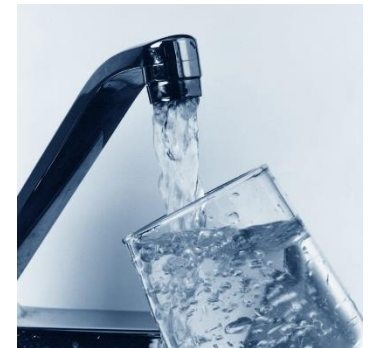
Overview

- Wis. Admin. Code chs. NR 700 through NR 754 may apply to emerging contaminants
 - Generally applicable through “hazardous substance” and “environmental pollution”
 - Specifically applicable – examples listed
- Potential revisions to clarify and update code may be proposed



Emerging contaminants

- Definition
 - Statute and rule definitions of “hazardous substance” and “environmental pollution” may include emerging contaminants
- Reporting
 - Regardless of standard





Emerging contaminants

- Environmental standards
 - Site-specific water quality criteria
 - Direct contact soil RCLs
- Site investigation scoping
 - Specific actions or procedures
- Soil cleanup standards
 - Specific actions or procedures

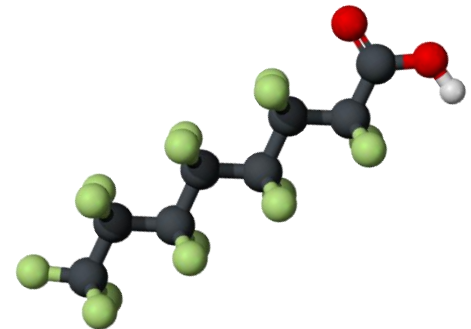


Emerging contaminants

- Standards for selecting remedial action
 - Groundwater contaminants with no established standard
- Environmental investigations for VPLE
 - ASTM requirements AND
 - Evaluation of “hazardous substances” and “environmental pollution”

Emerging contaminants

- Regulation by class
- Closure and continuing obligations
 - NR 725, NR 726, NR 727 reference NR 140 standards
 - NR 749 references fees for NR 140 standards





Next steps

- First draft rule: October 1, 2019, Rule Development Meeting
- Second draft rule: December 3, 2019, Rule Development Meeting
- Post-meeting comments may be directed to:
DNRRRRNR700input@wisconsin.gov



Thank you!



Remedy Selection Cross-References (Revisions to NR ch. 722)



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Remedy Selection (NR 722)

- Soil management
 - Wis. Admin. Code ch. NR 718 exemption may be needed to complete RA
- Exposure assumptions
 - Default exposure assumptions in NR 720
 - EPA RSL calculator



Next steps

- First draft rule - October 1, 2019
- Second draft rule - December 3, 2019
- Post-meeting comments may be directed to:
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Thank you!



Notification and Closure



Proposed Rule Revisions - Drafting Update

Jenna Soyer

June 4, 2019



Notification and Closure Overview of Proposed Changes

- NR 716.14 to clarify sample results notification requirements
- NR 725 and NR 726 to revise notification requirements for off-site properties with groundwater contamination and relation to NR 812
- NR 726 to reflect updates to terminology; clarify and update the methods and requirements for submitting closure requests and forms, and case closure response action goals



Notification and Closure

NR 716.14

- Update information required when submitting results from water supply wells
- Currently only well ID number
- Make consistent with remainder of media



Notification and Closure

NR 725/26 GW Notifications

- Modify notification and continuing obligation (CO) for off-sites affected by residual groundwater contamination
- For sites that obtain drinking water from municipal systems, residual groundwater contamination will not be a concern because property owners are required to connect to an available municipal system if a local ordinance exists (Wis. Stat. § 281.45)



Notification and Closure

NR 726 Closure Request Requirements

- Electronic submittals through document submittal portals
- Require executive summary
- Clarify property information requirements and map and figure requirements
- Clarify vapor pathway submittal information (consistency with other media)
- Include sediment requirements



Notification and Closure Response Action Goals

- Update NR 726 response action goals and authority to be consistent with NR 722 media
- Update both to include sediment



Next steps

- First draft rule - October 1, 2019
- Second draft rule - December 3, 2019
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Thank you!



Soil Standards – Rule Draft 1



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Soil Standards – Rule Draft 1

- NR 720 currently calculates RCLs to meet compound specific target 1×10^{-6}
- Increasing risk targets => higher RCLs
- PAHs in soil samples often exceed RCLs, attributed to 'urban background'
- Other state standards and background studies examined to assess whether WI RCLs too conservative
- Revised Rule: Change target cancer risk goal to 1×10^{-5} (except naphthalene)



Soil Standards – Rule Draft 1 (cont.)

- Cumulative requirement in NR 720
- Exposure assumptions and EPA Regional Screening Levels (RSL) calculator



Next steps

- Second draft rule at August 6, 2019, Rule Development Meeting
- Post-meeting comments may be directed to:
DNRRRNR700input@wisconsin.gov



Thank you!



Soil Management – Rule Draft 2



Proposed Rule Revisions - Drafting Update

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June 4, 2019



Soil Management Overview

- Proposed changes previously discussed
 - Clarify documentation requirements
 - Update/remove sections of NR 718 that are no longer used
 - Add sediment to NR 718 authority



Soil Management Summary

- Clarify documentation requirements
 - Removes reference to “Soil Management Plan”
 - Clarifies that NR 718 exemption applies to immediate, remedial and interim actions
 - Adds cross-reference to NR 718 documentation requirements in NR 708 and NR 724



Soil Management Summary

- Update/remove sections of NR 718 that are no longer used
 - Remove reference to landspreading for petroleum contamination
 - Adds language codifying current practice of allowing soil to be moved to NMM if reclamation plan allows
 - Allows exemption to existing self-implementing stockpiling time/volume parameters



Next steps

- This meeting is the last Rule Development Meeting for this item
- Post-meeting comments may be directed to:
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Thank you!

